was one of the advisers to the American delegation at the conference which drew up the convention. The problems touched on in the convention are very complex; the final draft was the end result of a continuing effort which reaches back nearly 40 years.

Although our ratification of the convention does not necessarily mean that Congress will pass new domestic copyright laws, at least it will have the force, for the administration, of a moral obligation to press for such passage.

In the case of records and transcriptions, then, there are two very important steps that should be taken. First is adoption of the Rome Convention. The second step, of course, is to guarantee to the performer an interest in the use made of his recordings and thus put an end to the exploitation being made of his talent through the use of records and transcriptions by the broadcasting and jukebox and other commercial industries. This would also require a change in our present copyright laws.

I wish to bring up one other matter. Although "subsidy" is not the dirty word for me that it is for some, I nevertheless think it makes sense to use all possible existing channels for relieving the plight of the performing arts before we think about creating new ones. For example, are there any revisions in the Internal Revenue Code which would help?

The cabaret tax was reduced, in 1960, from 20 to 10 percent. I think this tax should be eliminated entirely. From the time of its reduction to the date of our December hearings in San Francisso—the Select Committee on Education was informed—the 10-percent drop had resulted in the employment of 500 additional musicians in that city alone.

I am also interested in the repeal of taxes on admissions to all musical performances, whether or not they are produced by groups which can qualify as civic or community membership associations. It is possible that these latter may be made the beneficiaries of further liberalizations in the tax laws; but, regardless—for the sake of the general economic health of the musical arts in this country—I feel that we can well afford to include the presently nonexempted concerts in the favored category.

I believe that if we put our minds to it, we can get results in the areas I have emphasized. This administration has a noticeably friendly attitude toward the arts. It has created an atmosphere in Washington, reflecting that attitude, which may yet drift up into the corridors and cloakrooms of Capitol Hill. At any rate, my colleagues are impressed by specific, well-planned programs which take advantage of existing structures. May I suggest that you all try to promote such efforts as these?

In a recent article, Mr. Richard Coe, drama critic for the Washington Post, stressed the gap between promise and performance regarding arts legislation today. "The differences must be faced," he wrote, "by those who presume to think that a new era is here and spout enthusiastically of ideas as though they are facts. Representatives of the performing arts must inspire the grassroots to speak up. Dilettantism, an inherited disease of the arts, can all too easily waste this richly promising atmosphere."

The American Federation of Musicians has been a valiant fighter for arts legislation in the Nation's Capital. You can be proud of the work done in your behalf by your national officers and representatives. But I have told them, and I now tell you. The battle lines drawn at the White House gate and the Capitol steps have their beginnings on Main Street of your own hometown.

I have little patience with those who denigrate Congress and dismiss those who oppose the program I have outlined as uncultured persons. Congress, by and large, reflects the will of the people as it is expressed. I believe the people of this Nation do perceive the value of a living culture; they do want to enhance the status of the performing arts—for confirmation I refer you to the great concern recently demonstrated for the Metropolitan Opera. This interest was found in all corners of our land. But this interest, this concern, this appreciation for the talents of the American musician and performing artist must be communicated to Washington.

The job of doing this rests with you people who will soon return to your local organizations. Are you going to report to your membership and exhort them to write their Congressmen and then rest content? You cannot. You must not be satisfied with talk among your own group. Get out and talk to the chamber of commerce in your hometown and explain to them how the arts in America are suffering a slow death. Talk to the Kiwanis and the American Legion and explain to them how good theater, good professional concerts and live performances not only bring tourist dollars to their town but also makes their town a better place in which to live. Talk to the Lions and Elks and the League of Women Voters. Tell them how mechanized music is destroying the training grounds for tomorrow's musicians. Explain to them the gross inequities of our present copyright laws.

And to all of them, bring this message. They must tell their Congressmen that they are truly as concerned with America's cultural life as with their material well-being.

The production of wealth is a technique. And we in America have mastered it well. But the use of wealth is an art.

The American musician converts wealth into art. He must be encouraged. He must be supported in his endeavor.

I know it is not easy to sell such a message to audiences that may not perceive the problems as requiring immediate attention. But as a Congressman, as an elected leader in my community, I must do this nearly every week. A major portion of my work must be in educating the people I serve to the problems—national, international, and local—which they face today or will face tomorrow. So, certainly I know that what you must do is hard work. But only you who know the score the musician is forced to play from—only you can see the trends—only you can bring the cause of music and musicians to America's Main Street.

I can promise you that my own efforts in his behalf and in behalf of all of America's artists will continue, on all levels, until they achieve their rightful place in this Nation—a place of honor and reward.

HOUSE OF REPRESENTATIVES

FRIDAY, SEPTEMBER 21, 1962

The House met at 12 o'clock noon.

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

Psalm 19: 14: *Let the words of my mouth and the meditations of my heart be acceptable in Thy sight, O Lord, my strength and my redeemer.*

Most merciful and gracious God, in this fellowship of prayer with our colleagues and comrades, we are renewing and reaffirming our faith that Thou art our companion and counselor in all the duties and responsibilities of each new day.

As Thou dost look into the chambers and corners of our minds and hearts, Thou seest so much that is bleak and barren, dim and dismal, and which fills us with sorrow and shame.

Grant that Thy spirit of light and loveliness may take complete possession of our inner life, emancipating it from all darkness and lifting it to its own radiant and luminous level.

Endue us with a dynamism that will inspire us to be courageous enough to pursue the true spiritual values and equal to the high vocation of making them regnant in the life of all mankind.

Hear us in Christ's name. Amen.

THE JOURNAL

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed, without amendment, bills, a joint resolution, and a concurrent resolution of the House of the following titles:

H.R. 575. An act to authorize the Secretary of the Interior to construct, operate, and maintain the upper division of the Baker Federal reclamation project, Oregon, and for other purposes;

H.R. 1304. An act for the relief of Jung Hae;

H.R. 2604. An act for the relief of Pietro Dattoli;

H.R. 5312. An act for the relief of certain additional claimants against the United States who suffered personal injuries, property damage, or other loss as a result of the explosion of a munitions truck between Smithfield and Selma, N.C., on March 7, 1942;

H.R. 5320. An act for the relief of Robert Knobbe;

H.R. 6016. An act for the relief of William Thomas Dendy;

H.R. 6998. An act for the relief of Anthony Pirotta;

H.R. 6999. An act for the relief of Henry Massari;

H.R. 7123. An act for the relief of Mrs. Takako Coughlin;

H.R. 7438. An act for the relief of Anna Caporossi Crisconi;

H.R. 7704. An act for the relief of Chyung Sang Bak;

H.R. 8626. An act for the relief of Wilfrid M. Cheshire;

H.R. 9578. An act for the relief of Annie Yasuko Bower;

H.R. 9587. An act for relief of Anthony E. O'Sorio;

H.R. 9603. An act for relief of Lt. Comdr. Joseph P. Mannix;

H.R. 9893. An act for the relief of Tadeusz Sochacki;

H.R. 9995. An act for the relief of Dwight W. Clarahan;

H.R. 10678. An act for the relief of Angelo A. Russo;

H.R. 10720. An act for the relief of Rexford R. Cherryman, of Williamsburg, Va.;

H.R. 12416. An act to authorize the sale, without regard to the 6-month waiting period prescribed, of chestnut extract proposed to be disposed of pursuant to the Strategic and Critical Materials Stock Piling Act;

H.J. Res. 730. Joint resolution to authorize the President to proclaim May 15 of each year as Peace Officers Memorial Day and the

calendar week of each year during which such May 15 occurs as Police Week; and

H. Con. Res. 509. Concurrent resolution providing the express approval of the Congress, pursuant to section 3(e) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(e)), for the disposition of certain materials from the national stockpile.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 7326. An act for the relief of E. La Ree Smoot Carpenter; and

H.R. 12708. An act to increase the jurisdiction of the municipal court of the District of Columbia in civil actions, to change the names of the court, and for other purposes.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 2949. An act to amend sections 1821 and 1825 of title 28, United States Code, to increase the per diem, mileage, and subsistence allowance of witnesses, and for other purposes;

S. 3227. An act for the relief of Young Wai;

S. 3455. An act for the relief of Melynda Kim Zehr (Chun Yoon Nyu) and Michelle Su Zehr (Lim Myung Im);

S. 3502. An act for the relief of Mrs. Maria Nowakowski Chandler;

S. 3557. An act for the relief of Betty Sandra Fagann; and

S.J. Res. 223. Joint resolution designating the period January 13, 1963, to January 19, 1963, as International Printing Week.

The message also announced that the Senate concurs in the amendment of the House to the amendment of the Senate No. 1 to the bill (H.R. 1960) entitled "An act to amend chapter 85 of title 28 of the United States Code relating to the jurisdiction of the U.S. district courts, and for other purposes."

H.R. 12391

Mr. DOLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD immediately following the reading of the Journal today.

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

There was no objection.

Mr. DOLE. Mr. Speaker, on yesterday, September 20, in an effort to clarify important points during debate on the conference report on H.R. 12391, I repeatedly requested recognition from the gentleman from Kansas [Mr. BREEDING] while he had the floor. After requesting my colleague from Kansas to yield five successive times he finally recognized me, but would not answer questions.

It is regrettable the Wheat Subcommittee chairman of the House Committee on Agriculture would not permit an exchange of questions and answers. Wheat producers in Kansas and elsewhere are concerned about certain provisions of the 1964 wheat program as contained in the conference report. It was surprising in reading the printed RECORD of proceedings for September 20 that my colleague, the gentleman from Kansas [Mr. BREEDING], had deleted all references to my requests as well as his statement when he refused to yield to me.

A question of great concern is the price the farmers would receive for that portion of wheat sold for feed under the multiple-price wheat plan for 1964 if price support for corn is 80 cents per bushel in 1964 as it almost certainly must be under the formula printed in section 305 of the bill.

In absence of an answer from the gentleman from Kansas [Mr. BREEDING] I referred the question to the gentleman from Iowa [Mr. HOEVEN], ranking minority member of the House Committee on Agriculture, and one of the House conferees. His response was based on 80-cent corn in 1964, noncertificate or feed wheat would be 92 cents per bushel. Now I do not think there is any argument about the legislative intent of these words, "not result in increasing Commodity Credit Corporation stocks." They are specifically tailored to make the Secretary set the 1964 corn supports at the floor of 50 percent of parity. Since full parity on corn is now $1.60 per bushel, 50 percent is only 80 cents a bushel.

The answers of the gentleman from Iowa [Mr. HOEVEN] were confirmed three times by the gentleman from Kansas [Mr. BREEDING] himself in remarks he inserted in the CONGRESSIONAL RECORD. On page 20116 he stated:

(g) The feed wheat price would be around $1.30 to $1.40, depending on the corn program, and domestic food wheat would be around $2 per bushel.

On the same page he said:

The remainder of the farmers' wheat, 175 bushels, would be worth approximately $1.30 per bushel if corn supports were $1.20, for a value of $228.

And—

Wheat not accompanied by certificates would move in the marketplace at an average price near $1.30 or $1.40, depending upon the support price for corn.

Up to this point it would seem everyone is agreed that the value of feed wheat under the 1964 program would be related to the price supports for corn, but to add to the confusion the gentleman from Kansas [Mr. BREEDING] in a news release makes the following unusual statement:

Even if corn should be supported at the minimum level of 80 cents a bushel, the price support for feed wheat would remain at this $1.30 a bushel figure because the support price would be tied to the world price, and not to the feed grain market.

Now I submit that with so many conflicting statements it is difficult to know just what type legislation we enacted yesterday, though if one reads the bill he could quickly learn that the price of feed wheat in 1964 is related to the price support for corn and that with corn at only 80 cents a bushel, wheat's relative value would be 92 cents a bushel.

To have feed wheat under the 1964 program bring $1.30 or $1.40 it would be necessary that corn supports be $1.20 or more and certainly no one has advocated unrestricted production of corn supported at $1.20 per bushel.

MOBILE TRADE FAIRS

Mr. BONNER. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries have until midnight tonight to file a report on the bill S. 3389, to promote the foreign commerce of the United States through the use of mobile trade fairs.

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

There was no objection.

MORE ACTION NEEDED

Mr. BECKER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. BECKER. Mr. Speaker, last week the newspapers carried two very significant headlines that amazed me and made me wonder just where we are going. Dean Rusk, Secretary of State, in big headlines said to the Soviets, "You don't scare us." I think that is wonderful. Then in another big headline J.F.K. said, "We will be first in space." I think that is wonderful, too.

We have come to the time when our leaders are just boasting and talking, but I think the American people would like to see more results and more action than this kind of front-page publicity.

Mr. DEROUNIAN. Mr. Speaker, will the gentleman yield?

Mr. BECKER. I yield to the gentleman from New York.

Mr. DEROUNIAN. Would not the gentleman say also that the people would like to see a little more courage and a little less profile?

Mr. BECKER. A little more courage would be attractive to the people and would impress the people of the world a lot more than empty boasts as well as to raise the prestige of the United States. It is pretty low right now.

CHICAGO & NORTH WESTERN RAILROAD STRIKE

Mr. BERRY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. BERRY. Mr. Speaker, I have sent the following letter to the White House this morning:

Please, Mr. Kennedy, come home. I don't ask you to stay in this old town too long—just long enough to settle the Chicago & North Western railroad strike.

A $3 million sugarbeet crop in South Dakota is facing complete destruction unless the freight trains are started this week. I know $3 million doesn't sound like much to you, but it is everything to many farm families who had their crops ruined by drought last year and face losing it by a rail strike this year.

This is bread and butter to several hundred farmers who do not carry strike insurance and who cannot depend upon unemployment compensation. These farmers

have thousands of dollars and thousands of man-hours of work tied up in this crop. Are you going to take action before it is too late?

When the shoe was on the other foot a week ago, you served notice on industry in the aerospace dispute that they must accept the board's finding or else. Can you not now show the same firmness toward a thousand members of the Telegraphers' Union that you demonstrated against four contractors?

This is serious, Mr. President. Not only is it a great inconvenience and expense to the public generally, but many, many farmers face the loss of their entire income, and a sugar mill, which is an important industry in that State cannot start its annual run which will mean that many more people will be out of jobs and work and income.

Please, Mr. President—come home and take action at once. They can operate the yacht races 1 day without you.

IMPORTATION OF HOUSEHOLD EFFECTS

Mr. MILLS. Mr. Speaker, I call up the conference report on the bill (H.R. 12180) to extend for a temporary period the existing provisions of law relating to the free importation of personal and household effects brought into the United States under Government orders, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 2413)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12180) to extend for a temporary period the existing provisions of law relating to the free importation of personal and household effects brought into the United States under Government orders, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: On page 1, line 5, of the Senate engrossed amendments, strike out "1828" and insert "1829"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 3. (a) Section 809(d)(6) of the Internal Revenue Code of 1954 (relating to deduction for group life, accident, and health insurance) is amended—

"(1) by striking out 'group life insurance contracts and group accident and health insurance contracts' and inserting in lieu thereof 'accident and health insurance contracts (other than those to which paragraph (5) applies) and group life insurance contracts'; and

"(2) by striking out the heading and inserting in lieu thereof '(6) Certain accident and health insurance and group life insurance.—'.

"(b) Section 815(c)(2)(C) of such Code (relating to policyholders surplus account) is amended by striking out 'group life and group accident and health insurance contracts' and inserting in lieu thereof 'accident and health insurance and group life insurance contracts'.

"(c) The amendments made by this section shall apply to taxable years beginning after December 31, 1962."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

WILBUR D. MILLS,
CECIL R. KING,
THOMAS J. O'BRIEN,
JOHN W. BYRNES,
HOWARD H. BAKER,
Managers of the Part of the House.

HARRY FLOOD BYRD,
ROBERT S. KERR,
RUSSELL B. LONG,
JOHN J. WILLIAMS,
FRANK CARLSON,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12180) to extend for a temporary period the existing provisions of law relating to the free importation of personal and household effects brought into the United States under Government orders, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendment No. 1: This amendment adds a new section to the bill to permit duty-free entry of monofilament gill nets for use in fish sampling, under such rules and regulations as the Secretary of the Treasury may prescribe. The amendment is to apply to articles entered or withdrawn from warehouse for consumption on and after the day following the date of the enactment of the bill. The House recedes with a clerical amendment.

Amendment No. 2: This amendment adds a new section to the bill relating to accident and health insurance contract premiums. Under existing law, in computing gain or loss from operations life insurance companies are entitled to a special deduction of 2 percent of the premiums for the taxable year attributable to group accident and health insurance contracts. Senate amendment No. 2 extended the deduction to premiums attributable to individual accident and health insurance contracts (other than individual nonparticipating contracts which are issued or renewed for periods of 5 years or more or which are noncancellable contracts for which there are life insurance reserves). The amendment also provided a special 2-percent deduction with respect to both group and individual accident and health insurance contracts for computing underwriting income of casualty insurance companies.

Under the conference agreement, the House recedes with an amendment which (in effect) retains the provisions of the Senate amendment relating to life insurance companies and omits the provisions relating to casualty insurance companies. The extension of the 2-percent deduction to the individual accident and health contracts of life insurance companies was agreed to by the committee of conference in recognition of the competitive situation existing in the case of those companies not in a position to write group contracts. It recognizes, however, that the problem of how broad the application of this deduction should be is a matter which requires further review and consideration. On the one hand, questions have been raised as to whether a deduction for accident and health contracts is desirable in the case of life insurance companies, whether the contracts are group contracts or individual contracts. On the other hand, it is recognized that if this deduction is retained in the case of life insurance companies, the Congress may want to consider the desirability of making a similar allowance in the case of casualty insurance companies. The committee of conference has requested the Treasury Department to report to the Ways and Means and Finance Committees on these problems at the next session of the Congress.

The House recedes from its disagreement to the amendment of the Senate to the title of the bill.

WILBUR D. MILLS,
CECIL R. KING,
THOMAS J. O'BRIEN,
JOHN W. BYRNES,
HOWARD H. BAKER,
Managers on the Part of the House.

Mr. MILLS. Mr. Speaker, your House conferees reached agreement with the conferees of the other body on the bill, H.R. 12180, to extend for a temporary period the existing provisions of law relating to the free importation of personal and household effects which are brought into the United States under Government order.

The other body made no change in the basic provisions of the bill as passed by the House. However, the other body added two amendments to the House bill.

The first amendment would permit the duty-free entry of monofilament gill nets for use in fish sampling under regulations to be prescribed by the Secretary of the Treasury. Under the conference agreement, this provision was retained. The Department of the Interior favors the enactment of this provision and the Tariff Commission reports that these articles are not produced in the United States. It is understood these nets are basically for research purposes.

The other body also amended the bill to provide that effective for taxable years beginning after December 31, 1962, the deduction allowed under present law to life insurance companies of 2 percent of premiums on group life, accident, and health insurance contracts would be expanded to apply to individual accident and health insurance contracts. In addition under this amendment, this deduction would also have been made available to stock casualty insurance companies and, under H.R. 10650, the proposed Revenue Act of 1962, which is now in conference, this deduction would also be made available to mutual casualty insurance.

Mr. Speaker, evidence presented indicated that the extension of the present 2 percent of premiums deduction to apply to individual accident and health insurance contracts issued by life insurance companies would result in a revenue loss of some $5 million annually. The extension of this deduction to apply to individual accident and health insurance contracts issued by stock casualty companies would reduce Federal revenues by some $10 million and would reduce Federal revenues by an additional $5 million through the extension of this deduction to mutual casualty insurance companies in the event that H.R. 10650

is enacted. Under the conference agreement the deduction of 2 percent premiums would only be applicable to individual accident and health insurance contracts that are issued by life insurance companies. This deduction would not be made available to stock casualty or mutual casualty insurance companies.

Mr. Speaker, the extension of the 2-percent deduction to the individual accident and health contracts issued by life insurance companies was agreed to by the committee of conference in recognition of the competitive situation that exists in the case of those companies who are not in a position to write group accident and health contracts. The conference action recognizes that the problem of how broad this deduction should be in application is a matter which should be further studied. Accordingly, the committee on conference has requested the Treasury Department to report to the Committee on Ways and Means and the Committee on Finance of the other body on this subject during the next session of the Congress.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Iowa.

Mr. GROSS. Can the gentleman tell me whether all amendments, as a result of the conference between the House and the other body, are germane to the subject matter of the bill, as passed by the House?

Mr. MILLS. It depends upon what the gentleman is using as a rule of germaneness. If this bill had been considered under the rules of the House, perhaps, the second amendment which I have described would not have been considered germane. But, under the rules of the other body, it was germane and it was included—not on the floor of the other body, but in the Finance Committee of that body.

Mr. GROSS. Is there a rule of germaneness in the other body?

Mr. MILLS. I am not advised of the rules of the other body to the extent that I am acquainted with the rules of this body, but I understand there is a difference in the rules of the two bodies on this subject.

Mr. GROSS. It will be my purpose on all conference reports, having had some experience, as I am sure the gentleman has had, with bills coming back from the other body as a result of conferences at this stage of the session, some of them becoming almost omnibus appropriation bills or omnibus bills carrying all kinds of amendments, some of which are wholly unrelated to the subject matter of the bills—as I say, it will be my purpose, if it is not the purpose of anyone else in the House of Representatives, for the remainder of this session to ascertain definitely what amendments have been put on bills as the result of conferences between the two bodies that are not germane to the legislation at hand.

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Pennsylvania.

Mr. WALTER. I have just been advised that the Senate has amended some private bills by adding bills that the subcommittee on immigration tabled because they are very bad bills. The Senate has taken these bills and added them to the bills that we passed, and has sent them back here. I just want the Members to know that we will not accept the Senate amendments, and it seems to me what we ought to do is to make the Senate understand that we have a rule of germaneness and we are going to insist that they comply with the rule of germaneness.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Iowa.

Mr. GROSS. I want to thank the gentleman from Pennsylvania who has made the point much more lucidly than I could make it. The time has come to insist upon legislation in the House of Representatives where the rule of germaneness applies.

Mr. MILLS. I would call the attention of the gentleman from Iowa to the fact that it is within the discretion always of conferees representing the House as to whether or not they would agree to any matter that is added to the House bill when that bill is in the other body. In this particular instance the conferees on the part of the House exercising that discretion have unanimously agreed—five conferees representing this body—to these amendments.

I would call the gentleman's attention to the fact that those conferees are the gentleman from Arkansas, the gentleman from California [Mr. KING], the gentleman from Illinois [Mr. O'BRIEN], the gentleman from Wisconsin [Mr. BYRNES], and the gentleman from Tennessee [Mr. BAKER]. We have agreed unanimously on these two amendments.

I pointed out to the gentleman that one of these amendments might not have been germane to the bill as it passed the House. Had we not wanted this amendment we could have insisted upon our disagreement with the Senate, and perhaps the amendment would have been deleted. The conferees on the part of the House are perfectly willing to accept th amendment, because this amendment was familiar to us. It has been discussed by conferees on the part of the House and members of the Ways and Means Committee on other occasions when it was appended to a bill once before. At that time the Senate receded until we could have an opportunity to look at it and see whether or not we wanted to take this action. On this occasion the House conferees decided that we would take this amendment, and we are pleased to do so.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. I do not think the impression should be given that there was not any disagreement with respect to amendment No. 2. I had serious reservations with respect to it. I still have a serious question. But with the understanding that this matter would be thoroughly gone into by the staff and the Treasury, I agreed to the amendment.

Mr. MILLS. The gentleman has recorded his position as I understand it; and it was understood that this matter would be looked into further to see not whether or not this was an advisable step, but whether a second step should also be taken, finally, with respect to the sale of these health and accident policies by casualty companies as well as life insurance companies, and whether or not they should be accorded some degree of treatment comparable in some respect to that which we are extending to life insurance companies with respect to individual health and accident policies.

Mr. CURTIS of Missouri. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield.

Mr. CURTIS of Missouri. I had not intended to get into this discussion, but in view of the fact it has developed I will express my concern. I want to support the position of the gentleman from Iowa [Mr. GROSS]. Also, I would stress the fact that I feel there is a growing tendency since I have been in Congress for committees to take the position that they are the ones to make the decisions for the House, as opposed to the proper function of a committee which is to bring out information and make recommendations to the House so it can act with intelligence. I think the same theory applies to conferees. They are servants of the House. They should follow the position of the House. Certainly we expect the conferees to use judgment, but it is for the House to decide, to approve, and to legislate.

A second consideration really prompted me to make these remarks. The Ways and Means Committee is in a peculiar position, different from any other committee in the House of Representatives in regard to nongermane matters coming over from the Senate. Under the Constitution, revenue measures must originate in the House. If we do not apply a rule on germaneness in reference to bills that go over to the Senate, approving an amendment to a House revenue measure which is not germane actually enables the Senate to originate matters unconstitutionally on revenue measures.

It strikes me in this particularly instance we have what I would regard as a constitutional violation. I think it is very important that the Committee on Ways and Means, and any other committee in conferences of this nature, apply some reasonable standard of germaneness. I appreciate the Senate has a different rule of germaneness than we do, and I do not want to impose our rule necessarily, but the rule of germaneness should obtain under this constitutional provision, and I think the conferees on the part of the Committee on Ways and Means on revenue matters should be extremely careful in what they permit to go on bills that would be nongermane and unconstitutional.

Mr. MILLS. I always appreciate the advice I get from my colleagues in these matters, and most times I find myself in complete agreement with the advice I have received. I want to assure my friend from Missouri that the acceptance by the House conferees of this amend-

ment does not violate the constitutional provision that these matters must originate in the House, for the reason that the bill we have before us is a House bill, H.R. 12180, that came out of the Committee on Ways and Means and passed the House some time ago by unanimous consent. I am satisfied that had our committee had the time available to it to take this up, the gentleman from Missouri would have gone along with us completely on a unanimous basis in respect to both of these amendments that we have accepted in the conference committee, for the reason that the gentleman from Missouri [Mr. CURTIS] is very much interested in this matter of the medical care of the people of the United States. I know he is from the many conversations I have had with him.

What we are trying to do here in this provision is to extend a provision of law that originated within the Committee on Ways and Means some years ago in connection with the taxation of life insurance companies providing a 2-percent deduction from income for group health and accident insurance premiums. As I say, we are extending that philosophy to the individual health and accident policies in the hope that we can enable these insurance companies to extend their operations and provide the kinds of health and accident policies that the American people really need, and on the basis of premiums that they can pay.

I am confident the gentleman from Missouri is so interested in this subject he would not raise a procedural question to prevent the adoption of such a worthwhile objective, and will not stand on procedure when a matter of this sort is involved. I think I know him that well.

Mr. CURTIS of Missouri. I must say the gentleman is in error. Much as I approve this bill, and indeed I do, I certainly feel procedural matters are important, and I think it is time we begin to pay attention to that in this body. Otherwise, we are going to go down the drain of government by man and not our form of government by law. Indeed, that is the point. The gentleman from Arkansas has not answered the question. Was this particular amendment germane to this particular bill?

Mr. MILLS. I answered the question, if the gentleman had been listening——

Mr. CURTIS of Missouri. I was listening.

Mr. MILLS. To my response to the question that the gentleman from Iowa raised—I stated it depended on the meaning of the rules of germaneness he was asking about.

Mr. CURTIS of Missouri. Exactly.

Mr. MILLS. I have told the gentleman the reason for the germaneness of it, and I say it is my judgment that under the rules of germaneness in the House this amendment might not be in order. But this matter is not new to the Committee on Ways and Means, and it is not new to the House conferees. I certainly think it involves too much for us to hesitate about it because it happens to be an amendment appended in the other body. The purposes it would accomplish, through the acceptance by the House of this amendment, I can assure the gentleman, are good, and there was no objection within the conference to the amendment itself, except that perhaps the thing that we were doing here should have been extended somewhat to include the sale of individual health and accident policies by the so-called casualty companies as well as life insurance companies. That is what we are having the Treasury and the staff look further into.

Mr. CURTIS of Missouri. Mr. Speaker, will the gentleman yield further?

Mr. MILLS. Yes; I would be glad to yield further.

Mr. CURTIS of Missouri. The gentleman has suggested that I have not been listening to what he said. I tried to listen very carefully to the gentleman, and may I say to the gentleman that apparently my point has been missed and I have not been very clear. This is an issue of germaneness. It is an issue of whether or not the Senate rule of germaneness or the House rule of germaneness applies. What I am trying to point out in this instance is that we have a constitutional problem involved here and, therefore, it behooves us in the Committee on Ways and Means to be concerned. This bill does not bother me because I happen to favor it, but the procedural question bothers me deeply. So much so that I shall remind the gentleman from Arkansas of this fact: I voted against the conference report on the extension of Korean excise taxes where it included a Senate amendment that I have been seeking to accomplish for years. I made a speech on the floor of the House that the principle involved here was too much to be ignored, because it might be something of momentary advantage or something that was momentarily desirable by all of us. I urge the chairman to review this point carefully because it does involve a relationship which we are going to continue to have with the other body and if we do not agree on some intelligent rule of germaneness, this basic prerogative of the House of Representatives and the Constitution that revenue measures must originate here will become meaningless. If the Senate rule of germaneness is to prevail, they can introduce any original measure and, in fact, I think they do, and tack it onto any simple bill which we might send over. I think it does behoove our conferees to stand firm on this as a matter of principle.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. Mr. Speaker, I would like to discuss for just a moment the substance of the changes that were made.

Mr. Speaker, H.R. 12180 in its original form would have extended for another temporary period the existing provisions in the law permitting the free importation of personal and household effects brought into the country under Government orders.

The first amendment, to which the House managers agreed, permits the free entry of monofilament fish nets. These nets are used by the conservation agencies for sampling, and are not produced in the United States.

The second Senate amendment extended the deduction of 2 percent of premiums applied in computing underwriting income on group health and accident insurance policies to individual health and accident policies written both by life insurance companies and by casualty insurance companies. When coupled with H.R. 10650, the deduction would also have been available to the mutual casualty companies. Your conferees restricted the amendment to apply solely to life insurance companies writing individual health and accident policies.

It seems to me that equity demands that if the deduction is to be allowed to one form of business engaged in selling health and accident policies, it should be allowed to other forms. In other words, if life companies are to get this additional deduction, the casualty companies, both stock and mutual, should also have the deduction. After all, they are all competitive one with the other. However, it was claimed that the need for relief was particularly acute in the case of the life insurance companies, who were writing individual health and accident contracts in competition wth nonprofit organizations.

Because of my objections, it was agreed that the matter would be reconsidered in the next Congress, and the staff was directed to make a study of the tax burden on the writing of health and accident insurance policies by life insurance companies and casualty insurance companies, both stock and mutual. Because of these assurances, I agreed to the conference report.

Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. LAIRD] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. LAIRD. Mr. Speaker, I thank the gentleman from Wisconsin [Mr. BYRNES] for his assurance. Without his assurance I could not support this conference report.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. HOSMER. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 324, nays 8, not voting 103, as follows:

[Roll No. 243]

YEAS—324

Abbitt	Anderson, Ill.	Ayres
Abernethy	Andrews	Bailey
Addabbo	Arends	Baker
Albert	Ashley	Baldwin
Alexander	Ashmore	Baring
Alford	Aspinall	Barry
Andersen, Minn.	Auchincloss	Bates
	Avery	Becker

Beckworth	Haley	Osmers
Belcher	Halleck	Ostertag
Bell	Halpern	Passman
Bennett, Fla.	Hansen	Patman
Bennett, Mich.	Harding	Pelly
Berry	Hardy	Perkins
Betts	Harris	Peterson
Boggs	Harrison, Wyo.	Pfost
Boland	Harsha	Philbin
Bolling	Harvey, Mich.	Pike
Bolton	Healey	Pillion
Bonner	Hechler	Pirnie
Bow	Hemphill	Poage
Boykin	Henderson	Poff
Brademas	Herlong	Powell
Bray	Hiestand	Price
Brooks, Tex.	Hoeven	Pucinski
Broomfield	Hoffman, Ill.	Purcell
Brown	Holifield	Quie
Broyhill	Holland	Randall
Bruce	Horan	Ray
Burke, Ky.	Hosmer	Reece
Burke, Mass.	Huddleston	Rhodes, Ariz
Burleson	Ichord, Mo.	Rhodes, Pa.
Byrne, Pa.	Inouye	Riehlman
Byrnes, Wis.	Jarman	Roberts, Ala.
Cahill	Jennings	Roberts, Tex.
Cannon	Jensen	Robison
Casey	Joelson	Rodino
Cederberg	Johansen	Rogers, Fla.
Chamberlain	Johnson, Calif.	Rogers, Tex.
Chelf	Johnson, Md.	Rooney
Chenoweth	Jonas	Roosevelt
Chiperfield	Jones, Ala.	Rosenthal
Church	Jones, Mo.	Rostenkowski
Clancy	Karsten	Roudebush
Clark	Karth	Roush
Coad	Kastenmeier	Rousselot
Collier	Kearns	Ryan, N.Y.
Colmer	Keith	St. George
Conte	Kilburn	St. Germain
Cook	Kilgore	Schadeberg
Corbett	King, Calif.	Schenck
Corman	King, N.Y.	Schneebeli
Cramer	King, Utah	Schweiker
Cunningham	Kirwan	Schwengel
Curtin	Kitchin	Scott
Daddario	Kluczynski	Selden
Dague	Knox	Sheppard
Daniels	Kornegay	Shipley
Davis, John W.	Kowalski	Short
Davis, Tenn.	Kunkel	Shriver
Delaney	Kyl	Sibal
Dent	Laird	Siler
Derounian	Lane	Sisk
Devine	Langen	Slack
Dingell	Lankford	Smith, Calif.
Dole	Lennon	Smith, Iowa
Dominick	Lesinski	Smith, Va.
Donohue	Libonati	Spence
Dowdy	Lipscomb	Springer
Downing	McCulloch	Stafford
Doyle	McDowell	Staggers
Dulski	McFall	Steed
Durno	McMillan	Stephens
Dwyer	Macdonald	Stubblefield
Elliott	Mack	Sullivan
Ellsworth	Madden	Taber
Everett	Mahon	Taylor
Evins	Mailliard	Teague, Calif.
Fallon	Marshall	Teague, Tex.
Fascell	Mason	Thompson, N.J.
Feighan	Matthews	Thompson, Tex.
Findley	Michel	Thomson, Wis.
Fisher	Miller, George P.	Thornberry
Flood	Miller, N.Y.	Toll
Flynt	Milliken	Tollefson
Ford	Mills	Trimble
Forrester	Moeller	Tupper
Fountain	Monagan	Udall, Morris K.
Frazier	Moorehead, Ohio	Ullman
Frelinghuysen	Moorhead, Pa.	Utt
Friedel	Morgan	Vanik
Fulton	Morrison	Van Pelt
Gallagher	Mosher	Vinson
Gary	Moss	Waggonner
Gathings	Murphy	Wallhauser
Gavin	Murray	Walter
Gilbert	Natcher	Watts
Glenn	Nedzi	Weaver
Gonzalez	Nelsen	Westland
Goodell	Nix	Wharton
Goodling	Nygaard	Whitten
Granahan	O'Brien, N.Y.	Widnall
Grant	O'Hara, Ill.	Williams
Green, Oreg.	O'Hara, Mich.	Willis
Green, Pa.	O'Konski	Wilson, Calif.
Griffin	Olsen	Winstead
Griffiths	O'Neill	Young
Gubser		Younger
Hagen, Calif.		Zablocki

NAYS—8

Alger	Garland	Mathias
Ashbrook	Gross	Saylor
Curtis, Mo.	Hall	

NOT VOTING—103

Adair	Hagan, Ga.	Norblad
Anfuso	Harrison, Va.	Norrell
Barrett	Harvey, Ind.	O'Brien, Ill.
Bass, N.H.	Hays	Pilcher
Bass, Tenn.	Hébert	Rains
Battin	Hoffman, Mich.	Reifel
Beermann	Hull	Reuss
Blatnik	Johnson, Wis.	Riley
Blitch	Judd	Rivers, Alaska
Breeding	Kee	Rivers, S.C.
Brewster	Kelly	Rogers, Colo.
Bromwell	Keogh	Rutherford
Buckley	Landrum	Ryan, Mich.
Carey	Latta	Santangelo
Celler	Lindsay	Saund
Cohelan	Loser	Scherer
Cooley	McDonough	Scranton
Curtis, Mass.	McIntire	Seely-Brown
Davis, James C.	McSween	Shelley
	McVey	Sikes
Dawson	MacGregor	Smith, Miss.
Denton	Magnuson	Stratton
Derwinski	Martin, Mass.	Thomas
Diggs	Martin, Nebr.	Thompson, La.
Dooley	May	Tuck
Dorn	Meader	Van Zandt
Edmondson	Merrow	Weis
Farbstein	Miller, Clem	Whalley
Fenton	Minshall	Whitener
Finnegan	Montoya	Wickersham
Fino	Moore	Wilson, Ind.
Fogarty	Morris	Wright
Garmatz	Morse	Yates
Giaimo	Moulder	Zelenko
Gray	Multer	

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Rutherford with Mr. Reifel.
Mr. Thomas with Mr. McIntire.
Mr. Brewster with Mr. Judd.
Mr. Hébert with Mr. Harvey of Indiana.
Mr. Breeding with Mr. Fino.
Mr. Hull with Mr. Derwinski.
Mr. Thompson of Louisiana with Mr. Bromwell.
Mr. Tuck with Mr. Scranton.
Mr. Loser with Mr. Norblad.
Mr. Montoya with Mr. Beermann.
Mr. Morris with Mr. Meader.
Mr. Rivers of Alaska with Mr. Lindsay.
Mr. Hagan of Georgia with Mr. Van Pelt.
Mr. Giaimo with Mr. Battin.
Mr. Garmatz with Mr. Fenton.
Mr. Fogarty with Mr. Morse.
Mr. Santangelo with Mr. Adair.
Mr. Shelley with Mr. Minshall.
Mr. Rogers of Colorado with Mr. Wilson of Indiana.
Mr. Rains with Mr. Martin of Massachusetts.
Mr. O'Brien of Illinois with Mr. MacGregor.
Mr. Barrett with Mr. Seely-Brown.
Mr. McSween with Mrs. May.
Mr. Clem Miller with Mr. Scherer.
Mr. Sikes with Mr. McDonough.
Mr. Johnson of Wisconsin with Mr. Latta.
Mr. Dorn with Mr. Curtis of Massachusetts.
Mr. Gray with Mr. Martin of Nebraska.
Mr. Cohelan with Mrs. Weis.
Mr. Pilcher with Mr. Moore.
Mr. Landrum with Mr. Bass of New Hampshire.
Mr. James C. Davis with Mr. Merrow.
Mrs. Riley with Mr. Hoffman of Michigan.
Mr. Finnegan with Mr. McVey.
Mr. Dorn with Mr. Dooley.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

COMMITTEE ON RULES

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

FOWLING NETS—EXCISE TAX ON CERTAIN TELEVISION TUBES—LOCAL ADVERTISING

Mr. MILLS. Mr. Speaker, I call up the conference report on the bill (H.R. 6682) to provide for the exemption of fowling nets from duty, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

After line 12, insert:

"SEC. 2. For the purpose of applying the provisions of sections 4218, 4220, and 6416(b)(3) of the Internal Revenue Code of 1954, during the period beginning on January 1, 1955, and ending at the close of August 31, 1955, and for the purpose of applying the corresponding provisions of the Internal Revenue Code of 1939 for the period beginning on October 1, 1952, and ending at the close of December 31, 1954, with respect to the sale of a tube taxable under section 4141 of the Internal Revenue Code of 1954 or section 3404(b) of the Internal Revenue Code of 1939, as the case may be, to the manufacturer or producer of an article which

"(1) was primarily adapted for use as a component part of a television receiving set;

"(2) was not a radio and television component taxable under section 4141 of the Internal Revenue Code of 1954 or a chassis taxable under section 3404(b) of the Internal Revenue Code of 1939, as the case may be; and

"(3) was sold to a manufacturer or producer of television receiving sets taxable under section 4141 of the Internal Revenue Code of 1954 or section 3404(a) of the Internal Revenue Code of 1939, as the case may be;

such article shall be treated as having been taxable under section 4141 of the Internal Revenue Code of 1954 or section 3404(b) of the Internal Revenue Code of 1939, as the case may be."

After line 12, insert:

"SEC. 3. (a) Section 4216(f)(4)(C) of the Internal Revenue Code of 1954 (relating to the definition of local advertising) is amended by striking out 'or appears in a newspaper' and inserting in lieu thereof ', appears in a newspaper or magazine, or is displayed by means of an outdoor advertising sign or poster'.

"(b) The amendment made by subsection (a) shall apply with respect to articles sold on or after the first day of the first calendar quarter beginning more than 20 days after the date of the enactment of this Act."

Amend the title so as to read: "An Act to provide for the exemption of fowling nets from duty, and for other purposes."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 2412)

The committee of conference on the disagreeing votes of the two Houses on the

amendments of the Senate to the bill (H.R. 6682) to provide for the exemption of fowling nets from duty, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: Page 2, line 15, of the Senate engrossed amendments, strike out "SEC. 3." and insert: "SEC. 2."; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

WILBUR D. MILLS,
CECIL R. KING,
THOMAS J. O'BRIEN,
NOAH M. MASON,
JOHN W. BYRNES,
Managers on the Part of the House.

HARRY FLOOD BYRD,
ROBERT S. KERR,
RUSSELL B. LONG,
JOHN J. WILLIAMS,
FRANK CARLSON,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6682) to provide for the exemption of fowling nets from duty, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendment No. 1: This amendment added a new section to the bill relating to the application of the manufacturers excise tax on radio and television components to certain tubes sold during the period beginning October 1, 1952, and ending August 31, 1955. The effect of the amendment would be to exempt the tubes from tax if sold to the manufacturer or producer of an article which (1) was primarily adapted for use as a component part of a television receiving set, (2) was not a taxable chassis or radio and television component, and (3) was sold to a manufacturer or producer of taxable television receiving sets. The Senate recedes.

Amendment No. 2: This amendment added a new section to the bill relating to the definition of the term "local advertising" for purposes of determining the amount excluded from the selling price on which the manufacturers excise tax is based. Under existing law, the term "local advertising" means only advertising which—

(A) is initiated or obtained by the purchaser or any subsequent vendee,

(B) names the article for which the price is determinable under this section and states the location at which such article may be purchased at retail, and

(C) is broadcast over a radio station or television station or appears in a newspaper.

Under the Senate amendment, the term includes advertising which appears in a magazine or is displayed by means of an outdoor advertising sign or poster as well as advertising which appears in a newspaper or is broadcast over a radio station or television station. The House recedes with a clerical amendment.

The House recedes from its disagreement to the amendment of the Senate to the title of the bill.

WILBUR D. MILLS,
CECIL R. KING,
THOMAS J. O'BRIEN,
NOAH M. MASON,
JOHN W. BYRNES,
Managers on the Part of the House.

Mr. MILLS. Mr. Speaker, it will be recalled that some weeks ago the House passed by unanimous consent the bill introduced by our colleague, the gentleman from New Jersey [Mr. WIDNALL], H.R. 6682.

Mr. Speaker, the amendments made by the other body to this bill made no change in the provisions passed by the House. However, two amendments added additional provisions to the House version of the bill, one of which would, in effect, have retroactively validated the tax-free purchase of certain tubes purchased by manufacturers of television tuners during the period October 1, 1952, to August 31, 1955, for incorporation in such tuners. Under the conference agreement, this amendment was deleted from the bill.

The second amendment made by the other body dealt with the provision of present law under which certain local advertising charges may be excluded from the sales price of articles to which the manufacturers excise tax applies. Under present law, only advertising that is broadcast over a radio or television station or appears in a newspaper qualifies for this exclusion from the tax base. As amended by the other body, the type of local advertising media that would qualify for this special treatment would be expanded to include magazine advertising and outdoor advertising signs or posters. Under the conference agreement, this provision would be retained.

Mr. Speaker, I might add that in the process of doing this initially, I think it was inadvertence that limited the application of this treatment in this respect: In order to correct what I am sure was unintended by both branches of the Congress, the other body has added to this bill the type of local advertising media that involves magazine advertising, outdoor advertising, signs, or posters.

Mr. Speaker, that should be done, and I would suggest that this unanimous consent conference report should be unanimously adopted by the House.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I would be glad to yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. Mr. Speaker, the bill, H.R. 6682, as passed the House provided for the exemption of fowling nets from duty. The Senate then amended the bill to exempt certain radio and television tubes from the manufacturers excise tax during a specified period. The House managers disagreed to this and the Senate receded.

A further amendment, to which the House managers did agree, provides for the broadening of the definition of the term "local advertising" for the purposes of determining exclusions from selling price in the computation of the manufacturers excise tax. It is broadened to include magazine and outdoor display-sign advertising. Mr. Speaker, I have no objection to this amendment and, therefore, favor adoption of the conference report.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MILLS. First permit me to supplement my remarks by pointing out that this language of this amendment is along the lines of the bill which is now pending in the Committee on Ways and Means, introduced by our colleague, the gentleman from Florida [Mr. HERLONG]. The gentleman from Florida [Mr. HERLONG] has been very interested in bringing about a correction of this situation that I described earlier and which I am sure resulted from an oversight.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I would be glad to yield to the gentleman from Iowa.

Mr. GROSS. The amendments that have been worked out in conference are germane to this general subject of tax revision, are they not?

Mr. MILLS. We thought that the amendment was certainly one that justified correction but, here again, I must point out to the gentleman from Iowa in all frankness that the bill which the gentleman from New Jersey [Mr. WIDNALL] introduced and which we passed dealt with the free importation of so-called fowling nets, a tariff matter. This amendment of the Senate refers to section 4216(f)(4) of the Internal Revenue Code of 1954, and is a tax matter. It might be held not to be germane under the rules of the House. But, here again, I am sure my friend, the gentleman from Iowa [Mr. GROSS], recognizes that these are matters that are clearly within the jurisdiction of the Committee on Ways and Means.

They are clearly within the jurisdiction of the Finance Committee of the Senate. It is not like taking up an agriculture bill and adding some amendment involving the monetary fund, or something of that sort. These do conform to the jurisdictions of both of these committees clearly.

Mr. GROSS. Mr. Speaker, I thank the gentleman for his explanation.

Mr. MILLS. Mr. Speaker, I move the previous question.

The SPEAKER pro tempore (Mr. WALTER). The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, I ask unanimous consent to extend my remarks in further reference to the conference report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

THE LATE HONORABLE EFFEGENE WINGO

The SPEAKER pro tempore. The Chair recognizes the gentleman from Arkansas [Mr. HARRIS].

Mr. HARRIS. Mr. Speaker, it is with deep sorrow that I announce to the House the passing of Mrs. Effegene (Locke) Wingo, a former Member of the House of Representatives, who represented the district which I now have the privilege and honor of representing.

Mrs. Wingo was born in Lockesburg, Sevier County, on April 13, 1883. She attended public and private schools and Union Female College, Oxford, Miss. She was graduated from Maddox Seminary, Little Rock, Ark., in 1901, and moved to Texarkana, Ark., in 1895, and to DeQueen, Ark., in 1897. She was elected as a Democrat on November 4, 1930, to the 71st Congress. Her husband before her had served in the House, representing this district for several terms. She was elected to fill the vacancy caused by the untimely death of her husband, Otis Theodore Wingo. Some of the older Members who were here at that time, I am sure, remember Otis Wingo and also his lovely wife, Mrs. Wingo.

On the same day that she was elected to succeed her husband in the House, she was elected to the 72d Congress and served from November 4, 1930, to March 3, 1933. She was not a candidate for renomination in 1932.

Mrs. Wingo wrote me a letter about a year ago in which she inquired about the consideration which the House and the Congress had given to a program that she, herself, had sponsored when she was in the Congress. She was the cofounder in 1934 of the National Institute of Public Affairs here in Washington, D.C., engaged in educational and research work.

Mrs. Wingo passed away September 20, in Brent Memorial Hospital, Burlington, Ontario, where she was living with her son at the time, Otis T. Wingo, and where he now lives.

Funeral services will be held this afternoon at 3 o'clock at St. Albans Church, interment in Rock Creek Cemetery.

Mrs. Wingo is survived by a daughter, Mrs. L. L. Sawyer, who lives here in Washington, D.C., and by her son, Otis T. Wingo, Jr. I know I express the sentiments of every Member of this House when we extend to them and all the family our deepest sympathy in the loss of their mother.

AMENDMENTS TO PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

Mr. GRANT. Mr. Speaker, I call up the conference report on the bill (S. 1037) to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 2408)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1037), to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12; and agree to the same.

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "That paragraphs (6) and (7) of the first section of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a), are amended to read as follows:

"'(6) The term "dealer" means any person engaged in the business of buying or selling in wholesale or jobbing quantities, as defined by the Secretary, any perishable agricultural commodity in interstate or foreign commerce, except that (A) no producer shall be considered as a "dealer" in respect to sales of any commodity of his own raising; (B) no person buying any such commodity solely for sale at retail shall be considered as a "dealer" until the invoice cost of his purchases of perishable agricultural commodities in any calendar year are in excess of $90,000; and (C) no person buying any commodity for canning and/or processing within the State where grown shall be considered a "dealer" whether or not the canned or processed product is to be shipped in interstate or foreign commerce, unless such product is frozen or packed in ice, or consists of cherries in brine, within the meaning of paragraph (4) of this section. Any person not considered as a "dealer" under clauses (A), (B), and (C) may elect to secure a license under the provisions of section 3, and in such case and while the license is in effect such person shall be considered as a "dealer";

"'(7) The term "broker" means any person engaged in the business of negotiating sales and purchases of any perishable agricultural commodity in interstate or foreign commerce for or on behalf of the vendor or the purchaser, respectively, except that no person shall be deemed to be a "broker" if such person is an independent agent negotiating sales for and on behalf of the vendor and if the only sales of such commodities negotiated by such person are sales of frozen fruits and vegetables having an invoice value not in excess of $90,000 in any calendar year.'

"SEC. 2. The first section of such Act (7 U.S.C. 499a) is further amended by adding at the end thereof the following new paragraphs:

"'(9) The term "responsibly connected" means affiliated or connected with a commission merchant, dealer, or broker as (A) partner in a partnership, or (B) officer, director, or holder of more than 10 per centum of the outstanding stock of a corporation or association;

"'(10) The terms "employ" and "employment" mean any affiliation of any person with the business operations of a licensee, with or without compensation, including ownership or self-employment.'"

And the House agree to the same.

GEORGE M. GRANT,
HARLAN HAGEN,
W. PAT JENNINGS,
CHARLES M. TEAGUE,
CLIFFORD G. MCINTIRE,
Managers on the Part of the House.

ALLEN J. ELLENDER,
OLIN D. JOHNSTON,
SPESSARD L. HOLLAND,
GEORGE D. AIKEN,
MILTON R. YOUNG,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1037) to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The only matter in disagreement between the Senate bill and the House amendments was the treatment to be accorded persons subject to the act solely by reason of their activities as retail dealers or frozen food brokers. The Senate limited the license fee which could be charged retail dealers and frozen food brokers to $25 a year. The House permitted the license fee for retail dealers to be increased to a maximum of $50, as provided by the bill for other licensees; but excluded retail dealers whose purchases of perishable agricultural commodities did not exceed $100,000 a year from the requirements of the act, and excluded all frozen food brokers who represent sellers only. At present a retail dealer is subject to licensing if he buys as much as a ton of perishable agricultural commodities on each of 21 days during any calendar year, and a frozen food broker is subject to licensing if he negotiates the purchase or sale of any frozen fruits or vegetables. The committee of conference recommends that retail dealers purchasing less than $90,000 a year worth of perishable agricultural commodities, and frozen food brokers representing sellers only and negotiating sales of less than $90,000 a year worth of frozen fruits and vegetables, be excluded from the requirements of the act.

The number of retailers and frozen food brokers now subject to license and the number which the Department of Agriculture estimates would be subject to license under House amendment No. 1 and the conference substitute therefor are as follows:

RETAILERS

At present 3,528 retailers out of more than 230,000 are licensed. With a $90,000 standard, about 1,200 would be licensed. With a $100,000 standard, about 1,125 would have been licensed.

FROZEN FOOD BROKERS

At present 475 such brokers are licensed. With a $90,000 standard, about 260 would be licensed.

The House made 12 amendments to the Senate bill. The committee of conference recommends that the Senate recede from its disagreement to the House amendments numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 and that the Senate recede from its disagreement to House amendment No. 1 and agree to the same with an amendment.

House amendment No. 1 excluded retail dealers purchasing not more than $100,000 worth of perishable agricultural commodities a year, and all frozen food brokers representing sellers only from the requirement of the act. The conference substitute would exclude retail dealers purchasing not more than $90,000 worth of perishable agricultural commodities a year, and frozen food brokers representing sellers only and negotiating not more than $90,000 worth of frozen fruits and vegetables a year.

House amendment No. 3 struck out the Senate provision limiting the license fee for retail dealers and frozen food brokers to $25 a year. In view of the recommendation of the conference committee with respect to the exclusion of the smaller retail dealers and frozen food brokers, those that would remain subject to the act should be required to pay the same fee as other licensees, and the committee of conference therefore recom-

mends that the Senate recede from its disagreement to amendment No. 3. The present maximum license fee under the act is $25. The bill would raise the maximum license fee to $50. During the hearings on the bill the Department indicated that for the first year it was not anticipated that the license fee would be more than $36. The conferees would expect the Department to exert every effort to keep the fee within this figure and that the exclusion of the smaller retailers and frozen food brokers would not require an increase above this figure.

Amendments numbered 2, 4, 5, 6, 7, 8, 9, 10, 11, and 12 merely change section numbers to reflect the insertion of a new section 1 in the bill by House amendment No. 1. In view of the conference committee recommendation with respect to amendment No. 1, it recommends that the Senate recede from its disagreement to these technical amendments.

GEORGE M. GRANT,
HARLAN HAGEN,
W. PAT JENNINGS,
CHARLES M. TEAGUE,
CLIFFORD G. MCINTIRE,
Managers on the Part of the House.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GRANT. I yield to the gentleman from Iowa?

Mr. GROSS. Are all of the amendments put into the bill in conference germane to the general subject matter of the bill?

Mr. GRANT. They are absolutely germane to the bill.

Mr. GROSS. I thank the gentleman.

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

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. GRANT. Mr. Speaker, the bill before us is a very important piece of legislation. It contains numerous improvements to the Perishable Agricultural Commodities Act and a provision for the increase in fees under that act which will permit it to continue to be self-supporting. The Perishable Agricultural Commodities Act is one of the oldest and most successful regulatory programs operated by the Department of Agriculture. Its basic purpose is to assure producers of fresh fruits and vegetables that they will receive fair treatment and fair payment when their commodities are shipped to buyers in other States, and to assure those buyers and all of the handlers along the route that they will receive the kind of commodities they are paying for and that they, too, will receive equitable treatment.

The act has been entirely self-supporting and has paid its way by collection of annual fees, presently set at the maximum of $25 permitted under the act, collected from those who are licensed under the act. The Department has reached the point where it is no longer able to operate its program within this $1.25 limitation and one of the purposes of this bill is to increase the amount of the license fee which may be charged in order to continue to have this program entirely self-sustaining. The bill permits an ultimate increase in the license fees to $50 per year, if this should become necessary. No such increase is needed or contemplated at the present time, however, and the Department has stated, and the committee of conference so understands, that the immediate increase in license fees will be to a figure not in excess of $36. If, in later years, an additional increase is found to be necessary, this is to be announced well in advance and subject to discussion by the trade and by the appropriate committees of Congress before it is placed into effect.

In the form in which this bill was introduced in both the House and the Senate, Mr. Speaker, it contained no element of controversy.

During the hearings, however, amendments to the bill were suggested by representatives of food retailers and of frozen-food brokers, both of whom are licensed under the act—the retailers only if they do an annual business in fresh and frozen fruits and vegetables exceeding approximately $30,000 worth per year. During the hearings, representatives of both these groups asked for further exemptions for their particular group from the operations of the act.

The Senate responded to this request by retaining the basic requirements for licensing of retailers and frozen-food brokers exactly where they were in the act but providing that the increase in license fee should not apply to these two groups.

The House went further in acceding to the request of these groups and provided that all retailers doing an annual business in fresh and frozen fruits and vegetables of less than $100,000 per year, and all frozen-food brokers representing vendors should be eliminated from registration under the act. These provisions were the only items of the bill in controversy between the House and the Senate. While I was very much in favor of retaining the House version, this was found impossible.

The conferees have reached what I believe to be an equitable compromise on this matter as set out in the conference report. The conference report will provide that this act will not cover any retailer who does an annual business of less than $90,000 per year in fresh and frozen fruits and vegetables, and will apply the same minimum figure, $90,000, to brokers of frozen fruits and vegetables. No broker of frozen fruits and vegetables will be required to register under the act if he does a business of less than $90,000 per year in these commodities.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GIFTS TO MINORS IN THE DISTRICT OF COLUMBIA

Mr. MCMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11018) to amend the act concerning gifts to minors in the District of Columbia, with Senate amendments thereto, and consider the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 10, strike out all after line 12 over to and including line 14 on page 11, and insert:

"SEC. 5. (a) A custodian shall be entitled to reasonable compensation for his services and to reimbursement from the custodial property for his reasonable expenses incurred in the performance of his duties: *Provided*, That a custodian may act without compensation for his services.

"(b) Compensation shall be according to:

"(1) Any statute of the District of Columbia applicable to custodians;

"(2) Any statute of the District of Columbia applicable to guardians;

"(3) An order of the court.

"(c) Except as otherwise provided in this Act, a custodian shall not be required to give a bond for the performance of his duties.

"(d) A custodian not compensated for his services shall not be liable for losses to the custodial property unless they result from his bad faith, intentional wrongdoing, or gross negligence or from his failure to maintain the standard of prudence in investing the custodial property provided in this Act."

Page 15, after line 7, insert:

"(c) Nothing here shall be deemed to repeal or modify the Internal Revenue Code of 1954, as amended, and the District of Columbia Income and Franchise Tax Act of 1947, as amended."

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

Mr. GROSS. Reserving the right to object, Mr. Speaker, is a copy of this bill available? I have asked for copies of all bills coming up today.

Mr. MCMILLAN. Mr. Speaker, this bill passed the House some time ago. The other body amended this proposed legislation and returned it to the House. I imagine copies of the bill are available.

Mr. GROSS. There is no report nor is there a copy of the bill at the desk.

Mr. MCMILLAN. I have just stated the bill passed the House some time ago and was amended by the Senate, the report and bill should be available.

Mr. GROSS. I have no doubt it passed the House some time ago, I will say to my friend from South Carolina. It, obviously, had to. But I have nothing here to go on. Will the gentleman please explain the bill and the amendments?

Mr. MCMILLAN. The Senate added an amendment to the bill which has to do with gifts to minors in the District of Columbia. We are amending the Senate amendment so as to make certain that the person who is making the gift can set the fee for the person who administers his estate.

Mr. GROSS. You say this bill was amended?

Mr. MCMILLAN. It was amended in the Senate and was returned. My committee proposes to amend the Senate amendment by inserting language to protect the donor.

Mr. GROSS. Are all the amendments in this bill, as it is presently before us, germane to the subject matter of the bill?

Mr. MCMILLAN. Absolutely, yes. If the gentleman from Iowa would care to see a copy of the bill, he may have my copy.

Mr. GROSS. I would not be able to do very much with it in this short space of time.

The SPEAKER pro tempore [Mr. WALTER]. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The SPEAKER pro tempore. The Clerk will read the first Senate amendment.

The Clerk read as follows:

Page 10, strike out all after line 12 over to and including line 14 on page 11, and insert:

"SEC. 5. (a) A custodian shall be entitled to reasonable compensation for his services and to reimbursement from the custodial property for his reasonable expenses incurred in the performance of his duties: *Provided*, That a custodian may act without compensation for his services.

"(b) Compensation shall be according to:

"(1) Any statute of the District of Columbia applicable to custodians;

"(2) Any statute of the District of Columbia applicable to guardians;

"(3) An order of the court.

"(c) Except as otherwise provided in this Act, a custodian shall not be required to give a bond for the performance of his duties.

"(d) A custodian not compensated for his services shall not be liable for losses to the custodial property unless they result from his bad faith, intentional wrongdoing, or gross negligence or from his failure to maintain the standard of prudence in investing the custodial property provided in this Act."

Mr. McMILLAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MCMILLAN moves that the House concur in Senate amendment 1 with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment in subsection (b) and subparagraphs (1), (2), and (3) thereof, of section 5, insert the following:

"(b) Compensation for the guardian or custodian shall be according to:

"(1) Any direction of the donor when the gift is made, provided that it is not in excess of any statutory limitation of the District of Columbia for guardians or custodians;

"(2) Any statute of the District of Columbia applicable to custodians or guardians;

"(3) Any order of the court."

Mr. McMILLAN. Mr. Speaker, the purpose of my amendment to the Senate amendment is to assure and provide that any donor of a gift may fix the compensation for the guardian or custodian—which the House bill originally provided and which the Senate struck out—but with the proviso that such compensation will not be in excess of that allowed by District of Columbia law for guardians or custodians.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina [Mr. MCMILLAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will read the next committee amendment.

The Clerk read as follows:

Page 15, after line 7, insert:

"(c) Nothing here shall be deemed to repeal or modify the Internal Revenue Code of 1954, as amended, and the District of Columbia Income and Franchise Tax Act of 1947, as amended."

Mr. McMILLAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MCMILLAN moves that the House concur in the Senate amendment No. 2.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

AMENDING SECTION 305, COMMUNICATIONS ACT OF 1934

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution, House Resolution 779, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11732) to amend section 305 of the Communications Act of 1934, as amended. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. SMITH] and pending that I yield myself such time as I may consume.

The SPEAKER. The gentleman from California is recognized.

Mr. SISK. Mr. Speaker, House Resolution 779 makes in order the consideration of the bill H.R. 11732 to amend section 305 of the Communications Act of 1934, as amended. It provides for 1 hour of debate and is an open rule.

The purpose of the legislation, Mr. Speaker, is to amend the Communications Act of 1934 to authorize the President to license foreign governments to operate low-power point-to-point radio stations, as distinguished from broadcasting stations, in the District of Columbia, for transmission of messages to points outside the United States. This legislation is needed in order to enable the U.S. Government to offer reciprocity when attempting to secure permission from foreign governments for the establishment by the United States of radio stations in foreign countries. At present, the Communications Act prohibits the granting of such authority to noncitizens.

Mr. Speaker, it is felt that with this permission which would be on a very limited basis and very tightly controlled, that the reciprocity that the United States could get by being permitted to establish radio stations in foreign countries would be a substantial gain. Therefore, Mr. Speaker, I urge the adoption of House Resolution 779.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, House Resolution 779 is an open rule providing for the consideration of H.R. 11732, which is a measure known as the Amendment to the Communications Act of 1934. It will permit the President under reciprocal agreement with other countries to permit the operation of a radio station at the Embassy of a foreign country in Washington, D.C., providing we are allowed to have a radio station at our Embassy in the country with which the agreement is worked out.

I was opposed to the bill as originally reported but in the meantime it has been possible to work out an amendment which the chairman told me he would accept and which I believe would help the bill and take care, at least in part, of my objections, at least to the point where if my amendment is adopted I can then support the legislation. I do feel, however, Mr. Speaker, that we should make a record here today, so that the President, whether it be President Kennedy or some future President, and the State Department, the Secretary of State and others, may know our intent and views in the matter. I for one feel this is a very dangerous precedent to allow a foreign country to establish a radio station in this country. It must be used with the utmost discretion. I would hate to have the Soviet Embassy on 16th Street have a legitimate radio station which could operate between here and Moscow.

Mr. Speaker, I am making my statement based on the fact that I have been in the past with the FBI. I supervised all the national defense activities in the Los Angeles office of the FBI prior to and during the period of the last war. That had to do with espionage, sabotage, un-American activities, communism, internal security measures, plant protection and others.

In that capacity, where I was in a supervisory capacity, I knew of the important cases throughout the United States because we, of course, exchanged reports.

I can assure you that activities involving espionage against the United States were operated out of the German Embassy and Consuls continuously prior to the war, and it was an extremely difficult problem.

Japanese boats, for instance, would bring spies to the Pacific Coast almost every week. On every ship that came over here there were a certain number of these people who immediately would report to the consul, leave their papers there, and go on. Of course the Director of the Bureau and the agents were keenly interested in not having any foreign-inspired sabotage such as took place during the First World War when the Black Tom explosion occurred. It involved some $63 million. I am pleased to state at this time we did not have any foreign-inspired sabotage during World War II.

I do not take complete credit for this on behalf of the Bureau. We had tremendous help from Military Intelligence, G–2, Naval Intelligence, all of the local sheriffs' offices, and other police officers throughout the United States, which made it possible for us to keep sabotage to a minimum. Most of the espionage agents were identified and apprehended.

Furthermore, Mr. Speaker, I want the RECORD to show I am not in any way attempting to speak for Mr. Hoover, Director of the FBI. I am speaking only for myself. It has always been the policy of the Director to not comment on matters which have to do with policies outside the operation of the FBI.

Mr. Speaker, I would like to state for the record the specific objections which I have to the original bill, so that they will be there as a part of the permanent RECORD.

First. It is extremely difficult to monitor burst types of transmission. While the United States might well monitor the broadcast over a period of time during which the broadcast would not pose a security threat to our Nation, the fact remains the Soviet, particularly, could suddenly change frequency, get their message across, and then go off the air.

Second. Establishment of stations in the United States by the Soviet and their bloc nations obviously puts the Soviet in a position to pose questions to their installations here and get immediate answers. The proposed setup would give the Soviet an almost immediate means of communication and thus puts them in a position to relay information and take action thereon more rapidly.

Third. It is well known that Soviet espionage operations are tightly controlled from Moscow. The new system of radio contact would permit them instantaneous control rather than waiting for diplomatic pouch replies, a relatively slow method of sending and receiving messages. The new system would, therefore, obtain for the Soviet immediate control and constant control.

Fourth. Enactment of this bill would make possible establishment by foreign governments—potentially hostile to the United States—of instantaneous communications facilities which might be used to the great detriment of security of this country. Such facilities might even be used to indicate the exact moment an attack on the United States would be most successful.

Fifth. Once radio transmitters are installed by foreign governments, there is no way to effectively assure that the foreign government radio operations are within its authorization. Even the best monitoring installations and equipment could not assure that the foreign government would not take advantage of the authorized installations to sneak use of higher powered equipment, high speed radio transmissions, or different radio frequencies in handling communications adverse to the interests of the United States.

It would appear that the United States could not allow the authorized operation without making some attempts to police it. This would require a considerable expenditure in manpower and facilities, even though there could be no assurance that the policing operation would be completely successful.

Sixth. The rapidly expanding use of radio equipment within the United States and throughout the world has already created a problem in connection with the assignment of radio communications frequencies. Allowing foreign governments to establish radio transmitters within this country would further increase this problem and might result in action detrimental to the interests of U.S. commercial radio companies.

Seventh. Foreign government embassies are usually located in residential neighborhoods. Operation of radio transmitters in such neighborhoods might cause considerable interference to the television and radio sets of citizens in the area. In such cases, the diplomatic immunity of the establishment would leave no recourse for the citizen and voter.

Eighth. According to Acting Secretary of State Ball's testimony before the Senate Foreign Relations Committee on June 21, 1962, in support of S. 3252—same as H.R. 11732—the reason for this bill is to provide the State Department with a rapid means of communication with its "newer posts throughout the world—in Africa, Asia, and Latin America." He said, "Problem before us is not communication with such major capitals as London and Paris or Bonn."

Mr. Speaker, as to the history of this bill, 2 weeks ago we had a rather hurried meeting of the Committee on Rules in order to try to get out some noncontroversial bills in order to have some fillers last week. We considered some eight bills and seven of them were reported. Five passed, I believe, on an oral vote. I think only one of them required a record vote. This was the other bill, with the exception of the freight forwarders' bill, which was continued over, and it was tabled yesterday. We did not have too much time to read and study the bills, the meeting being called rather rapidly in order to try and cooperate. I did not have an opportunity to thoroughly read and study the report on the bill until after it was sent out under the 1-hour rule. I then spoke with our distinguished Speaker, the gentleman from Massachusetts [Mr. MCCORMACK], and told the Speaker my problem. He told the distinguished majority leader, the gentleman from Oklahoma [Mr. ALBERT], not to set this bill up for consideration until I had had an opportunity to study and make appropriate inquiries.

Mr. Speaker, I would like to say to you and our distinguished majority leader that I appreciate the cooperation which has been extended to me not only on this bill but on each and every other request I have made of both of you during the time you were majority leader, as well as Speaker of the House.

Mr. Speaker, I discussed this matter with four men in the Department of State. I learned that the representatives of the Department of State do not share the concern which I have in regard to this measure, as much as I have indicated on my part. They indicated to me they did not think it would be as I feel it could be. In any event, after several discussions, certain language was worked out as an amendment, which the State Department agreed to accept. The language would be to this effect: It provides that the President may authorize a foreign government under such terms and conditions as he may prescribe to construct and operate at the seat of the Government of the United States a low-power radio station in the fixed service at or near the site of the embassy or legation of such foreign government for transmission of its messages to points outside the United States.

Mr. Speaker, this is reciprocal. It has to be worked out so that we may have such transmission station located in the foreign countries, and they may have one here.

Mr. Speaker, the language which I am suggesting will change the purport of the bill in this way where in section (d) it states: "The President may," I intend to offer an amendment to this effect: "provided he determines it to be consistent with and in the interest of national security."

Maybe you will say to me that this language is like being against sin, or something of that kind. But at least this calls it to the attention of the President of the United States. There will have to be some definite finding, in my opinion, that it is consistent with and in the interest of our national security. I hope that it will be determined on a top level, by the President, himself, and not by some career individual in the State Department. That due and deep consideration will be given so that the matter is handled in a way that the national security of the United States of America is not in any way injured in extending the privileges under this particular legislation.

If this is agreed upon, I told the State Department I would support the bill and I told the very able chairman of the Committee on Interstate and Foreign Commerce, the gentleman from Arkansas [Mr. HARRIS]. He agreed to accept the amendment and in turn, in view of the fact that both of us had engagements Tuesday on other official business, which we had had for some considerable period of time, we specifically asked the leadership to place this bill on the suspension calendar last Monday. It was No. 13, and when we reached it we were about ready to adjourn, and some other problem arose. So it was decided to consider the bill today under the rule which had been previously granted.

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Arkansas.

Mr. HARRIS. Mr. Speaker, I simply want to concur in what the gentleman has said. I would like to compliment him on the fine way in which he has gone into the problem, and for having obtained information justifying this action. His understanding is the same as that which I had. I agreed to the amendment. I feel it does offer greater protection. I agreed also with the purposes and intent of the legislation and

that the President should have that authority. This language strengthens it, and again I compliment the gentleman for his assistance to us in that regard.

Mr. SMITH of California. Mr. Speaker, I thank the gentleman. I should like to make one more statement. Some of my friends have said that in view of the farm bill and the higher education bill, my amended language might be taken out in the Senate. I personally have no fear of that. I have not tried to clear that with the State Department or with the gentleman from Arkansas [Mr. HARRIS]. I think the State Department desires this bill, even with the amendment in it and I think the Senate will probably pass the House bill. I doubt very much that we will have any conference report coming back with this language deleted. If it does happen, I will have to acknowledge simply that I was naive, and I will have to apologize.

Mr. DEVINE. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Ohio.

Mr. DEVINE. Mr. Speaker, I wish to compliment the gentleman on his statement. I think we are fortunate, indeed, to have a man of the caliber of the gentleman from California in the House; a man who has had vast experience in the intelligence field, and in his supervisory capacity as a special agent for the Federal Bureau of Investigation for quite a number of years.

I, too, share his concern, having been exposed to the same type of background and training.

I am a member of the Interstate and Foreign Commerce Committee and during the course of our hearings I attempted to question Mr. Ball of the State Department concerning the possibility that these messages could be intercepted or jammed in one way or another. The indication was that they could. We should point out, however, that we are not dealing with a broadcasting station; we are dealing with what they call a low-power point-to-point radio station. I asked Mr. Ball also, as did other members of the committee, whether or not this legislation had been—I will not use the word "cleared"—but discussed with the present intelligence agencies such as the Federal Bureau of Investigation and the CIA. The indication was that it had been discussed with them and that they approved this legislation, as set forth on page 2 of the report.

As I indicated, I do share the concern of the gentleman from California relative to the wisdom of legislation of this nature. It was pointed out by the representatives of the State Department that there is a great need as far as U.S. agencies overseas are concerned to have communication with Washington through this means. However, some of the foreign countries are reluctant to grant this privilege to us unless they have what they call reciprocity; that is, the same right to set up similar stations here in the District of Columbia.

I look upon this bill with a great deal of reluctance, having had experience, knowing of the case of a radio station on Long Island during the war which was used to have communication with the Nazis when they were our enemies. The gentleman in the well knows better than I the dangers involved.

Mr. SMITH of California. I thank the gentleman from Ohio. I know of his long experience in the Bureau and his wonderful service there. I do appreciate his comments.

Mr. Speaker, I know of no objection to the rule, and I have no further requests for time.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. HARRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11732) to amend section 305 of the Communications Act of 1934, as amended.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11732, with Mr. BAILEY in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. HARRIS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the distinguished gentleman from California [Mr. SMITH], a member of the Committee on Rules, has given to the House a very detailed report and explanation of the background of this legislation since it reached the Committee on Rules. At the time when I appeared seeking a rule—and the rule was granted—the questions which the gentleman from California [Mr. SMITH] asked helped to clear up some of the thinking on this important matter. I want to express my thanks again to the gentleman from California for his diligence and his efforts and wholehearted assistance with reference to this highly important and, I may say, somewhat sensitive problem.

I also want to comment on the fact that the gentlelady from Illinois [Mrs. CHURCH] expressed some interest in this proposal a few days ago. She is always diligent in matters before this Congress, and we appreciate the enlightenment she has given us from her discussions and consideration, having been such a valuable member of the Committee on Foreign Affairs over such a long period of time and having contributed so much.

The interest she has shown in this matter has, in my judgment, contributed a great deal.

Mr. Chairman, this is a highly important piece of legislation. Although it appears to be simple, being a very short bill, and has for its purpose a delegation of authority to the President of the United States, in this particular limited field regarding communications, it is, in my judgment, one of the most important pieces of legislation we have had in the field of our foreign relations and, particularly, the procedures we have with reference to communications and the carrying out of our foreign programs and our policies.

Mr. Chairman, our committee held hearings on this legislation which would amend section 305 of the Communications Act of 1934. It is recommended by the administration through the Department of State.

We have the usual reports which are included in the hearings that are available, reports from the Executive Office of the President, the General Counsel of the Department of Defense, a rather lengthy report from the Federal Communications Commission which is included in the report, another one from the Department of Justice and then, of course, the usual report from the Department of State. They are all included in the hearings.

In addition to that, the Under Secretary of State, the Honorable George W. Ball, appeared and testified before the committee on this matter and on its importance and why this legislation was needed. That, of course, is in the hearings that are available as well.

Following public hearings, there were certain questions that members of the committee had. We then went into executive session at which, in an off-the-record session, Mr. Ball indicated to us certain other information that would give a better understanding about the reasons for this program and its purposes.

From these hearings and reports and from the consideration the committee gave to it, the committee was thoroughly convinced of the need for this legislation and, therefore, reported the bill. It was not unanimously reported at the time. There were one or two members of the committee who were not altogether satisfied because of the sensitiveness of it and because of some of the possibilities that probably could develop. They had in their minds some of the same questions which were in the mind of the gentleman from California [Mr. SMITH], of the Committee on Rules. It was because of these feelings that I, together with others, agreed with the gentleman from California [Mr. SMITH] on the amendment which he explained to you a moment ago, in an effort to be doubly sure that at least the Congress intends this to be used in the interest of the United States and for the security of the United States.

Mr. Chairman, the U.S. Government, and specifically the Department of State, has been hampered in the conduct of its foreign relations over the years by deficiencies in the available commercial telegraph channels between Washington and many areas of the world. In today's tempo of international developments, it is imperative that the President, through the Secretary of State, have available to him immediate on the spot reports from widely dispersed areas. Neither commercial enterprise nor diplomatic demands have stimulated many foreign communications administrations to equip themselves to provide the dependable around-the-clock telegraph service which the U.S. Government now requires.

From most European countries and certain other selected areas the commercial service is good and dependable. From a limited number of countries we

have high quality, high volume, U.S. military operated services. In the remaining areas the Department of State has endeavored to install and operate its own radio communications channels. These efforts have been impeded primarily by the fact that existing U.S. law prohibits the operation of similar facilities by foreign nationals in the United States.

After weighing very carefully the considerations of national security, the impact on the American commercial carriers, and the possible problems of frequency assignment, international registration and so forth, the Department of State has concluded that it is imperative in the national interest that steps be taken to facilitate the establishment of operating radio stations in many of our missions abroad and that the only reasonable avenue toward this end lies in the creation of means to grant foreign missions in Washington similar privilege. The proposed amendment to the Communications Act would give the President power to authorize negotiation of selected bilateral agreements under which such foreign missions could on a reciprocal basis operate radio transmitters from their Washington chanceries.

The committee is convinced that agreements will contain sufficient controls to preclude harmful interference with other U.S. radio operations and that the balance of advantage would be in favor of the U.S. Government. It therefore recommends passage of the proposed amendment.

In the course of examination of the proposed bill the committee satisfied itself that the Department of State has based its proposal to regularize and expand its radio-telegraph operations, not on conjectural future possibilities but on recorded instances of serious delays in the past. One such delay played a part in the loss of the life of a Foreign Service officer.

In the first delicate days of the crisis in the Congo, in a situation of civil strife in Algeria, in the chaotic period following the assassination of Trujillo and in many similar situations, our posts abroad have been denied access to international telegraph facilities and thus lost entirely their effectiveness in reporting to Washington. In every case it would have been practical to have had radio equipment at the post, regularly operated or held in reserve for such emergencies, to fill the gap.

The committee has further satisfied itself that the course of action proposed is in conformity with the normal diplomatic practice of most other nations. Many of our principal allies freely grant the right of diplomatic radio operation on a reciprocal basis. It is clearly apparent that the Department of State has investigated the reasonable alternative actions without uncovering any other satisfactory solution.

In summary the need for assured, rapid and secure communications between the Department and our posts abroad is patent. Existing commercial capabilities in many areas do not now and cannot be expected in the near future to satisfy this need. The U.S. Government cannot usurp the privilege of operating radio transmitters abroad without extending similar privilege to foreign diplomatic missions in Washington.

The Committee on Interstate and Foreign Commerce therefore recommends to the Congress passage of H.R. 11732.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman brought in the subject of the Congo. Are the United Nations mercenaries or any of the United Nations headquarters equipped with radio transmitting facilities in the Congo?

Mr. HARRIS. We have no information to that effect, and I do not know.

Mr. GROSS. This was not developed in your hearings?

Mr. HARRIS. No, it was not discussed because this is a bilateral thing we have here in which we are interested for our own purposes and our own security. This is not a matter about which the United Nations is concerned. We do this for our own protection.

Mr. GROSS. Let me ask the gentleman this question: There is nothing in the bill as to the limitation of wattage, is there?

Mr. HARRIS. Nothing specifically in the bill, but in the course of the hearings it was stated and it is stated in the report that these must be low-powered stations not to exceed 400 watts.

Mr. GROSS. What frequency or frequencies are suggested?

Mr. HARRIS. I do not believe we have set out any specific frequencies in the bill. That is a matter which the President would decide after consultation with the Federal Communications Commission.

Mr. GROSS. Was there a determination of the effective range of the transmitters, we will say those located in Washington?

Mr. HARRIS. Yes. That matter was discussed during the course of the hearings, and in the committee in executive session. It is very clear that in order to effectively utilize this procedure it would be necessary to have relay stations. We have such relay stations ourselves.

Mr. GROSS. The gentleman is speaking now, if the gentleman will permit an interruption, of the U.S. global communications system otherwise known as Globecom?

Mr. HARRIS. No. I am talking about relay stations we have in certain places, which could be used. Such low-power facilities together with relay stations would be effective. Other nations may not have such relay stations. For that reason, I am not so sure we are going to have too many requests for authority under this legislation at the present time. Maybe later on, but not now.

Mr. GROSS. What would be the effective range of one of these transmitters located in an embassy in Washington?

Mr. HARRIS. May I say this varies according to conditions. Under ordinary circumstances, I would say 400 miles but under ideal conditions it could be more.

Mr. GROSS. You say it would be impossible to reach the Middle East with a 400-watt transmitter in a foreign embassy in Washington.

Mr. HARRIS. Not directly, but with a relay station, yes.

Mr. GROSS. For this purpose. If there was one in the Russian Embassy, it would be possible to reach a submarine between Washington and the Middle East?

Mr. HARRIS. Yes, the gentleman is correct. That is true.

We have an amendment that we intend to offer here, and the intention of the committee is that this will be applicable, and the President will use it only where we have an understanding with friendly countries and where our security is involved. It is not anticipated that such agreements will be reached as the gentleman might have indicated.

Mr. BRAY. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Indiana.

Mr. BRAY. How prevalent is allowing another country to place a radio station in an embassy? For instance, we have in the United States today how many, or in England, where they have an agreement where other countries have radio transmission stations?

Mr. HARRIS. I may say to the gentleman, as I stated in my previous statement here, as far as England is concerned we have commercial facilities available and we do not need it.

The British Government, however, has always permitted foreign embassies to operate their own radio stations as an extension of the diplomatic pouch.

Mr. BRAY. How general is that? Let us take France. Is she one of the countries that has transmitting stations—or Russia? How general is what we are contemplating doing, how general has that been?

Mr. HARRIS. I may say in certain areas it has not been done as far as we are concerned at all because there is no authority in the law at the present time. In other countries, as in the case of Great Britain, this has been done.

Mr. BRAY. I mean with reference to other countries is this a general idea in which we are behind—I do not think we are behind—but different from other countries, or are we starting something new?

Mr. HARRIS. I do not know what the law is and do not know the procedure in other countries as to what arrangements they have with reference to communications with other countries.

Mr. BRAY. If the gentleman will yield further, the gentleman does not know whether any other country in the world has such an agreement as this legislation proposes?

Mr. HARRIS. I do not know which other countries have or not. I assume that they have tried to arrange their own programs as we do, programs which in our opinion would be in the best interest of our own country.

Mr. CORMAN. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania [Mr. WALTER] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WALTER. Mr. Chairman, there has been some suggestion that passage of H.R. 11732, which would make possible the authorization of diplomatic radio transmitting stations in foreign embassies in Washington, would be inimical to the internal security of the United States.

After careful consideration of all factors involved I have concluded that such stations, operated under the specified controls, would represent no threat to the national security.

There is a great need to have efficient and rapid communications with our posts abroad. The United States is one of the few remaining nations not affording to foreign diplomatic representatives the right of communication by diplomatic radio. However, we cannot avail ourselves of the opportunity to establish such communications because by existing law we cannot provide a reciprocal right in this country. H.R. 11732 will correct this situation. Accordingly, I support this measure and urge its adoption.

Mr. YOUNGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this measure comes from our committee without record opposition. In my opinion an adequate legislative history has been made so that there will be no question as to the intent of Congress in connection with this legislation and the use of these stations.

Mr. Chairman, I learned of a case the other day where even in one of the South American countries there was a situation on which our Embassy was trying to reach Washington, it took them 2 days in order to get a message back to our own country in connection with that affair down there. There certainly is a need for this. I think most of the concern can be obviated because, certainly, the power of any of these stations or any of the embassies could be cut off at any time. So I do not anticipate that there will be any use by unfriendly countries in connection with the stations.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. Yes, I yield to the gentleman from Virginia.

Mr. POFF. The committee report differentiates between point-to-point radio stations, which are contemplated in this legislation, and so-called broadcasting stations. Does that language in the committee report intend to convey that the broadcasts made by these stations could be received only at a specific point, and with specialized receiving equipment?

Mr. YOUNGER. It is supposed to be used only between embassies.

Mr. POFF. If the gentleman will yield further, as a practical matter would it be possible for a receiving set near the location of the broadcasting station to receive the transmission from that station?

Mr. YOUNGER. I could not answer the gentleman on that question. That is a technical matter, and I have no information on that.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield to me at that point?

Mr. YOUNGER. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. As I understand it, this type station has a directional antenna, and that directional antenna points to only a certain point where reception can be obtained.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. I yield to the gentleman from Illinois.

Mr. COLLIER. I am certainly not opposed to the purpose nor the intent of this legislation. But I think we should explore some of the possibilities and probabilities that go hand in hand with a new program of this nature. One is the fact that the probability of the destruction of a U.S. transmitting station in a foreign Embassy in some areas of the world is far more likely, of course, in time of bitter civil strife in those countries than it would be here in the United States. I would hope that there would be some means by which we could insist that the executive withdraw a reciprocal agreement at least where it appeared that the situation, conditions, or circumstances in a given country were such that we might risk the destruction of a facility where there is deep internal strife.

We know from the record that on occasion there have been instances of attack against American Embassies abroad. Of course, this has never happened here in the United States. Since we cannot write this into the bill, I again say that I hope if such a situation does occur that the executive, using the powers granted to it in this bill, would be able to cancel any reciprocal agreement where it appeared in good judgment to be in the best interest and welfare of this country.

Mr. YOUNGER. Mr. Chairman, in answer to the gentleman's question I think it is covered in the bill. He has the right to revoke. I am glad the gentleman brought up the point, because it makes the legislative history indelibly clear on that point.

Mr. COLLIER. I understood that he had the right to revoke; although this is permissive, it is not something that is written into the bill in a manner that would make it incumbent on the executive to do that.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. I yield to the gentleman from Florida.

Mr. CRAMER. Mr. Chairman, I notice on page 2 of the bill the conditions under which these permits are to be granted. The first is "where he determines that the authorization would be consistent with the national interest of the United States" and second, "where such foreign government has provided reciprocal privileges to the United States to construct and operate radio stations within territories subject to its jurisdiction."

Does that second clause eliminate or include Soviet Russia and Red China?

Mr. YOUNGER. In the first place we have no embassy in Red China. But it would include Russia.

Mr. CRAMER. In other words, Russia gives the United States reciprocal privileges and therefore they would have reciprocal privileges?

Mr. YOUNGER. If they gave us the right to establish a station in our Embassy in Moscow then we could give them the right to establish a station in their Embassy in Washington. But it is not mandatory that we negotiate such a deal.

Mr. CRAMER. And if such a station were established through reciprocity, in Washington, that same shortwave radio could be used for transmitting messages to Havana, Cuba, could it not?

Mr. YOUNGER. Not necessarily, according to the bill. And if that were done we could revoke the license for that station.

Mr. CRAMER. How could it be prevented or avoided? If you gave them a license to establish a station or permitted them to have a low-power point-to-point radio station, how could you prevent the people in Cuba setting up a receiving station and getting direct information from the Russian Embassy in Washington?

Mr. HARRIS. Mr. Chairman, will the gentleman yield to me?

Mr. YOUNGER. I yield to the gentleman.

Mr. HARRIS. Mr. Chairman, I think before we go too far with this kind of discussion it should be made abundantly clear that I cannot conceive of any agreement that would be reached that would be applicable to the Soviet Union or Red China. In the first place, there has got to be an agreement, a reciprocal arrangement, between two countries. Let us not kid ourselves, we are not going to agree to it ourselves, and let us not think for one moment that Russia would ever agree to such an agreement. And we know certainly that Red China would not. Besides, we do not have diplomatic relations with Red China; therefore, there could not be an agreement.

In the second place, it would be unnecessary, because there are plenty of commercial facilities available in Russia which we use and which they use in this country. This bill is not for that kind of situation at all. We would not have that kind of problem and it is not anticipated that we would. I do not think we should give the impression that that is what might happen.

Mr. YOUNGER. I answered the question and said that it was possible under the bill, and I think it is possible under the bill; not that it is going to be done, but there is no prohibition here against granting such permission to Russia.

Mr. HARRIS. Mr. Chairman, will the gentleman yield further to me?

Mr. YOUNGER. I yield.

Mr. HARRIS. The gentleman is correct; the President would have the authority.

Mr. YOUNGER. That is right.

Mr. HARRIS. But we have got to make the record clear that under the circumstances and conditions it would

not be expected to happen and it is not so intended.

Mr. YOUNGER. That is correct.

Mr. HARRIS. And the amendment that is going to be offered by the gentleman from California [Mr. SMITH] makes it even more abundantly clear that it will not be.

Mr. YOUNGER. That is correct.

Mr. CRAMER. The point the gentleman has brought out is exactly the point I was trying to get at based on the language of the bill itself. There is no prohibition against the United States giving such a right to the Soviet Union. The further question I asked was: Is there any prohibition against or any way we could control, if that permission were given, the setting up of a receiving station in Havana, Cuba, so that this radio station at the Embassy in Washington could be used to contact Havana, Cuba?

Mr. YOUNGER. May I answer that question by saying that there is communication between the United States and Havana, Cuba, now, and undoubtedly Russia is using that with their code messages. That cannot be stopped.

Mr. CRAMER. I understood the purpose of the legislation was to provide for the transmission of messages to points outside the United States, and that it is needed in order to enable the U.S. Government to offer reciprocity when attempting to secure permission from foreign governments for the establishment by the United States of radio stations in their countries. So I assume the objective is to give the United States, as the report indicates, communication media that will better serve their purposes than is presently available.

Mr. YOUNGER. That is correct.

Mr. CRAMER. Therefore, if the same permission were given to the Soviet Union by reciprocity, that better communications system, which I assume is more secret as well, could be made available between the Russian Embassy in the United States and Cuba. Is that right or wrong?

Mr. YOUNGER. I think it may be technically correct, but I do not believe that it would be used for that purpose. As the gentleman from Mississippi points out, with the directional antenna I doubt if they could use that and at the same time communicate with Cuba.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. According to what the gentleman from Florida has said, it is my understanding these agreements are based on point-to-point broadcasts. The point-to-point broadcasts are made by directional antennas. Unless we entered into some kind of an agreement with Cuba or with the Soviet Government to permit them to broadcast to Cuba, they would not be able to do so. That is my understanding of the legislation.

Mr. CRAMER. I understand that is the objective. The last thing I would suggest would be that the committee would knowingly, intentionally, or purposely bring to the floor of the House a bill that would permit such a thing to happen. But I say that in writing the language of the bill, I wonder if perhaps by oversight or otherwise such a thing is not actually being done. What would prevent the Soviet Embassy in Washington, D.C., if they get a broadcasting license, from turning that antenna at midnight to Cuba when it is a station-to-station setup? You might say that if we find that out we can revoke it, but that is not the point.

Mr. YOUNGER. I did not say that. I did not say anything about revoking it. I say you are setting up certain conditions that I do not believe are going to exist. They would not need that. They have plenty of clandestine radio stations now. We are not naive enough to think that they do not have ample communication. This is supposed to be between our country and our representatives in other countries, and for our benefit. It is for those countries where we do not now have communication. We have plenty of communication systems between here and Moscow.

Mr. CRAMER. I agree wholeheartedly with the objective of the legislation, let me say, but I have considerable reservations about not writing into the legislation itself stronger language that would prevent the misuse of these channels and of these licenses which are being provided for specifically through this legislation that do not now exist.

Mr. YOUNGER. I think the gentleman from Florida is a very competent and able attorney. If he knows how to write into a law language to prevent people from breaking that law, he will have something that we need very badly here in Washington, especially with the Criminal Code.

Mr. CRAMER. I think it would be a very simple matter to provide specifically in this proviso, as an amendment to it, that they would not give permission to any country, and specifically the Soviet Union, to be used in any manner to set up communications with Havana, Cuba.

Mr. YOUNGER. Were you here, and did you hear the gentleman from California's amendment? I think it places the responsibility where it actually belongs. I doubt that there is going to be any violation of that.

Mr. HARRIS. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina [Mr. HEMPHILL].

Mr. HEMPHILL. Mr. Chairman, I want to face some facts here, and some of the things I am going to say are not going to be very nice. Before I do, let me thank the distinguished gentleman from California whose experience as an FBI agent and his character and integrity in the House reflect honor upon his country. He is interested in this legislation and I want to thank him for the assistance he gave to me and to the Congress and to the country in his efforts in connection with this legislation.

I am under no illusion about world conditions. I am one of those people who still recognizes the fact that this is a Christian nation and since the Communists seek to destroy it, they seek to destroy not only Christianity but our Nation and our way of life; I am under no illusion about it. When people talk to me about reciprocal agreements with Communist countries or neutral countries, I recognize in the history of the foreign affairs of this country in the last two decades a pattern in which no agreement that we have entered into, so far as I can determine, with any country of that character has been for our best interests primarily. The Communists do not enter into agreements, and the neutrals do not enter into agreements, unless they can gain far more than we hope to gain, and they have taken advantage time after time of the largess and the Christianity of our people and our taxpayers' dollars. So when this legislation came up, knowing a little bit about radio transmission although not a whole lot, I saw the danger in this.

Now suppose we make an agreement with the Indian Embassy uptown to the effect that we will put a radio transmission station in New Delhi and that they will put one up in Washington. Then Mennon, the man who took our money to buy Russian planes, as I understand, will immediately effectuate some sort of an agreement under which there will be transmitted from Washington anything that the Communists wish, because India wishes to remain neutral and has its hand out to Russia as well as to the United States.

Now that may be a naive approach, but I would rather be naive because I have a feeling that world conditions are closing in on us, and I have a feeling that we are coming to a place in history where as a nation we must determine whether the future of this sphere we call the earth shall be Christian or slave. I do not want to further the effort of the Communists in any way. When I put in the additional views on the legislation I had ample reason. We had one day's hearings on this and at about 11:55 a.m. a Mr. Craven, of the Federal Communications Commission, came to the witness stand. He did not have time to finish. He put in a statement. I would like just to quote some of the things that are in that statement. He says:

> At the outset I wish to make clear that the Commission is not in a position to evaluate the need of the Department of State for this legislation. Nor is the Commission in a position to assess the extent of the security problem—an area in which we have no experience or expertness.

So in effect what was happening was that the Federal Communications for some reason was passing the buck. He went on to say:

> There are several problems which arise with respect to matters within the Commission's jurisdiction, and I would like to refer to briefly: First, the scarcity of frequencies in the 4 to 27.5 megacycles frequency range used for most long-distance communications and in which the proposed stations would be expected to operate.

Here is what has happened: We are becoming involved on a reciprocal basis in an area of the radio transmitting spectrum in which there is not a great deal of room. We are enabling some of these foreign countries to take places in the transmitting field which could well be reserved for the education of Americans or for other good purposes.

He goes on to say further:

> Second, the potential interference to U.S. radio stations which could result.

If this Cuba thing erupts, you are not going to smile at the breakfast table and enjoy life as you have been. People are going to die and we people here in Washington, D.C., those presently enjoying diplomatic privileges, Members of Congress, and others are going to feel very severe results. It could result in the jamming of civil defense channels in the spectrum from 4 to 27.5 megacycles.

Aviation experience in the war teaches us that a transmitter can be changed in 10 seconds and the direction of a directional antenna can be changed in 30 seconds.

Then, again, directional radio is not narrowly confined or nearly as directional as might be supposed. For instance, a directional radio beam from Richmond, Va., would be an estimated 45 miles wide right here in Washington, D.C. Not only is that true, but the territorial waters do not extend too far beyond Washington, D.C. There is a possibility of the potential setting up of a spy network. If I thought we were going to set up a good spy network, I would be for it, but experience dims my thinking in this regard.

Next, Mr. Craven said, is the problem of enforcement and surveillance. Here is what we are doing. We are giving these foreigners on a reciprocal basis certain things which we do not give our own people, the taxpaying people of the United States.

The fourth point Mr. Craven brings up is possible loss of revenue by U.S. communications common carriers as a result of traffic being diverted to the proposed embassy radio stations.

I asked who was going to make the decisions, and the Under Secretary of State said the State Department was. That concerned me considerably as I thought about the safety and security of the American people for the future.

One other thing. I asked why some country should take millions of dollars of our money and not give us a radio station, and they said they wanted to be dignified about it. Yes; they want to be dignified. They want one hand in your pocket and a transmitter at your ear, but they do not want to give us anything for it. They have no friendship for us, and they do not want to do it reciprocally. That is no basis for any kind of dealing at all.

I have every confidence in the President, no matter who is President, while in the State Department I do not have that confidence. They could make an agreement with a foreign country, and he could say: "You can transmit on such and such a frequency, and we will transmit on such and such a frequency in your country."

They will have a station set up in 10 days. We will find all sorts of trouble setting our stations up. We are so honest in this country, we would not jam these frequencies, but they would jam ours. That is the situation which could exist.

The gentleman from California said the thing would be tightly controlled. The legislation does not say that, the report does not say that, and the testimony does not say that. He was speaking his and my hope that it will be tightly controlled.

This is just a little thing. I do not think the passage or the lack of passage of this legislation is going to make or break the Nation. It is just a part of the pattern—one of the dangers, one of the loopholes, one of the places where we are reciprocating, one of the places where we use the word "reciprocate" when we have been reciprocating a long time.

This is dangerous legislation.

The CHAIRMAN. If there are no further requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 305 of the Communications Act of 1934, as amended, is further amended by addition of a new section as follows:

"(d) The provisions of section 301 and 303 of this Act notwithstanding, the President may authorize a foreign government, under such terms and conditions as he may prescribe, to construct and operate at the seat of government of the United States a low-power radio station in the fixed service at or near the site of the embassy or legation of such foreign government for transmission of its messages to points outside the United States, where he determines that the authorization would be consistent with the national interest of the United States and where such foreign government has provided substantial reciprocal privileges to the United States to construct and operate radio stations within territories subject to its jurisdiction. Foreign government stations authorized pursuant to the provisions of this subsection shall conform to such rules and regulations as the President may prescribe. The authorization of such stations, and the renewal, modification, suspension, revocation, or other termination of such authority shall be in accordance with such procedures as may be established by the President and shall not be subject to the other provisions of this Act or of the Administrative Procedure Act."

With the following committee amendments:

Page 1, line 4, strike out "section" and insert in lieu thereof "subsection".

Page 2, line 2, after "United States,", insert "but only (1)".

Page 2, line 4, after "and", insert "(2)".

Page 2, line 5, strike out "substantial".

The committee amendments were agreed to.

Mr. SMITH of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of California: On page 1, line 7, after the word "may" insert "provided he determines it to be consistent with and in the interest of national security".

Mr. SMITH of California. Mr. Chairman, I attempted to explain the purpose of this amendment in the presentation of the rule, and I do not believe it is necessary for me to repeat any of the information at this time. The basic purpose of it is this: It is my hope under this language that the President will use his best judgment and advice so that this legislation will not in any way jeopardize the national security of the United States of America.

I commend the gentleman from South Carolina [Mr. HEMPHILL] for the excellent statement he made. It was his statements in the minority views that brought this subject to my mind. I am concerned with the same worries which the gentleman has. However, I have proposed this language with the hope that it will satisfy what I have in mind and that it will not harm the national security. I cannot assure anyone what its ultimate result will be, and I may be all wrong. However, it is the best I can do, and I have agreed to support the bill with this language in it, which language has been accepted by the State Department and by the chairman of the committee, the gentleman from Arkansas [Mr. HARRIS].

Mr. LIPSCOMB. Mr. Chairman, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from California.

Mr. LIPSCOMB. Could the gentleman say whether under this legislation as it is now written, giving the authority to the President to prescribe rules and regulations and other determinations, the President could delegate the authority which he has to any other persons such as the Secretary of State or the Secretary of Commerce, or to any other person in the executive branch of the Government?

Mr. SMITH of California. There would not be any question in my own mind but that the President could delegate the authority, if he so desired. However, we use such a phrase as this in other legislation where such authority is given to the President of the United States, or to other Departments. Some suggestion was made that in this matter the President personally be required to make the decision. That would be going a little bit too far, to ask the President of the United States to accept language such as that, regardless as to whether it was President Eisenhower or President Kennedy, or some future President of the United States. But to answer the gentleman's question, yes, I think he can delegate such authority, but I hope he will not. I hope through the information he has through the CIA, through the State Department and through all the other sources that he should have at his command, and the President is the only individual in the United States of America where all of these organizations can funnel information to him, I certainly hope he would use his every personal effort to make certain that all of these reciprocal agreements will not be detrimental in any way to our national security.

Mr. LIPSCOMB. If the gentleman will yield further, is there any way we can determine whether or not the President will know what is involved in these rules and regulations and the terms and conditions that are prescribed in this legislation? Is someone in the State Department going to make the decisions without the President really knowing what the reciprocal arrangement would be?

Mr. SMITH of California. I hope not, but I cannot answer that question, of course. I cannot answer the gentleman's question in that respect at this time.

Mrs. CHURCH. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the chairman of the full committee, the gentleman from Arkansas [Mr. HARRIS], has during the debate made very kind remarks about my efforts on Monday to halt action on this bill in order that the Members of the House might have additional information. I spent the major part of the next 2 days seeking that information. I would like to say that from every agency of the Government to which I made inquiry, I received full answer to every question asked.

Mr. Chairman, as a member of the House Committee on Foreign Affairs, I have access to material, which cannot be divulged here today, nor put later in the RECORD. I would say, Mr. Chairman, that I am thoroughly convinced of the sincerity of the request for this power to give and receive reciprocal transmitting privileges. I am thoroughly convinced, moreover, on the basis of what I have learned, that it would be to our advantage to be able to establish transmitting stations in certain portions of the world in which we do not now have them. The evidence placed in my hands give the names of those nations which have to date refused us the privilege of setting up such transmitting systems in our embassies in their countries. I would put all that information in the RECORD and I would tell it to the Committee if I were at liberty to do so. I repeat that the State Department and other agencies have supplied all the information requested, and I acknowledge their cooperation gratefully.

What bothers me, Mr. Chairman, is the "quid" that we may be forced to pay, in return for the "quo." I have sat on the floor today earnestly wishing that I could quiet my own concern—that I could answer the very sensible, practical questions that have been asked. Frankly, I have come to the conclusion that when so many questions arise, there may be a danger that this committee today may later find that it has taken very hasty action. It is a question to be considered most carefully; this question as to whether we are, in order to get something which we need, giving up protection which we now have and certainly also need. It is one of the most "iffy" questions that I have faced since becoming a Member of Congress. It is one that every Member of the House must answer for himself.

I am inclined to think, Mr. Chairman, that the practical commonsense which characterizes the House of Representatives will, if time is extended, enable it to cope with this problem. But I am not happy to rush into action on this proposal. I would support a motion to recommit which would permit us to have a little more time to consider the problem, in all its implications—implications that have been forcefully brought out in this debate.

Mr. DEVINE. Mr. Chairman, will the gentlewoman yield?

Mrs. CHURCH. I yield to the gentleman from Ohio.

Mr. DEVINE. Mr. Chairman, I thank the gentlewoman for yielding.

I should like to ask a question or two of the gentlewoman because I have the highest respect for her and I know of the devoted service she has performed in trying to get the right answer in connection with this legislation. The gentlelady mentioned the quid pro quo. Is not the gentlelady convinced that if the Russians—and our chairman said there is no use fooling anybody, the Russians are not going to grant us this reciprocal right; I am not too sure they will not, because if they feel it would be to their advantage to install these facilities in Washington perhaps they would grant us the so-called "reciprocal"—and I use the word in quotes—rights and then jam our frequency. But the specific question I would like to ask is this. Assuming the Smith amendment is adopted—and I intend to support it—does the gentlelady feel secure that there is no longer any risk that these facilities might be misused by the "pro" of the quid pro quo?

Mrs. CHURCH. I thank the gentleman for reminding me that I rose specifically to support the amendment. The amendment eliminates some of the danger, and should be adopted.

The CHAIRMAN. The time of the gentlewoman from Illinois has expired.

Mr. COLLIER. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I yield to the gentlewoman from Illinois.

Mrs. CHURCH. Mr. Chairman, I thank the gentleman. The gentleman is right in being very cautious in this matter. No one can guarantee against possible misuse of the privilege sought to be granted. I hope the amendment will do what we seek to have it do. Without it the legislation should not be passed. But I could not guarantee that the inclusion of the amendment, although I urge the House to adopt it, would remove the reasons for the fear in the minds of the House as to what might happen.

Mr. BOW. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I should like to address a question to the distinguished chairman of the committee. It is a question that disturbs me although I have not heard it discussed. I believe that a radio station can be used as a homing beacon for aircraft. That is the reason we have Conelrad, so that we take our broadcast stations off the air in order that we will not have a beacon by which enemy aircraft could find their way into an area.

My question is this: If we grant the reciprocal right to some 92 nations, or whatever it may be, is there not a danger that event though we take our radio stations off the air under the control, one of these radio stations in some embassy could be used as a homing beacon for attack aircraft coming in against us?

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I will be delighted to yield to the gentleman.

Mr. HARRIS. I cannot conceive of approval being given under a reciprocal arrangement here for a channel that would be available for this particular use. I suppose, as the gentleman very well knows, that when you have a facility that uses a particular channel and that facility is geared to that channel, the gentleman knows the practical situation that certain other things can be used in that particular channel other than just sending mere words. From that standpoint, I would say that possibly it could be so used, but I do not think it is possible that it could be under the very strict monitoring provisions that we have and have constantly utilized in this country. There is a lot of concern about this, and I can very well understand it.

Mr. BOW. This is my only concern. I know there is some need for these facilities because I know the situation, having served on the Subcommittee on Appropriations for the State Department. But this does indicate concern that if these facilities could be used as a homing beacon in case of enemy attack they could find their way directly, set their instruments to get directly on target. This question is a very serious situation.

Mr. HARRIS. If that is the only thing that concerns the gentleman about this, I would suggest that he really, the way I see it, has no need for concern, because if that is going to happen they are going to set them up legally or illegally for that purpose, and they are going to have them in this country anyway. We know that is going to be a fact.

Mr. BOW. Do I understand the gentleman to say he feels there could be illegal stations set up that we would know about, and that we could get rid of them?

Mr. HARRIS. Yes.

Mr. BOW. I thank the gentleman.

Mr. HARRIS. I do not think I want to comment any further on that.

Mr. GROSS. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I should like to ask a question or two, for I have very serious doubts about this legislation. Like the gentleman from Ohio [Mr. BOW] I have no doubt that we need to improve our communications system throughout the world, but I question how far we should go, if I may put it this way, in legalizing the operation of any kind of foreign radio transmitters in Washington, D.C., or anywhere else in the country. The gentleman says that this permission will not be given to unfriendly countries, that it will go only to friendly countries. I believe that was the gentleman's statement earlier today in this debate. Is that correct?

Mr. HARRIS. That is not so stated in the language of the bill, but with the amendment the gentleman has here and with the language of the bill on page 2 about the national interest it could have no other interpretation.

Mr. GROSS. But we have unfriendly embassies in this country. They are still here despite the fact that we sometimes question whether or not it is in the national security and interest to have them here.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. WILLIAMS. Of course, I would agree with the gentleman on that and I recognize that fact. But at the same

time, we need a listening post in these other countries as much as we need one in ours, and this is the only way we are going to get it.

Mr. HARRIS. The important point I want to make is that this is on a reciprocal basis.

Mr. WILLIAMS. That is correct.

Mr. GROSS. We are told, using this designation of "friendly" and "unfriendly," and on a basis of reciprocity that, for example, the Soviets will not have a transmitter nor do I assume will any of the satellite countries have transmitters in this country. Neither will we have transmitters in those countries. Yet, it seems to me the place where we need transmitters most is in the unfriendly capitals where we maintain embassies. Now how are we curing our lack of communications in those countries where we need the communications the most, on the basis of this legislation?

Mr. WILLIAMS. This is predicated on the idea that if we are to get something, we have to yield something and we break even with them when we permit them to put their radio transmitter here in return for our radio being put up in their country.

Mr. GROSS. But you say they will not be permitted to have transmitters in their embassies here?

Mr. WILLIAMS. No; I did not say that.

Mr. HARRIS. No; we were talking about two countries here, and they were Red China and Russia, and I was explaining why I did not think it would be applicable insofar as those two countries are concerned.

Mr. GROSS. Where does this Government need them any worse than in the Soviet-dominated countries and their satellites?

Mr. HARRIS. I do not suppose I can say where we need them any worse, but there is some limit to what we can give up here in order to get that kind of reciprocity.

Mr. GROSS. As I say, you are not curing the communications problem that you say you have.

Mr. HARRIS. But we could get through to a good many places or a number of places at least that we are not getting through to today, which we could get to by this arrangement.

Mr. GROSS. We have not yet been given the price tag for this bill, but I suspect that if a transmitter is located in Ouagadougou, where they now have 8 people who seem to have little else to do but decode and encode two or three message a day, there will probably be 8 plus 8, or 16 or more employees. But that is somewhat beside the point. I am much more interested in the security of the United States. That is the important consideration.

Mr. HARRIS. There is a comment on page 2 of the report. The Department of State has developed a program contemplating the installation over a period of 10 years of facilities in as many as 92 countries at a cost of from $5,000 to $200,000 per station. The estimated total expenditure during this 10-year period for these facilities, including the first-year cost of operation, is estimated to be approximately $23 million.

Mr. GROSS. In other words, the total bill is estimated to be $23 million.

Mr. HARRIS. Yes.

Mr. GROSS. I wonder too, what we are doing here authorizing the spending of that kind of money when we are going to have communication satellites, and not just Telstar but other communication satellites, as I am sure the gentleman well knows.

Mr. HARRIS. It would be a private corporation if it is set up. And if they set up facilities where we have commercial facilities available, then this will not be required or needed.

Mr. GROSS. We are going to have military communications satellites, the gentleman knows that; does he not?

Mr. HARRIS. Yes.

Mr. GROSS. And we are going to have them in the not too distant future.

Mr. HARRIS. We will not need this kind of arrangement where military communications are available.

Mr. GROSS. Is there any reason why we cannot use the same military facilities for coded messages from the embassies?

Mr. HARRIS. That is being done in certain instances today.

Mr. HOEVEN. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, it is quite evident to me from the many questions asked by Members that there is deep concern among the membership as to this legislation. It seems to me that in a sense, we may be legalizing espionage. The gentleman from South Carolina [Mr. HEMPHILL], in his additional views as set out in the committee reports, says that a low frequency station in Washington, D.C., could well communicate with a spy ship just off the coast.

In spite of all the amendments and restrictions we may adopt, how in the world is our Government going to supervise or know what is going on between an Embassy in Washington and a spy ship in the Atlantic? We might find out to our regret what was going on after it was too late. I do not know how we can make this bill absolutely foolproof. It seems to me we are taking some risk here and that the bill deserves more careful consideration. Personally, I think the bill should be recommitted.

Mr. HARRIS. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman from Arkansas is recognized.

Mr. HARRIS. Mr. Chairman, I merely want to say that the committee has done everything it could to bring this matter to the attention of the House and give the membership as full and complete information as we could.

The committee, with the exception of one or two members, is very convinced as to the need for this legislation.

I support the amendment offered by the gentleman from California. I believe that the amendment itself together with the record make it very clear that this responsibility lies not only with the President himself, but that it is to be invoked only when it is in the best interest of our country. If we cannot depend upon the President to take action in the best interest of the country, I do not know how to suggest you go about it.

I believe there is ample protection of our own security, and even though it is a sensitive matter I think it behooves us to not try to read something into it that does not exist, but to recognize our responsibility to ourselves in an effort to do what is best for our country by approving the amendment and adopting the bill.

Mr. BRAY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I think there is no question but what this legislation could work to the benefit of our country if you could rely on the honor and word of the Communist nations, but you cannot do that. But, Mr. Chairman, the fact is that not one single agreement we have ever made with Russia or the Communists has ever worked in our favor. The reason for this is that we Americans play the game by one set of rules, honesty, and straightforwardness; the Communists play it by another set of rules entirely. To the Communist lies and chicanery are ways of life. The result is that no matter how hard we stick by our accepted principles the Russians will not. That has been proven over the many years ever since the first time we recognized Communist Russia in 1933. Will we ever learn?

I well remember in Korea at the end of the war when we were directed by the State Department to turn the Chickisua building over to the Communists as a political headquarters. That building had one the finest printing presses in all Korea. Immediately they started making counterfeit money and did a great deal toward destroying the value of the currency of that country. Such actions have gone on over the years. This legislation if it becomes law could play into the hands of the Communists. I realize that this legislation is intended to be reciprocal but there can be no fair outcome for us when you play the game by one set of rules and the Communists play the game by an entirely different set of rules. Apparently our State Department continues to trust the Russians. I do not. I do not want Moscow or other such countries to be able to set up a radio station in Washington, even though our State Department believes that they can properly protect our interests in such a station and that we can benefit by having a station in Moscow.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. SMITH].

The amendment was agreed to.

Mr. CRAMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAMER: Page 2, line 16, after the word "Act", strike out the period and quotation marks and insert *"Provided, however,* That when such authority involves a Communist nation or a nation under Communist domination, such authorization shall be subject to the specific approval of the Foreign Affairs and Foreign Relations Committees and the Interstate and Foreign Commerce Committees of the House and Senate, respectively."

Mr. CRAMER. Mr. Chairman, I think the same problem is of concern to all of

us that has been expressed by those who have some reservations as to this legislation.

I was very much impressed with the remarks made by someone in whom I have a great deal of confidence, who has considerable knowledge of our foreign affairs that is not available to each Member of the House. I refer to the distinguished gentlewoman from Illinois, [Mrs. CHURCH], when she observed that the problem involved is what is quid and what is quo. That is what I have attempted to express in regard to this legislation. It is the duty and the responibility of the Congress to retain a review over the authorization and the licenses issued to these foreign governments that have embassies in this country. They involve Communist-dominated nations, including the Soviet Union, that have embassies in this country, and if they ask for transmitters, the Congress of the United States should reserve the right to review what is quid and what is quo, and what the Soviet-dominated nations and the Soviet itself has agreed to do in exchange, and what assurances we will have that they are going to reciprocate.

I think the issue that has concerned all of us involves the unfriendly nations, Communist nations, Communist-dominated nations. Can these transmitters be used for the purpose of espionage? We are concerned about making certain no Communist message could be communicated between Washington, D.C., and Castro's government in Havana, Cuba.

I have listened to the answers to these questions, but I personally am not satisfied it could be used by a government that has shown it does not intend to live up to its agreements, meaning Soviet Russia. It has not lived up to its agreements in the past. Berlin is a perfect example of this. I think it is essential in connection with any arrangement between Soviet-dominated countries and the Soviet Union in this country, giving their embassies in Washington the right to transmit on a license given by this Government, the Congress should retain the power and right to review what agreements have been entered into and what assurance we have that our best interests are going to be served.

I am concerned about this bill. I have given some thought as to how the Congress can be sure that in administratively carrying this out, it is and will be in the best interests of the United States. I am not convinced if the administration of it lies exclusively in the State Department, knowing its record of failures and inadequacies in Cuba, that their decisions will be in the best interests of the United States or, for that matter, for the best interest of the free world.

In my opinion, this amendment would do much to remove some of the questions raised with regard to this by satisfying and assuring us that in connection with any such agreements entered into those agreements will be in the best interests of the free world.

I hope a quo will result from our permitting a quid in the first place.

Mr. HARRIS. Mr. Chairman, I rise in opposition to the amendment.

Mr. HARRIS. Mr. Chairman, I am perfectly aware of the good intentions of the gentleman from Florida [Mr. CRAMER]. We all know of his intense interest in matters of national security. We all know how intensely interested every Member of this House is in our security. I do not think any one of us can say that we hold any particular claim to the interest of our country more so than anyone else. I am not an expert on foreign affairs, I must acknowledge that fact. I wish I knew more about our foreign affairs. I wish I had the answer to many of these questions with reference to Cuba, Berlin, Russia, and the Communists. However, the Constitution of the United States says the President of the United States has that responsibility. For 8 years prior to 1961 we had a man as President who should have been, because of his experience as President of the United States, who should have known since he was involved and experienced with communism, with Berlin and with the foreign relations of this country. He gave 8 years of his life and we had a lot of confidence in him. That was President Eisenhower. During the time he was President he would do the best he could.

Mr. Chairman, we have got to depend upon the President of the United States to lead and direct these affairs. I am as interested as the gentleman from Florida [Mr. CRAMER], and all of us in this House are interested, in the President and anyone else giving us as great assurance as he or they can as to what is best for us. We want to contribute to it in the best way we can, and we want and strive for it as an objective.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the distinguished Speaker.

Mr. McCORMACK. I want to call attention of my colleagues to the fact that the amendment says "the approval of two committees of Congress." We pass a law, and we say that it cannot be operable unless two committees of Congress approve it. My friend, the gentleman from Florida [Mr. CRAMER] talks about a review. A review is different than approval. There is a serious constitutional question involved here, but outside of that, after the amendment is adopted, then there has to be not a review but approval. If the gentleman provided for 30 days' consideration, as is provided in other matters as, for instance, the armed services in the selling of real estate, and so forth, that is an entirely different proposition. This bypasses the House and the Senate, and bypasses the Speaker. I am not expressing any pride. A review is one thing, but vesting in a committee the power to disapprove, why, that is an entirely different thing and is an unwise precedent, in my opinion, for the Congress to institute.

Mr. HARRIS. The Speaker is eminently correct, and I was going to come to that. That is precisely what I was leading up to. I thank the Speaker for calling it to the attention of the Members of the House much better than I.

I do think it is a dangerous precedent to give committees of the House the power and authority to override a decision of the President of the United States.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Florida.

Mr. CRAMER. I would suggest to the distinguished Speaker, with whom I do not particularly relish taking issue, that in the first place the amendment is limited to Communists and Communist-dominated nations insofar as congressional approval through committees of specific licenses is concerned. Much of this information has to be confidential in nature and could not be made available to the House in the first place. The committee is the best place to make the decision without dealing in this area with confidential information. May I say, in the second place, that I am sure the distinguished Speaker is fully familiar with precedent with respect to committee approval and I specifically cite to the distinguished Speaker the Jones-Cramer Public Buildings Act in which the Public Works Committee of the House and the Senate were given specific authorization and authority with regard to public buildings, without the Congress acting in any of them. There is precedent for it. As a matter of fact, I understand there is precedent in the trade bill for exactly the same thing.

Mr. HARRIS. Mr. Chairman, I insist that it would be a very bad thing to do. I hope the Committee will not approve the amendment.

Mr. YOUNGER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am rather impressed with all of these amendments that spring from lack of confidence. There is nothing that I know of that we can put in legislation that is going to instill confidence in anybody. I was quite impressed with the gentleman from South Carolina, who was very honest and confessed that if it were left in the hands of the President he would not complain too much about it, but he had the idea that it would be handled by the State Department and he had no confidence in the State Department. In legislation we cannot put confidence in the hearts of anybody. It cannot be done.

The objection that I have to this amendment is that it brings something entirely new into our foreign relations. So far as I know, there is no precedent at all for the Members of the House, certainly not our committee, to have anything to do with foreign relations. If it were limited to approval by the Senate, considering that this relationship between the two countries was in the form of a treaty and should have to be approved by the Senate then I would say there was certainly some precedent, some reason for it. But in its present form I certainly could not approve the amendment, and I hope the House turns it down.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. I yield to the gentleman from Florida.

Mr. CRAMER. On the latter point—and I, of course, have great confidence in the gentleman's opinion—the gentleman takes the position that the bill under consideration, involving foreign affairs, but coming out of the Committee on Interstate and Foreign Commerce, should not have been here in the first place. All I am asking is that the gentleman's committee and the Committee on Foreign Affairs of the House and the Foreign Relations Committee of the Senate be given a chance to look at what was done for the very reason the gentleman indicates; and that is that this involves foreign affairs and the Foreign Affairs Committee should have the opportunity to consider it. That is the very purpose of the amendment. It amends the action of the Committee on Interstate and Foreign Commerce in bringing it out in the first place.

Mr. YOUNGER. The gentleman also realizes that even on the matter of treaties the House Committee on Foreign Affairs does not approve. It is the Senate that has that power of approval. These reciprocal agreements might very well be considered in the form of treaties. I did not have the assignment of this bill to our committee. As it develops, perhaps it would have been better if it had not been given to our committee. Nevertheless it came to our committee and we did the best we could with it. It is something that the administration needs, something they are very anxious to have, and so far as I am concerned I am perfectly willing to give it to them.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. I yield gladly to the gentleman from Iowa.

Mr. GROSS. The gentleman seems to indicate that the House has nothing whatever to do with foreign policy, or at least very little. I am under the impression that we will be called on next week to pass a resolution dealing with Cuba. That certainly puts the House of Representatives very deeply into the matter of foreign policy and foreign affairs.

Mr. YOUNGER. That is a guideline and this bill is a guideline. In this bill we have definitely set forth guidelines and instructions and legislative history as to what we believe the President ought to do.

Mr. GROSS. If the gentleman will yield further, only yesterday we did something more than set up guidelines and yardsticks, in the foreign giveaway bill. We dealt with transportation of various materials to Cuba, did we not, and we put definite prohibitions and restrictions into the bill.

Mr. YOUNGER. That is correct; and we can do that. But it has to be approved by the Senate, also.

Mr. COLLIER. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I take just a moment to say that I think perhaps we may, in the emotional feeling of our discussion here, be losing sight of the fact that this legislation is in fact an amendment to the Federal Communications Act.

In reality it is necessary only because we have an established act to cover licensing communications and because it is a wholly new concept. What is further involved is nothing more than an authority within the realm of this new concept to enter into international negotiations. What would undoubtedly happen in the performance, if this legislation is passed, is the same thing that takes place in other types of international negotiations wherein we negotiate country by country to establish these communications facilities. If it were not necessary for us to do this within the concepts of the existing Federal Communications Commission laws we would not even be dealing with this legislation today. The authority and the power to engage in international negotiations is already vested in the Executive subject to ratification by the Senate.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. With respect to the amendment that is before the House, I would call the attention of the membership to page 17 of the hearings in which the gentleman from California [Mr. YOUNGER] asked Mr. Ball, the Under Secretary of State, the following question:

> Mr. YOUNGER. Are you willing to limit this to friendly nations?
>
> Mr. BALL. I would say we are willing to limit this to the situation where our own need for facilities is the overriding consideration, and where there would be a judgment by the President that it was in the national interest for us to have these facilities in spite of any disadvantages there might be for that country to have facilities here. Those disadvantages, as appears from an examination of the problem—a very careful one—are very slight indeed.

I think that in our discussion we are possibly losing sight of the purpose of the legislation. The problem is outlined on page 2 of the committee report, as the gentleman from Arkansas [Mr. HARRIS] mentioned a moment ago, where it says:

> The problem of establishing such communications exists primarily in some of the countries in Africa, Asia, and Latin America. It does not exist in Western Europe or other areas where up-to-date commercial communication systems are available.

It further points out:

> This legislation will not create any security problems, since the use of these facilities by foreign governments will not materially enhance their opportunity for transmitting secret information as compared to currently available commercial facilities and pouch services.

In other words, for instance, Russia already has ample means of transmitting information outside of the United States. Certainly the setting up of a low-power radio station under this program under a reciprocal agreement would not enhance their opportunity for transmitting any secret information.

Permit me to say as should be evident from my votes in this body, that I take a back seat to no one in my lack of confidence in the State Department, and I certainly have never been a rubber stamp for the New Frontier. But here they are asking for something, as I am sure the gentleman will agree, that is definitely in the interest of the United States of America. For that reason I support it, notwithstanding the fact that it may be advocated by the State Department.

Mr. COLLIER. I thank the gentleman for his contribution.

Mr. PUCINSKI. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am opposed to the amendment and support the bill, but I take this time to establish two factors of legislative history here. In view of the statement of the gentleman from Mississippi, are we then to understand that it is the intent of this legislation that the Government of the United States will not permit or authorize the installation of any such radio facility in a foreign embassy unless and until a reciprocal agreement has been reached and we are permitted to install similar American facilities in our own Embassy located in the country receiving this privilege from the United States? I want to find out if this legislation means that no such authority shall be given to a foreign country until that country has unequivocally given us similar authority?

Mr. WILLIAMS. That is absolutely correct; as is provided by the condition No. 2 which is imposed on the setting up of these stations or these agreements shown on page 2, line 5.

Mr. PUCINSKI. Therefore, it is not the intention of this legislation, for instance, to permit the Soviet Union to establish a station here in their embassy and then dangle us like a yo-yo for 3 or 4 years while they are debating and studying whether or not they should give us the same opportunity in Moscow? In other words, I understand this legislation to mean that nothing gets moving in this country in a foreign embassy until the agreement has been nailed down with the foreign country to permit us to do the same thing in that foreign country. Do I understand the situation correctly?

Mr. WILLIAMS. I think you do. The language of the bill says, and one of the conditions is, "where such foreign government has provided reciprocal privileges"—it does not say "agrees to provide"—it says "has provided reciprocal privileges to the United States to construct and operate radio stations," and so forth.

Mr. PUCINSKI. On that point also, with reference to that very language "where such foreign government has provided reciprocal privileges to the United States to construct and operate radio stations within territories subject to its jurisdiction." Do I understand the language "within territories subject to its jurisdiction" to mean territories subject to the jurisdiction of the host country and not to refer to the immediate area of our own American embassy in a foreign country?

Mr. WILLIAMS. I would think that would be subject to the terms of the agreement.

Mr. PUCINSKI. Do we understand then that in the language "within territories subject to its" that the word "its" here refers back to the host coun-

try's jurisdiction and not our own U.S. jurisdiction in a foreign country? Do we understand that correctly?

Mr. WILLIAMS. Yes, that is correct as to the use of the word "its" on page 2, line 8.

Mr. PUCINSKI. I thank the gentleman for his explanation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. CRAMER].

The amendment was rejected.

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

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SCHADEBERG. Mr. Chairman, I have profound respect for the judgment of my colleague, Mrs. CHURCH from Illinois. She has with complete frankness suggested that we might well delay a decision.

I have faith in my colleagues on the Committee on Interstate and Foreign Commerce. I have no doubt that we all have an interest in our security and the preservation of our great Nation. In the motion to recommit which I shall offer, I certainly do not question the loyalty or integrity of any one Member of this House, the administration, or the State Department. Loyalty or integrity is not the question.

We are dealing here with a very, very serious matter. We are not dealing with a mere toy. It is the future of people I desire to protect and this desire demands more than a mere hope that this legislation is not damaging to our defense or security.

Unless we here can be given complete assurance that immediate action on this matter is absolutely essential to our national security and delay would present unreasonable risks to our security it is our responsibility as representatives of our people to delay action until the convening of the 88th Congress.

Mr. HARRIS. Mr. Chairman, I move that the Committee now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BAILEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11732) to amend section 305 of the Communications Act of 1934, as amended, pursuant to House Resolution 779, he reported the bill back to the House with sundry amendments adopted in Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered. Is a separate vote demanded? If not, the Chair will put them en gros.

The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

Mr. SCHADEBERG. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. SCHADEBERG. I am.

The SPEAKER. The gentleman qualifies. The Clerk will report the motion.

The Clerk read as follows:

Mr. SCHADEBERG moves to recommit the bill H.R. 11732 to the House Committee on Interstate and Foreign Commerce.

Mr. HARRIS. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken and the Chair announced that the noes appeared to have it.

Mr. SCHADEBERG. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. HARRIS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARRIS. Is this a vote on the motion to recommit or on passage?

The SPEAKER. This is a vote on the motion to recommit.

Mr. HARRIS. I did not so understand it. I understood the Chair to say the motion had been rejected.

The SPEAKER. The vote is on the motion of the gentleman from Wisconsin to recommit the bill.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken and there were—yeas 95, nays 208, not voting 132, as follows:

[Roll No. 244]

YEAS—95

Alger	Feighan	McCulloch
Andersen, Minn.	Findley	Matthews
Anderson, Ill.	Ford	May
Ashbrook	Garland	Michel
Ayres	Gavin	Miller, N.Y.
Baker	Goodell	Milliken
Baldwin	Goodling	Mosher
Baring	Griffin	Nygaard
Bell	Gross	O'Konski
Bennett, Fla.	Gubser	Pelly
Berry	Hall	Pillion
Betts	Harrison, Wyo.	Ray
Bolton	Harsha	Reece
Bow	Harvey, Mich.	Rogers, Fla.
Bray	Hemphill	Roudebush
Brown	Hiestand	Rousselot
Bruce	Hoeven	St. George
Byrnes, Wis.	Hoffman, Ill.	Saylor
Cederberg	Horan	Schadeberg
Chiperfield	Hosmer	Schenck
Church	Jensen	Schneebeli
Clancy	Johansen	Schwengel
Corbett	Jonas	Shriver
Cramer	Kilburn	Siler
Cunningham	King, N.Y.	Teague, Calif.
Curtis, Mo.	Knox	Thomson, Wis.
Dague	Kunkel	Utt
Devine	Kyl	Van Pelt
Dole	Laird	Waggonner
Durno	Langen	Westland
Ellsworth	Lesinski	Wharton
	Lipscomb	Wilson, Calif.

NAYS—208

Abbitt	Aspinall	Belcher
Abernethy	Avery	Boggs
Addabbo	Bailey	Boland
Alford	Barry	Bonner
Andrews	Bates	Boykin
Ashley	Beckworth	Brademas
Brewster	Hechler	Pfost
Brooks, Tex.	Herlong	Philbin
Broomfield	Holifield	Pike
Broyhill	Holland	Poage
Burke, Mass.	Huddleston	Poff
Burleson	Ichord, Mo.	Powell
Byrne, Pa.	Inouye	Price
Cahill	Jennings	Pucinski
Cannon	Joelson	Purcell
Casey	Johnson, Calif.	Quie
Chamberlain	Johnson, Md.	Rains
Chelf	Jones, Ala.	Randall
Chenoweth	Jones, Mo.	Reuss
Clark	Karsten	Rhodes, Ariz
Coad	Karth	Rhodes, Pa.
Collier	Kastenmeier	Riehlman
Colmer	Keith	Roberts, Ala.
Conte	Kilgore	Roberts, Tex.
Corman	King, Calif.	Robison
Curtin	King, Utah	Rodino
Daddario	Kirwan	Rogers, Tex.
Daniels	Kitchin	Rooney
Davis, John W.	Kornegay	Rosenthal
Davis, Tenn.	Lane	Rostenkowski
Delaney	Lankford	Roush
Dent	Lennon	Ryan, N.Y.
Dingell	Libonati	St. Germain
Donohue	McDowell	Schweiker
Dowdy	McFall	Scott
Downing	McMillan	Selden
Doyle	Macdonald	Sheppard
Dulski	Mack	Shipley
Dwyer	Madden	Sisk
Elliott	Mahon	Slack
Everett	Mailliard	Smith, Calif.
Evins	Marshall	Smith, Iowa
Fallon	Mathias	Stafford
Fascell	Merrow	Staggers
Fisher	Miller, George P.	Stephens
Flood	Mills	Sullivan
Flynt	Moeller	Taylor
Forrester	Monagan	Teague, Tex.
Fountain	Moorhead, Pa.	Thompson, Tex.
Frazier	Morgan	Toll
Friedel	Morrison	Tollefson
Fulton	Moss	Trimble
Gallagher	Murphy	Tupper
Gary	Murray	Udall, Morris K.
Gathings	Natcher	Ullman
Giaimo	Nedzi	Vanik
Glenn	Nelsen	Van Zandt
Gonzalez	Nix	Vinson
Granahan	O'Brien, N.Y.	Wallhauser
Grant	O'Hara, Ill.	Walter
Gray	O'Hara, Mich.	Weaver
Green, Oreg.	Olsen	Whitten
Griffiths	O'Neill	Widnall
Hagen, Calif.	Osmers	Williams
Haley	Ostertag	Willis
Halpern	Passman	Winstead
Harding	Patman	Young
Hardy	Perkins	Younger
Harris	Peterson	Zablocki
Healey		

NOT VOTING—132

Adair	Fino	Montoya
Albert	Fogarty	Moore
Alexander	Frelinghuysen	Moorehead, Ohio
Anfuso	Garmatz	Morris
Arends	Gilbert	Morse
Ashmore	Green, Pa.	Moulder
Auchincloss	Hagan, Ga.	Multer
Barrett	Halleck	Norblad
Bass, N.H.	Hansen	Norrell
Bass, Tenn.	Harrison, Va.	O'Brien, Ill.
Battin	Harvey, Ind.	Pilcher
Becker	Hays	Pirnie
Beermann	Hébert	Reifel
Bennett, Mich.	Henderson	Riley
Blatnik	Hoffman, Mich.	Rivers, Alaska
Blitch	Hull	Rivers, S.C.
Bolling	Jarman	Rogers, Colo.
Breeding	Johnson, Wis.	Roosevelt
Bromwell	Judd	Rutherford
Buckley	Kearns	Ryan, Mich.
Burke, Ky.	Kee	Santangelo
Carey	Kelly	Saund
Celler	Keogh	Scherer
Cohelan	Kluczynski	Scranton
Cook	Kowalski	Seely-Brown
Cooley	Landrum	Shelley
Curtis, Mass.	Latta	Short
Davis, James C.	Lindsay	Sibal
Dawson	Loser	Sikes
Denton	McDonough	Smith, Miss.
Derounian	McIntire	Smith, Va.
Derwinski	McSween	Spence
Diggs	McVey	Springer
Dominick	MacGregor	Steed
Dooley	Magnuson	Stratton
Dorn	Martin, Mass.	Stubblefield
Edmondson	Martin, Nebr.	Taber
Farbstein	Mason	Thomas
Fenton	Meader	Thompson, La.
Finnegan	Miller, Clem	Thompson, N.J.
	Minshall	

Thornberry	Whalley	Wright
Tuck	Whitener	Yates
Watts	Wickersham	Zelenko
Weis	Wilson, Ind.	

So the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Moorehead of Ohio for, with Mr. Hébert against.
Mr. Bromwell for, with Mr. Derounian against.
Mr. Beermann for, with Mr. Becker against.
Mr. Hoffman of Michigan for, with Mr. Frelinghuysen against.
Mr. Taber for, with Mr. Morse against.
Mr. Mason for, with Mr. Auchincloss against.
Mr. Short for, with Mr. Keogh against.
Mr. Reifel for, with Mr. Rivers of Alaska against.
Mr. Adair for, with Mr. Garmatz against.
Mr. Harvey of Indiana for, with Mr. Thompson of Louisiana against.
Mr. Martin of Nebraska for, with Mr. Sikes against.
Mr. Latta for, with Mr. Spence against.
Mr. Scherer for, with Mr. Blatnik against.

Until further notice:

Mr. Rutherford with Mrs. Weiss.
Mr. Rogers of Colorado with Mr. Springer.
Mr. Roosevelt with Mr. Fino.
Mr. Hagan of Georgia with Mr. Dominick.
Mr. O'Brien of Illinois with Mr. Curtis of Massachusetts.
Mr. Clem Miller with Mr. Bennett of Michigan.
Mr. Tuck with Mr. MacGregor.
Mr. Johnson of Wisconsin with Mr. Pirnie.
Mr. Ashmore with Mr. Judd.
Mr. Alexander with Mr. Martin of Massachusetts.
Mr. Kluczynski with Mr. Battin.
Mr. Breeding with Mr. McIntire.
Mr. Loser with Mr. Wilson of Indiana.
Mr. Burke of Kentucky with Mr. McDonough.
Mr. Cohelan with Mr. Lindsay.
Mr. Montoya with Mr. Meader.
Mr. Morris with Mr. Scranton.
Mr. Dorn with Mr. Norblad.
Mr. Pilcher with Mr. Minshall.
Mr. Fogarty with Mr. Sibal.
Mr. Ryan of Michigan with Mr. Derwinski.
Mr. Green of Pennsylvania with Mr. Moore.
Mr. Barrett with Mr. Kearns.
Mr. Henderson with Mr. Bass of New Hampshire.
Mr. Shelley with Mr. Fenton.
Mr. Santangelo with Mr. Dooley.
Mr. Thompson of New Jersey with Mr. Seely-Brown.
Mr. Hull with Mr. McVey.

Mr. FASCELL changed his vote from "yea" to "nay."

Mr. POWELL changed his vote from "yea" to nay."

Mr. HARDY changed his vote from "yea" to "nay."

Mr. GLENN changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight tomorrow to file a report on H.R. 11581.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. McGown, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8134) entitled "An act to authorize the sale of the mineral estate in certain lands."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10566) entitled "An act to provide for the withdrawal and orderly disposition of mineral interests in certain public lands in Pima County, Ariz."

The message also announced that the Senate agrees to the amendment of the House to the text of the bill (S. 507) entitled "An act to set aside certain lands in Washington for Indians of the Quinaielt Tribe," with an amendment as follows: In the House engrossed amendment, strike out section 2 and insert in lieu thereof the following:

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

The message further announced that the Senate agrees to the amendment of the House to the title of the foregoing bill.

COMMITTEE ON APPROPRIATIONS

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have permission during the remaining days of the session to include the customary tabulations showing the up-to-date status of the appropriation bills as they are processed.

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

There was no objection.

LEGISLATIVE PROGRAM FOR WEEK OF SEPTEMBER 24

Mr. HOEVEN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute to ask the majority whip if he can announce the program for next week.

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

There was no objection.

Mr. BOGGS. Mr. Speaker, Monday the first order of business will be House Joint Resolution 224, active duty for certain Armed Forces Reserves, with 2 hours of debate.

That will be followed by District Day, and there are 15 bills on the District Calendar, as follows:

S. 2795: Insignia of detective and collection agencies.

S. 1651: Contracts approval.

S. 2977: Policies of group life insurance, credit unions.

H.R. 12417: Small claims court.

H.R. 12690: Insurance companies, investments of funds.

H. Res. 799: Provide for a statue, "the Maine Lobsterman."

H.R. 12964: Registered nurse, minimum-age limitation.

S. 2793: Restoration operators' permits, assess reasonable fees.

H.R. 10319: Compensation adjustments, certain police and firemen.

S. 914: Public Assistance Act of 1961.

H.J. Res. 854: Restoration of Belasco Theater as a Municipal Theater.

H.J. Res. 865: Theaters, antidemolition bill.

H.R. 13163: Redevelopment Act amendments of 1962.

S. 1291: Increase the fees of learners' permits.

H.R. 8738: Amend Life Insurance Act. Concur in Senate amendments.

For Tuesday and the balance of the week, the conference report on the bill H.R. 10, Self-Employed Individuals Tax Retirement Act of 1961.

S. 320: Conference report—Registration of State certificates, Interstate Commerce Act.

House Resolution 801: To take H.R. 7283, War Claims Act of 1948, as amended, from the Speaker's table and send to conference.

House Joint Resolution 886: Expressing the concern of the United States relative to Cuba. Three hours of debate.

S. 1123: Child labor provisions, Fair Labor Standards Act. One hour of debate.

Conference reports, of course, may be brought up at any time and any further program will be announced later.

Mr. AVERY. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I yield.

Mr. AVERY. I wondered if the distinguished majority whip could make any announcement as to the expectation of the leadership as to our being able to finish congressional business next week.

Mr. BOGGS. I presume I can speak only for myself, but I would be surprised if we finished next week. We will try to do so.

Mr. AVERY. If the gentleman will yield further, I do not want to place words in his mouth, but is he saying that it appears we are not going to finish next week?

Mr. BOGGS. Let us put it that way.

Mr. AVERY. I appreciate the gentleman's expression.

Mr. GAVIN. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I yield.

Mr. GAVIN. What time are we expected to come in on Monday?

Mr. BOGGS. At 12 o'clock.

CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to dispense with

business in order on Calendar Wednesday next week.

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

There was no objection.

ADJOURNMENT TO MONDAY, SEPTEMBER 24

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 12 o'clock noon on Monday next.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I yield.

Mr. WILLIAMS. As the gentleman knows, the Committee on Interstate and Foreign Commerce is favorably considering a rather complicated drug bill which is in line, I believe, with the President's program. In all probability the committee will report that bill within the next 3 or 4 days. Can the gentleman give us some indication of when that bill might be scheduled for consideration in the House? I realize the gentleman cannot be specific, but can he give me an educated guess?

Mr. BOGGS. I would think first it would depend on when the distinguished gentleman's committee reports the bill. If it is reported in time and the committee gets a rule in time we may be able to consider it next week.

Mr. WILLIAMS. I thank the gentleman.

The SPEAKER. The gentleman from Louisiana asks unanimous consent that when the House adjourns today it adjourn to meet at 12 o'clock noon on Monday next. Is there objection?

There was no objection.

RELIEF FOR RESIDENTIAL OCCUPANTS OF UNPATENTED MINING CLAIMS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3451) to provide relief for residential occupants of unpatented mining claims upon which valuable improvements have been placed, and for other purposes, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I wonder if the gentleman from Michigan [Mr. DINGELL] has removed his objection to this bill.

Mr. ASPINALL. The gentleman from Colorado now states that after consultation with the gentleman from Michigan [Mr. DINGELL], within 30 minutes, at which time I asked the gentleman from Michigan [Mr. DINGELL] to be on the floor. The gentleman from Michigan [Mr. DINGELL] said he had no further opposition to the appointment of conferees.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none and appoints the following conferees: Mrs. PFOST and Messers. BARING, JOHNSON of California, SAYLOR, and CUNNINGHAM.

AUTHORIZING THE SALE OF THE MINERAL ESTATE IN CERTAIN LANDS

Mr. ASPINALL. Mr. Speaker, I call up the conference report on the bill (H.R. 8134) to authorize the sale of the mineral estate in certain lands, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 2451)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8134) to authorize the sale of the mineral estate in certain lands, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter inserted by the Senate amendment insert the following: "That (a) subject to valid existing rights, the mineral interests of the United States, which have been reserved in patents or other conveyances, heretofore issued under the public land laws, in the lands more fully described herein are hereby withdrawn from all forms of location and appropriation and the lands involved are withdrawn from entry, for prospecting or other purposes under the public land laws, including the mining and mineral leasing laws, and from disposal under the Act of July 31, 1947, as amended (61 Stat. 681; 30 U.S.C. 601–604).

"(b) The withdrawals effected by this Act shall not be modified or revoked except by Act of Congress. This Act shall be applicable only to the lands which are situated in:".

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2.

ED EDMONDSON,
JOHN P. SAYLOR,
J. ERNEST WHARTON,
Managers on the Part of the House.

HENRY M. JACKSON,
ALAN BIBLE,
THOMAS H. KUCHEL
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill, H.R. 8134, to provide for the sale of mineral interests in certain lands in Maricopa County, Ariz., submitted the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

H.R. 8134, as passed by the House, would have provided for the sale of mineral interests in certain lands at market value but not less than $5.00 per acre, plus the cost of appraisal. The lands involved had been public lands of the United States and were transferred into private ownership with the reservation of minerals to the United States. At the present time the highest and best use of the lands is for residential development with which the reserved mineral interest interferes.

The Senate amended the bill to provide for a withdrawal of the minerals from appropriation under the public land laws, including the mining and mineral leasing laws, and from disposal under the Materials Act of July 31, 1947 (30 U.S.C. 601–604).

The House conferees believe that the principal objective of the House can be attained through further amendment of H.R. 8134 without a sale of the mineral estate. Enactment of the legislation is designed to permit lending institutions and developers to proceed with construction without fear that the reserved mineral estate will invite prospecting and development under the mining laws that might destroy or lessen the security for a mortgage loan.

The amendments agreed upon by the conferees clearly set forth that in addition to the withdrawal of the minerals from appropriation they are withdrawn from location and the lands are completely withdrawn from entry for prospecting or otherwise. Then, by adding a new subsection, provision is made to assure that the lands and minerals cannot be restored to entry or appropriation by administrative action by specifying that the withdrawals may be modified or revoked only by act of Congress.

Since it is intended to protect residential properties, the conferees submit that the Congress will not restore the lands for mineral development if they are developed for residential use.

ED EDMONDSON,
JOHN P. SAYLOR,
J. ERNEST WHARTON,
Managers on the Part of the House.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR WITHDRAWAL AND ORDERLY DISPOSITION OF MINERAL INTERESTS IN CERTAIN PUBLIC LANDS IN PIMA COUNTY, ARIZ.

Mr. ASPINALL. Mr. Speaker, I call up the conference report on the bill (H.R. 10566) to provide for the withdrawal and orderly disposition of mineral interests in certain public lands in Pima County, Ariz., and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 2452)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10566) to provide for the withdrawal and orderly disposition of mineral interests in certain public lands in Pima County, Ariz., having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Strike out page 2 and lines 1 to 9, inclusive, on page 3, and insert in lieu thereof the following:

"(b) The withdrawal effected by this Act—

"(1) precludes location of claims, or entry for prospecting or other purposes, under the mining laws.

"(2) shall not be modified or revoked except by Act of Congress."

And the Senate agree to the same.

ED EDMONDSON,
JOHN P. SAYLOR,
J. ERNEST WHARTON,
Managers on the Part of the House.

HENRY M. JACKSON,
ALAN BIBLE,
THOMAS H. KUCHEL,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10566) to provide for the withdrawal and orderly disposition of mineral interests in certain public lands in Pima County, Ariz., submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

H.R. 10566, as passed by the House, would have effected the withdrawal of minerals in certain lands in and around Tucson, Ariz., and established a procedure for the disposal of any minerals that might, in fact, be beneath the surface.

The Senate amended the bill to eliminate the provisions of the House bill under which the mineral interests could be purchased and developed by the surface owner. This left the bill in the form of a statutory withdrawal of the minerals from appropriation under the public land laws, including the mining and mineral leasing laws and from disposal under the Materials Act of July 31, 1947 (30 U.S.C. 601–604).

The House conferees believe that the principal objective of the House can be attained through further amendment of H.R. 10566 without setting up any procedure for future prospecting and development of materials.

Enactment of this legislation is designed to (1) permit present surface owners who have residences on lands on which minerals have been reserved to the United States to be relieved from harassment by locators who stake claims under the mining laws and (2) reassure lending institutions and homebuilders that it is safe to proceed with new developments without fear of future harassment that will destroy or lessen the security for a mortgage loan.

The amendments agreed upon by the conferees clearly set forth that in addition to the withdrawal of the minerals from appropriation they are withdrawn from location and the lands are completely withdrawn from entry for prospecting or otherwise. Then, by adding a new subsection, provision is made to assure that the lands and minerals cannot be restored to entry or appropriation by administrative action by specifying that the withdrawals may be modified or revoked only by act of Congress.

Since it is intended to protect residential properties, the conferees submit that the Congress will not restore for minerals development any lands intensely developed for residential use.

ED EDMONDSON,
JOHN P. SAYLOR,
J. ERNEST WHARTON,
Managers on the Part of the House.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I shall be glad to yield to my friend the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. I do not have a copy of the bill as it came back from conference. Will the gentleman state that there are no amendments or agreements that were entered into in conference that are not germane to the bill?

Mr. ASPINALL. The gentleman from Colorado will assure the gentleman from Iowa that his statement is true, and that there are no such additional materials which were put in the provisions of the legislation.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

COTTON SUBSIDY PROGRAM

Mr. MILLIKEN. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DERWINSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. DERWINSKI. Mr. Speaker, now that we have passed a farm bill embodying further controls over the American farmer, higher costs to the taxpayer for our farm program, higher costs to the consumer of farm products, and also adding to the confusion and contradiction that the farmer must cope with in farm programs, I feel that it is educational for us to review the effect of Government manipulation of cotton. The cost, the confusion, the inconsistency, and the hardships that have become associated with farm programs are tragically repeated in the case of cotton.

As I analyze the situation, several years ago when cotton farmers were struggling with low profits and in many instances individuals were on the brink of losing their farms due to the depressed condition of the cotton market, the Federal Government decided to move to their aid. At that point, the Government set up the cotton subsidy program as we now know it.

After subsidizing the cotton farmer over a period of time, Government officials found that they had accumulated huge quantities of the commodity. Then they made the fascinating discovery that this cotton could be sold in foreign markets, at a price lower than the artificially high, subsidized U.S. domestic price.

Then they developed a program of selling this cotton at 8½ cents per pound lower to foreign manufacturers than the price that the U.S. manufacturers were forced to pay in the domestic market.

This 8½-cent differential, which we gave the foreign textile industry by dumping surplus cotton in their hands, was combined with their own economic advantage of lower wage scales and lower shipping costs.

Armed with these tremendous competitive advantages, foreign textile manufacturers were then able to enter the U.S. market considerably below the manufacturers' cost to U.S. textile factories, immediately seizing a considerable segment of the market, thus creating unemployment in textile areas.

If one were to attempt to justify the harm inflicted on the American taxpayer by this program, it would have to be done by equating it with the success of the program as it related to cotton farmers. At that point, some clever rationalization would ordinarily be attempted.

However, we find the real tragedy lies in the fact that the average cotton farmer is little or no better off than he was when the original subsidy program was developed, while the American textile industry, its employees, and to complete the compound mess, the Federal Government, are in worse shape because of the program.

Since the Federal Government keeps the price of cotton at artificially high levels, it is responsible for the growth of synthetic fiber manufacturers who, through technical improvement, develop their products and offer them at considerably lower prices. Since the price of cotton is, in effect, frozen at artificially high levels, cotton as a commodity has lost a great portion of its normal market.

Therefore, Mr. Speaker, the 8½-cent-per-pound subsidy has, for practical purposes, caused great damage to the American textile industry, imposed great hardships on its employees, without at all helping the cotton farmer. In effect, it has made the cotton farmers dependent on the Government, since they cannot support themselves from an economical standpoint without the subsidy. Then, of course, the real burden falls on the American taxpayer who has to pay for the subsidy.

Certainly, I appreciate and sympathize with the lot of the small cotton farmer. I do not feel, however, that the small advantage to him of the present program in any way compensates for the tremendous injustice and financial loss that, as I have indicated, the textile employees, the textile industry, and the American taxpayer have to bear.

It is my understanding that President Kennedy has instructed the Agriculture Department to develop a program to eliminate this two-price system, and I believe that this is a practical, necessary, and overdue step if it is carried out.

In effect, what the Agriculture Department should do is to develop a program in which at least a methodical, gradual fashion, the Government would get out of the cotton business and restore that commodity to a free market. Such a step would be of material benefit to our sorely depressed textile industry, its employees, and the American taxpayer. In addition, it would not be necessary for us to juggle tariff rates against the nations which are flooding our markets with lower priced products, aided by our original lavishness in dumping our own cotton on the market at less than cost.

In this way, we would have legitimate trade, legitimate competition, legitimate opportunity for American free enterprise to master its competitive problems and last, but certainly not least, a legitimate service to the taxpayer by terminating

the inconsistent, costly mess that has developed due to the Federal Government's role in the cotton market.

HILLSBOROUGH COUNTY, FLA., GRAND JURY PRODS ATTORNEY GENERAL IN CARRYING OUT FIGHT AGAINST ORGANIZED CRIME PURSUANT TO CONGRESSIONAL MANDATE AS EVIDENCED BY PASSAGE OF FIVE ANTICRIME BILLS THIS SESSION

Mr. MILLIKEN. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. CRAMER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CRAMER. Mr. Speaker, as the RECORD shows, I have been vitally interested in getting a drive underway to rid this country of the $22 billion take of syndicated and organized crime which is involved in all forms of vice—prostitution, narcotics trafficking, bolita, numbers games and gambling as examples.

During this session some five bills which I introduced along with others—and which to a large extent were a repeat of bills I introduced in the 86th Congress in 1960—to fight organized crime have become law.

Those bills involve, generally:

First. Making the travel in interstate commerce to commit one of the racketeering crimes a Federal offense.

Second. Making it a crime to transmit gambling paraphernalia in interstate commerce.

Third. Making it a crime to transmit gambling information in interstate commerce.

Fourth. Making it a crime to ship gambling devices in interstate commerce.

Fifth. Broadening the Fugitive Felon Act to include organized crime activities.

All of these bills I introduced, helped pilot through the Committee on the Judiciary, on which I serve, and the Interstate Commerce Committee, and argued for on the floor of the House.

Recently, I received a letter from the State attorney of Hillsborough County, Paul B. Johnson, acknowledging my interest in this fight against organized crime and advising that the grand jury of Hillsborough County, which has been looking into the vice and crime problems in that county, is dissatisfied over the inaction by the Attorney General.

Mr. Johnson's letter and a copy of the grand jury report follow hereafter. I have written Attorney General Robert Kennedy and Secretary of the Treasury Douglas Dillon, calling their attention to the grand jury's findings in paragraph 4 to the effect that it "found little evidence that the Federal authorities have been fighting organized commercial vice in Hillsborough County" and urging them "to use their best efforts to enforce the Federal laws applicable to organized commercial gambling and other vice rackets." I joined in this plea because it is a tragedy if, after the Congress has given the tools to the Federal law-enforcement authorities to root out organized crime, they are not being fully used for this purpose.

A copy of these documents follows:

SEPTEMBER 20, 1962.

The Honorable the ATTORNEY GENERAL,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: Enclosed you will find a copy of the final report of the Hillsborough County grand jury in the circuit court of the 13th judicial circuit of the State of Florida.

As you will note in paragraph 4, the grand jury indicated "We have found little evidence that the Federal authorities have been fighting organized commercial vice in Hillsborough County. We feel that attacks on all fronts are vital to successful law enforcement in the vice area. For this reason, we urge the U.S. Attorney General and the U.S. Secretary of the Treasury to use their best efforts to enforce the Federal laws applicable to organized commercial gambling and other vice rackets."

As a sponsor of the anticrime bills which have passed the House and others that are pending, and realizing that Congress has given the Federal law enforcement authorities substantial additional tools with which to work in stamping out organized crime, I feel it my duty to call this recommendation to your attention and join the county grand jury in urging that your office do all in its power to assist the local community in stamping out organized racketeering and other vice rackets.

I trust you will give this matter your immediate attention.

With best wishes, I am,

Sincerely,

WILLIAM C. CRAMER,
Member of Congress.

TAMPA, FLA., *September 6, 1692.*

Hon. WILLIAM C. CRAMER,
U.S. Congressman,
House Office Building,
Washington, D.C.

DEAR BILL: Although we know that you will not be serving this county as Congressman much longer, the grand jury is well aware of your interest in the fight against organized vice. They, therefore, directed me to send you a copy of their final report entered September 4, 1962, relating to organized vice.

Sincerely yours,

PAUL B. JOHNSON,
State Attorney.

FINAL REPORT OF THE HILLSBOROUGH COUNTY GRAND JURY, SPRING TERM, SEPTEMBER 4, 1962

This grand jury has been deeply concerned with the effect of organized commercial vice on our community. We have heard much testimony and examined numerous reports and records on this problem, and on July 10, 1962, we rendered an interim report on this area of law enforcement. We have continued to study these matters and wish to make the following report:

1. The reports by the vice squads of the Tampa Police Department and the Hillsborough County sheriff's office on organized commercial vice enforcement as delineated by our interim report of July 10, 1962, should be continued, with a report to be entered in January 1963 covering the period of July 1, 1962, to December 31, 1962.

2. Our interim report of July 10, 1962, noted that the sheriff's office reports included areas that were not correlated to the picture of the fight against organized commercial vice. The sheriff's office, however, listed and labeled the organized commercial vice activities separately and distinctly from the other vice squad activities. In light of this separation and distinction, the sheriff's office report cannot be interpreted to have been padded.

3. Some quarters have indicated they did not understand our statement in the interim report of July 10, 1962, that jail sentences should be imposed in appropriate organized commercial vice cases. We are firmly convinced and reiterate that organized commercial vice cannot be deterred by mere fines or bond estreatures. We, therefore, recommend that in the absence of serious danger to health or the like, all persons convicted of illegal activities relating to organized commercial vice (particularly lottery) should receive jail sentences.

4. We have found little evidence that the Federal authorities have been fighting organized commercial vice in Hillsborough County. We feel that attacks on all fronts are vital to successful law enforcement in the vice area. For this reason, we urge the U.S. Attorney General and the U.S. Secretary of the Treasury to use their best efforts to enforce the Federal laws applicable to organized commercial gambling and other vice rackets.

5. The grand jury commends the State attorney and his staff for their tenacious efforts toward controlling and reducing organized vice activities in Hillsborough County.

It is the grand jury's desire that the public be aware of Paul Johnson's continued vigilance in this area of crime, and it is hoped that the grand jury's report will stimulate the citizens support of his office.

6. We request that copies of this be forwarded to U.S. Senators Hon. Spessard Holland and Hon. George Smathers; and Hon. Robert Kennedy, Attorney General of the United States, and Hon. Douglas Dillon, Secretary of the Treasury; and the Congressman from this district, Hon. William C. Cramer.

CONTINENT OF CRISIS: SOUTH AMERICA

Mr. MILLIKEN. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, anyone who has visited Latin America as did our Subcommittee on Inter-American Economic Relationships of the Joint Economic Committee last fall, or listen to hearings as we did this summer, cannot fail to be impressed by the enormity and complexity of the problems presented in this crisis area, our nearest neighbors.

The needs of South America fall roughly into three classes, each of them urgent, and each of them taxing to the utmost the self-help capacity of the South Americans themselves and challenging our neighborly assistance. Most people who think about it recognize these needs although they may differ as to the priorities, since they all seem to call for simultaneous action, would classify the problems as first, political; second, social welfare; and third, economic development.

In the political area is the necessity of achieving a greater stability of government than has characterized this part of the world in the past, while turning away from a heritage of dictatorships and aristocracy.

In the area of social welfare the primary need is probably to reduce the overwhelming high levels of illiteracy while improving the housing and health standards of the large masses.

In the area of economic development these countries are confronted by the problems which arise from their dependence upon one or two export commodities and a persistent dependence upon inflation as a way of life.

All of these problems are difficult. To end inflation, to cure illiteracy, and to establish democratic processes, will call for every energy on the part of the people themselves with the help of the United States through the Alliance for Progress.

A recent series of articles appearing in the St. Louis Globe-Democrat, the Washington Post, and the New York Herald Tribune written by Columnist Roscoe Drummond are well worth study in the interest of our better understanding the urgencies and complexities of the issues. They are: First, "Continent of Crisis"; second "Everything Has To Be Done Now"; third, "Latin American Dictators"; fourth "Alliance Alarm—Not Quite Too Late"; fifth "Military and Power—the Alliance and the Generals"; and sixth, "Frantic Immobility Grips Brazil."

In this connection, I would like to call attention also to the report of our subcommittee based on some recent hearings, by referring to the highlights of the subcommittee's observations supplementing its earlier report on the economic conferences held in South America. The highlights of the recent report follow:

First. The testimony brought disturbing evidence of a reluctance on the part of some wealthy Latin American investors to risk private investment in their own countries. This reluctance is, indeed, reported to have taken the form of a substantial flight of local capital to Europe or the United States.

Second. The hearings brought out again the general absence of effective local government instrumentalities in most of the South American countries. We were impressed on our visit to South America, and again from the testimony at these hearings, that the traditionally minor role assigned to local governments has been a dampening force on economic and social development.

Third. The technique of the public authority with mixed public and private attributes such as our port authorities, turnpike authorities, and multipurpose valley authorities, or the Port of London Authority, was suggested as a potentially useful device for the kinds of development called for in Latin America.

Fourth. The meaning and objectives of agrarian reform in the context of the Alliance for Progress, especially the interest and role of the U.S. Government as a participant in the Alliance, has tended to become confused as simply a tenure problem, but properly conceived, should have as its primary objective increased agricultural productivity by a variety of means.

Fifth. Economic progress in Latin America needs a great deal more than capital loans and grants. The objectives of the Alliance may, indeed, be equally well advanced by the free importation from the industrial countries of capital saving and efficiency-improving techniques and managerial know-how which, coupled with private investment, have made the flow of products from our enterprise system the envy of the world.

Sixth. Since the capital for meeting housing needs alone could use up several times the total amount of funds contemplated under the Alliance for Progress for all purposes, it is obvious that the great bulk of the additional capital required for new housing will have to come from savings within the countries.

Seventh. General price inflation is the lot of almost any country with a measure of monetary or fiscal mismanagement but the fate of a country dependent, as most of the Latin American countries are, upon one or two export commodities, is subject to an ever-present added complication. For them, changes in one or two specific prices may mean economic difficulties, political unrest, and thwart economic development.

Eighth. One of the considerations to be taken into account in judging the speed and momentum of the Alliance for Progress is the fact that very few Latin American countries have a true civil service.

Mr. Speaker, the newspaper articles referred to follow:

[From the Washington (D.C.) Post, Aug 11, 1962]

CONTINENT OF CRISIS—THE ALLIANCE'S ROLE

(By Roscoe Drummond)

BUENOS AIRES.—At the very moment when the Alliance for Progress holds some flickering hope that things can be better, a deepening crisis is being written across the whole face of the Western Hemisphere.

The "crisis continent" is not somewhere else; it is the American continent here at home, from the Rio Grande border to the tip of Argentina and Peru. The greatest source of danger to the free world is not in Africa or in Asia, however doubtful these areas may be; it is in the Western Hemisphere.

The United States is wrapped up inescapably—for better or for worse—in its dangers and in its potentials through the heroic, tardy, prudent, and uncertain effort called the Alliance for Progress.

Its purpose: to turn economic despair into hope before economic despair turns Latin America into nearly total turmoil.

In trying to look at the whole face of the Hemisphere as it slowly, hopefully begins this effort, here's the sum of the forces that makes its success so imperative, its failure so tragic:

Asset: The past decade has brought a steady disappearance of the old-style dynastic and military dictatorships. Only three remain—Paraguay, Haiti, Nicaragua. Added to them is the repressive out-thrusting Soviet-orientated Communist dictatorship of Fidel Castro. There are many shortcomings in the new regimes, but this victory over most of the Latin American dictatorships is a significant step forward and proof of the passion for freedom of all Latin American peoples.

Obstacle: The new Latin American democracies are the targets of terrific social tensions and political stress before they're ready. In Argentina and Brazil the military have asserted substantial power and in Peru the new junta is dominant.

The liberal Betancourt government in Venezuela is being battered from left and right. The conservative Alessandri government in Chile is fighting for its life against the growing power of the extreme left. None of the new democracies is secure.

Obstacle: Weak and embattled governments, seeking to make democracy work, face most formidable economic and social problems—mounting inflation, rising prices, declining export income. Conditions are getting worse, not better.

Obstacle: If the Alliance for Progress is not merely going to enrich further the already wealthy, then great social reforms are widely needed. Those who want to maintain completely the status quo will resist these reforms and often the governments are largely controlled by those who want little change.

In the face of these fantastically formidable obstacles, can the alliance succeed adequately and in time? Candidly, no one really knows.

One thing is clear: this is a momentous struggle against poverty and dictatorship. If the underprivileged, underpaid, long-harassed people of Latin America cannot find a way to achieve economic hope by democratic means, they will demand it at any political cost and accept any political system they think will benefit their lot.

[From the Washington (D.C.) Post, Aug. 12, 1962]

EVERYTHING HAS TO BE DONE NOW

(By Roscoe Drummond)

BUENOS AIRES.—The reason Latin America is the "crisis continent," whose fate is a crucial concern to us and to the whole free world, is that so much has been so long delayed that everything has to done at once—or else.

By everything I mean faster economic development, better living standards for millions of its underprivileged people and a maturing-under-fire of the widely emerging South American democracies.

An urgent, tardy, uncertain, heroic beginning is being made through self-help and through U.S. help in the Alliance for Progress.

Massive roadblocks loom in the way at every turn. The symbolic road signs read in effect: "Stop, Look, and Detour," "Better Turn Back," "Proceed at Your Peril."

The perils are inordinately large because:

Despite the progress which has been made during the last decade in throwing off the old-style Latin American dictatorships, not one of the newly emergent democracies has the political stability to tackle securely and effectively the problems of rapid economic growth.

These fragile democratic institutions—as events in Peru, Argentina and Brazil clearly show—need a period of testing and tempering. But such a period of relative calm and consolidation is not in sight. These nascent democracies and semidemocracies must immediately confront all the political tensions inescapably involved in achieving both widespread social reform and accelerated economic development.

On the basis of even my limited observation, it is clear that if the elected and semi-elected governments of South America do not overtake these pressing social and economic problems, these problems will overtake them—with disastrous political results.

Finally, everywhere in the hemisphere the Communists and that part of the extreme left willing to work with them are practicing crafty, cynical and ruthless strategy. The Communists do not hesitate to aline themselves with the extreme right—whether it be the military junta in Peru or the Peronists in Argentina. Their purpose is to undermine the liberal democratic parties and keep them from power.

The Communists can come to power if the Latin American nations fail to move ahead economically, or they can come to power by deception—as in Cuba. To the Communists, chaos is the road to power. Chaos is what they seek. That is what they will get if the Alliance for Progress falters and fails.

The road to a stable democracy is hard to negotiate, as the Germans found under the Weimar Republic, as the French found before De Gaulle, as all Latin Americans are finding after having progressed so far as to rid themselves of Peron in Argentina, Vargas in Brazil, Odrea in Peru, Rojas in Colombia, Jiminez in Venezuela, Trujillo in the Dominican Republic and Batista in Cuba.

These victories over dictatorial regimes show how much Latin American people are determined to win democratic institutions. Today there are some setbacks in Peru, where the military is momentarily dominant, and in Argentina and Brazil, where military influence is great but not always decisive.

The crucial test is still ahead—the test of using Alliance for Progress funds imaginatively, effectively and in a way that more Latin American people may share in the fruits of economic growth.

[From the Washington (D.C.) Post, Aug. 13, 1962]

LATIN AMERICAN DICTATORS—THE U.S. ROLE

(By Roscoe Drummond)

LIMA, PERU.—If the United States is going to be true to itself and become the active ally of Democratic governments for the people of all Latin America, we'll have to resist dictatorships of the right as well as dictatorships of the left—and take whatever onus may come.

Obviously we're not being wildly cheered here in Peru because of our stand against the coup d'etat by the military last month. But this is no quick popularity contest. By many we'll continue to be accused of interference in internal affairs whenever we act to support elected governments attacked from the left or overrun by the right. After seeing something of the play of political forces in the largest countries of South America, I am convinced that the United States is headed in the right direction in taking the most reserved attitude toward seizure of power by the Peruvian military and in holding back Alliance aid at last until it is clearer whether the promise of free elections is reliable.

I am not suggesting that every elected government in Latin America is a jewel of integrity, far from it. I am not arguing that every Latin American military chief is an ogre eager to crush democracy. Some of the military are high-minded and, to their own best lights, want to preserve democracy.

But the evidence is indisputable that the recent coup violated Peru's constitutional processes at every central point. President Prado was deposed by force before he could finish the last days of his term. The results of the July elections, which the military itself helped supervise, were canceled. Congress was prevented from fulfilling its legal role of choosing the president when none of the candidates received a third of the total vote.

Probably the Peruvian political leaders will themselves accept the assurances of the junta that new elections will be held and will soon begin to ready themselves for a new campaign. If so, the United States can hardly be more Peruvian than the Peruvians and withhold diplomatic recognition indefinitely.

Though it is by no means certain, we might have forestalled the Peruvian coup by taking a tougher line when the armed forces of Argentina ousted President Arturo Frondizi earlier this year, threw out the wide-ranging Peronist victories in the house of representatives (45 seats plus numerous governorships), and reluctantly accepted the Presidency of Jose Guido, formerly president of the Senate.

On the main issue the actions of the Peruvian and Argentine military were the same. In each the constitutional president was deposed and the election results annulled.

There are also differences. In Peru the junta vetoed as next President the candidate who won the most votes. The junta leaders hold all the principal Cabinet posts. In Argentina, though Frondizi was removed by force, he was replaced by a civilian political leader through the constitutional process. Mr. Guido, then president protem of the Senate, was hurriedly sworn into office before the military could act. His succession to the Presidency was ratified by the Supreme Court. The Cabinet is predominantly civilian, and while the Argentine military is a powerful force, it exerts its influence through a civilian government.

In both Peru and Argentina there is a free press and an independent judiciary, which means that neither regime is, in the modern sense a police state.

It is evident that the United States cannot effectively help resist the rise of new military dictatorships if the other Latin American nations are unwilling to join and do it together. Only the tiniest handful is doing so today. Most of them are holding back in part because of the historic fear of U.S. intervention.

But I am convinced that the United States will do more to win long-term support and respect by remaining true to itself and actively standing against dictatorships in any form or guise. Many so-called liberal Latin American politicians will rant against us, but in the end most South American people will say, "thank God"—at first under their breath and later openly and with heartfelt relief.

[From the Washington (D.C.) Post, Aug. 15, 1962]

ALLIANCE ALARM—NOT QUITE TOO LATE

SALVADOR, BRAZIL.—When the United States entered World War I and World War II, the question everybody asked was not whether we were going to win, but when.

Now the United States has entered another kind of war; the theater of struggle is the Western Hemisphere. The question everybody's asking today is not when we are going to win—but whether.

The reason this question is so fateful is that failure of the Alliance for Progress—this massive common effort to rescue Latin America from economic stagnation—would certainly bring on a wave of military dictatorships, and military dictatorship is itself the seedbed for communism.

For 6 days here in Salvador at a conference on economic tensions, I have had the opportunity to hear, question, and exchange information with more than 70 economists, political leaders, professors, and industrialists from every Latin American country except Cuba.

How does the Alliance look a year after it was signed at Punta del Este?

I base my report on both Latin American and North American judgments. It is a very mixed picture with dark and ominous hues. There is no unanimous opinion. It ranges from hope to hopelessness.

The technicians, mostly the economists, know that accelerated economic growth is possible and believe it can be achieved.

The nonspecialized intellectuals from the universities are cautiously hopeful but very uncertain.

Many of the Latin American politicians are deep in pessimism. Some are already convinced that economic progress will be slow; that extreme nationalism and military dictatorship, already evident in Peru, Argentina, and Brazil, will engulf most of the continent.

After 1 year of experience, what are the shortcomings of the Alliance which aims at infusing new development capital into Latin American economies and simultaneously promoting needed social reforms? The dominant views of those willing to speak with candor—views I believe Washington and friends of the Alliance in Latin America ought to ponder responsibly—are these:

1. The Alliance has provided the plan for economic development without yet providing the machinery, either in Washington or in Latin American nations themselves, for carrying it out. In a word, we have a sound strategy for an economic war against stagnation and poverty but the troops are not in place anywhere.

2. While the Alliance is rightly focused on a long-range, 10-year concept to build the structure of an expanding economy, it is not yet realized adequately how essential it is now at the very beginning to invest appreciably in major, visible, socially useful projects such as schools, housing, and health services before mass frustration overruns the whole effort.

Most of the technicians in Washington tend to shun these projects, seeing them as the later fruit of economic growth. But because of the long delays in providing basic social improvements for most of the population, they are now an absolutely necessary precondition of successful economic development.

3. The Alliance for Progress hasn't yet begun to win active allegiance, genuine support of the masses of the Latin American people. The Alliance has not been made credible to them and thus far has created no means of becoming so. It is smeared by the Communist left and resisted by the ultraconservative right and millions of underprivileged are understandably cynical because they have listened to empty promises so long.

This is why Roberto Campos, Brazilian Ambassador to the United States, speaking for himself, says the Alliance cannot succeed until it instills in the masses of Latin America "a personal involvement" as well as "a national commitment."

This is why Lincoln Gordon, the economist-diplomat who is U.S. Ambassador to Brazil, says that unless the Alliance can create a "political mystique" and identify itself with the loyalties of the great majority of the people, the precondition for success is absent.

Nothing remotely adequate to the development of this personal involvement, this political mystique, behind the Alliance is being done today. There is yet no mechanism for doing it, nothing like the Monnet Action Committee for a United States of Europe, which gives such drive to the European Common Market.

It is almost too late but not quite. It is never too late to win a war—even an economic war—if we view winning it with enough urgency.

[From the Washington (D.C.) Post, Aug. 18, 1962]

MILITIA IN POWER—THE ALLIANCE AND THE GENERALS

(By Roscoe Drummond)

SALVADOR, BRAZIL.—However soon the United States may recognize and resume economic aid to Peru under its military junta, this question of dealing with Latin American dictatorships will arise again and again in various forms in the coming months. It is in the making again in Argentina right now.

It is easy to argue that for economic, financial, and strategic reasons we ought to work with any stable Latin American regime, military or not. It is easy to argue that the United States cannot impose democracy on any country and that on the basis of practical politics we should make any government that is securely in power

a working partner in the Alliance for Progress.

But there are strong counterarguments. In the first place, all Latin American countries together with the United States are now explicitly committed to using the Alliance for Progress to strengthen "democratic institutions." I am convinced that long-term economic development and needed social reform can be achieved only through a developing Latin American democracy.

Here in Salvador, the Conference on Tensions in Development, attended by political leaders and economic experts from the whole hemisphere, examined the role of the military in the life of Latin American countries and especially in the task of economic growth and social improvement. Although much of the report was off-the-record, I can report there was wide agreement on these five points:

1. Military governments are usually a serious deterrent to economic growth.

2. The oligarchical right wing in many countries does not hesitate to use the army as a weapon of survival through so-called preventive coups.

3. The armaments race in Latin America, encouraged by a supposed need for hemisphere defense, extravagantly increases military budgets at the expense of social and economic needs.

4. Swollen military budgets can and should be cut in order to build schools and provide teachers for millions of illiterate people and thus create the skills for a better industrial and farm economy.

5. At times the generals may be a moderating power, preventing national chaos and for a time producing surface stability. But military dictatorships offer no durable solution to social problems and unwittingly prepare the ground for the advent of communism, by conditioning the public to accept repressions.

This latter point is well expounded by Salvador de Madariaga, Spanish historian and philosopher, in his new book, "Latin America Between the Eagle and the Bear," in which he says:

"The dictator and his country's Communist Party collaborate in opposition to grind out of existence the middle-way parties.

"The longer the dictator lasts, the stronger grows the Communist Party of his country and the brighter its chances of success when the dictator falls.

"The ease with which Castro veered from a revolution which he presented as democratic to one the Communist character of which is now undeniable was due to the long apprenticeship in totalitarianism inflicted on the Cuban people by Batista."

Most of the participants at the Salvador conference, including influential political and intellectual Latin American leaders, privately approved the U.S. action in suspending economic aid to the junta in Peru. Further, the seminar which dealt with the role of the military, put this conclusion on the record: "The United States must understand, and Latin American countries realize, that to continue to support military development is contrary to each nation's welfare."

Diplomatic relations with a military regime is one thing. But making a military dictatorship a working partner with the Alliance for Progress is like trying to make a creek run uphill and is paving the way for communism.

[From the Washington (D.C.) Post, Aug. 19, 1962]

FRANTIC IMMOBILITY GRIPS BRAZIL—GOULART VERSUS CONGRESS

(By Roscoe Drummond)

RIO DE JANEIRO.—Brazil is a grim example of the difficulty this country's fragile democracy has in putting its roots down in the quicksand of economic distress.

A newspaper correspondent, recently returned from Spain, put it graphically: "In Madrid you can't get away from the government and in Rio de Janeiro you can't find the government."

The reason is that right now Brazil is politically a swirling vacuum. Its leaders, its political parties, its makeshift presidency, and its expiring Congress are ominously chasing each other in circles.

The result: Frantic immobility. The Brazilian "government" is nearly invisible because it isn't governing.

President João Goulart isn't governing because he's devoting himself to a campaign to recapture the powers that were taken from him as the only condition under which the military would allow him to become President after Quadros resigned a year ago.

The Brazilian Congress isn't governing because it is at the tail end of its term. It refuses to cooperate with the Goulart government which it distrusts or to yield the powers it fears he will abuse.

This means that Brazil is at a perilous stalemate at a time when its economy is going down and inflation is going up.

How did this mess come about?

Well, in Brazil vice presidential candidates run separately from presidential candidates and the candidate with the highest vote, however small, wins. Goulart got about one-third of the total vote. His election was roughly what it would be like if Senator WAYNE MORSE, running against LYNDON B. JOHNSON on a Kennedy-reactionary ticket, became Mr. Kennedy's Vice President. Then how would the U.S. Congress like it if Mr. Kennedy resigned and MORSE became President?

Thus Goulart was a minority vice president whom the military reluctantly accepted as Quadros' successor rather than violate the constitution. They accepted only after Congress hastily created a parliamentary form of government.

On the surface Goulart acquiesced in his diminished role but soon proclaimed he wasn't going to stand still long and function "like the Queen of England."

He has been devoting every waking moment to making it impossible for the new parliamentary system to work. It is evident he doesn't want it to work.

Goulart has been so busy arguing that he hasn't sufficient powers to govern, that he has neglected to use the large powers he still possesses to deal seriously with the nation's economic, financial, and social problems.

What we are witnessing is a cold war conducted by an aspiring President against an expiring Congress.

Goulart has been demanding that Congress give him exceptional powers for 6 months and an early plebiscite. From this plebiscite he expects to get popular support to compel Congress to restore his powers.

Congress doesn't want a plebiscite until after the congressional elections in October and isn't disposed to give blank-check powers to a President it doesn't trust.

Thus Brazil's political picture comes full-circle back to its swirling vacuum. Everything's in motion and getting nowhere—unless it be nearer combustion. Combustion can't be ruled out since the menace of a general strike is now threatened unless Congress yields to Goulart. The unions are pretty much in the pocket of Goulart, who was a longtime secretary of labor.

Goulart is trying to make a scapegoat out of Congress for whatever goes wrong and Congress is trying to make a scapegoat out of Goulart.

Until the new elections this fall, the least bad thing that can happen here is nothing.

STANDBY AUTHORITY TO PRESIDENT TO CALL UP RESERVISTS

Mr. MILLIKEN. Mr. Speaker, I ask unanimous consent that the gentlewoman from Ohio [Mrs. BOLTON] may extend her remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mrs. BOLTON. Mr. Speaker, due to a commitment made some months ago, I regret that I find it impossible to be present for the vote Monday, September 24, on Senate Joint Resolution 224, to give standby authority to the President to call up 150,000 reservists. However, I should like to add my support to the bipartisan effort to give the President the power to act if an emergency should arise when the Congress is not in session. This resolution should be another reminder to those hostile to us that we are united, and are determined to protect our interests, and that the President will be fully supported in the actions he takes as our Commander in Chief.

WILDERNESS BILL

Mr. MILLIKEN. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. SAYLOR] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. SAYLOR. Mr. Speaker, yesterday, the chairman of the Committee on Interior and Insular Affairs addressed the House on why there would be no wilderness bill this year. His comments were not reflective of the chairman I have come to know over this last decade. Usually the chairman candidly states the actions he has taken, the reason for them, and above all takes the responsibility for them whether this means accolade or criticism. Alas, I cannot so construe his remarks of yesterday. The chairman has sought to blame almost everyone who supports a wilderness bill, with appropriate safeguards, for the failure of this Congress to consider the measure.

If the gentleman from Colorado is still interested in obtaining a wilderness bill, he has it in his power to do so. The contention that, if the bill should come to the floor of the House the debate would be too emotional, appears ludicrous. In other words, the committee chairman, who made much of the prerogatives of his committee, is now contending that the House is not competent or should be protected from making decisions in which emotions might be involved. If this becomes precedent, the House floor action will be relegated a very narrow role in the future.

Mr. Speaker, no one is being kidded by this extensive apology by the chairman for the action of the committee—for it was an apology. Everyone knows the real reason for avoiding full House consideration. The proponents of the

Aspinall amendment do not have the votes of the full House to pass the measure without serious modification.

The obvious prejudice of the chairman in mentioning all the outside groups supporting the original wilderness bill, before the committee amendment, as lobbyists, and those supporting the amendment as responsible citizens and organizations can be judged by the House itself. Here is a partial list of some of the organizations supporting S. 174, similar to the original H.R. 776:

AFL–CIO, Adirondack Mountain Club, American Bowhunters Association, American Nature Association, American Planning & Civic Association, American Society of Mammalogists, American White Water Affiliation, American Youth Hostels, Appalachian Mountain Club, Citizens Committee on Natural Resources, Council of Conservationists, Defenders of Wildlife, Federation of Western Outdoor Clubs, Friends of the Wilderness, Garden Club of America, General Federation of Women's Clubs, Hawk Mountain Sanctuary Association, Independent Timberman's Committee, Izaak Walton League of America, the Mountaineers, National Audubon Society, National Council of State Garden Clubs, National Grange, National Parks Association, National Wildlife Federation, Nature Conservancy, Obsidians, President's Quetico-Superior Committee, Sierra Club, Trustees for Conservation, the Wilderness Society, Wildlife Management Institute, and many others, as well as many, many individuals.

Now compare these groups with those names placed in the record by the chairman. Which organizations stand to profit directly from the measures just mentioned?

The chairman made much of 15 amendments offered in the living wilderness, which were never brought before the subcommittee or the full committee. What the chairman did not tell the House was why they were not brought forward. First, the subcommittee reported out a bill so different from the original in major purpose and design, that most outside organizations saw its contents for the first time. The Citizens Committee on Natural Resources issued a release on August 16, 1962, 1 week after the subcommittee's report, entitled "Amendments for Substitute Wilderness Bill Advocated." A copy of this release, the comments at that time by the chairman and vice chairman of the Citizens Committee on Natural Resources, and the proposed amendments will be found hereafter as a part of my extension of remarks.

One week, Mr. Speaker, after the subcommittee brought forth a bill—that was never before the subcommittee at the time of the public hearings—all members of the committee received copies of these proposed amendments. Were it the desire of the chairman to consider them, he was at liberty to do so.

The proponents of the Aspinall amendment insisted on complete secrecy during the deliberations of the subcommittee in executive session, and those of us favoring the original bill were precluded from discussing the matter with the outside proponents.

The 15 amendments were not brought before the full committee by myself for two reasons: First, the amendments, in substance, restored the original bill, which the subcommittee had just amended; second, the vote by which the Aspinall amendment passed indicated the outcome, and I did not want any further excuses for delay.

The chairman, in his effort to commend the diligence of the committee, found the going difficult to explain why public hearings were not scheduled until May 7 on a measure passed by the Senate on September 6, 1961. In addition, field hearings were held by the committee prior to the convening of the 2d session of the 87th Congress. No delay for other reports were necessary prior to scheduling hearings, yet such hearings were delayed from January 10 until May 7—almost 4 months.

No, Mr. Speaker, the chairman's explanation of the House Interior Committee action just would not wash. The failure to bring the wilderness bill to the floor for full consideration is the responsibility of the committee leadership. Their refusal is due to the fear, that when the House has the opportunity to work its will, the result will not be of their choosing.

Mr. Speaker, as a part of my remarks, I wish to include the release, comments, and proposed amendments for a substitute wilderness bill as advocated by the Citizens Committee on Natural Resources on the 16th of August 1962, 1 week after the Subcommittee on Public Lands, of the House Committee on Interior and Insular Affairs, had reported out the Aspinall amendment.

The release follows:

AMENDMENTS FOR SUBSTITUTE WILDERNESS BILL ADVOCATED

Some 15 amendments are being advocated by the Citizens Committee on Natural Resources to make a sound preservation measure out of the substitute wilderness bill approved on August 9 by the House of Representatives Public Lands Subcommittee.

The measure, now before the full Committee on Interior and Insular Affairs and expected soon to be reported to the House, would without amendment, according to Ira N. Gabrielson, chairman of the citizens committee, hamper the wilderness designation even of areas now being handled as wilderness. It would also, he said, make difficult the preservation as wilderness of areas that would be designated.

Pointedly criticized was inclusion, as a special title I in the substitute wilderness bill, of a separate measure dealing with land withdrawals in general. This, said Gabrielson, should be considered separately and not be attached to the wilderness bill.

The substitute wilderness bill in its present form Gabrielson described as a massive crippling amendment.

The Public Lands Subcommittee, it was explained, replaced the Wilderness Act which had been passed 78–8 by the Senate with a House bill that had been introduced by Representative JOHN P. SAYLOR, of Pensylvania. The subcommittee then struck out all of the Saylor bill after the enacting clause to make way for the substitute proposal.

Both the Senate act and the Saylor bill are supported by wilderness bill advocates.

"Their purpose," said Gabrielson, "is to provide for the establishment of wilderness for the benefit of the whole people. The purpose of the substitute seems to be to preserve for a minority of commercial interests an opportunity to exploit any area of the public's land that may attract them."

The amendments now being advocated by the citizens committee are intended principally (1) to restore essential features of the Saylor measure that have been omitted, and (2) to eliminate subcommittee additions that would be contrary to wilderness preservation purposes.

Especially criticized were provisions permitting mining to continue in wilderness areas and a proposed requirement that wilderness areas be subjected to reconsideration every 25 years.

Joining Gabrielson in his criticisms and proposals was also Howard Zahniser, committee vice chairman and a prominent advocate of wilderness legislation. He was especially critical of the proposal to make the wilderness areas run a gantlet of opponents every 25 years.

"The nature of our civilization," said Zahniser, "is such as to make wilderness preservation difficult at the best. That is the reason for wilderness legislation. To make it tentative and to provide for the mobilization of forces working against it every 25 years—four times each century—is to be as dubious in a Wilderness Act as in a marriage vow would be inclusion of a similar periodic review."

Gabrielson is president of the Wildlife Management Institute and Zahniser is executive secretary of the Wilderness Society, but both spoke on the wilderness legislation as officers of the Citizens Committee on Natural Resources, a task force organized by individual conservationists to advance conservation and sound management of natural resources in the public interest, especially concerned with legislation affecting natural resources. Secretary and full-time employee of the committee is Spencer M. Smith with headquarters at 1346 Connecticut Avenue NW., Washington, D.C.

The citizens committee statement including specific amendments proposed is as follows:

"HOUSE PUBLIC LANDS SUBCOMMITTEE SUBSTITUTE WILDERNESS BILL

"(A comment with proposed amendments by Ira N. Gabrielson and Howard Zahniser, chairman and vice chairman, Citizens Committee on Natural Resources)

"The substitute wilderness bill approved by the House of Representatives Public Lands Subcommittee on August 9, 1962, and incorporated in committee print No. 23 of the Committee on Interior and Insular Affairs is immediately recognized as the sort of proposal referred to as crippling amendment by advocates of the wilderness legislation as passed by the Senate or sponsored by Representative JOHN SAYLOR and others in the House. Unless further amended, it would be a massive crippling amendment.

"The purpose of the Wilderness Act is to provide for the establishment of wilderness for the benefit of the whole people; the purpose of the substitute seems to be to preserve for a minority of commercial interests an opportunity to exploit any area that may attract them.

"The effect of the substitute would be (1) to hamper the wilderness designation of even areas now being handled as wilderness, and (2) to hamper the preservation as wilderness of any areas that would be designated.

"The substitute as a whole is not only apparently proposed legislation to prevent true preservation of wilderness and to promote and encourage continued exploitation of remaining areas of wilderness; it also includes provisions that are inimical to wilderness preservation.

"Detailed comments

"At its outset the substitute bill includes as a title I a piece of proposed legislation that incorporates the substance of other bills than the wilderness bill, proposals that deal with the broad public-land policies of Congress, especially with withdrawals.

"This title has not been discussed on the Senate side in connection with the wilderness legislation, nor was it a part of the hearings held on the Wilderness Act by the House public lands subcommittee.

"The wilderness legislation at this late time in the closing session of the Congress should not be used for such an extensive rider as this.

"Title I should be removed from the wilderness bill and considered on its own merits.

"Substitute bill contrary to Wilderness Act

"Confining comments to title II then, which it is provided 'is to be cited as the Wilderness Act', we can see apparent a purpose contrary to that of the Wilderness Act as passed by the Senate and advocated by Representative JOHN P. SAYLOR and other sponsors in the House and by its proponents throughout the Nation.

"The purpose of the Senate's act and similar House proposals is to preserve wilderness *for the benefit* of the whole people. A particular purpose is (1) to designate, as wilderness, areas that are within parks, refuges, and the specially classified wilderness portions of the national forests. These areas are thus susceptible to wilderness preservation without interference with other programs. A further particular purpose is (2) to provide for the accommodation of this wilderness policy and program to other interests.

"A central statement, for example, in the Senate act is in the first sentence of section 6 which says that nothing is to interfere with the purposes now being served by the park, refuge, and forest lands involved except that they are to be administered for these purposes in such a way as to continue to preserve their wilderness character. (The same statement is in the first sentence of sec. 3 in Congressman SAYLOR'S H.R. 776, p. 12, lines 5 to 13.)

"The proposed substitute states no such purpose of accomplishing wilderness preservation for the common good as something that is compatible with other purposes of land administration and that is readily feasible.

"On the contrary, the substitute wilderness bill requires the wilderness areas to run the gantlet of opponents every 25 years in a review that has been advocated by opponents of wilderness legislation.

"It is of the nature of wilderness preservation to provide, if possible, for preserving forever something that has always so far been that way, although of course future Congresses can alter any such preservation.

"The nature of our civilization is such as to make wilderness preservation difficult at the best. That is the reason for wilderness legislation. To make it tentative and to provide for the mobilization of forces working against it every 25 years—four times each century—is to be as dubious in a Wilderness Act as in a marriage vow would be the inclusion of periodic review.

"The substitute is an act to protect miners

"To read the Senate act is to see that preserving any areas as wilderness is difficult in our civilization, with its increasing mechanization and growing population, and, therefore, because it seems desirable to so many people, wilderness preservation is something to be provided for by the Congress.

"To read this substitute is to feel ironically that there is a grave danger that wilderness preservation will threaten our civilization and its dependence on commercial activities to such an extent that the Congress of the United States must protect the embattled miners, grazers, and others against a rampant wilderness preservation movement about to take over the whole Federal estate.

"For commercial interests to succeed in combating a program that would preserve only a few areas unspoiled and succeed to such an extent as to bring about this kind of legislative proposal to restrict and control the preservers would be a gross perversion of a very good purpose.

"Substitute bill serves wilderness opponents

"The apparent effect of the provisions of the substitute would be to serve the interests of those who have opposed the wilderness program. Instead of ratifying sound wilderness-preservation accomplishments of administrative agencies to date and making these more orderly and more secure in accordance with the national purpose, this proposed substitute puts in jeopardy some of the areas and administrative policies now established. It would hamper the secure wilderness classification even of areas now being handled as wilderness.

"Even with regard to the very small remnants of our once vast wilderness that are now protected as wilderness, this substitute for the Wilderness Act mobilizes the forces that represent the developments in our civilization which make wilderness preservation difficult.

"Areas to run a gantlet

"Even our protected remnants of wilderness (with few exceptions) would be given congressional protection by the substitute only after running a gantlet and surviving the representations to be made after examination by county boards, State agencies, Bureau of Reclamation, Corps of Engineers, Bureau of Mines, and other Federal agencies (10 in all) who are to bring out every possible alternative to preserving even these comparatively few protected remnants. Many of these primarily represent user interests.

"Finally, as to the effects of this substitute, its section on 'Use of Wilderness Areas' actually takes care to provide for maximum possible nonconforming use of a wilderness. The Senate act already includes liberal special provisions to avoid unnecessary interferences. This substitute even would allow mining to continue in the wilderness areas of the national forest for another 10 years, and even thereafter the areas would continue to be examined for minerals.

"Thus the proposed substitute goes so far in providing for nonconforming uses as to threaten to frustrate the preservation as wilderness of even the areas that would survive the gantlet through which the substitute would require all proposed areas to be carried.

"Amendments proposed

"Study of the measure, however, shows that a series of amendments to restore provisions of the Saylor bill thrown aside by the subcommittee, and to remove damaging additions, can make of this proposed bill a sound measure to serve the public interest in wilderness preservation.

"These amendments are as follows, approximately in the order in which they occur in committee print No. 23:

"Proposed amendment No. 1: Take out 'Title I', drop the heading "Title II', and drop the '200' series in numbering sections: The separate legislation included as a title I rider for the wilderness legislation should be considered on its own merits. Wherever reference is made to 'Title I' the bill should be corrected. Thus on page 28 in line 6, the word 'title' should be changed to 'act.' On page 32 in lines 6 and 7, the words 'and notice, if any, required under title I of this act' should be removed. On page 33 in lines 11 to 13 the words 'which shall include, in addition to other pertinent data, the information required by section 103 of this act' should be removed.

"Proposed amendment No. II: Remove 5,000-acre limitation from the definition: In section 202(a), in item (3) of the second sentence of the definition the words 'has at least 5,000 acres of land and * * * therefore' have been added (p. 28, lines 22 to 25). The Senate act requires simply that the area be 'of sufficient size as to make practicable its preservation and use in an unimpaired condition.'

"This act does elsewhere use the 5,000-acre size as a criterion for a minimum national park system roadless area to be considered, and 5,000 acres has been the Forest Service minimum for wilderness classification (such areas being called 'wild areas'); but the addition of this formal requirement in a definition is questionable, for it seems to indicate that 5,000 acres is a large enough area or, on the other hand, that it is always a minimum. Some islands might be smaller but suitable. Some areas of 5,000 acres because of their surroundings might not qualify.

"It would be better to omit this addition or at least to delete the word 'therefore.' Requirement (3) of the definition (lines 22 to 25 on p. 28) should read as follows:

"'(3) is of sufficient size to make practicable its preservation and use in an unimpaired condition;'.

"Proposed amendment No. III: Clarify the definition by adding the omitted last sentence of the definition in Representative SAYLOR'S H.R. 776: H.R. 776 has the following last sentence in its definition (sec. 1(d)), which is omitted in the proposed substitute: 'For the purposes of this act wilderness shall include the areas provided for in section 2 of this act and such other areas as shall be designated for inclusion in the National Wilderness Preservation System in accordance with the provisions of this act.'

"Without this sentence in the act's definition, in the absence also of definite declarations as to areas later, the phraseology in the proposed substitute's section 203(b) could be obstructive later.

"This is true because certain existing intrusions that literally or by nature do not conform to the first two sentences of the definition can be tolerated for practical purposes, and indeed are so tolerated in establishing the system in accordance with S. 174. Yet under the substitute bill's provisions such existing nonconformities could be used to frustrate inclusion of an area later.

"Accordingly, the following should be added (on p. 29, line 2) to section 202(a): 'For the purposes of this act, wilderness shall include the areas provided for in section 203 of this act and such other areas as shall be designated for inclusion in the national wilderness preservation system in accordance with the provisions of this act.'

"Proposed amendment No. IV: Provide for establishment of the wilderness system: In section 202(b) there is no establishment of the national wilderness preservation system, although the title does state the purpose of establishing such a system. Accordingly, on page 29, in line 6, following the comma and quotation marks after the word 'areas,' there should be inserted the words: 'shall comprise the National Wilderness Preservation System and.'

"Proposed amendment No. V: Limit provisions to Federal lands: In the last clause of section 202(b) the word 'lands' should be qualified to refer only to Federal lands (p. 29, line 12).

"Proposed amendment No. VI: Provide for immediate designation of areas as wilderness to be followed by review: Section 203(b) should be revised to provide for the immediate designation of the areas it refers to, with a provision for review over a 10-year period. As it is, this proposed substitute

makes the same provision that was decisively defeated in the Senate for requiring separate action on each of all these areas that are now in fact protected as wilderness. They should be given legal status at once so as to continue to be protected until Congress determines otherwise.

"Section 203(b) should be changed to read as follows:

"'(b) The following federally-owned areas are hereby designated as wilderness areas subject to review as provided in section 204 of this act:'.

"In accordance with this amendment, the words 'section 203(a)' should be removed in lines 21–22 on page 36 and 8–9 on page 37 and in place thereof in each place there should be inserted the words 'or under the provisions.' The words 'or under the provisions of' should also be inserted after the word 'by' in line 10 on page 41.

"Subsections (2) and (3) of section 203(b) should also be changed to provide for the 5,000-acre criterion of roadless areas in refuge and park system units, by making the subsections read as follows, the added words being in black brackets:

"'(2) Roadless portions [comprising 5,000 acres or more] of parks, monuments, and other units of the national park system; and

"'(3) Roadless portions [comprising 5,000 acres or more, or islands,] within wildlife refuges and game ranges under the jurisdiction of the Secretary of the Interior on the effective date of this Act.'

"Proposed amendment No. VII: Provide for protection of areas under review until Congress determines otherwise: The areas involved in this legislation, there provided for in section 203 (a) and (b) of the substitute bill, are relatively few and all are within what is at present viewed as the Nation's wilderness preservation resource. These areas all should be protected as wilderness till Congress says otherwise.

"Section 204(a) should be revised to provide for continuing protection of each area until such time as Congress has determined otherwise. It might then read as follows (the added words being in black brackets):

"'SEC. 204(a) To assist Congress in determining which of the areas described in section 203(b) shall [continue] to be designated at wilderness areas, the Secretary of the Department having jurisdiction of the lands involved shall, within 10 years after the effective date of this Act review the suitability of said areas for continued protection as wilderness and report annually his recommendations to the President and Congress, together with a map of each area and a definition of its boundaries. [The areas shall continue to be preserved as wilderness in accordance with the provisions of this Act until Congress, following the review hereby required, shall have determined otherwise.]'

"The word 'continued' should be inserted as the second word in line 25 on page 32. The words 'continue to' should be inserted after the word 'should' in line 7 on page 33. The words 'to continue' should be inserted at the beginning of line 1 on page 34.

"Proposed amendment No. VIII: Remove the requirement for reconsidering wilderness designations every 25 years: Section 205 on pages 34 and 35 should be removed in its entirety. A review every 25 years of wilderness areas, can only unreasonably subject to the pressures that make wilderness preservation difficult in our culture, the few areas established as wilderness for preservation. The Congress, of course, at any time in the future may change the designation of any area and can be expected to do so if this is desirable in the public interest.

"Proposed amendment No. IX: Make plain that the wilderness character of areas is to be preserved and that this is in accord with the purposes of the areas. Section 206 on 'Use of Wilderness Areas' should make plain that the areas involved must be so administered as to preserve their wilderness character. It should also make plain that such preservation is consistent with other purposes of the lands involved. This could be accomplished by including the first sentence in section 6 of Representative SAYLOR'S H.R. 776—the sentence already referred to in this statement.

"This would be accomplished by inserting at the end of line 7 on page 35, at the end of the first sentence in section 206(a), the following:

"'Nothing in this act shall be interpreted as interfering with the purposes stated in the establishment of or pertaining to any national park or monument, national forest, national wildlife refuge, or other area involved, except that any agency administering any area within the Wilderness System shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purpose as also to preserve its wilderness character.'

"Proposed amendment No. X: Correct mistake in providing for accommodations and installations in wilderness. In the second sentence of section 206(a)(3) a change in phraseology from what is substantially otherwise the same sentence in the Senate act makes a drastic and undesirable change. The accommodations and installations referred to would not be permissible 'in wilderness areas' as stated in this sentence in the proposed substitute. Instead of the phrase, 'in wilderness areas,' the sentence should have the words, 'in such designated areas,' referring to the designation of an area (as referred to in the preceding sentence) for roads, etc., as provided in H.R. 776. Accordingly, in line 3 on page 36 the word 'wilderness' should be removed and in its place inserted the words 'such designated.'

"Proposed amendment No. XI: Remove permission for mining but provide for mining and prospecting when in the national interest: Section 206(c)(2) with its proposed damaging permission of mining should be eliminated except that: (1) mining could be included in the possible authorizations set forth in section 206(d); and (2) the provision in the last sentence of section 206(c)(2) providing for studies by the Geological Survey and Bureau of Mines would seem consistent with wilderness preservation and thus might be retained.

"This would be accomplished by the following amendment: Strike out in section 206(c)(2) all beginning on page 37, line 16, and ending on page 39, line 13, to the word 'designated' and all beginning in line 19 on page 39 with the word 'with' and continuing to the end. This would make the subsection read as follows:

"'(2) Designated and proposed wilderness areas shall be surveyed on a planned, recurring basis consistent with the concept of wilderness preservation by the Geological Survey and the Bureau of Mines to determine the mineral values, if any, that may be present; and the results of such surveys shall be made available to the public and submitted to the President and Congress.'

"Proposed amendment No. XII: Correct provisions for exceptions to be made in the national interest: Section 206(d) should be amended so as (1) to limit the wilderness areas involved to national forest areas, (2) to entrust to the President rather than the Secretary the authorizations, as the Senate determined after the change to a Secretary had been proposed in an amendment on the floor, and (3) to include provision for authorized mining when in the public interest. The first four lines would then read as follows, the added words in black brackets:

"'(d) Within [national forest] wilderness areas designated by this Act, (1) the [President] may, within a specific area and in accordance with such regulations as he may deem desirable, authorize [mining, prospecting,] prospecting for water resources," etc.

"Proposed amendment No. XIII: Bring grazing provision in line with Forest Service and Department of Agriculture established policy: In accordance with Forest Service and Department of Agriculture policy, the grazing proviso at the end of section 206(d), in lines 11 and 12 of page 40, should be removed; the word 'well' should be inserted before 'established' in line 8; and the words 'restrictions and' should be inserted after the word 'reasonable' in line 10. This would make the provision read as follows, the added words in black brackets:

"'(2) the grazing of livestock, where [well] established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable [restrictions and] regulations as are deemed necessary by the Secretary of Agriculture.'

"Proposed amendment No. XIV: Limit hunting provision to national forest areas: The special provision regarding hunting in section 206(h) should be limited to national forest areas, by inserting the words 'national forest' before the word 'wilderness' in line 10.

"Proposed amendment No. XV: Include provision for gifts: In the final subsection (section 207(d)) relating to acceptance of gifts, the Secretary of the Interior should be included as the Secretary of Agriculture, and the Senate provision for accepting contributions and gifts should also be included. This can be accomplished by inserting in line 15 on page 42 after 'Agriculture' the phrase 'and the Secretary of the Interior' and at the end of line 23 adding the following:

"'The Secretary of the Interior and the Secretary of Agriculture are each authorized to accept private contributions and gifts to be used to further the purposes of this act. Any such contributions or gifts shall, for purposes of Federal income, estate, and gift taxes, be considered a contribution or gift to or for the use of the United States for an exclusively public purpose, and may be deducted as such under the provisions of the Internal Revenue Code of 1954, subject to all applicable limitations and restrictions contained therein.'"

CONGRESS BACKS PRESIDENT'S WARNING TO COMMUNIST-DOMINATED CUBA, AND ITS MASTER, THE SOVIET UNION

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

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

There was no objection.

Mr. LANE. Mr. Speaker, the betrayal of the Cuban revolution, and the transformation of Cuba into a Communist fortress and as a base for subversion and aggression against the countries of North, Central, and South America, is a threat that worries the American people.

If Khrushchev gets away with this, he will have scored a major psychological victory in the eyes of the world, and will be in a position to exert stronger pressures against the United States and all the other nations of the New World. By moving in Communist military forces that are cynically described as technicians, he is demonstrating his contempt for our lack of resolution, and is extending his initiative in the cold war. If he

succeeds in consolidating his takeover of Cuba under the guise of "military assistance" he will be emboldened to miscalculate our weak and confused response as evidence that we will not stand up to him in Berlin or in other crucial areas of the world.

To avoid miscalculation that could lead to war, he must be served notice that he can go so far, but no further, in Cuba. The House of Representatives, in cooperation with the Senate, will pass a concurrent resolution in support of our President, to prove the unity of our Nation in opposition to this encroachment.

I speak for House Congressional Resolution 538, which I have submitted for consideration by the Committee on Foreign Affairs, aware that it reflects the purpose and meaning of many similar resolutions in the Congress to support the President in meeting this issue.

From the Monroe Doctrine of 1823, through the Rio Treaty of 1947, to the declaration by the Foreign Ministers of the Organization of American States at Punta del Este in 1962, we have progressed from a national to a hemispheric program to defend the Americas against any attempt on the part of extracontinental powers to extend their system to any of the American States, because we believe such atttempts to be dangerous to our peace and safety. We prefer to meet such threats only in consultation and agreement with the 21 Latin American Republics, and consistent with article 51 of the Charter of the United Nations which recognizes the inherent right of individual or collective self-defense.

But if the Communist military buildup in Cuba should threaten the United States or any Latin American Republic, and if the Organization of American States should fail to take effective counteraction, the United States must be prepared to eliminate this menace to our security and our freedoms. We shall, under these circumstances, and as President Kennedy says, use whatever force is required to defeat or overthrow Castro, the tool of Communist imperialism. The resolution follows:

Be it resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President of the United States is supported in his determination and possesses all necessary authority—

(a) to prevent by whatever means may be necessary, including the use of arms, the Castro regime from exporting its aggressive purposes to any part of this hemisphere by force or threat of force;

(b) to prevent in Cuba the creation or use of an externally supported offensive military base capable of endangering the U.S. naval base at Guantanamo, free passage to the Panama Canal, U.S. missile and space preparations or the security of this Nation and its citizens; and

(c) to work with other free citizens of this hemisphere and with freedom-loving Cuban refugees to support the legitimate aspirations of the people of Cuba for a return to self-determination.

A TAX BREAK FOR HOMEOWNERS

The SPEAKER. Under previous order of the House, the gentleman from New York [Mr. HALPERN] is recognized for 15 minutes.

Mr. HALPERN. Mr. Speaker, I rise today to appeal for the support of my colleagues in urging that any tax revisions being considered by the administration and by the Ways and Means Committee of this House include a break for the homeowner who is solely neglected, taxwise.

I have introduced several bills aimed at a more realistic and equitable revision of existing tax laws covering many facets of our tax structure. Three in particular, which I stress today, call for direct tax benefits for homeowners.

This legislation, H.R. 12174, H.R. 5709, and H.R. 11775, would, first, allow for a reasonable deduction for the normal wear and tear on a taxpayer's residence; second, permit the homeowner a deduction of up to $750 for necessary home repairs and improvements; and, third, exclude from taxation any profit made by a homeowner over 60 years of age on the sale of his residence.

Mr. Speaker, it is high time that homeowners were given this sorely needed, long overdue consideration. A depreciation allowance would provide the incentive for a homeowner to keep his residence from deteriorating and would encourage him to remodel and restore. Such an allowance would permit an owner to depreciate his residence over a period of years, based on its reasonable value and estimated life. It would also help maintain the high standards of our neighborhoods.

The present law permits a depreciation deduction only for property used in a trade or business, or held for the production of income. My legislation would not change these present provisions, but would extend them to cover residences as well. For some time now there has been a need for the tax laws to recognize the wear, tear, and obsolescence of homes.

My second bill offers another approach to alleviate this burden of the homeowners and at the same time help to spur the economy. This bill would permit a deduction of up to $750 per tax year for special expenses incurred for home repairs and improvements. Such needs as painting, papering, carpentry, plumbing and electrical work, and roofing and glazing would be included. Under this proposal, the homeowner would be able to itemize on his tax return his cost for repairs and improvements—up to $750—in the same way he now deducts the interest paid on his mortgage.

The use of a homeowner's income for the improvement of his residence not only betters his family's own living, but helps maintain the neighborhood in which he lives. This constitutes a direct personal contribution by the taxpayer to the community, and reduces the need for public expenditures to rehabilitate rundown areas. I think that in thus performing a service for himself and his community, the homeowner should be granted a tax break.

Approval of my third tax-reform bill would be in the interest of equity, fairness, and commonsense. This measure would exempt a person 60 years or older from payment of a capital gains tax on the sale of a residence which he has held for at least 5 years. Under present law, such a sale requires payment of capital gains on the difference between what the owner paid for the house and the sale price—unless he buys another home within a limited period of time. The levy is one-half the regular income tax rate, up to a maximum of 25 percent.

The typical family buys a large house while the children are young and living at home, but then the parents find it a burden as the children marry and retirement nears. Many such couples would like to move, but the capital gains levy takes such a big chunk out of their funds that these plans are often thwarted.

These tax considerations could stimulate new activity in home building, and in home repairs and improvement. Moreover, any direct revenue loss to the Government will be more than restored in one way or another. Maintaining a home at its best level will spur business and boost the economy. In turn, the community, the city, and the Nation will benefit. Such tax considerations will also provide a boom in homeownership and contribute greatly to strong, vital communities which are the very best roots of a strong America.

There is considerable talk about tax cuts to stimulate spending and restore a healthy economy. If any segment of the American population is entitled to consideration, it is those who assume the responsibilities of ownership. Their risks are great, and their expenses are ever mounting.

My legislation would help relieve them of some of this burden and would at the same time, help maintain and increase home and neighborhood values, as well as act as a spur to the economy through increased spending.

Mr. Speaker, I call upon my colleagues in this House to back my efforts and to urge the House Ways and Means Committee to act favorably on these proposals.

STATUS OF THE APPROPRIATION BILLS OF THE 2D SESSION, 87TH CONGRESS

Mr. CANNON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a table.

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

There was no objection.

Mr. CANNON. Mr. Speaker, for the information of Members and others who may be interested, I include a down-to-date résumé of the appropriation bills of the session processed through the Committee on Appropriations. Only the customary closing supplemental bill remains to be reported to the House.

The tabulation discloses the current status of each bill.

We should note that permanent appropriations which recur without annual action by the Congress are not included. And in this session, back-door appropriation bills have diminished substantially as compared to last year.

Table of appropriation bills, 87th Cong., 2d sess., as of Sept. 21, 1962

[Does not include any back-door appropriation bills. Also excludes permanent appropriations]

Bill No.	Title	House						Senate				Final action—Amount as approved	Increase or decrease compared to budget estimates to date
		Budget estimates to House	Amount as reported	Amount reported compared with budget estimates	Amount as passed	House action compared with—		Budget estimates to Senate	Amount as passed	Senate action compared with—			
						Budget estimates	Amount reported			Budget estimates	House action		
	1962 SUPPLEMENTALS												
H.J. Res. 612	Veterans' Administration	$151,200,000	$55,000,000	−$96,200,000	$55,000,000	−$96,200,000		$151,200,000	$55,000,000	−$96,200,000		$55,000,000	−$96,200,000
H.R. 11038	2d supplemental	[1] 503,265,000	431,807,000	−71,458,000	447,514,000	−55,751,000	+$15,707,000	[1] 522,231,929	560,008,344	+37,776,415	+$112,494,344	373,550,689	[2] −148,681,240
H.J. Res. 745	Supplemental [3]		(133,259,929)		(133,259,929)				(277,222,429)				
	Total, 1962 supplementals	654,465,000	486,807,000	−167,658,000	502,514,000	−151,951,000	+15,707,000	673,431,929	615,008,344	−58,423,585	+112,494,344	428,550,689	−244,881,240
	1963 APPROPRIATIONS												
H.R. 10526	Treasury-Post Office	5,575,386,000	5,461,671,000	−113,715,000	5,461,671,000	−113,715,000		5,575,386,000	5,526,558,000	−48,828,000	+64,887,000	5,489,781,000	−85,605,000
H.R. 10802	Interior [4]	930,674,000	868,595,000	−62,079,000	868,595,000	−62,079,000		932,674,000	922,560,820	−10,113,180	+53,965,820	885,362,000	−47,312,000
H.R. 10904	Labor-HEW	5,284,831,000	5,170,788,000	−114,043,000	5,170,788,000	−114,043,000		5,386,363,100	5,380,958,000	−5,405,100	+210,170,000	5,334,609,500	−51,753,600
H.R. 11151	Legislative	114,078,425	113,733,890	−344,535	113,733,890	−344,535		146,913,210	146,690,690	−222,520	[5] +32,956,800	146,477,270	−435,940
H.R. 11289	Defense	47,907,000,000	47,839,491,000	−67,509,000	47,839,491,000	−67,509,000		47,907,000,000	48,429,221,000	[5] +522,221,000	+589,730,000	48,136,247,000	+229,247,000
H.R. 12276	District of Columbia	(299,134,478)	(290,059,000)	(−9,075,478)	(290,059,000)	(−9,075,478)							
	Federal payment	35,199,000	33,199,000	−2,000,000	33,199,000	−2,000,000							
	Loan authorizations	(26,042,000)	(26,042,000)		(26,042,000)								
H.R. 12580	State, Justice, Commerce, Judiciary [6]	2,004,178,000	1,902,065,700	−102,112,300	1,901,215,700	−102,962,300	−850,000						
H.R. 12648	Agriculture	6,354,783,000	5,477,092,500	−877,690,500	5,475,842,500	−878,940,500	−1,250,000	6,354,783,000	4,774,983,000	−1,579,800,000	−700,859,500		
	Loan authorizations	(805,000,000)	(805,000,000)		(805,000,000)			(805,000,000)	(820,000,000)	(+15,000,000)	(+15,000,000)		
H.R. 12711	Independent offices [7]	12,560,063,500	11,501,141,000	−1,058,922,500	11,501,141,000	−1,058,922,500		12,580,269,500	11,801,590,000	−778,679,500	+300,449,000		
H.R. 12870	Military construction	1,594,729,500	1,369,741,000	−224,988,500	1,369,741,000	−224,988,500		1,594,729,500	1,350,501,000	−244,228,500	−19,240,000	1,319,114,500	−275,615,000
H.R. 12900	Public works	4,745,332,000	4,613,807,900	−131,524,100	4,613,807,900	−131,524,100							
H.R. 13175	Foreign assistance	7,335,029,000	5,956,852,000	−1,378,177,000	5,956,852,000	−1,378,177,000							
	Supplemental												
	Total, 1963 appropriations	94,441,283,425	90,308,177,990	−4,133,105,435	90,306,077,990	−4,135,205,435	−2,100,000	80,478,118,310	78,330,062,510	−2,145,055,800	+532,059,120	61,311,591,270	−231,474,540
	Total, all appropriations	95,095,748,425	90,794,984,990	−4,300,763,435	90,808,591,990	−4,287,156,435	+13,607,000	81,151,550,239	78,948,070,854	−2,203,479,385	+644,553,464	61,740,141,959	−476,355,780
	Total, loan authorizations	(831,042,000)	(831,042,000)		(831,042,000)			(805,000,000)	(820,000,000)	(+15,000,000)	(+15,000,000)		

[1] Adjusted to reflect rescission of $44,637,000 for Civil Service Commission proposed in H. Doc. 333 but not acted upon by Congress.

[2] Of this amount, $117,457,000 which was originally provided for fiscal year 1962 costs eliminated by H. Con. Res. 505 as no longer required.

[3] Included primarily deficiency items contained in 2d supplemental, 1962 (H.R. 11038) considered necessary to enable certain agencies to finish out fiscal year. Not sent to conference or enacted into law.

[4] Includes borrowing authority as follows: Budget estimate, $20,000,000; House reported and passed, $6,000,000; Senate reported and passed, $20,000,000.

[5] Includes $514,500,000 in new obligational authority in lieu of utilizing the sum of $514,500,000 appropriated for the current year for the procurement of long-range bombers, as proposed in the President's budget.

[6] Includes comparability adjustment of $115,480,000 for borrowing authority replaced by appropriation.

[7] Includes comparability adjustments of $34,427,500 for contract authorization and borrowing authority replaced by appropriations.

[8] Consists largely of Senate items not included in bill as passed House.

NOTE.—Indefinite appropriations in the bills are included in this table.

REPORT ON DEFENSE SUPPLY AGENCY

Mr. CORMAN. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. HOLIFIELD] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. HOLIFIELD. Mr. Speaker, I wish to call to the attention of the Members House Report No. 2440, entitled "Defense Supply Agency," which was adopted unanimously by the Committee on Government Operations on September 19, 1962.

This report, prepared by the Military Operations Subcommittee, of which I am chairman, discusses the background, establishment, and operations of the Defense Supply Agency of the Department of Defense. The committee takes the position that Secretary of Defense McNamara has authority under existing law to establish such a supply agency, and also that Congress favors strong leadership and positive action for improved supply management.

House Report No. 2440 describes the operation and organization of the new Defense Supply Agency for handling procurement and distribution of common supplies and services. Since January 1962 the Agency has taken over nine single manager-type agencies and other newly centralized functions.

The Defense Supply Agency now manages wholesale procurement and distribution of food, clothing, medical, petroleum, general, industrial, automotive, construction, and electronics supplies. It also performs such common service functions as traffic management, cataloging, standardization, materiel utilization, and surplus property disposal.

The report discusses savings estimates and benefits expected to flow from the establishment of the DSA. It recommends a number of steps to be taken by the Department of Defense to assure the achievement of greater savings and efficiency. Among other things, it underlines the need for increased efforts on standardization and the utilization of long supply, excess, and surplus stocks of materiel in lieu of new procurement.

The report discusses the future of DSA in these terms:

> The future of DSA is tied to the evolution of the Defense Establishment as a whole in adjusting to new and ever-changing weapon technologies. For the foreseeable future, its status and role are as certain as those of the military departments, and its particular interest and concern are to manage well those supply and service functions which lend themselves to central management.

Among the areas which have been suggested and studied for inclusion in DSA central management are industrial production equipment, chemical supplies, and aeronautical supplies. I hope that our report will have some weight in urging any military departmental representatives who may oppose the DSA merely for the sake of habit and inertia to get down to work on careful study of these problems. The report affirms that long-standing military specialties should not be casually reshuffled without the most serious consideration and study. But after such consideration and study is completed, better management methods must be undertaken where they are beneficial to the Department of Defense and the Nation in the interest of economy and efficiency.

House Report No. 2440 is the fourth of a recent series of reports on military supply management that have been prepared by the Military Operations Subcommittee, in which we have supported the development of the single manager plan into what has become the Defense Supply Agency and other defense components.

In 1959 the subcommittee held hearings on the single manager agencies, and published House Report No. 674, 86th Congress, 1st session. At that time, there were only four single manager operating agencies, the ones for food and clothing supplies in the Army, and the ones for medical and petroleum supplies in the Navy, and the petroleum agency was really only a procurement office rather than a single manager agency with broader functions in distribution and supply.

A number of recommendations were contained in House Report No. 674, intended to encourage further study and extension of the single manager plan for other commodities, areas, and uses.

In 1960 the subcommittee held further hearings and issued House Report No. 2042, 86th Congress, 2d session. By that time, decisions had been made on four new single manager assignments—to the Army for general, automotive, and construction supplies, and to the Navy for industrial supplies. In addition, other smaller commodities were added to the original assignments in these areas.

In its concluding observations, the report said that a key attribute of the single manager plan was the delegation of tasks to one military officer to carry out for the benefit of all the services. While not advocating a fourth service of supply, it pointed to the need for uniform agency procedures and for a uniform distribution system in light of the growing proportion of items and dollars coming under single management and the growing complexity of even eight separate single manager supply systems.

The report also said that the single manager approach was a short cut to bigger tasks. The future supply organization should be based on the needs of the military command organization of the decade ahead.

In 1961, the Military Operations Subcommittee held further hearings and issued House Report No. 1214, 87th Congress, 1st session. That report was concerned with the programs through which the military services exchange assets which may be in long supply, excess or surplus in one, but badly needed in another service. The report said that there should be increasing effort toward getting the most out of the public dollar already spent, and called for aggressive planning and direction to achieve better results. At that time, the subcommittee stated that it would give continuing attention to the newly announced Defense Supply Agency and hold further hearings after the Agency was organized and in operation.

That intention has been carried out now with the adoption of House Report No. 2440. The subcommittee will continue to examine all aspects of military supply management that require attention and improvement.

THE STATE OF OHIO HAS ACCEPTED THE CHALLENGE OF EDUCATING ITS OWN YOUTH ON THE HIGHER LEVELS OF LEARNING

Mr. McCULLOCH. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. McCULLOCH. Mr. Speaker, the several States have long recognized the need, and accepted the responsibility, for aiding the worthy student to obtain a college education. One such means of fulfilling this obligation has been for States to create State universities which are open to students at nominal rates of tuition. In some States, every accredited high school graduate has the right to matriculate. In others, those graduates possessing a prescribed scholastic rating are admitted. In addition, there is a growing trend in a number of States toward establishing junior colleges, either on the State or municipal level, to meet the educational needs of their student populations. These institutions, in turn, generally offer instruction at modest rates of tuition. Finally, many States have initiated programs to financially aid students who, for one reason or another, are in need of financial assistance in order to meet their educational expenses.

The State of Ohio has been a pioneer in assisting worthy students with grants of aid and liberal guaranteed loans at low interest rates. These programs have developed from a recognition by the people of Ohio and their elected representatives that the intelligent student, in particular, is a major asset to our advanced civilization, and should not be denied a higher education for lack of financial resources. By the same token, the people of Ohio and their elected representatives recognize that education is a function of society which is best supported and managed by and within the local communities—whether on the city, county, or State level. For, if local communities themselves will not properly bear this burden, education will gravitate to the Federal level where variety, experimentation, and a free range of thought are likely to be eliminated.

In meeting this burden, the Legislature of the State of Ohio has enacted at least two progressive programs which have gone far toward aiding the college student on the State level, and with State or private funds.

The last of such programs may be popularly called the Student Loan Guar-

antee Act of 1961—title 33, sections 3351.05 to 3351.13 of Ohio's Revised Code. Through this legislation, there was created an Ohio Higher Education Assistance Commission. The purpose of this commission, as stated in the act, "is to make available to residents (of Ohio) improved opportunities for higher education and to improve the general health and welfare by raising the educational levels of such residents."

The commission is charged with the duty of administering a fund which is financed through State appropriations and private donations. By means of this fund the commission is authorized to guarantee loans made by banks located in Ohio to students who are attending or plan to attend institutions of higher learning. For each dollar contained in the loan guarantee fund, the commission is authorized to guarantee loans equaling 15 times the total value of funds, investments, properties, and other assets entrusted to the commission. Although the program was not enacted until late October of 1961 and the administrative machinery was not fully set up until the summer of this year, the commission has already converted the initial $100,000 State appropriation into guaranteed loans of $500,000. Over 216 banks located in Ohio are presently participating in the program encompassing 84 of the State's 88 counties. Additional banks are expected to rapidly join in the participation, while the commission expects to fully pledge its $1,500,000 loan guarantee fund by the spring of 1963. As additional State appropriations are made and as private businesses, trusts and individuals submit contributions, the commission is expected to have outstanding loan guarantees extending into millions of dollars and to be assisting the education of thousands upon thousands of Ohio youths.

Under this legislation, any student who is a resident of Ohio and is enrolled or has applied for enrollment in an accredited college or university located in Ohio may obtain a loan to meet his higher educational expenses so long as the student meets "minimum academic standards established by the commission" which give reasonable assurance that the student is "able to complete satisfactorily a course of study in higher education." Each student who so qualifies shall be entitled to a loan guarantee of 80 percent of the unpaid principal and interest on the loan and loan guarantees may accrue to $1,000 per year and $5,000 in outstanding balance. The interest to be charged by a bank may not exceed 5½ percent per year and from this charge the lending institution must pay over to the commission 0.5 percent per year to assist in meeting the expenses of the commission. Finally, age is specifically excluded as a condition for a loan whether a person be under 21 years of age or otherwise.

From this it may be seen that the people of the State of Ohio are willing and able to meet the burden of educating their own children and to accept today's need, as responsible citizens, to provide trained and self-reliant youths for tomorrow's challenge. These citizens have not sat idly by to await Federal handouts. In a like manner, most if not all of the other States of the Union are equally willing and desirous of shouldering the same responsibility. For, if there is one thing certain, it is that the strength and preservation of our Nation is best maintained when its people are free of the deadening effect of centralized education.

I commend the analysis of Ohio's Student Loan Guarantee Act to everyone who is interested in promoting higher education through State and local action. The act is as follows:

3351.05. Ohio higher education assistance commission.

There is hereby created a commission to be known as the "Ohio Higher Education Assistance Commission." The purpose of such commission is to make available to residents of this State improved opportunities for higher education and to improve the general health and welfare by raising the educational levels of such residents by guaranteeing loans made to persons who are attending or plan to attend institutions of higher education, when such loans are made to assist such persons in meeting their expenses of higher education in accordance with the provisions of sections 3351.05 to 3351.13, inclusive, of the revised code (129 v H 618. Eff. 10–27–61).

3351.06. Membership and organization.

The Ohio Higher Education Assistance Commission shall be composed of nine members, to be appointed by the Governor with the advice and consent of the senate for terms of 3 years, except that of the members first appointed three members shall serve for a term ending on the second Monday in February 1962, three for a term ending on the second Monday in February 1963, and three for a term ending on the second Monday in February 1964. Two members of the commission shall be representatives of institutions of higher education, one member shall be a representative of secondary schools, and three members shall be representatives of banks. Upon the expiration of the term of office of a member of the commission, his successors shall be appointed by the Governor, with the advice and consent of the senate, for a term of 3 years. Vacancies shall be filled by appointment to the unexpired terms.

The Governor shall designate the chairman of the commission. The commission shall elect, from its own members each year, a vice chairman and such other officers as it deems necessary. Members of the commission shall receive no compensation for their services but shall be reimbursed for their necessary expenses actually incurred in the conduct of the business of the commission.

The commission shall provide for the holding of regular and special meetings. A majority of the commissioners shall constitute a quorum for the transaction of any business and, unless a greater number is required by the rules of the commission, the act of a majority of the commissioners present at any meeting shall be the act of the commission.

The commission shall adopt rules for the conduct of the commission and may appoint such officers and employees as necessary and may fix their compensation and prescribe their duties (129 v H 618. Eff. 10–27–61).

3351.07. Powers and duties.

(A) The Ohio Higher Education Assistance Commission may:

(1) Guarantee the loan of money, subject to the requirements of section 3351.08 of the revised code and upon such other terms and conditions as the commission may prescribe, to persons attending or planning to attend institutions of higher education to assist them in meeting their expenses of higher education including graduate education;

(2) Reject or take, hold, and administer, on behalf of the commission and for any of its purposes, real property, personal property, and moneys, or any interest therein, and the income therefrom, either absolutely or in trust, for any purpose of the commission. The commission may invest its funds in any investments in which funds of the public employees' retirement system may be invested pursuant to section 145.11 of the revised code. The commission may acquire property or moneys for its purposes by the acceptance of gifts, grants, bequests, devices or loans: *Provided, however,* That no obligation of the commission shall be a debt of the State, and the commission shall have no power to make its debts payable out of moneys except those of the commission;

(3) Enter into such contracts as may be desirable with institutions of higher education, upon such terms as may be agreed upon between the commission and the institution, to provide for the administration by such institution of any loan or loan plan guaranteed by the commission, including applications therefor and repayment thereof;

(4) Enter into contracts with any bank as defined in section 1101.01 of the revised code, upon such terms as may be agreed upon between the commission and the bank, to provide for the administration by such bank of any loan or loan plan guaranteed by the commission including applications therefor and terms and repayment thereof, and to establish the conditions for payment by the commission to the bank of the guarantee on any loan. A loan shall be defaulted when the bank makes application to the commission for payment on the loan stating that such loan is in default in accordance with the terms of a contract executed under this paragraph;

(5) Sue and be sued in the name of the commission;

(6) Collect loans guaranteed by the commission on which the commission has met its guarantee obligations;

(7) Adopt rules and regulations, not inconsistent with the provisions of sections 3351.05 to 3351.13, inclusive, of the revised code, governing the guarantee of loans made by the commission, and governing any other matters relating to the activities of the commission;

(8) Perform such other acts as may be necessary or appropriate to carry out effectively the objects and purposes of the commission.

(B) The Ohio Higher Education Assistance Commission for the purposes of sections 3351.05 to 3351.13, inclusive, of the revised code, shall:

(1) Establish standards to determine minimum academic capacity of students to satisfactorily complete a course of study;

(2) Approve institutions of higher education in which students must be enrolled or apply for enrollment in order to be eligible for guaranteed loans (129 v H 618. Eff. 10–27–61).

3351.06. Student loan guarantees.

The Ohio Higher Education Assistance Commission is empowered to guarantee loans made to students of institutions of higher education subject to the following conditions and limitations:

(A) A person may be eligible for a loan guaranteed by the commission if:

(1) He is a resident of Ohio;

(2) He is determined by the commission, in accordance with the minimum academic standards established by the commission, to be able to complete satisfactorily a course of study in higher education;

(3) He is enrolled or has applied for enrollment at an institution of higher education of his choice which is approved by the commission.

(B) The aggregate value of all loans guaranteed and outstanding at any one time shall not exceed 15 times the total value of funds, investments, properties, and other assets of the commission.

(C) No loan to any person shall be guaranteed to an amount in excess of $1,000 for any school year nor shall the total outstanding guarantees of loans to any person exceed $5,000 at any one time.

(D) The guarantee shall be for 80 percent of the unpaid principal and interest on each loan.

(E) The interest charged on any guaranteed loan including the charge required by paragraph (F) of this section shall not exceed 5½ percent per year.

(F) Each guaranteed loan shall carry a special interest charge of one-half of 1 percent per year which shall be paid to the commission by the institution or bank making the loan. The special interest charge shall be for the purpose of meeting the expenses of the commission and maintaining the funds available to the commission to guarantee loans. Whenever, after October 1, 1966, the aggregate value of all loans guaranteed and outstanding at one time is less than 10 times the total value of funds, investments, properties, and other assets of the commission, the commission shall pay to the general revenue fund of the State not less than $25,000 nor more than a sum equal to one-fourth of the commission's assets, but the cumulative total of all such payments shall, in no instance, exceed the total amount of appropriations made by the State to the commission.

Provided, guarantees made in violation of these conditions and limitations shall not be invalid by reason of such violation (129 v H 618. Eff. 10–27–61).

3351.09. Age does not bar loan.

Any person otherwise qualifying for a loan guaranteed by the Ohio Higher Education Assistance Commission shall not be disqualified by reason of his being under the age of 21 years, and for the purpose of applying for, receiving, and repaying such a loan any such person, notwithstanding the provisions of section 3109.01 of the revised code, shall be deemed to have full legal capacity to act and shall have all the rights, powers, privileges, and obligations of a person of full age with respect thereto (129 v H 618. Eff. 10–27–61).

3351.10 Tax exemption.

All property and income of the Ohio Higher Education Assistance Commission used exclusively for the purposes of sections 3351.05 to 3351.13, inclusive, of the revised code shall be exempt from all taxes and assessments (129 v H 618. Eff. 10–27–61).

3351.11 Examination by superintendent of banks.

The Ohio Higher Education Assistance Commission shall be subject to examination by the superintendent of banks, but shall not be deemed to be a banking organization nor required to pay a fee for any such supervision or examination. The commission shall make an annual report of its condition to the Governor, the general assembly and the superintendent of banks on or before the first day of March (129 v H 618. Eff. 10–27–61).

3351.12 Dissolution.

The Ohio Higher Education Assistance Commission shall not be dissolved until all loans guaranteed have been paid by the borrower, or if in default, by the commission. Thereafter, upon dissolution of the Ohio Higher Education Assistance Commission, or the cessation of its activities, all the property and moneys of such commission shall be vested in the State of Ohio and credited to the general revenue fund (129 v H 618. Eff. 10–27–61).

3351.13 Acceptance and use of funds.

The Ohio Higher Education Assistance Commission shall accept any contributions or subsidies made to it from State funds and shall use the funds to meet administrative expenses and provide a reserve fund to guarantee loans made pursuant to sections 3351.05 to 3351.13, inclusive, of the revised code (129 v H 618. Eff. 10–27–61).

DENIAL OF FEDERAL FUNDS TO CERTAIN EDUCATIONAL INSTITUTIONS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. RYAN] is recognized for 10 minutes.

Mr. RYAN of New York. Mr. Speaker, our Nation was founded on the bold principle that every individual regardless of his race, creed or color should have an equal opportunity to develop his capacities to the fullest extent possible. The philosophy of education in America has reflected this principle. Our educational system incorporates the idea that every individual has a right to develop his potentialities. Education is vital to the safeguard and progress of our free and democratic society. We have won worldwide respect for our dedication to the principle of human dignity and development and for our educational system.

It is most distressing to note, however, that 100 years after the Emancipation Proclamation, the bold and dynamic philosophy of education in this Nation is still challenged by some educational institutions which restrict admissions because of race, creed, color, and national origin. It is even more distressing to note that the Federal Government through various programs of assistance has made substantial contributions to institutions which, even since the historic 1954 Supreme Court decision, have refused to eliminate their racial admission practices.

Mr. Speaker, today I have introduced a bill which provides that no Federal funds shall be awarded to any educational institution "which refuses to admit any individual as a student, or to permit any individual to continue in attendance as a student, on account of such individual's race, religion, color, ancestry, or national origin." It is regrettable that the unyielding and irrational actions of some institutions necessitate such action. Yet, I do not think that Federal tax revenues received from all citizens should be awarded to a school which is not only in open defiance of the Supreme Court but is flouting the basic tenets upon which this Nation was founded. It is not the purpose of this proposal to impose a penalty, although in some instances it will no doubt result in financial loss for some schools. I am basically concerned, however, that national support in the form of Federal funds not be given to an institution which does not comply with our laws and with our basic principles.

We are all very much aware of recent events which have served to underscore the need for this legislation. The Governor of Mississippi has directed the Mississippi Board of Trustees of State Institutions of Higher Learnings not to obey a Federal court order to register a Negro student at the University of Mississippi. At the same time, the university is receiving Federal funds for its educational program. I do not understand how the Governor can rationalize his action. He is unwilling to acknowledge the law of the land as declared by the Supreme Court; and he is urging State education officials to ignore a Federal court order, but the university continues to receive Federal funds. These funds have been substantial.

In response to a questionnaire from the House Committee on Education and Labor, the University of Mississippi reported receiving Federal funds in the amount of $73,688 between the summer of 1959 through the academic year 1961–62 for counseling and guidance training institutes under the National Defense Education Act. It is interesting to note that in replying to the questionnaire the university reported the status of desegregation as nonrestricted. The university also reported to have received $95,000 in Federal funds for national defense graduate fellowships between 1959–63. In response to the questionnaire about the graduate fellowship program the university made no reply about the status of desegregation. In addition, $67,68$ of Federal funds went to the university for the NDEA language institute program from the summer of 1959 through the academic year 1961–62, and again the university reported the status of desegration as nonrestrictive. The Federal funds from these programs total $236,374.

The fact that the public supports the University of Mississippi by large Federal expenditures points out the need for the proposed legislation. The University of Mississippi, however, is but one example, for, as we all know, there are other educational institutions receiving public support while flouting public law. The enactment of this legislation would clearly tell these institutions that the citizens of the United States will not tolerate segregation.

Mr. Speaker, we cannot expect to make continued progress in the accomplishment of our basic goals unless we are willing to take positive action to carry cut our convictions. The bill I have introduced today represents such action.

THE STATE DEPARTMENT'S CULTURAL EXCHANGE PROGRAM MUST BE OVERHAULED

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New Jersey [Mr. WIDNALL] is recognized for 20 minutes.

Mr. WIDNALL. Mr. Speaker, should a comedian sent abroad under the Cultural Exchange Act get a bigger salary than the Vice President of the United States, generals, admirals, Federal judges, and Cabinet officers?

Some performing artists and comedians participating in these cultural exchanges under the Mutual Educational and Cultural Exchange Act of 1961 have been paid by the United States at weekly rates approximately twice the weekly rates of the aforementioned persons.

Internal wrangling in at least one group of comedians sent abroad under this program, in which the star of the show was paid $1,200 a week for the

duration of the tour, reached such proportions as to reflect adversely on the United States.

It is important to note that many top stars of our country are not subsidized by the Federal Government under this program, only some stars receive $1,500 a week. There does not seem to be any reason why some stars are subsidized and some are not.

Danny Kaye, Bob Hope, Ed Sullivan, and other top performers, as well as famous cartoonists, have contributed their services through the USO—United Service Organizations—and through the Department of Defense. College and university drama and music groups at Princeton University, the Catholic University of America, the University of Delaware, George Washington University, and so on, contribute their services, and entertain, free of charge, U.S. troops stationed overseas through arrangements with the Department of Defense.

Famous authors, composers, painters, sculptors, and creative artists generally, are excluded from the cultural exchange program and are not among those artists favored with this $1,500-a-week Federal subsidy which is reserved for those artists fortunate enough to be in the performing arts category.

The fact that a star may be paid $5,000 and up for a cigarette commercial, $10,000 a week at Las Vegas, $50,000 to $100,000 for one TV show, or $1 million and more for work in a motion picture in no way justifies a Federal salary of $1,500 a week.

While $1,500 a week may appear to be modest to upper-bracket performers, it does not seem reasonable to farm families and other Americans who are called upon to pay these fantastic Federal salaries with tax dollars they could much better use to feed, clothe, and educate their children.

Most people I have talked to about this feel that $1,500-a-week Federal subsidies which the State Department pays a few favored artists is carrying President Kennedy's concern for the arts to ridiculous lengths. This is, indeed, Federal subsidy for the arts with a vengeance. Unless a ceiling is put on Federal salaries paid under the authority of the Mutual Educational and Cultural Exchange Act of 1961, it will only be a matter of time until we will find ourselves paying some artists $1 million a year.

All Americans know that General Eisenhower, General Marshall, General MacArthur, Admiral Halsey, and other top officers were paid at the rate of $20,000 a year while developing the plans and leading the campaigns which won World War II.

This New Frontier art subsidy program favors some artists, while excluding others. In any event, it has gone too far.

I have recently introduced House Joint Resolution 858 to amend the Mutual Educational and Cultural Exchange Act of 1961 to limit the rate of compensation for performing artists and comedians participating in educational and cultural exchange programs to rates of pay of members of the President's Cabinet, generals and admirals of the Armed Forces, Federal judges, and the Vice President of the United States.

I have been receiving letters, editorials, and news items from around the country which indicate that my position has broad general support throughout the country.

I invite those of my colleagues who are interested in this matter to join with me trying to bring some reason to bear in the management of this cultural exchange program.

I include herewith for the information of my colleagues two letters which will serve to shed further light on this subject which so badly needs to have some light shed on it.

Also included as part of my remarks is an editorial just handed me by our colleague the gentleman from Oregon [Mr. NORBLAD] and an article distributed by United Press International which was published in the Paterson, N.J., Evening News on August 18, 1962.

In addition I have included the text of my House Joint Resolution 858.

AMERICAN NATIONAL THEATER
AND ACADEMY,
New York, N.Y., September 4, 1962.

The Honorable WILLIAM B. WIDNALL,
House of Representatives, Congress of the United States, Washington, D.C.

MY DEAR CONGRESSMAN WIDNALL: Thank you for sending me a copy of your proposed measure, House Joint Resolution 858, regarding the rate of compensation for performing artists who participate in our cultural exchange program. I have read it with interest and although I approve of it in principle for the average artist, I believe it is entirely unreasonable for a top stellar name celebrity.

I am sure you are aware that the State Department, in order to amortize the large transportation costs involved, theorizes that it is necessary for a company to perform a minimum of 12 weeks—preferably more—in order to earn mileage and reduce the per performance costs. No actor or musician can ever count on 52 weeks of work in any 1 calendar year due to the instability of theatrical business and the limitations of concert seasons. A 30-week annual earning period is considered better than average.

Therefore a top performing star who has acquired a career involving its attendant expenses, could not be expected to make himself or herself available for 20 weeks for an income of only $8,500. You are aware, of course, that the artists on all of our State Department tours pay all of their own living expenses (i.e., board and lodging). In many countries the cost of hotels, etc., have reached astronomical heights (e.g., the new countries in Africa, and in South America and some countries in the Far East). Also, their home responsibilities—apartments, families, etc.—cannot be waived.

It is not unusual for a musical comedy star to be paid $10,000 a week in Las Vegas. A dramatic star will be paid between $50,000 and $100,000 for one appearance on television. These stars would have to forfeit these very high salaries at the peak of what are necessarily short-lived careers if they accepted a President's program tour.

If it were possible to send out a company for 2 or 3 (or even 4) weeks, I believe we could persuade the top artists to make that much of a contribution. The $425 you propose would take care of their living expenses on tour, and there would remain enough time during the rest of the year to take care of their stateside responsibilities. This has been the case with stars like Danny Kaye, Bob Hope, etc., who have gone out under the USO for 10 days or 2 weeks. Did you realize that Helen Hayes toured for the State Department for 39 weeks in 1 fiscal year? It is conservative to believe that she forfeited a minimum of $50,000 in so doing.

The very valuable angle of your resolution is wherein it applies to the middle-bracket earners. Artists who make between $500 and $1,000 per week at home should evaluate the prestige and patriotic contribution and agree to accept your proposed weekly compensation of $425. Any in this category who cannot agree would be replaceable.

Therefore, my overall comment on the measure is that it should exclude those very top caliber, one-of-a-kind performing artists who can surely prove that their weekly compensation is no more than one-half of their average annual weekly earning power. In the light of the Government's reasons for wanting these tours, we must regard artists as any other commodity in the cold war or foreign-aid program for which the Government must expect to pay.

Indeed, I agree that all possible care should be exercised in the selection of performing individuals or groups, just as it should be in all Government employees and Foreign Service officers. This involves a problem, in that the very quality that produces a creative talent is unique, and a departure from the characteristics of the average individual.

I appreciate your interest in soliciting the point of view of the International Cultural Exchange Service of ANTA which administers this performing arts program for the State Department.

Very sincerely yours,

GERTRUDE MACY,
Director, International Cultural Exchange Service of the American National Theater and Academy.

SEPTEMBER 6, 1962.

Miss GERTRUDE MACY,
Director, International Cultural Exchange Service, American National Theater and Academy, New York, N.Y.

DEAR MISS MACY: I am in receipt of your letter of August 30, 1962, commenting on my House Joint Resolution 858 and am pleased to note your statement that "The very valuable angle of your resolution is wherein it applies to the middle bracket earners."

There are a number of very troublesome problems in the present situation. For instance, when Mr. Isenbergh appeared for the State Department before the House Subcommittee on Appropriations he said the Joey Adams troupe was paid $10,000 a week and that "The show was full of headliners who had played Las Vegas and like spots and their original demand was for exactly three times the final figure. The average pay per performer comes out at $450 a week."

Congressman FRANK T. BOW, at another point in Mr. Isenbergh's testimony, broke in to make this comment: "If we have people of the character of Helen Hayes in an area (Trinidad) where a theater of this kind seldom plays, and you are selling tickets for * * * 59 cents to $1.76—to make sure the top people of these countries would attend, you have to give them pasess to get them there? Is this not rather a remarkable thing? How much good is this if we cannot get the elite to attend a Helen Hayes production in Trinidad, and have to give them passes to get them there?" It was brought out in the hearings that the American Repertory Co.'s tour of 11 countries, Trinidad, Colombia, Chile, Peru, Argentina, Uruguay, Brazil, Venezuela, Guatemala, Mexico, and Costa Rica cost $486,765. Mr. Bow questioned Mr. Isenbergh closely, and asked, "Just what do you think that is going to do for this country of ours?" Mr. Isenbergh replied that if the people in those countries understood English they would get the optimistic and hopeful message that

mankind can confront and surmount the great catastrophes of life. Congressman Bow made the only reply possible: "You know, my comment there is that you would have some difficulty in convincing a number of Members of Congress of that, let alone a Trinidad labor leader."

Another point that interested me in these hearings was that Miss Havoc was paid $1,300 a week, apparently for no other reason than that Helen Hayes was paid $1,500 a week.

You will be interested in knowing that the Department of State has been requested by the chairman of the House Foreign Affairs Committee to furnish a report on my House Joint Resolution 858. This is the first step in an effort to establish a realistic policy with regard to the fees paid artists under the Mutual Educational and Cultural Exchange Act of 1961 which makes our cultural exchange program permanent. In view of the permanent role this cultural exchange program will have from now on in our Nation's foreign policy it is high time that a sensible policy be worked out regarding artists' fees, one which can be defended before the country at large.

It seems clear that when ANTA supports a policy which leads to the expenditure of $486,765 on a tour of the American Repertory Co. in 11 South American nations, and a 39-week tour in one fiscal year of Helen Hayes at $1,500 a week, it is impossible to send equally important groups, such as the Schola Cantorum of the University of Arkansas which performed for President Kennedy after its prize-winning stint at Italy's international competition, simply because there aren't enough funds. It is unlikely that the denial of funds for its tour won any friends for the ANTA-State Department program among the Arkansas congressional delegation.

Part of the strong opposition in and out of Congress to the cultural exchange program, and even to a national arts program, such as ANTA and the National Music Council were chartered by the Congress to provide what they promised so to do, has arisen out of these fees paid under the ANTA program. The fact that a star will be paid $50,000 to $100,000 for one TV appearance, $5,000 for a cigarette commercial, or $1 million and up for motion picture work, or $10,000 a week at Las Vegas in no way justifies a Federal weekly salary scale of $1,500 a week. While $1,500 a week may appear to be extremely modest to upper bracket Broadwayites, it does not seem reasonable to farm families who have to pay such salaries out of taxes, especially when all Americans know that General Eisenhower, General Marshall, Admiral Halsey, and other World War II heroes were paid $20,000 a year while winning the war.

I am glad you mentioned the work of Danny Kaye and Bob Hope who have contributed their services through the USO. These stars consider it a great honor and privilege to so serve their country. Certainly stars like Helen Hayes are equally patriotic, and the present ANTA program does its stars a disservice by making them appear less willing to make sacrifices and contribute their services than the Bop Hopes, Ed Sullivans, and Danny Kayes. The ANTA program has managed to put stars who work in it in a less favorable light than the stars who work with the USO programs.

To sum up, it seems clear that the present ANTA arrangements are in need of a drastic overhauling, and equally clear that ANTA should be willing and able to do at least as well as the USO. Since ANTA receives for its management fees $100,000 annually it may have a vested interest in the present situation, and doubtless this too should be critically examined.

Sincerely yours,

WILLIAM B. WIDNALL,
Member of Congress.

[From the Paterson Evening News, Aug. 18, 1962]

WIDNALL SEEKS TO LIMIT PAY OF ENTERTAINERS

WASHINGTON.—An irate Congressman doesn't believe entertainers sent overseas at taxpayers' expense rate more pay than generals, admirals, Cabinet members, and the Vice President of the United States.

To correct what he considered a highly improper situation, Representative WILLIAM B. WIDNALL, Republican of New Jersey, introduced a bill Friday to restrict the pay of entertainers in U.S. cultural shows abroad. The maximum would be $425 a week.

WIDNALL said that Comedian Joey Adams got $1,200 a week, about twice the salary of many Government officials—for a Government-sponsored tour of southeast Asia last fall which the State Department said was an onstage success, but an offstage flop.

Congressional investigators last month charged that Adams and his troupe left a trail of derogatory reports about their personal conduct during the tour.

A House appropriations subcommittee, led by Representative JOHN J. ROONEY, Democrat of New York, also took exception to a series of newspaper columns sent back home by Adams' wife, Cindy, during the tour.

She told how she called a Prime Minister "honey" and about one member of the troupe slapping a crown prince on the back after a poorly received joke and said to him: "Don't cha get it, Mac?"

WIDNALL said he thought it was highly improper to pay entertainers so much money when they are engaged in the public service.

"The services performed for the United States by performing artists and comedians participating in cultural exchanges may be of value to and in the interest of the United States," he said, "but they definitely are not more valuable than the services performed * * * by the Vice President, judges of the U.S. courts, members of the President's Cabinet and generals and admirals of the Armed Forces."

WAGES

Something's wrong.

Joey Adams, a comedian, was the star of a 25-member entertainment troupe that toured southeast Asia recently. He was paid, by the Government, $1,250 a week to bring laughs to those southeast Asians who can understand English.

LYNDON JOHNSON, Vice President of the United States, has been in Turkey. He was paid $846.23 a week, and that counts his expense allowance.

Maj. Gen. Albert Watson II, who is in charge of the powder kegs along the Berlin wall, is paid $300 a week.

To Representative WILLIAM B. WINDALL, Republican, of New Jersey, this sounds as if we have a distorted sense of values. He has a bill which would put a $425-a-week ceiling on the pay of people like Joey Adams. He would still be making half again as much as the man who holds the key to war or peace in Berlin.

H.J. RES. 858

(In the House of Representatives, 87th Cong., 2d sess., August 16, 1962; Mr. WIDNALL introduced the following joint resolution; which was referred to the Committee on Foreign Affairs)

Joint resolution to amend the Mutual Educational and Cultural Exchange Act of 1961 to limit the rate of compensation for performing artists and comedians participating in educational and cultural exchange programs to rates of pay of members of the President's Cabinet, generals and admirals of the Armed Forces, judges of the United States courts, and the Vice President of the United States

Whereas the services performed for the United States by performing artists and comedians participating in cultural exchanges may be of value to and in the interest of the United States but definitely are not more valuable than the services performed for the United States by the Vice President, judges of the United States courts, members of the President's Cabinet, and generals and admirals of the Armed Forces of the United States; and

Whereas some performing artists and comedians participating in cultural exchanges under the Mutual Educational and Cultural Exchange Act of 1961 have been paid by the United States at weekly rates of pay approximately twice the weekly rates of pay of the aforementioned persons; and

Whereas such rates of pay for performing artists and comedians are highly improper when they are engaged in the public service; and

Whereas internal wrangling in at least one group of comedians sent abroad under the Mutual Educational and Cultural Exchange Act of 1961, in which the star of the show was paid $1,200 a week for the duration of the tour, reached such proportions as to reflect adversely on the United States; and

Whereas the Committee on Appropriations of the House of Representatives stated in House Report Numbered 1996, Eighty-seventh Congress, second session: "Some of the unfortunate incidents which have occurred abroad in connection with cultural presentations indicate that lack of mature judgment has been used in the selection of certain performing individuals and groups. More care in their selection must be exercised in the future." ; and

Whereas the present high rates of pay for performing artists and comedians, as well as lack of mature judgment led to an inflation of the budget of the program authorized by the Mutual Educational and Cultural Exchange Act of 1961 from a promised $40,000,000 to $91,657,000 requested of the Bureau of the Budget by the Department of State, a sum which, fortunately for all taxpayers, the Committee on Appropriations of the House of Representatives was able to reduce to $40,000,000: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 104 of the Mutual Educational and Cultural Exchange Act of 1961 is amended by adding at the end thereof the following:

"(g) No individual not regularly employed by the United States performing services in connection with any program or activity under this Act may receive compensation from the United States at a weekly rate in excess of $425."

THE SUPREME COURT: CORRUPTERS OF THE CONSTITUTION

The SPEAKER pro tempore (Mr. LIBONATI). Under previous order of the House, the gentleman from Mississippi [Mr. WILLIAMS] is recognized for 30 minutes.

Mr. WILLIAMS. Mr. Speaker, many thoughtful Americans have become increasingly concerned over the trend toward judicial tyranny in this country. The Supreme Court has invaded fields of jurisdiction reserved to the States and to the people under our Constitution.

Unlawful decrees of the Supreme Court must be resisted if we are to remain free. Thomas Jefferson said:

To consider judges as the ultimate arbiters of all constitutional questions is a very dangerous doctrine indeed, and one which would place us under the despotism of an oligarchy. The Constitution has erected no such tribunal.

Mr. Speaker, if the American people continue to sanction judicial usurpation

of power, a Federal judge soon may perform those functions now performed by local officials in the areas of zoning, taxation, public health and safety, transportation, and so on. To the doubters, I would remind them that Federal judges now perform functions of school boards and legislatures—the latter on the subject of legislative apportionment.

At this point in the RECORD, I am inserting a soliloquy on the U.S. Supreme Court written by Mr. Clarence O. Amonette, of Berkeley, Calif.:

A U.S. SUPREME COURT SOLILOQUY AS ENVISIONED BY THE SCRIBBLER, CLARENCE O. AMONETTE

THE CONSTITUTION

Of the United States we are the Supreme Court.
Remaking the Constitution is our forte.
Our present Constitution is but a relic of a former day,
And we have dedicated ourselves to putting it safely away.
We have assumed the power of constitutional amendment,
Though this indeed is not within the Constitution's intendment.
We care not what the makers of the Constitution meant;
In accomplishing our purpose we provide the intent.
According to our predilections cases we decide,
And all the people by our decisions have to abide.
With a complacent and somnolent American Bar,
To achieve our set purpose we have already gone quite far.
The Court by the restrictive covenant decision
Made an important constitutional revision.
As a result of this constitutional defection,
Our purpose and course were given definite direction.
In the segregation cases we dealt a heavy blow,
As out of the window the Constitution we did throw.
We blasted the doctrine of "separate but equal,"
And are enforcing integration as the sequel.
The views of writers on social science we did enforce,
To accomplish our purpose there was no other recourse.
In the Girard College case we took another stride,
In which case to rape an orphans' trust we did decide.
For colored male orphans Girard's will made no provision,
But we included them by our historic decision.
Thus the law of charitable trusts we did rewrite,
A notable example of our judicial might.
Under the Constitution these decisions may be bad to an extreme,
But under that Constitution we are both all-powerful and supreme.

THE CONGRESS

The Constitution does all legislative powers in Congress vest,
And no legislative powers does it in the Supreme Court rest.
These powers of Congress under the Constitution we do not overlook,
But in consummating our firm purpose opposition we will not brook.
Designed to be with the judiciary a branch coordinate,
But it is our set purpose to make Congress to us subordinate.
Nor do we feel bound by what Congress in its Acts has meant;
In construing those Acts we give effect to our intent.
The Court had held the Anti-Trust Act inapplicable to professional baseball,
But soon thereafter we held that Act applicable to professional football.
If anyone between the two any legal difference can see,
Surely he is wiser and more astute indeed than are we.
Of the Clayton Anti-Trust Act the scope and effect we did much extend,
Since the purchase by Du Pont of General Motors stock did us offend.
Some of its products to General Motors it did sell,
By reason whereof Du Pont under our displeasure fell.
The Court had held that the Congress granted certain rights-of-way as a limited fee,
But in a later case involving a like grant with that holding we did not agree.
We held that Congress to the railroad granted the use of the soil,
And from the Union Pacific we took the underlying oil.
Congress has depended much on its power of investigation,
But upon this power we have imposed a severe limitation.
Legislative discretion which the Court had previously upheld,
By our recent decisions we have now quite substantially quelled.
To the set fifth amendment refusal to answer excuse,
Other grounds of refusal we have added for ready use.
For committees this decision has created a blight,
But for the Communists it is a source of great delight.
Of Congress witnesses may now often sit in silent contempt,
And by our decision from prosecution they are held exempt.
Congress and committees this has left in a daze,
But from the Communists this has evoked high praise.
The efficacy of the Smith Act we did largely kill,
Thereby thwarting the congressional intention and will.
Reds may now advocate by force and violence our Government to overthrow,
When advocacy is unaccompanied by instigation to the blow.
Here indeed our reasoning is obviously quite a contradiction.
"Advocacy" without instigation to action is but a fiction.
While from our present decision we are making no retraction,
We must admit that "advocacy" is incitement to action.
Ill would it become us upon such Communist advocacy to frown,
When we by judicial fiats would our present Government strike down.
Whether or not our purpose and decisions are bad to an extreme,
Under the Constitution we are both all-powerful and supreme.

THE EXECUTIVE BRANCH

In pursuance of our purpose our power to expand,
We are keeping the executive branch quite well in hand.
Congress authorized the Secretary of State in his "absolute discretion,"
The congressional act contained no words of limitation on this expression,
To bring the employment of a Foreign Service officer to final termination,
When deemed by him necessary or desirable in the interest of the Nation.
Regulations were made saying how this the Secretary would do,
And these regulations were brought to the attention of Congress too.
The Secretary of State discharged such officer as the act does provide,
And in the case of Service versus Dulles that action we set aside,
For failure to comply with these regulations of the Department of State,
And for this reason the Service Office we required him to reinstate.
Thus we held that the Secretary did by regulations surrender.
The "absolute discretion" which Congress to him by its act did render.
Congress by an act did the Attorney General authorize
Aliens finally ordered to be deported to catechize,
Under regulations by the Attorney General prescribed,
The nature of which was in the act by Congress fully described.
Under the regulations the Attorney General of the deportees could inquire
About their associations and activities in the event he should so desire.
Notwithstanding the intention of Congress so clearly expressed,
In the Witkovich case that intention we so clearly repressed.
Information as to their availability for deportation only can he require,
And about associations and activities under our holding he cannot inquire.
Not only have we the legislative intention disregarded,
But at the same time the executive functions we have retarded.
In the enforcement of criminal laws this Branch we have dealt quite a blow,
By requiring the Government certain reports to the defendant to show.
When Government witnesses have made reports to the FBI
And testify with reference to the events covered thereby,
The accused is entitled to a court decree,
By which he is those reports permitted to see.
The court is not first permitted the reports to inspect,
To determine whether relevant facts they do reflect.
If for privilege the Government in producing the reports be remiss,
The criminal proceeding against the accused the Government must dismiss.
All this we held in the recent and celebrated Jencks case,
As the drive of the Government against crime we did debase.
No longer held inviolate are the files of the FBI.
And informers may now be expected from the Bureau to shy.
By our decision many criminals may go free,
But we have made our decision and so let it be.
These decisions have been criticized by many as bad to an extreme,
But under the Constitution we are both all-powerful and supreme.

THE STATES

There is much prating about the rights of a State,
But it is our set purpose those rights to abate.
We care not what rights to the States have been reserved;
Against our onslaughts those rights cannot be preserved.
The Court hesitated not to rape the tidelands,
Forcibly taking from certain States their oil sands.
The rights of the States in the public education field,
In the Segregation cases we forced the States to yield.
We expanded the scope of the 14th amendment,

Ignoring the evidence of the makers' intendment.
The views of writers on social science we did fully explore,
And the precedents for over 80 years we did fully ignore.
We have limited States' rights as to teacher fitness,
As the Slochower case does so forcibly witness.
In that case a professor asserted the privilege against self-incrimination.
And the New York court held this claim of privilege equivalent to a resignation.
We refused to accept this construction of the New York law,
And held that the professor's discharge had the due process flaw.
In the Nelson case we consigned certain State statutes to perdition,
To the extent they sought to protect the Nation against sedition.
We held that Congress by certain acts had occupied the field,
And therefore the statutes of the States to those acts had to yield.
No provision of the Constitution does such statutes preclude,
And Congress by its acts does not such State statutes clearly exclude.
With knowledge of such statutes in a number of States Congress did not so provide,
But despite the Constitution and the silence of Congress we did so decide.
We have limited the right of a State to license the practice of law,
As in the Konigsberg case we forced the State its objections to withdraw.
An applicant refused to answer questions designed his fitness to show;
To his application the State of California responded "No."
We reversed the California decision under the due-process clause,
Thus making ready use of this provision to create nonexistent flaws.
Griffin versus Illinois also shows our purpose to be real,
In requiring for certain indigents free transcripts on appeal.
Here we molded both an equal protection and a due process flaw,
And one Justice did our decision call a "new pronouncement of law."
He was not one of the Justices who did dissent;
In an opinion he did to the judgment assent.
We have limited the power of the States to investigate,
In pursuance of our purpose the rights of the States to abate.
We denied a State the right to investigate subversive activities within its bounds,
And to so hold we had great difficulty in finding even plausible supporting grounds.
But this we did in the New Hampshire case of Sweezy,
And we must admit that our reasoning is sleazy.
Four Justices the 14th amendment and two the 1st applied,
And two Justices dissented and our decision they decried.
As in many of these cases our reasoning is not profound,
And calculated not to clarify but rather to confound.
In our abatement of the rights of the States we have indeed been extreme,
But under the Constitution we are both all-powerful and supreme.

CONCLUSION

In the exercise of our great judicial power,
We endeavor to meet the needs of a changing hour.
To attain this end the executive branch we have often circumscribed,
Permitting it to function in instances only as we have prescribed.
In this changing Nation the States have become obsolete,
And we have undertaken the burden their rights to delete.
Congressional legislation we have remolded to meet our will,
The congressional intention we have not hesitated to kill.
But what we today in our great wisdom may decide,
Tomorrow in that great wisdom we may override.
The light of our once great Constitution now grows dim,
As we snuff it according to our judicial whim.
For our once boasted constitutional democracy,
We are substituting a judicial autocracy.
However long our aim may be deferred,
From our purpose we cannot be deterred.
For ensconced for life in our judicial tower,
We wield as we see fit our judicial power.
Our purpose and methods are indeed quite extreme,
But under the Constitution we are supreme.

Also Mr. Speaker, I am including an article prepared by Hon. Lucas D. Phillips, LL. B., a member of the House of Delegates of the Virginia General Assembly, entitled "U.S. Supreme Court: American Counterpart of Soviet Politburo?" It follows:

U.S. SUPREME COURT: AMERICAN COUNTERPART OF SOVIET POLITBURO?

(By Hon. Lucas D. Phillips, LL. B.)

The fact that the Members of Congress, Governors, members of legislatures, and other public officials as well as private citizens are willing to accept and treat as decisions of the Court the illegal acts by the members of the Court, beyond the limits of the Court's authority, is an ominous sign that the big majority of the people of this Nation recognize the Supreme Court as the arbiter of our destiny with power to make law.

It has been long understood and recognized that the Federal agencies which were created by the States have only such authority as was specifically granted them by the States as recorded in the Constitution and the States reserved all powers not granted. The 10th amendment expresses this fundamental in clear and unambiguous terms.

No principle of law is more firmly established than the one that under our constitutional system of limited powers for a branch of the Federal Government to act it must act within the limits of its authority. Until we understand this fundamental principle of government of limited powers we shall continue to flounder in confusion.

The States not only failed to grant the Supreme Court any authority to interfere with religion but in the first amendment they specifically prohibited Congress from passing any "law respecting the establishment of religion, or prohibiting the free exercise thereof." It should be borne in mind that this was not a grant of power but a denial of power. The denial relates to Congress, and the Court and Federal judiciary were never granted any power to deal with religion. This power was reserved to the States and to the people. From reading speeches and writings on the so-called prayer decision one is forced to wonder if people read the Constitution.

The illegal action of the members of the Court was startling; but the reaction of the public to the unlawful act of the members of the Court is frightening.

Without exception, as far as I have seen, every person who has referred to the illegal act of the members of the Court has referred to it as a "decision of the Court" or in similar terms.

The thing that makes the reaction to the illegal act of the justices frightening is the fact that it is referred to as a "decision of the Court." Under our constitutional system the members of Court have to act within the limits of the Court's authority for their act to be a "decision of the Court."

The members of the Court are operating illegally and unlawfully for and in the name of the Court without authority and in defiance of constitutional prohibitions.

The reaction of the people of this Nation to the illegal acts of the Justices of the Court is frightening simply because they have arrived at a time when they recognize the Court to be the American counterpart of the Russian Politburo.

The people, including Members of Congress, Governors, and members of legislatures, refer to illegal acts of the Justices of the Court as a "decision of the Court."

The apathy of many public officials, including some Members of Congress, Governors, and legislators, toward our constitutional system of government of limited powers is an invitation to the Communists to take over by the Fabian process of gradualism the powers of government never delegated to Federal agencies.

Whether the so-called decision of the Court was right or wrong is not the real issue. The real issue is whether the Court had authority to make such a decision.

The authority of the Court, which was granted by the States, as recorded in the Constitution, is limited to "judicial power." Briefly stated, "judicial power" limits the authority of the Court to applying existing law as made by lawmaking agencies of Government to the facts before it for judicial decision.

Let us take a further look at the Constitution to see what authority the States granted the Federal agencies to deal with religion. The fact is the States granted the Court no authority to deal with religion. The States, which created the Court and granted and limited its authority, ratified the first amendment to the Constitution which provides: "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof."

Was there any act of Congress involved in the so-called prayer decision?

Did the States, in creating the three Federal agencies of government, create a prohibition against the free exercise of religion? Did the States leave this matter to the wisdom or lack of wisdom of the people or did they create a prohibition against it?

If plain English means anything, did the States do anything more than prohibit Congress from establishing a particular religion or prohibiting the free exercise thereof?

Clearly, if plain English means anything, the only thing the States did regarding religion was to prohibit Congress from making a "law respecting the establishment of religion, or prohibiting the free exercise thereof."

If the members of the Court had abided by the oath which the States required them to take before they are eligible to act as Justices, they would never have asserted jurisdiction over the case involving prayer in a public school. The States required that the members of the Court "be bound by oath, or affirmation, to support this Constitution."

Since the States reserved to the States and to the people all powers not granted, and they granted the Court no authority to exercise power over religion except to see that Congress should make no "law respecting the establishment of religion or prohibiting the free exercise thereof" it is obvious that the Court had no authority to assert jurisdiction over the so-called prayer case.

A barrage of discussion has resulted on the question, "What did the Court do?"

The answer is the Court did nothing; the Justices or members of the Court issued an illegal ruling for and in the name of the Court beyond the limits of the Court's authority.

REACTION TO THE ILLEGAL ACTION OF THE JUSTICES OF THE COURT

The amazing thing about the illegal act of six of the seven members of the Court who expressed themselves is not whether you agree or disagree with the so-called decision but the fact that practically all Americans recognize the unlawful and void act as "a decision of the Court" when the Court lacked constitutional authority to make such a decision.

Some have asserted that the "decision of the Court" should be respected regardless of whether we agree with it. If it were a "decision of the Court" one could easily agree with this line of thought. The fact is, there was no decision of the Court to respect. It was a bold attempt by the members of the Court to exercise power the States never granted the Court.

The heart of the issue is, Was it a decision of the Court? The answer is plain. It was not a "decision of the Court" because the States, which created the Court, gave it no power to make such a decision.

They denied the Court this authority by not granting it. Hence, the unlawful action of the Justices issued in the name of the Court was not a decision of the Court but an illegal act of the members of the Court.

Should we continue to respect occupants of an office of limited powers when they attempt to act beyond the powers of the agency of government they occupy? Should we have respect for illegal acts of Justices of a Court who refuse to be bound by their oaths of office? Should we respect those who disregard the limits of the authority of the governmental agency they occupy and use the power of the agency to destroy the form of government they are obligated to protect?

At what stage in America did it become necessary for one to show respect to the members of a tribunal after they have forfeited any right to be respected?

When did it become necessary to have respect for a group of men who have displayed a preference for communism to Americanism, for atheism to Christianity, government by men instead of government by law, and for joining the movement to overthrow the whole Christian movement and substituting communism in its place and stead?

WHY THE ACTION BY THE MEMBERS OF THE COURT IS FRIGHTENING

1. The disregard of the Justices for their oath of office required of them by the States as recorded in the Constitution.

2. It was an attempt by the members of oaths of office required of them by the States granted the Court.

3. It was an attempt by the members of the Court to arrogate to the Court a power the States reserved to States and to the people.

4. If accepted, it means the members of the Court will henceforth say what, if any, prayer can or cannot be made in public and perhaps elsewhere.

5. It sets the stage for the members of the Court to finally do what the atheists intend to use them to do—completely abolish prayer in a public place.

6. The reaction of the people to the decision shows a complete lack of understanding of our constitutional system of government of limited powers. The three Federal agencies; namely, the Congress, the Presidency, and the judiciary, which the States created as recorded in the Constitution, have only such powers as the States granted them. Yet the members of the Court relied on the first amendment for their authority for their illegal act. Instead of granting either of the Federal agencies authority to establish, regulate, or abolish prayer or religion, the only thing this amendment does so far as religion is concerned is to prohibit Congress from establishing a religion, or prohibiting the free exercise thereof.

Under our constitutional system the members of the Court have to act within the limits of their authority for their act to be an act of the Court. Hence the question: Was what the Justices did an act of the Court or was it an illegal and void act by the members of the Court? Unless our constitutional system of limited powers already has been overthrown, what the Justices did was clearly not an act of the Court but a void act by them in their individual capacities beyond the authority of the Court.

The heart of the controversy is this: Was the so-called decision a decision of the Court? If it was, where did the Court get authority to make such a decision?

Has the Court any power beyond what the States granted it?

When and where did the States grant the Court authority to make such a decision?

The fact is the Court was never granted authority to make such a decision.

When the foregoing constitutional provisions are understood it becomes clear that the Court did not act in what is referred to as the Prayer case. It had no authority to act. Under our constitutional system of government no agency can act unless it acts within the limits of its authority. Since no act of Congress was involved and the authority of the Court is limited to the exercise of "judicial power" the Court was powerless to act.

The fact that the Court was powerless to act was no deterrent to the members of the Court who are determined to overthrow the Constitution by issuing illegal, unlawful and void rulings prohibited by the provisions of the Constitution. Thus it becomes crystal clear that the Constitution is no longer a restraint upon the Fabian members of the Court who are determined to overthrow our form of government and the whole Christian movement.

In a veiled attempt to justify the illegal action of the members of the Court, some writers take particular pains to point out that Black stressed that the prayer was composed by State officials. In view of the past behavior of the occupants of the Court it is hard to believe that there should be anyone left who is naive enough to believe that the Prayer case is anything less than the beginning of the end of a plot to wipe out religion in America. Does anyone believe this is as far as the Fabian members of the Court will go when it is obvious that they are hostile to both our form of government and the Christian principles upon which this Nation was founded? It should be clear to anyone that this is the beginning of the end of prayer in any public place. If the people and the States are stupid enough to accept this attempted unlawful encroachment by the members of the Court, beyond the power of the Court, the members of the Court will eventually declare religion to be an opiate and inimical to the new order and deny everyone the right to exercise his religious beliefs.

It has been apparent to everyone who has observed the Fabian process of gradualism by the members of the Court that they would attempt exactly what they did in the Prayer case. They are depending on the constitutional illiteracy of the people to assist them in putting across their scheme to overthrow our system of government and to wreck the Christian movement. They are also depending on the big majority to abandon their rights and privileges in deference to the Satanic movement, which is always present and active, to sidetrack and wipe out Christianity.

As previously pointed out, the Constitution requires the Justices of the Court to be "bound by oath or affirmation to support" the Constitution. Have they obeyed this oath?

While I have respect for the Court when the members operate it as a Court, I have absolutely no respect for the members of the Court who refuse to be bound by an oath required of them by issuing illegal and unlawful rulings in the name of the Court beyond its authority. I respect any public official who acts within the limits of his authority, but I respect no public official who attempts to act beyond the limits of his authority; and I detest the occupant of a governmental agency who acts beyond the authority of the agency and uses the power and influence of the agency to carry into effect illegal acts.

It is asinine and absurd for anyone, except those who want to overthrow our form of government and the Christian movement by lawless means, to say he respects the decision of the Court when it was not a decision of the Court but merely an illegal and lawless act of the members of the Court in their individual capacities.

There is no use saying the members of the Court simply erred. They did not make any mistake. They know what they are doing. The same group of men do not make the same mistake every Monday. They are merely carrying out the conspiracy to overthrow the Constitution.

Like the Fabians in the other branches of the Government, the members of the Court know and thoroughly understand what they are doing.

Shall we accept the members of the Court as the American counterpart of the Russian Politburo? Shall we accept the illegal and lawless rulings of these men as the law of the land? Shall we permit them to act as a lawmaking body when the Constitution limits their authority to judicial power?

Shall we continue the futile and dastardly course of urging respect for a Court when its occupants are using it to wipe out the foundation upon which this Republic was founded? The sands of time are running out. Failure to rebel against this conspiracy will lead this Nation into despotic slavery.

Shall we arise and serve the Lord or shall we lie down and serve the Satanic forces bent on delivering this Nation to the tyrant?

How long shall we continue to accept and follow illegal, unlawful, and void rulings of men engaged in a conspiracy to overthrow our Government and the Christian movement in the name of respect for the Court? How long shall we continue to respect a conspiracy? How long shall we ignore it?

Are we so blind that we prefer suicide to recognizing unpleasant facts staring us in the face? Shall we continue to believe in the integrity of a Court long after its occupants have perverted it into an instrumentality to promote the conspiracy to overthrow our form of government? Shall we continue to respect those who are no longer deserving of our respect? Are we willing to acquiesce in a conspiracy to destroy freedom under the guise of respect for those who have forfeited all rights to be respected?

CHICKENS COMING HOME TO ROOST

Soon after May 17, 1954, when the members of the Supreme Court attempted to arrogate unto themselves the authority to make law and defy the constitutional limitations placed upon their authority, a big majority of the ministers enthusiastically endorsed and called for strict compliance with the illegal and unlawful ruling by the members of the Court. Little did they realize that they were joining and supporting a conspiratorial movement which would inevitably lead to the Black decision on Monday, June 25, 1962.

In 1954 a large segment of the people joined in a movement to overthrow the Constitution. On June 25, 1962, they were stunned by an illegal ruling by the members of the Court in defiance of the Constitution. In 1954 they were not content to amend the Constitution. In 1962 they were stunned by another illegal ruling by the members of the Court directed at what they pretend to stand for, namely, prayer. Are they now

willing to join in and proclaim the recent illegal ruling by the members of the Court "the law of the land" and call for strict compliance with it? Are they willing to continue with the conspiracy to annihilate the whole Christian movement?

It is one thing to be for integration; it is quite another thing to use the movement to bring it about as a means to overthrow the Constitution and the Christian movement.

THE LEGAL PROFESSION JOINS THE CONSPIRACY BY SILENCE

Since I am a member of the legal profession, I want to point out that while a majority of the ministers joined the conspiracy by being vocal in its support, a big majority of the legal profession have joined the conspiracy by remaining silent when they should have been vocal against it. I believe there have been as many ministers as lawyers who have been vocal against the conspiracy to overthrow the Constitution and the Christian movement.

A large majority of both ministers and lawyers have been oblivious to the fact that they have by being vocal or silent supported the Satanic movement to overthrow the flag and the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

ROLE OF THE MILITARY PERSONNEL IN DEFENDING THE CONSTITUTION

Retired and active military and naval personnel have been far more concerned with and active in trying to defend the Constitution than either the ministers or members of the legal profession. This is no criticism of the hopeless minority of ministers and lawyers who have spoken out against the conspiracy to overthrow the Constitution, our form of government, and the Christian movement. The point is, only a hopeless minority of the ministers and lawyers have actually resisted the conspiracy.

The military and naval personnel seem to understand one law of the Lord more clearly than ministers and lawyers: A nation cannot survive by deliberately committing suicide; and that the Lord is with those who seek to be right and do right and against those who are wrong and compromise with wrong.

What has happened should have been obvious to all who have constantly observed the trend of the members of the Court that they intend to take over, direct and outlaw religion. The only question has been for at least 8 years merely when they would take the initial step. Therefore, the fact that the members of the Court took the initial step should have surprised no informed person. The stage was prepared and the kind of case that would divide the people was the first case presented.

Consequently, the illegal, unlawful and void action by the members of the Court should have surprised nobody; but the fact the Members of Congress, Governors, members of legislatures and practically 100 percent of the people were willing to classify and accept this void act of the members of the Court, beyond the limits of the authority of the Court, as a decision of the Court, should frighten everyone who is slightly acquainted with the rudimentary principles of our constitutional system of government of limited powers.

The fact that the Members of Congress, Governors, members of legislatures, the President and practically all of the people now recognize and are willing to accept and openly acknowledge the Supreme Court as the American counterpart of the Russian Politburo with authority to abrogate existing law and proclaim a new law should frighten everyone.

Truly, the Court has arrived when practically all the people acknowledge and accept rulings by the members of the Court, beyond the power granted the Court by the States, as a decision of the Court and the law of the land. Has the Russian Politburo any more power?

The Constitution is no longer a bar or deterrent to the members of the Court. They are no longer interested in defending it. Instead they are determined to overthrow it.

This is the dilemma in which this Nation finds itself.

What has happened to the capacity and morality of a people who pretend to be for government by law and follow a course of government by men?

What has happened to public officials who take an oath to support the Constitution and then connive to overthrow it?

What has happened to the ministers when some of them are startled and most of the others are confused in 1962 as the result of their having joined a movement in 1954 to overthrow the Constitution and wipe out Christianity?

They were not able to perceive in 1954 that the integration movement they joined was a smokescreen and prelude to the so-called prayer decision.

What has happened to the lawyers that they no longer understand and make no effort to under our constitutional system of government of limited powers? Why do they remain silent?

Why can our economists not see that our economic system cannot survive under burdens designed to destroy it? How can anyone believe this Nation with a debt of $100 billion more than all the combined debts of all the other nations on earth can survive by continuing to play Santa Claus to the rest of the world?

How can anyone be so stupid as to believe that freedom can survive when our Government tries to defend itself against communism by financing and supporting communism? How can anyone believe we can promote freedom by supporting the communistic movement bent on its destruction? How can anyone believe that a nation will receive the blessings of God by trying to ignore Him and His laws?

SUMMARY

First. The Court construed no part of the Constitution in the so-called prayer case. Instead, the members of the Court defied every provision of the Constitution.

Second. An overwhelming majority of the people have accepted the Supreme Court as the final arbiter of this Nation's destiny.

Third. The States, which created the Court, granted and limited its power and retained all powers not granted, have failed and refused to take a legal position against the illegal actions of the members of the Court beyond the limits of its authority.

Fourth. Unless the States act in their highest sovereign capacity to protect their reserved powers from being exercised unlawfully by the members of the Court, it will be only a matter of time until their reserved powers will be liquidated by usurpation; namely, by the members of the Court illegally exercising powers beyond the authority of the Court and the States ratifying these acts by acquiescence or by affirmative action.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. WILLIAMS, for 15 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. RYAN of New York, for 10 minutes, today.

Mr. DULSKI (at the request of Mr. FEIGHAN), for 15 minutes, on Monday next, September 24, 1962.

The following Members (at the request of Mr. MILLIKEN):

Mr. WIDNALL, for 20 minutes, today, to revise and extend his remarks, and include extraneous matter.

Mr. HALPERN, for 15 minutes, on Monday, September 24, 1962.

Mr. HALPERN, for 20 minutes, on September 25, 1962.

Mr. CUNNINGHAM, for 60 minutes, on September 26, 1962.

Mr. CUNNINGHAM, for 60 minutes, on September 27, 1962.

EXTENSION OF REMARKS

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

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

Mr. JENSEN.

Mr. WILSON of California.

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

Mrs. KELLY.

Mr. POWELL.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2949. An act to amend sections 1821 and 1825 of title 28, United States Code, to increase the per diem, mileage, and subsistence allowance of witnesses, and for other purposes; to the Committee on the Judiciary.

S. 3227. An act for the relief of Young Wai; to the Committee on the Judiciary.

S. 3455. An act for the relief of Melynda Kim Zehr (Chun Yoon Nyu) and Michelle Su Zehr (Lim Myung Im); to the Committee on the Judiciary.

S. 3502. An act for the relief of Mrs. Maria Nowakowski Chandler; to the Committee on the Judiciary.

S. 3557. An act for the relief of Betty Sandra Fagann; to the Committee on the Judiciary.

S. J. Res. 223. Joint resolution designating the period January 13, 1963, to January 19, 1963, as International Printing Week, to the Committee on the Judiciary.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 4 o'clock and 9 minutes p.m.), under its previous order, the House adjourned until Monday, September 24, 1962, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

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

2546. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated August 31, 1962, submitting a report, together with accompanying papers and an illustration, on a review of the reports on the Pascagoula Harbor, Miss., requested by resolutions of the Committees on Public Works,

U.S. Senate and House of Representatives, adopted August 21, 1961, and August 24, 1961 (H. Doc. No. 560); to the Committee on Public Works and ordered to be printed with one illustration.

2547. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated August 15, 1962, submitting a report, together with accompanying papers and illustrations, on a cooperative beach erosion control study of Virginia and Biscayne Keys, Fla., authorized by the River and Harbor Act, approved July 3, 1930, as amended and supplemented (H. Doc. No. 561); to the Committee on Public Works and ordered to be printed with three illustrations.

2548. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 23, 1962, submitting a report, together with accompanying papers and an illustration, on an interim report on the Ririe Dam and Reservoir, Willow Creek, Idaho, requested by resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted March 4, 1952, March 19, 1954, and June 2, 1953 (H. Doc. No. 562); to the Committee on Public Works and ordered to be printed with one illustration.

2549. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 30, 1962, submitting a report, together with accompanying papers and illustrations, on a review of the reports on, and a survey of the Verdigris River and tributaries, Oklahoma and Kansas, requested by resolutions of the Committee on Public Works, U.S. Senate, and the Committee on Flood Control, House of Representatives, adopted May 25, 1960, and April 23, 1942, and authorized by the Flood Control Act, approved July 3, 1958 (H. Doc. No. 563); to the Committee on Public Works and ordered to be printed with four illustrations.

2550. A letter from the Secretary of the Army transmitting a letter from the Chief of Engineers, Department of the Army, dated August 16, 1962, submitting a report, together with accompanying papers and an illustration, on an interim report on the Mississippi River, urban areas from Hampton, Ill., to mile 300, requested by resolutions of the Committee on Flood Control, House of Representatives, adopted September 18, 1944 (H. Doc. No. 564); to the Committee on Public Works and ordered to be printed with one illustration.

2551. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 27, 1962, submitting a report, together with accompanying papers and illustrations, on a survey of the Juniata River and tributaries, Pennsylvania, authorized by the Flood Control Act, approved December 22, 1944 and September 3, 1954 (H. Doc. No. 565); to the Committee on Public Works and ordered to be printed with illustrations.

2552. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 13, 1962, submitting a report, together with accompanying papers and illustrations, on a survey of the Rogue River Basin, Oreg. and Calif., authorized by Public Law 183, 74th Congress, approved July 1, 1935, and the Flood Control Acts, approved June 22, 1936 and July 3, 1958 (H. Doc. No. 566); to the Committee on Public Works and ordered to be printed with six illustrations.

2553. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated August 31, 1962, submitting a report, together with accompanying papers and illustrations, on a review of the report on, and a survey of the Flint River, Ga., requested by a resolution of the Committee on Public Works, U.S. Senate, adopted June 1, 1948, and authorized by the River and Harbor Act, approved July 24, 1946 (H. Doc. No. 567); to the Committee on Public Works and ordered to be printed with illustrations.

2554. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 23, 1962, submitting a report, together with accompanying papers and illustrations, on an interim report on the Blackfoot Dam and Reservoir, Blackfoot River, Idaho, requested by a resolution of the Committee on Public Works, U.S. Senate, adopted March 19, 1954. It is in final response to resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted March 4, 1952, and June 2, 1953, also (H. Doc. No. 568); to the Committee on Public Works and ordered to be printed with two illustrations.

2555. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 2, 1962, submitting a report, together with accompanying papers and illustrations, on a review of the report on the Guyandot River and tributaries, West Virginia, requested by resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted February 16, 1957 and July 1, 1958 (H. Doc. No. 569); to the Committee on Public Works and ordered to be printed with four illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONNER: Committee on Merchant Marine and Fisheries. S. 3504. An act to provide for alternate representation of secretarial officers on the Migratory Bird Conservation Commission, and for other purposes; with amendment (Rept. No. 2453). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. S. 3431. An act to consent to the amendment of the Pacific marine fisheries compact and to the participation of certain additional States in such compact in accordance with the terms of such amendment; without amendment (Rept. No. 2454). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 13163. A bill to amend the District of Columbia Redevelopment Act of 1945; with amendment (Rept. No. 2455). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. Twenty-fifth report pertaining to safeguarding of official information; without amendment (Rept. No. 2456). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. House Joint Resolution 865. Joint resolution requiring a public hearing before any theater in the District of Columbia which is suitable, and has been used, for the presentation of live drama, ballet, or opera productions may be demolished; with amendment (Rept. No. 2457). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLMER: Committee on Rules. House Resolution 801. Resolution providing that H.R. 7283 be taken from the Speaker's table and sent to conference; without amendment (Rept. No. 2458). Referred to the House Calendar.

Mr. O'NEILL: Committee on Rules. House Resolution 802. Resolution for consideration of House Joint Resolution 712. Joint resolution to authorize and direct the Franklin Delano Roosevelt Memorial Commission to raise funds for the construction of a memorial; without amendment (Rept. No. 2459). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 803. Resolution for consideration of S. 1123, an act to amend the Fair Labor Standards Act of 1938 to extend the child labor provisions thereof to certain children employed in agriculture, and for other purposes; without amendment (Rept. No. 2460). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 804. Resolution for consideration of House Joint Resolution 224. Joint resolution to authorize the President to order units and members in the Ready Reserve to active duty for not more than 12 months, and for other purposes; without amendment (Rept. No. 2461). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 805. Resolution for consideration of Senate Joint Resolution 230. Joint resolution expressing the determination of the United States with respect to the situation in Cuba; without amendment (Rept. No. 2462). Referred to the House Calendar.

Mr. BONNER: Committee on Merchant Marine and Fisheries. S. 3389. An act to promote the foreign commerce of the United States through the use of mobile trade fairs; with amendment (Rept. No. 2463). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. KYL:

H.R. 13200. A bill relating to the acquisition of real property by the Secretary of the Army and the Chief of Engineers for public works projects; to the Committee on Public Works.

By Mr. MULTER:

H.R. 13201. A bill to revise the District of Columbia Alcoholic Beverage Control Act; to the Committee on the District of Columbia.

By Mr. RYAN of New York:

H.R. 13202. A bill to provide that no Federal financial or other assistance may be extended to any educational institution which discriminates against students or prospective students on account of race, religion, color, ancestry, or national origin; to the Committee on Education and Labor.

By Mrs. HANSEN:

H.R. 13203. A bill to exclude cargo which is lumber from certain tariff filing requirements under the Shipping Act, 1916; to the Committee on Merchant Marine and Fisheries.

By Mr. BAILEY:

H.R. 13204. A bill to amend the National Defense Education Act of 1958 to raise the limit on Federal payments into student loan funds, to broaden the types of equipment which may be acquired with Federal grants and loans under title III thereof, and for other purposes; to the Committee on Education and Labor.

By Mrs. MAY:

H.R. 13205. A bill to approve an order of the Secretary of the Interior canceling and deferring certain irrigation charges, eliminating certain tracts of non-Indian owned land under the Wapato Indian irrigation project, Washington, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PUCINSKI:

H.R. 13206. A bill to amend the Federal Aviation Act of 1958 in order to provide for research to determine criteria and means for abating objectionable aircraft noise; to the Committee on Interstate and Foreign Commerce.

H.R. 13207. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer for repairs and improvements which are necessary to maintain and preserve the value of his residence; to the Committee on Ways and Means.

By Mr. ELLIOTT:

H.J. Res. 890. Joint resolution expressing the determination of the United States with respect to the situation in Cuba; to the Committee on Foreign Affairs.

By Mr. WIDNALL:

H.J. Res. 891. Joint resolution to provide for three civilian Commissioners for the District of Columbia; to the Committee on the District of Columbia.

By Mr. ADDABBO:

H. Con. Res. 566. Concurrent resolution expressing the sense of Congress in protecting the freedom of the countries of the Western Hemisphere; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. AYRES:

H.R. 13208. A bill for the relief of Jasper E. Tate; to the Committee on the Judiciary.

By Mr. BENNETT of Florida:

H.R. 13209. A bill for the relief of Victor L. Ashley; to the Committee on the Judiciary.

By Mr. DOOLEY:

H.R. 13210. A bill for the relief of Mrs. Marie Meneshian; to thhe Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 13211. A bill for the relief of Dr. Jamshid Payman; to the Committee on the Judiciary.

PETITIONS, ETC.

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

410. By the SPEAKER: Petition of Steve Tandarich, commander, American Legion, Post 753, New Salem, Pa., petitioning consideration of their resolution with reference to registering a complaint on the passage of H.R. 12333, relative to reopening national service life insurance, without a rollcall vote; to the Committee on Veterans' Affairs.

411. Also, petition of R. E. Bencini, Jr., president,, High Point Bar Association, High Point, N.C., petitioning consideration of their resolution with reference to H.R. 10, Self-Employed Individuals Tax Retirement Act of 1961, and requesting that a bill be passed to treat all citizens alike in this matter and to afford self-employed persons the same rights and privileges which are given to corporate organizations; to the Committee on Ways and Means.

SENATE

FRIDAY, SEPTEMBER 21, 1962

The Senate met at 11 o'clock a.m., and was called to order by the Vice President.

Rev. J. J. Murphy, of the Catholic Seamen's Club, Seattle, Wash., offered the following prayer:

May the good God bless our great and glorious country; its Chief Executive, the President of the United States; the President and all the Members of this august body.

May the Lord bless their minds, that they may rightly discern truth and justice; their wills, that they may do what is pleasing in Thy sight and beneficial to their fellow man; their hearts, that they may love one another.

May He bless them as each day they renew and rededicate themselves to the high ideals of our beloved country, under God—ideals so nobly advanced and defended within these hallowed walls by so many great and learned patriots and legislators down the years. Give them the strength to fight the good fight of democracy; the courage to keep faith with Thee and Thy people; the high resolve to walk humbly with Thee, their God and Lord; that their accomplishments may be such as to bring glory to Thee and peace and prosperity to all men. Amen.

THE JOURNAL

On request of Mr. MAGNUSON, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, September 20, 1962, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on September 20, 1962, the President had approved and signed the joint resolution (S.J. Res. 222) providing for the designation of the period October 1962 through October 1963 as "National Safety Council 50th Anniversary Year."

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.)

MESSAGE FROM THE HOUSE

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

S. 1060. An act to authorize the Secretary of Interior to construct, operate, and maintain the Oroville-Tonasket unit of the Okanogan-Similkameen division, Chief Joseph Dam project, Washington, and for other purposes; and

S. 2429. An act to revise the boundaries of the Virgin Islands National Park, Saint John, V.I., and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 7811. An act to amend the act authorizing the Crooked River Federal reclamation project to provide for the irrigation of additional lands; and

H.R. 13175. An act making appropriations for foreign aid and related agencies for the fiscal year ending June 30, 1963, and for other purposes.

ENROLLED BILLS SIGNED

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

S. 273. An act for the relief of Hratch Samuel Arukian;

S. 2184. An act for the relief of Mrs. Heghine Tomassian;

S. 2208. An act for the relief of Su-Fen Chen;

S. 2760. An act for the relief of Yuj-Kan Cheuk;

S. 2768. An act to promote the foreign policy of the United States by authorizing a loan to the United Nations and the appropriation of funds thereof;

S. 3026. An act for the relief of Jeno Nagy;

S. 3475. An act to provide further for cooperation with States in administration and enforcement of certain Federal laws;

S. 3529. An act to amend the Manpower Development and Training Act of 1962 with regard to reimbursement of the railroad unemployment insurance account;

H.R. 1171. An act to assure continued fish and wildlife benefits from the national fish and wildlife conservation areas by authorizing their appropriate incidental or secondary use for public recreation to the extent that such use is compatible with the primary purposes of such areas, and for other purposes;

H.R. 11019. An act to provide that the Uniform Limited Partnership Act shall apply in the District of Columbia; and

H.R. 11151. An act making appropriations for the Legislative Branch for the fiscal year ending June 30, 1963, and for other purposes.

HOUSE BILLS REFERRED

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

H.R. 7811. An act to amend the act authorizing the Crooked River Federal reclamation project to provide for the irrigation of additional lands; to the Committee on Interior and Insular Affairs.

H.R. 13175. An act making appropriations for foreign aid and related agencies for the fiscal year ending June 30, 1963, and for other purposes; to the Committee on Appropriations.

LIMITATION OF DEBATE DURING MORNING HOUR

On request of Mr. MAGNUSON, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

COMMITTEE MEETINGS DURING SENATE SESSION

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

The Committee on Post Office and Civil Service.

The Flood Control and Rivers and Harbors Subcommittee of the Committee on Public Works.

The Arts Subcommittee of the Committee on Labor and Public Welfare.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following communications and letter, which were referred as indicated:

PROPOSED AMENDMENT TO THE BUDGET, 1963, FOR CORPS OF ENGINEERS—CIVIL, DEPARTMENT OF THE ARMY (S. DOC. NO. 135)

A communication from the President of the United States, transmitting an amendment to the budget for the fiscal year 1963, in the amount of $3 million, for the Corps of Engineers—Civil, Department of the Army (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

PROPOSED AMENDMENT TO THE BUDGET, 1963, FOR DEPARTMENT OF THE INTERIOR (S. DOC. NO. 134)

A communication from the President of the United States, transmitting an amendment to the budget for fiscal year 1963, in the amount of $2,344,000, for the Department of the Interior (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

PROPOSED AMENDMENT TO THE BUDGET, 1963, FOR DEPARTMENT OF STATE (S. DOC. NO. 133)

A communication from the President of the United States, transmitting an amendment to the budget for the fiscal year 1963, in the amount of $100 million, for the Department of State (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

DONATIONS OF LAND IN NORTH CAROLINA FOR CONSTRUCTION OF ENTRANCE ROAD AT GREAT SMOKY MOUNTAINS NATIONAL PARK

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize the acceptance of donations of land in the State of North Carolina for the construction of an entrance road at Great Smoky Mountains National Park, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PROXMIRE, from the Committee on Banking and Currency, without amendment:

S.J. Res. 228. Joint resolution authorizing the issuance of a gold medal to General of the Army Douglas MacArthur (Rept. No. 2116).

By Mr. MORSE, from the Committee on Labor and Public Welfare, with amendments:

H.R. 8556. An act to amend the National Science Foundation Act of 1950 to require certain additional information to be filed by an applicant for a scholarship or fellowship, and for other purposes (Rept. No. 2117).

ADDITIONAL FUNDS FOR COMMITTEE ON APPROPRIATIONS—REPORT OF A COMMITTEE

Mr. MANSFIELD. Mr. President, from the Committee on Rules and Administration, I report favorably, without amendment, the resolution (S. Res. 383) authorizing additional funds for the Committee on Appropriations. I ask unanimous consent for the present consideration of the resolution.

The VICE PRESIDENT. The resolution will be stated for the information of the Senate.

The legislative clerk reads as follows:

Resolved, That the Committee on Appropriations hereby is authorized to expend from the contingent fund of the Senate, during the Eighty-seventh Congress, $6,000, in addition to the amounts, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946; S. Res. 180, agreed to July 27, 1961; S. Res. 211, agreed to September 21, 1961; and S. Res. 337, agreed to May 29, 1962.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 383) was considered and agreed to.

ADDITIONAL FUNDS FOR COMMITTEE ON ARMED SERVICES—REPORT OF A COMMITTEE

Mr. MANSFIELD. Mr. President, from the Committee on Rules and Administration, I report favorably, without amendment, the resolution (S. Res. 397) to provide additional funds for the Committee on Armed Services, and I submit a report (No. 2118) thereon. I ask unanimous consent for the immediate consideration of the resolution.

The VICE PRESIDENT. The resolution will be read for the information of the Senate.

The legislative clerk read as follows:

Resolved, That S. Res. 295, agreed to February 22, 1962, authorizing a study by the Committee on Armed Services on strategic and critical stockpiling, as amended by S. Res. 345, agreed to June 14, 1962, is further amended on page 2, line 14, by striking "$80,000" and inserting in lieu thereof "$115,000."

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a memorandum prepared for the Senator from Missouri [Mr. SYMINGTON], the chairman of the Subcommittee on the National Stockpile and Naval Petroleum Reserves, by Mr. Richmond C. Coburn, the chief counsel for the subcommittee.

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

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
September 21, 1962.

Memorandum for Chairman SYMINGTON.
Subject: Supplemental appropriation, Subcommittee on the National Stockpile and Naval Petroleum Reserves.

In order to complete our investigation of the Government stockpiles, it is now apparent that a request must be made for an additional appropriation.

During the greater part of the summer our staff consisted of 8 lawyers, 1 investigator, 1 clerk, and 5 secretaries, or a total of 15. We have recently reduced the staff to 10 and expect to maintain a staff of approximately this size as long as we are conducting hearings. Present plans are to conclude all hearings by the end of this calendar year, but the report will probably not be prepared until January 1963. We intend to reduce the staff to a minimum as soon as the hearings are concluded.

As of this date we have an unexpended balance on hand of $19,111.58. I estimate that the expenditures to be incurred during the final months of this calendar year and the filing of the committee report in January 1963 are as follows:

Salaries	$41,600.00
Communications	700.00
Travel (staff)	4,000.00
Reporting (Ward & Paul)	4,500.00
Other (interdepartmental transportation, stationary supplies, miscellaneous expenses)	1,000.00
Witness fees and travel	1,500.00
Total	53,300.00
Balance on hand	19,111.58
	34,188.42
Supplemental requested	35,000.00

RICHMOND C. COBURN,
Chief Counsel, Subcommittee on the National Stockpile and Naval Petroleum Reserves.

Mr. MANSFIELD. Mr. President, the resolution was reported unanimously by the Committee on Armed Services.

The VICE PRESIDENT. The resolution is open to amendment. If there be no amendment to be proposed, the question is on agreeing to the resolution.

The resolution (S. Res. 397) was agreed to.

BILLS INTRODUCED

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

By Mr. MANSFIELD:

S. 3739. A bill for the relief of Carlitos D. Lazo; to the Committee on the Judiciary.

By Mr. MUSKIE:

S. 3740. A bill for the relief of Chin Wa Sui, also known as James Quai or Jimmy Yung; to the Committee on the Judiciary.

By Mr. PELL:

S. 3741. A bill to amend the Library Services Act in order to make areas lacking public libraries or with inadequate public libraries, public elementary and secondary school libraries, and certain college and university libraries, eligible for benefits under that act, and for other purposes; to the Committee on Labor and Public Welfare.

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

By Mr. JORDAN of North Carolina:

S. 3742. A bill for the relief of Dr. Vartan Vartanian; to the Committee on the Judiciary.

By Mr. SPARKMAN (by request):

S. 3743. A bill to authorize payment of a claim made by the Government of the United Kingdom of Great Britain and Northern Ireland; to the Committee on Foreign Relations.

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

LIBRARY SERVICES ACT

Mr. PELL. Mr. President, I am most interested in the welfare of the libraries of our Nation and I have observed with growing concern the great need to expand our resources in this area. In this connection, I am pleased to introduce a bill which would amend the Library Services Act in order to provide additional Federal assistance not only for rural libraries, but for urban libraries, public school libraries, certain college and university libraries, and for training institutes to improve the qualifications of

librarians and individuals preparing to engage in library work.

This bill has been introduced in the House of Representatives by our distinguished colleague, Representative CLEVELAND BAILEY, and identical bills have been offered by other Members of the House, including Representative FOGARTY, who over the years has been an exceptionally strong supporter and friend of our libraries in my State of Rhode Island.

Although this measure provides that annual authorizations would be substantially increased, I want to emphasize that the bill's underlying principle is one of matching grants which I am confident would provide the necessary incentive and encouragement to develop in our country better library services for our citizens.

I know I do not need to emphasize the very important role libraries play in our country. Our libraries not only enrich our cultural life, but assist many industrious citizens to achieve professional advancement in their chosen field of endeavor.

Mr. President, the ability of our Nation to meet the challenges which face us today in the world very much depends on an educated citizenry. America has pioneered in the public library field. The bill I introduce today is in the highest tradition of our Nation's accent on making books a vital and valued part of our lives.

I ask unanimous consent to have printed in the RECORD at this point a summary of this bill and request unanimous consent that this bill be referred to the appropriate committee for consideration.

And, while it is very late in our session to expect passage of this bill, I intend to reintroduce it at the beginning of the coming Congress in the hope that this body may take more immediate action on it. This, in turn, might help support the efforts of its sponsors in the House of Representatives to secure its passage in their body.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the summary will be printed in the RECORD.

The bill (S. 3741) to amend the Library Services Act in order to make areas lacking public libraries or with inadequate public libraries, public elementary and secondary school libraries, and certain college and university libraries, eligible for benefits under that act, and for other purposes, introduced by Mr. PELL, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The summary presented by Mr. PELL is as follows:

SUMMARY OF LIBRARY SERVICES ACT

To amend the Library Services Act in order to make areas lacking public libraries or with inadequate public libraries, public elementary and secondary school libraries, and certain college and university libraries, eligible for benefits under that act, and for other purposes.

Short title: "Library Services Act."

APPROPRIATIONS AUTHORIZED

Authorization would be for fiscal years 1963–67. Total cost of amendments in first year, $60 million; for 5 years, $310 million. (Existing Library Services Act authorizes appropriations of $7.5 million per year.)

TITLE I—PUBLIC LIBRARIES

1. Removal of the present Library Services Act population limitation of 10,000 or less.

2 Increase in authorizations from $7.5 to $20 million annually, allotted on a matching basis to the States for the extension of public library services to areas without adequate services.

3. Allotments to States on a population ratio basis.

4. Matching by each State on a per capita income basis.

TIITLE II—PUBLIC SCHOOL LIBRARIES

1. Authorization of $30 million annually for grants to State educational agencies to assist them in establishing and maintaining programs of library service in public elementary and secondary schools.

2. Allotments to the States primarily on basis of the ratio of school-age population of the United States. No State would receive less than $50,000 annually.

3. Matching by each State after the first year on a per capita income basis.

TITLE III—INSTITUTIONS OF HIGHER EDUCATION

1. Authorization of $10 million annually for matching grants to institutions of higher education to assist and encourage such institutions in the acquisition for library purposes of books (not including textbooks), periodicals, documents, audiovisual, and other library materials.

2. Distribution to the colleges and universities in an amount not exceeding 25 per centum of the sum expended for library materials by such institution during the fiscal year ending June 30, 1962. Minimums are set for various types of colleges and universities.

3. Institutions match Federal grants dollar for dollar, at least 50 percent of such expenditures to be reserved for books and related library materials.

TITLE IV—LIBRARY TRAINING INSTITUTES

1. Authorization of $7,500,000 for fiscal year 1963, and $10 million for each of the 4 succeeding fiscal years to enable institutions of higher education to operate short-term or regular session institutes to improve the qualifications of librarians and individuals preparing to engage in library work.

2. Each individual selected to attend an institute would receive a weekly stipend of $75 per week for the period of his attendance at the institute plus allowances for dependents.

Estimated allotments and matching expenditures under title I

[Maximum appropriation of $20,000,000—fiscal year 1963]

State	Federal allotment	Matching expenditure
Alabama	$363,136	$187,070
Alaska	99,602	145,120
Arizona	192,861	162,316
Arkansas	234,821	120,968
California	1,442,249	2,230,399
Colorado	232,019	220,172
Connecticut	299,735	594,729
Delaware	118,681	240,958
District of Columbia	146,214	295,387
Florida	509,164	428,005
Georgia	421,759	231,119
Hawaii	134,844	126,330
Idaho	137,827	96,294
Illinois	953,759	1,488,646
Indiana	484,110	466,430
Iowa	319,002	267,938
Kansas	268,826	230,665
Kentucky	343,324	184,948
Louisiana	362,294	213,873
Maine	164,009	113,690
Maryland	348,744	411,544
Massachusetts	526,240	682,118
Michigan	758,055	856,890
Minnesota	375,888	319,428
Mississippi	268,785	138,465
Missouri	454,409	429,827
Montana	138,484	123,449
Nebraska	$202,323	$176,063
Nevada	104,726	173,801
New Hampshire	132,603	112,142
New Jersey	605,823	941,618
New Mexico	162,427	116,561
New York	1,534,564	2,583,965
North Carolina	474,893	244,642
North Dakota	134,816	79,825
Ohio	921,277	1,108,415
Oklahoma	281,798	195,745
Oregon	233,296	223,073
Pennsylvania	1,061,077	1,150,883
Rhode Island	154,494	151,738
South Carolina	286,505	147,593
South Dakota	138,982	82,963
Tennessee	389,168	207,715
Texas	910,294	725,748
Utah	157,193	116,949
Vermont	113,792	77,938
Virginia	423,825	306,530
Washington	327,295	362,618
West Virginia	241,247	151,663
Wisconsin	422,510	398,216
Wyoming	108,608	107,184
American Samoa	1,738	11,198
Canal Zone	23,651	12,184
Guam	25,811	13,297
Puerto Rico	283,641	146,118
Virgin Islands	22,782	11,736
Total	20,000,000	21,144,899

Estimated allotments and matching expenditures under title I—Continued

[Maximum appropriation of $20,000,000—fiscal year 1963]

Estimated allotments and matching expenditures (beginning in fiscal year 1964)[1] *under title II*

[Maximum appropriation of $30,000,000,

State	Federal allotment	Matching expenditure
Alabama	$605,073	$311,704
Alaska	50,000	72,850
Arizona	235,306	198,038
Arkansas	318,672	164,164
California	2,490,212	3,851,046
Colorado	295,814	280,709
Connecticut	391,281	776,373
Delaware	72,609	147,418
District of Columbia	95,467	192,866
Florida	766,426	644,260
Georgia	713,314	390,887
Hawaii	114,292	107,075
Idaho	125,048	87,366
Illinois	1,552,349	2,422,937
Indiana	777,183	748,800
Iowa	457,166	383,986
Kansas	352,959	302,855
Kentucky	536,498	289,011
Louisiana	600,367	354,415
Maine	161,353	111,849
Maryland	517,674	610,894
Massachusetts	779,872	1,010,879
Michigan	1,337,884	1,512,315
Minnesota	582,887	495,335
Mississippi	420,862	216,808
Missouri	667,597	631,483
Montana	118,998	106,079
Nebraska	228,583	198,915
Nevada	50,000	82,979
New Hampshire	96,812	81,874
New Jersey	919,711	1,429,487
New Mexico	183,539	131,712
New York	2,450,546	4,126,335
North Carolina	839,035	432,230
North Dakota	115,636	68,468
Ohio	1,592,687	1,916,207
Oklahoma	384,558	267,125
Oregon	299,175	286,066
Pennsylvania	1,766,141	1,915,621
Rhode Island	129,082	126,779
South Carolina	469,268	241,744
South Dakota	120,342	71,836
Tennessee	619,191	330,488
Texas	1,665,295	1,327,687
Utah	172,110	128,047
Vermont	65,886	45,127
Virginia	676,337	489,158
Washington	478,680	530,342
West Virginia	340,186	213,863
Wisconsin	661,547	623,509
Wyoming	58,490	57,723
American Samoa	30,000	15,455
Canal Zone	30,000	15,455
Guam	30,000	15,455
Puerto Rico	360,000	185,455
Virgin Islands	30,000	15,455
Total	30,000,000	31,792,999

[1] Variable matching requirement not effective until fiscal year 1964.

Estimated grants to higher educational institutions under provisions of title III

[1st year of operation with maximum appropriation]

States and outlying areas (1)	Junior colleges (2)	Higher educational institutions granting either a bachelor of arts or advanced degrees, but not both (3)	Higher educational institutions granting both bachelor of arts and advanced degrees (4)	Total estimated grants to higher educational institutions within State (5)
Total	$618,827	$1,777,366	$7,603,807	$10,000,000
Alabama	5,000	25,000	83,856	113,856
Alaska	4,000		5,530	9,530
Arizona	2,544	2,500	67,327	72,371
Arkansas	2,000	25,000	35,869	62,869
California	138,876	89,457	850,044	1,078,377
Colorado	7,000	15,000	93,597	115,597
Connecticut	3,000	17,500	225,091	245,591
Delaware	1,000	2,500	24,793	28,293
Florida	20,967	44,972	145,346	211,285
Georgia	16,000	37,500	116,021	169,521
Hawaii		7,500	35,340	42,840
Idaho	5,234	2,500	24,249	31,983
Illinois	24,000	75,000	453,154	552,154
Indiana	1,000	52,390	227,823	281,213
Iowa	21,000	57,500	113,906	192,406
Kansas	18,000	42,500	139,000	199,500
Kentucky	10,000	37,500	93,740	141,240
Louisiana	1,000	28,073	174,368	203,441
Maine	3,000	25,000	10,416	38,416
Maryland	12,578	35,000	62,832	110,410
Massachusetts	13,000	62,500	411,371	486,871
Michigan	27,115	55,000	306,078	388,193
Minnesota	11,000	40,719	126,498	178,217
Mississippi	26,000	32,500	48,970	107,470
Missouri	17,000	60,000	153,646	230,646
Montana	2,000	10,000	38,171	50,171
Nebraska	6,000	25,000	56,685	87,685
Nevada			20,016	20,016
New Hampshire		10,000	40,119	50,119
New Jersey	10,000	27,500	197,325	234,825
New Mexico	1,958	5,000	48,616	55,574
New York	30,076	100,000	699,202	829,278
North Carolina	22,000	57,500	246,026	325,526
North Dakota	4,000	15,000	21,314	40,314
Ohio	2,000	92,500	279,552	374,052
Oklahoma	14,000	20,000	97,998	131,998
Oregon	3,000	18,233	87,592	108,825
Pennsylvania	9,000	149,498	381,104	539,602
Rhode Island	1,000	10,000	65,518	76,518
South Carolina	5,000	37,500	51,010	93,510
South Dakota	3,000	20,000	25,000	48,000
Tennessee	6,000	62,500	138,120	206,620
Texas	38,000	61,331	473,004	572,335
Utah	4,556	2,500	80,832	87,888
Vermont	2,000	20,000	20,204	42,204
Virginia	9,000	45,000	98,689	152,689
Washington	14,128	7,500	178,222	199,850
West Virginia	3,000	37,500	5,092	45,592
Wisconsin	25,000	57,500	118,749	201,249
Wyoming	5,000		10,777	15,777
District of Columbia	5,000	5,193	72,553	82,746
Canal Zone	1,000			1,000
Guam	1,795			1,795
Puerto Rico	1,000	7,500	23,452	31,952

Sources: (1) Unpublished data, "Library Statistics of Colleges and Universities, 1960-61, Pt. 2." (2) "Education Directory, 1961-62, Pt. 3, Higher Education (OE-50000-61)." (3) Machine tabulations of institutions of higher education, 1960-61.

PAYMENT OF CLAIM TO GREAT BRITAIN AND NORTHERN IRELAND

Mr. SPARKMAN. Mr. President, by request, I introduce for appropriate reference a bill to authorize payment of a claim made by the Government of the United Kingdom of Great Britain and Northern Ireland.

The purpose of this legislation is to authorize payment for supplies and services furnished by the British Navy to the United States Navy in 1946.

The proposed legislation has been requested by the Under Secretary of the Navy and I introduce it now so that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill may be printed in the RECORD at this point, together with the letter from the Under Secretary of the Navy, dated August 31, 1962, in regard to it.

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

The bill (S. 3743) to authorize payment of a claim made by the Government of the United Kingdom of Great Britain and Northern Ireland, introduced by Mr. SPARKMAN (by request), was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the limitations contained in the Act of October 9, 1940 (54 Stat. 1061), or in any other provision of law, the claim of the United Kingdom of Great Britain and Northern Ireland for various supplies and services furnished by the British Navy in 1946 to the United States Navy in the sum of 3,336 pounds, 16 shillings, and 5 pence shall be held and considered to have been timely filed. The Secretary of the Navy is hereby authorized to pay this claim out of Navy appropriations otherwise available for the payment of such claims.

The letter presented by Mr. SPARKMAN is as follows:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, D.C., August 31, 1962.

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

MY DEAR MR. PRESIDENT: There is enclosed a draft of proposed legislation "To authorize payment of a claim made by the Government of the United Kingdom of Great Britain and Northern Ireland."

PURPOSE OF THE LEGISLATION

The purpose of this proposed legislation is to authorize payment for supplies and services furnished by the British Navy to the U.S. Navy in 1946 in the amount of 3,336 pounds, 16 shillings, and 5 pence. This claim was forwarded by the British Navy to the U.S. Navy Regional Accounting Office, Washington, D.C., in July 1951, well within the time prescribed by the statute of limitations. Additional substantiation was required and further correspondence took place between the British Admiralty and the U.S. Navy Regional Accounting Office. It was not until December 17, 1959, that the U.S. Navy Regional Accounting Office administratively approved the claim and forwarded it for payment to the General Accounting Office.

On February 19, 1960, the General Accounting Office denied the claim on the ground that it had not been received in that office within the 10-year statute of limitations contained in the act of October 9, 1940 (54 Stat. 106). The authority which this proposal would provide is needed to permit payment of a just obligation on the part of the United States to the United Kingdom.

COST AND BUDGET DATA

The cost to the Government of this legislation at the official rate of exchange will be $9,343.10 which would be charged to appropriation 17M804, maintenance and operation Navy successor account, therefore current appropriations will not be used. The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this proposal for the consideration of the Congress.

Sincerely yours,

PAUL B. FAY, Jr.,
Under Secretary of the Navy.

Mr. MORSE. Madam President, reserving the right to object, and I shall not object at this point, I should like to know something about the bill before it is voted upon. I do not assume that the unanimous-consent request is more than a request to print the bill in the RECORD, is it?

Mr. SPARKMAN. I am introducing a bill and asking that it be printed in the RECORD. I do not anticipate that action will be taken on it at this session of Congress.

ADJUSTMENTS IN CERTAIN ANNUITIES UNDER FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM—AMENDMENTS

Mr. SPARKMAN. Mr. President, I submit, for appropriate reference, amendments in the nature of substitutes,

to the bill (S. 1010) to provide for adjustments in certain widows' annuities under the Foreign Service retirement and disability system, and for other purposes, and to the bill (S. 1011) to provide for adjustments in annuities under the Foreign Service retirement and disability system.

Both of these amendments are designed to provide for increases in annuities currently payable under the Foreign Service Retirement System to retired Foreign Service officers and their survivors.

In my opinion, the retired Foreign Service officers and their survivors are entitled to increases in their annuities, and I hope that the amendments which I am introducing today will receive sympathetic consideration from the executive branch.

The VICE PRESIDENT. The amendments will be received, printed, and appropriately referred.

The amendments were referred to the Committee on Foreign Relations.

INCLUSION OF A DISTRICT JUDGE OR JUDGES ON JUDICIAL COUNCIL OF EACH CIRCUIT—AMENDMENT

Mr. KEATING submitted an amendments, intended to be proposed by him, to the bill (H.R. 6690) to amend section 332 of title 28, United States Code, in order to provide for the inclusion of a district judge or judges on the judicial council of each circuit, which was ordered to lie on the table and to be printed.

AUTHORIZATION FOR CERTAIN BANKS TO INVEST IN CORPORATIONS WHOSE PURPOSE IS TO PROVIDE CLERICAL SERVICES FOR THEM—AMENDMENTS

Mr. PROXMIRE submitted amendments, intended to be proposed by him, to the bill (H.R. 8874) to authorize certain banks to invest in corporations whose purpose is to provide clerical services for them, and for other purposes, which were ordered to lie on the table and to be printed.

FOREIGN AID AND RELATED AGENCIES APPROPRIATION BILL, 1963—AMENDMENTS

Mr. PROXMIRE submitted amendments, intended to be proposed by him, to the bill (H.R. 13175) making appropriations for foreign aid and related agencies for the fiscal year ending June 30, 1963, and for other purposes, which were referred to the Committee on Appropriations, and ordered to be printed.

PRINTING OF INTERIM REPORT ON SANDUSKY RIVER, OHIO (S. DOC. NO. 136)

Mr. MANSFIELD. Mr. President, on behalf of the Senator from New Mexico [Mr. CHAVEZ], I present a letter from the Secretary of the Army, transmitting a report dated August 29, 1962, from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on an interim report on the Sandusky River, Ohio, requested by a resolution of the Committee on Public Works, U.S. Senate, adopted February 24, 1948. I ask unanimous consent that the report be printed as a Senate document, with illustrations, and referred to the Committee on Public Works.

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

PRINTING OF INTERIM REPORT ON BROKEN BOW RESERVOIR, MOUNTAIN FORK RIVER, OKLA. (S. DOC. NO. 137)

Mr. MANSFIELD. Mr. President, on behalf of the Senator from New Mexico [Mr. CHAVEZ], I present a letter from the Secretary of the Army, transmitting a report dated August 7, 1962, from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on an interim report on the Broken Bow Reservoir, Mountain Fork River, Okla., requested by a resolution of the Committee on Public Works, U.S. Senate, adopted January 6, 1961. I ask unanimous consent that the report be printed as a Senate document, with illustrations, and referred to the Committee on Public Works.

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

PRINTING OF INTERIM REPORT ON CENTRAL AND SOUTHERN FLORIDA PROJECT, SOUTH DADE COUNTY, FLA. (S. DOC. NO. 138)

Mr. MANSFIELD. Mr. President, on behalf of the Senator from New Mexico [Mr. CHAVEZ], I present a letter from the Secretary of the Army, transmitting a report dated August 24, 1962, from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on an interim report on the central and southern Florida project, South Dade County, Fla., requested by a resolution of the Committee on Public Works, U.S. Senate, adopted November 15, 1954. I ask unanimous consent that the report be printed as a Senate document, with illustrations, and referred to the Committee on Public Works.

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

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

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

By Mr. HARTKE:

Address delivered by Vice President LYNDON B. JOHNSON, at the United Steelworkers Convention, Miami, Fla., on September 18, 1962.

AMBASSADOR STEVENSON POINTS THE WAY TO PEACE THROUGH A STRONGER UNITED NATIONS

Mr. PROXMIRE. Mr. President, yesterday at the United Nations our Ambassador, Adlai Stevenson, made a brilliant and eloquent speech pleading for a stronger United Nations. He outlined the progress made under the United Nations in past years, and pointed out that in many areas it has succeeded in solving great problems. That is true in southeast Asia, in Laos, and in connection with the struggle between the Indonesians and the Dutch. It is clear that in many areas the United Nations has been an invaluable agency for achieving peace in the world.

At the same time, as Ambassador Stevenson pointed out so well, the dangers remaining in the world are great, and are growing.

It seems to me that Ambassador Stevenson's plea to strengthen the United Nations, both financially and in terms of organization, should be carefully considered by Members of the Senate, since so frequently we pass on legislation directly affecting the United Nations.

With this in mind, I ask unanimous consent that excerpts from Ambassador Stevenson's opening address to the United Nations be printed at this point in the RECORD.

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

[From the New York Times, Sept. 21, 1962]

EXCERPTS FROM STEVENSON'S OPENING ADDRESS TO U.N. GENERAL ASSEMBLY

I should like to begin by reaffirming, as emphatically as I can, the high significance which the Government of the United States attaches to the work of the United Nations. My Government is more than ever convinced that the success or the failure of this organization could well mean the difference between world order and world anarchy. We believe that the work that lies before this 17th General Assembly is serious—and that it is also urgent.

A year ago we met at a time of doubt and of danger. In the 12 months since, much has taken place to justify a measure of fresh hope for the future.

A long, bitter war in Algeria has come to a close.

A threatened conflict between two of our members in the Southwest Pacific has yielded to peaceful settlement—through statesmanship on their part and skillful conciliation by the United Nations.

CEASE-FIRE IN LAOS

In Laos, civil war, abetted by foreign intervention, has been replaced by a cease-fire and an independent government under international guarantees.

In the Congo—where the United Nations has played such a decisive part—war and the threat of war seem to be yielding to new hopes for the peaceful reintegration of Katanga into the Congo state. And to the Secretary General's vigorous efforts, with our support and that of the great majority of the members, to get early implementation of the United Nations reconciliation plan.

Disarmament negotiations, with the encouragement of the General Assembly, have resumed in a new forum with nonnuclear powers playing a useful and a constructive role.

We have begun under United Nations auspices, a search for cooperation in the de-

velopment of outer space in the interests, not of any one nation, but of humanity.

We have begun, too, an intensification of the drive against poverty under the United Nations Decade of Development.

These are all legitimate sources of gratification and there are others. But we would be deceiving ourselves if we looked on the bright side alone. We still—all of us—continue to live in a dark and a precarious world.

THREAT IN BERLIN

The crisis in Berlin has not exploded into war; but the pressures and harassments against West Berlin continue to rank as a most ominous threat to the peace of the world:

The Government of Cuba, with moral and material support from outside, carries on a campaign of subversion and vituperation against its neighbors in the Western Hemisphere.

Unprovoked aggression from North Vietnam continues to threaten the freedom and independence of the Republic of Vietnam and to menace the peace in southeast Asia.

The Chinese Communists continue their policy of provocation, their acts of force and of subversion.

The threat of conflict still smolders in the Middle East, damped down but not quenched by the peacekeeping machinery of the United Nations.

Disputes involving members of our organization continue unresolved on every continent.

The continued repression of the peoples of Eastern Europe remains an underlying danger to peace.

CALL FOR COOL HEADS

The concluding stage of the worldwide movement toward national independence elsewhere is complicated by issues which, though transient and manageable, could become explosive if cool heads do not prevail over hot tempers.

The prevalence of poverty in great areas of the world remains a source of moral frustration and of political danger.

And, most ominous of all, the suicidal arms race continues unabated.

Now these situations raise serious dangers to the peace of the world.

It was to deal with such dangers to the peace that half of the states in this assembly hall established the United Nations 17 years ago—and that the other half have adhered to the charter in the years since.

The charter issued a lofty challenge to mankind. It cannot be claimed that in these 17 years the United Nations has established a reign of peace on earth. But the record of our organization in meeting specific challenges to the peace is nonetheless impressive. In these years the United Nations, whether through the Security Council or the General Assembly, through conciliation or cease-fire, through peace observation or truce supervision, or direct military action, has helped avert or end hostilities in Iran, in Greece, in the Middle East, in Kashmir, in Indonesia, in Korea, at Suez, in Lebanon, in the Congo and now in West New Guinea.

The record of accomplishment is formidable, but the movement of history is more preemptory than ever, and today's challenges of peace and of progress are therefore more urgent than ever. To meet these challenges we need not just a strong but a still stronger United Nations. The most important general issue before this Assembly is to get on with the business of steadily improving our organization so that it can deal ever more energetically, more efficiently, more promptly with the danger to peace and the obstacles to progress.

TWO FACTORS INVOLVED

Strengthening the United Nations involves questions both of structure and of strategy.

So far as structure is concerned, a first necessity is to set the United Nations on a sound financial basis. Our organization has today a deficit of more than $150 million—brought about largely by defaults or delays in payments for peacekeeping operations which have proved as expensive as they were necessary.

The emergency plan to meet this deficit to the sale of bonds is good as a stopgap. As the result of action by our Congress, the U.S. Government will be in a position to lend the United Nations half of what it will borrow under this plan. Other nations have already pledged $73 million. We hope—and that's a mild word for it—that these states, along with the nations still unpledged, will bring the total pledged to match that sum.

But this, Mr. President, is only a palliative; it is not a solution. The current deficit is a symptom of a deeper problem—a problem created by the inaction of too many of the governments in this Assembly hall. One can understand past reasons for reluctance to accept collective financial responsibility for United Nations actions. Some states, for example, doubted whether the General Assembly could legally make a binding assessment for the United Nations peacekeeping expenses. But any legal uncertainties have now been cleared up by the recent opinion of the International Court of Justice.

This Assembly now faces the compelling obligation of affirming a policy of collective financial responsibility for the actions of the United Nations. I believe that this session of the Assembly should accept and act upon the advisory opinion of the International Court as past accepted and acted upon other advisory opinions. The financial integrity and independence of the U.N. are at stake. And something even more important is at stake—the rule of law. The Court has ruled on the law; it remains to this Assembly to manifest at once its respect and its compliance by converting the law into policy.

AFFIRMATION URGED

I believe that this Assembly must also devise a financing plan for future peacekeeping operations to take effect when the proceeds from the bond issue are exhausted. The details of such a plan are open to discussion. But whatever the character of the plan, it should require that every member meet its obligations when an assessment is duly voted.

We hope this Assembly will work out a program which will finance operations authorized by itself or by the Security Council. Otherwise we doom our organization to impotence. We cannot expect the United Nations to survive from day to day by passing a cup like a beggar in the street.

We also must elect unconditionally a Secretary General for a full term of office. After the tragic death of Dag Hammarskjold last year, the Assembly went through a protracted but instructive constitutional crisis. We resolved this crisis by vindicating—overwhelmingly and I trust permanently—the integrity of the Office of the Secretary General as established by the charter. We then selected unanimously a diplomat of extraordinary personal qualities, who has served this organization well in a time of transition and uncertainty.

I am well aware of the frustration, the temptations, and conflicts of any parliamentary democracy, but it happens to be the best system ever invented to protect and to reconcile all interests in the conduct of public affairs. Given the inherent complexities of this form of organization—given the gravity of the matters with which we deal—given the youth of the United Nations—given its rapid growth—it must be said that the General Assembly, with few exceptions, has conducted itself with surprising responsibility and maturity.

It's clear that the business of this Assembly cannot be conducted effectively in the manner of a protest demonstration in a public square. It is clear that the influence of this Assembly cannot grow if the quality of its debate is debased by propaganda or by speeches designed not to further the business before the house but to gratify emotions back home.

Indignation and outrage have been powerful enemies of injustice since the beginning of history. It would be surprising if they had no place in the proceedings of the United Nations. But the test of resolutions presented to this Assembly must surely be whether they promise to bring us closer to rational solutions of real problems and thereby closer to justice.

In the United Nations, all members, large and small, are juridically equal. This is why it is so often called the hope of the world. This is why it is the great guardian of the interests of the smaller states. This is also why, as the Assembly grows in numbers, we must match its size by its sense of relevance and its sense of responsibility.

PLANET A POWDER KEG

Nothing is more important to all of us than a sustained and systematic attack on the conflicts which threaten the peace. Our world is now a crowded house; our planet a single powder keg, and we believe that all nations must stay their hands in pursuit of national ambitions involving conflict with others until the world community has had a chance to find solutions through patient, through quiet, diplomatic effort.

The path to peace lies through thickets of conflict and the biggest obstacle in the path—the most overwhelming danger of all—is the onrushing arms race. Every day it gathers momentum as the nuclear powers and others, large and small, enlarge their arsenals. Some of us continue to invent and test frightful new weapons. We feel obligated to do this for the sake of our separate national interests—at a time in history when the national interests of all nations—those with nuclear weapons and those without—demands not the expansion but the abolition of the power to wage war.

Let me be as clear, as simple as I can: this prodigal arms race is dangerous and deadly folly. Here in the United States we want to save not destroy, our fellow man. We want to devote the resources now swallowed up by this insatiable monster to the unfinished tasks of our own society. And we want to devote these resources to giving every soul on earth a chance for a better life.

AGREEMENT ON PRINCIPLES

Yet the arms race goes on. It goes on because no nation, confronted by hostile nations, can neglect its defenses. No great power can risk unilateral disarmament. There is a system of complete and general disarmament under which all nations progressively tear down—in plain view of the international community and with suitable safeguards—their own capacity to wage war.

A great achievement of our last session was to endorse an agreement on a set of principles for general and complete disarmament in a peaceful world. But we—while we have made some progress, we have not made enough toward translating these agreed principles into an agreed plan—to move by mutual actions in rapid stages toward total disarmament and effective international peacekeeping.

The United States has proposed such a plan. It has submitted its proposals to this Assembly and to the 18-nation Disarmament Conference at Geneva.

But, just as it takes at least two to make an arms race, it takes at least two to stop an arms race. No one in his senses would expect one side to abandon the means of

self-defense unless it knew for sure that the other side was giving up its arms as well. This means that practical verification is the essence of any workable agreement for general disarmament.

It need not be total verification. We have demonstrated again and again during long negotiations that we are prepared to take certain risks to lessen the chance of an intensified arms race. But we are not prepared to risk our survival. If other nations permit, as we have agreed to do, the degree of international inspection technically required for mutual security, we can end the arms race. But we cannot stake our national existence on blind trust—especially on blind trust in a great and powerful nation which repeatedly declares its fundamental hostility to the basic values of our free society.

The issue is plain. The price of general disarmament is mutual security within the framework of the United Nations. Because such security would be by international inspection, it could have no conceivable connection with espionage. Is inspection by a United Nations agency too high a price to pay for the safety, perhaps the survival, of mankind? Can any society value its secrecy more than everyone's safety—especially a society which avows itself the model toward which all other societies must irresistibly evolve?

Mr. President, I put this issue in all gravity. I ask the members of this Assembly to join the peoples of the world in demanding a program of general disarmament which stands a chance of ending the arms race.

Here in New York, the Assembly can insist on the indispensable condition of world disarmament: the assurance that agreements made are agreements kept.

HOPE HELD FOR TEST BAN

But there is a situation even more immediate and happily more hopeful than general disarmament. I refer to the testing of nuclear weapons. If we see in this a more acute problem, let me suggest that it is also more manageable—and therefore offers brighter hopes for early progress.

As is plain from the draft treaties tabled in Geneva, the U.S. Government is prepared to stop the testing of all nuclear weapons, provided only that others are prepared to assume the obligations to do the same. Testing in the atmosphere, in the oceans and in space causes radiation. Testing underground does not. We are prepared to stop testing even without any international verification, provided an international system is created to assure that others are doing the same.

It may be interesting to you to know that since 1945 when it began, the United States has exploded nuclear devices with a total yield of about 140 megatons. Since 1949, when it began, the Soviet Union, so far as we can tell by distant instrumentation, has exploded devices with a total yield of approximately 250 megatons.

EXPLOSIONS COMPARED

Since the U.S.S.R. broke the moratorium last fall, its explosions have yielded 200 megatons. Those which the United States was then compelled to undertake have yielded 25 megatons. I repeat, that we in this country wanted tests—want to cease testing nuclear weapons.

If other nuclear powers are also willing to make an agreement to cease, the testing will cease. But let there be no doubt about it: United States prefers a comprehensive treaty banning all tests in all environments and for all time.

The objective of peace is inseparably intertwined with the objective of progress. As we improve our organization's capacity to keep the peace, we also strengthen the United Nations for its other essential tasks: to help build nations in dignity and freedom; to help liberate humanity from centuries-old bonds of want and squalor.

And, as we build healthy modern societies, we knit stronger the fabric of peace; we reduce the chance that misery and failure will explode into conflict. Thus are peacekeeping and nation-building two sides of the United Nations coin.

HISTORIC TRANSFORMATION

We who have attended these General Assemblies of the United Nations have been witnesses to a great historic transformation. In the years since 1945—and with the support of this Assembly—we have seen the age of classical colonialism move toward an end. In these years 46 nations nearly half of the present membership of this organization, have gained their independence. This has represented a revolutionary change in the structure of international relations and of international power.

It has been a change, I need hardly say, which has been enthusiastically welcomed in the United States. As the first modern state to win freedom from colonialism, we have been proud to help other states begin that most precious, that most difficult of adventures—the adventure in self-government. We found no task more important than assisting those everywhere, in the older colonial areas and elsewhere, to self-determination.

ONLY A BEGINNING

For a nation is not created by a stroke of the pen. A declaration of political independence is a beginning. It is not a conclusion. Nothing more discredits the great historic transformation of our epoch than for newly independent states to fall into chaos and become an international problem or an international danger. The long labor of nationhood requires reality as well as the rhetoric of independence; it requires an emerging national will be capable of the political wisdom, the administration vigor, the economic energy, the moral discipline necessary to convert the promise of national independence into a free and productive life for its people. The interest, I dare say, of most of the members here present, lies not in the mere multiplication of nations—but in the multiplication of nations where people have the strength to survive, and to grow, and to contribute to the vitality of the international order—the world community.

Over the years, the United Nations itself has established an impressive range of technical institutions geared to the job of helping the less developed nations to modernize their economies. The United Nations family of agencies is the source of new and exciting projects: a world food program is just getting underway. The Board of Governors of the World Bank is at this moment calling for recommendations for the expansion of the capital for—for international—of the International Development Association. An unprecedented conference on the application of science and technology to the problems of development will be held.

Other projects, other programs attest to the growing maturity, the expanding hope, the rising operational capacity of the United Nations family of agencies—and this is all to the good.

CHALLENGE TO MEMBERS

The challenge before us now is to make our United Nations agencies better with each passing year—to endow them with sound procedures and adequate resources—to staff them with disinterested and expert talent—to improve their planning and programing and administration and coordination—to see that they meet the needs of realistic development in the new nations—to integrate them with the other forms of development assistance, national, regional and international, presently going to the emerging nations—and thereby to insure that development aid will be applied everywhere on a cooperative rather than on a competitive basis.

Now the full problem of development cannot be achieved within national boundaries. To stimulate general prosperity, we must remove the barriers which block the free flow of money and goods across national frontiers.

SOCIAL PROGRESS IS KEY

An expanding world trade, built on the scaffolding of the General Agreement on Tariffs and Trade, rests in turn on that further social progress, that larger freedom, that broader structures of international peace which it is the purpose of the United Nations to secure.

That is why the United States was pleased to join with its fellow members of the Economic and Social Council in the unanimous call for a United Nations Conference on Trade and Development. We will do everything we can to help this Conference succeed.

We need to move—under the challenge of the defense of development—toward a clearer strategy of development—toward a better sense of priorities—toward a sharper division of labor among the various institutions—and toward a keener appreciation that the economic and social development of a country is not the result only of outside capital and assistance, but of the political leadership, of institutional growth, of economic and social reform and of national will.

Here, then, Mr. President, are our twin tasks as we see them: to replace strident policies with quiet and determined diplomacy; to replace the arms race, as the President said last year, with a peace race; with a creative race in the production and exchange of goods and the elevation of living standards.

These tasks are not new—nor will they be finished before we adjourn. But before we adjourn I trust that the 17th General Assembly will energetically get on with the job of peaceful settlement, of nonviolent change, and of war against human want.

As the custodians of the history of our times, we can do no less. To the discharge of these responsibilities, my own Government pledges its firm and unswerving support. Animated by the ideals of the charter and by our obligations to our fellow men we, the members of this Assembly, cannot adjourn our deliberations without providing the world tangible evidence of our devotion to peace and to justice. And this tangible evidence, Mr. President, can lie only in our decisions and our deeds in the months ahead.

Mr. PROXMIRE. The New York Times, in commenting on Ambassador Stevenson's address, emphasized the excellent points he made in regard to disarmament, and pointed out that in his speech he said:

(1) We regard "this prodigal arms race as dangerous and deadly folly"; (2) "practical verification is the essence of any workable agreement for general disarmament" and "it need not be total verification"; (3) we cannot "stake our national existence on blind trust."

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

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

STEVENSON DEFINES OUR POLICY

Ambassador Stevenson took advantage yesterday of the "general debate" at the United Nations Assembly to explain what the foreign policy of the United States actually is.

Naturally, the most critical part was that which dealt with disarmament and with

atomic testing. Mr. Stevenson made these points: (1) We regard "this prodigal arms race as dangerous and deadly folly"; (2) "practical verification is the essence of any workable agreement for general disarmament" and "it need not be total verification"; (3) we cannot "stake our national existence on blind trust." He said that since 1945 the United States has exploded nuclear devices with a total yield of about 140 megatons, but since 1949 the Soviet Union "has exploded devices with a total yield of approximately 250 megatons." Two hundred of these apparently were fired by the U.S.S.R. after it broke the moratorium last fall, whereas the United States has set off 25 megatons during this same period.

We wish to stop testing, Mr. Stevenson reiterated. We want, as President Kennedy said last year, to replace the arms race with a peace race. "The price of general disarmament," Mr. Stevenson said, "is mutual security within the framework of the United Nations." Is inspection by a United Nations agency "too high a price to pay for the safety, perhaps the survival, of mankind?" Here is the essence of the American argument with the Soviet Union. The United States has yielded ground since a tight system of inspections was first proposed to prevent preparations for nuclear warfare. What is now proposed by the United States is something as far from espionage as any system could be.

If this issue could be abated, the other questions with which the United Nations has to deal might become simple. Already, as Mr. Stevenson pointed out, there have been improvements in some critical areas since last year, although other areas, such as Berlin, Cuba, and North Vietnam, are still dangerous, and there is still pitiful poverty "in great areas of the world." Nobody can read this passage without lamenting that so much money, energy, and ingenuity is diverted to weapons and so little left, comparatively, for the war against want and disease.

The United States does not plan to impose democracy on people who do not want it. This country is willing to coexist peacefully with the Communist empire if the latter remains within its borders. We are against suicide—individual, national, or universal. On those principles all of us can stand with Adlai Stevenson and the administration for which he speaks.

MILWAUKEE OPENS WORLD SHOWING OF U.S. ART

Mr. PROXMIRE. Mr. President, the S. C. Johnson Co., of Racine, Wis. is a remarkable company. Over the years it has demonstrated in many unique ways its sense of responsibility toward Racine, the State of Wisconsin, and the Nation.

Today, under the sponsorship of the Johnson Co., a collection of 102 contemporary American paintings goes on exhibition at the Milwaukee Art Center. This is believed to be the largest financial investment in contemporary art ever made by a private organization. Its value is about $750,000. The collection will be given a world tour, including Europe and Asia, to bring to the peoples of the world a vital demonstration of our culture.

Mr. H. F. Johnson, of the Johnson Co., has eloquently described the endeavor of his company as "an act of faith in American art and, at the same time, an experiment by a business firm in international relations on a people-to-people level."

I ask unanimous consent that an article in today's New York Times describing the Milwaukee opening of "Art, U.S.A., Now" be printed at this point in the RECORD.

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

ART: CONTEMPORARY AMERICAN WORKS—ART, U.S.A. NOW TO OPEN IN MILWAUKEE

(By Stuart Preston)

MILWAUKEE, September 19.—Art, U.S.A., Now, a collection of 102 contemporary American paintings that goes on exhibition Friday at the Milwaukee Art Center and will later be given a 5-year world tour, will take a major step in the presentation to Europe and Asia of a particularly vital aspect of modern American culture.

Purchased by S. C. Johnson & Son, of Racine, Wis., a company that will also underwrite its oversea tour, the collection is believed to be the largest financial investment in contemporary art ever made by a private organization; its value is about $750,000.

"Our interest in this project," said H. F. Johnson, chairman of the company, "might be described as a sort of act of faith in American art and, at the same time, an experiment by a business firm in international relations on a people-to-people level."

This practical and idealistic purpose has been well served by the quality and comprehensiveness of the collection itself, assembled for Johnson's by Lee Nordness, head of the Nordness Gallery, 831 Madison Avenue, near 69th Street, New York.

Bringing together such a collection in a comparatively short time can have been no easy task. The artists represented are among those most avidly sought by museums and private buyers. Thus certain pictures have a way of becoming unavailable when most wanted. Still, considering this primary difficulty, it can be fairly stated that Mr. Nordness has largely triumphed in making this selection.

Admittedly some weaknesses exist. Certain painters, Karl Knaths for one, are not seen at their best, while the wisdom of including some of the fringe abstract expressionists can be doubted. But this is a personal choice, and against all reservations one must recognize that a large number of painters make exemplary appearances.

They include Hans Hoffmann, Larry Rivers, Paul Jenkins, Josef Albers, Milton Avery, Ben Shahn, Kenzo Okada, Jack Levine, Conrad Marca-Relli, John Hultberg, Sam Francis, Ellsworth Kelly, Nathan Olveira, Bernard Perlin, Hiram Williams, Milton Resnick, Lawrence Calcagno, Joan Mitchell, Richard Lytle, and Andrew Wyeth.

The pictures can be roughly divided into one-third abstract, one-third representational, and one-third (for lack of a better word) miscellaneous. To this last category belongs the magic realism of George Tooker, the neo-Dada antics of Robert Rauschenberg, and the strong, if distinctly unpleasant, satire of Paul Cadmus' "Bus Italia."

If chronologically the collection extends from Hans Hofmann (born 1889) to Richard Lytle (born 1935), a proper insistence, for a show of this contemporary character, is made on including very latest work. In almost every case the pictures date from the last 2 years. This is a particularly important point to be made when considering the collection's specific purpose of reflecting, primarily for the benefit of spectators abroad, the leading American tendencies of the moment. Being up to the minute, it will be interesting to have a look at it 25 years from now and see how many, or how few, have subsided into period pieces, and which are stayers.

"Art, U.S.A. Now" will remain in Milwaukee until October 21. Then it begins its travels, first to nine major European cities, beginning with Vienna, on an 18-month tour. Accompanying it will be Joseph B. Messing, its permanent curator. There is a possibility of further journeys, to Japan and to South America, and the fact that a section of the catalog is printed in Russian indicates hopes to penetrate the Iron Curtain.

MANITOWOC CLAIMS AND DESERVES SPUTNIK PIECE

Mr. PROXMIRE. Mr. President, on September 5, a sputnik piece fell on Manitowoc, Wis.; and the city promptly turned it over to proper authorities, for examination and disposition. The sputnik piece is now in the hands of our United Nations delegates, who have offered it to the Russians.

The Russians have disclaimed it, saying it is not theirs. The Smithsonian Institute has declined to receive it, for display purposes. There remains the city of Manitowoc, which will neither disclaim nor decline the sputnik piece.

I have received from the Common Council of the City of Manitowoc a resolution calling for the return of the sputnik piece to Manitowoc, so it can be displayed in the Rahr Civic Center and Museum. I ask unanimous consent that the resolution be printed at this point in the RECORD.

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

Whereas on September 5, 1962, a fragment of the Russian satellite, Sputnik IV, fell in the city of Manitowoc on North Eighth Street, 53 feet north of the intersection of Park Street, coincidentally in the immediate vicinity of the Rahr Civic Center and Museum; and

Whereas this fragment is presently being examined by the Smithsonian Institute and the National Aeronautics and Space Administration; and

Whereas this fragment, the first to be found in this country, is an object of major interest to the people of Manitowoc and its youth, as well as to tourists: Now, therefore, be it

Resolved by the mayor and common council, That we request that the fragment, to be known as the Manitowoc Fragment, be returned to this city, as soon as necessary tests and inspection are completed, to be permanently displayed at the Rahr Civic Center and Museum; be it further

Resolved, That this resolution be kept in the archives of the city clerk and copies thereof directed immediately to President John F. Kennedy; U.S. Senator ALEXANDER WILEY; U.S. Senator E. WILLIAM PROXMIRE; U.S. Representative JOHN W. BYRNES; the National Aeronautics and Space Administration; the Smithsonian Institute; the U.S. Department of State; the Rahr Civic Center and Museum; and the Manitowoc Chamber of Commerce.

CHESTER W. OUDINOT,
ROBERT J. RAND,
Mayor.

RETIREMENT OF EUGENE R. BLACK

Mr. BUSH. Mr. President, yesterday Mr. Eugene R. Black, president of the Board of Governors of the World Bank, the International Finance Corporation,

and the International Development Association, delivered his final address before the annual convention of these organizations, here in Washington. Shortly, Mr. Black will leave the service of the World Bank.

It is said that a prophet is not without honor, save in his own country. But that would not apply to Mr. Black, because he is honored in his own country. However, the interesting thing is that during his tenure as President of the World Bank and its affiliated organizations he has acquired honor throughout the world.

Mr. Black has acquired a degree of international respect and admiration which few other Americans have ever acquired in the history of this country.

So fine is his character, so well recognized are these elements of fineness in Mr. Black's character, and so great is his ability as a banker and a businessman, that he has acquired the confidence of leaders of governments and financial institutions all over the globe.

An illustration of this lies in the fact that some years ago the Governments of Pakistan and India submitted to Mr. Black the great problem, which so seriously divided them, concerning the Indus Basin. Mr. Black worked out an agreement—taking many months and, indeed, years to do so—which solved that problem and, one might say, dissolved the very dangerous feeling which had developed between those countries over that great issue.

Mr. Black has enjoyed the confidence of Premier Nasser, of Egypt; he has enjoyed the confidence of the leaders of Western Europe. Indeed, it is difficult to think of a government with which he has come in contact whose leaders have not had and do not have great confidence in Eugene Black. So on the eve of his retirement—which may not, indeed, be before next spring—I take this opportunity of paying an inadequate tribute to Eugene Black. He is a Georgian by birth, a graduate of the University of Georgia, and before he came to the World Bank he had a very distinguished record in the investment business in New York. But New York was only his headquarters. He was known all over the United States as one of the most expert, trusted, and respected bondmen that the financial community ever produced.

I take this opportunity of paying tribute to him because of my great admiration for him and my gratitude for his great services and accomplishments. I also express the hope that in whatever endeavor he engages himself in the remaining years of a life that has already been overcrowded with success, he may enjoy the further success and the happiness that he so richly deserves because of his long service to his country, and to other countries of the world who are members of the World Bank organization.

Americans can be very proud that in this great man we have furnished the World Bank with a leadership that has never been questioned, has always been endorsed, has always been admired and approved. This indeed is a tremendous recognition.

I ask unanimous consent that the address delivered by Mr. Black yesterday before the World Bank organizations be printed in the RECORD following these remarks.

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

ADDRESS OF EUGENE R. BLACK, PRESIDENT, TO THE BOARDS OF GOVERNORS OF THE WORLD BANK, THE INTERNATIONAL FINANCE CORPORATION, AND THE INTERNATIONAL DEVELOPMENT ASSOCIATION, IN WASHINGTON, D.C., SEPTEMBER 18, 1962

Once more, it is a pleasure to greet you at this annual meeting.

In the earlier years of the Bank's existence, these gatherings may have been somewhat ceremonial and pro forma occasions. But when you meet now, you meet as shareholders representing most of mankind and its hopes for lives of greater security and well-being.

For us in the Bank, this event crowns the year's business. It is a time both of retrospect and prospect. We have a chance not only to evaluate what has been done since we last met, but also to set ourselves in new directions. More and more often, the governors have been asked to take decisions that in the end have strongly affected the character of our institutions and their value to their member countries, and this present meeting will, I am sure, be no exception in this regard.

The operations of the Bank and its affiliates, the International Finance Corporation and the International Development Association, are proceeding at a faster pace than ever before.

As the reports before you show, the Bank and IDA during the year committed over $1 billion for economic development projects. The Bank figure, some $882 million, was by a considerable margin the highest in our history. More than four-fifths of this amount was lent in support of power and transportation—traditionally the most frequent objects of Bank lending. Two other facts are worth pointing out: for the fifth year, Bank lending for large-scale industrial projects exceeded $100 million; and the cumulative total of Bank loans to industry passed $1 billion.

The Bank's operations continue to have the confidence of the world financial community. Within the past few days, we have arranged the sale of $100 million of U.S. dollar bonds to purchasers entirely outside the United States. This is our seventh such issue; it is for 2 years, and carries interest at 3¾ percent. It was sold to purchasers in 25 countries; the demand was so great that the issue was oversubscribed 100 percent.

During the fiscal year itself, we were able to sell, without our guarantee, parts of our loans amounting to over $300 million. In addition, we raised $270 million in five new borrowing transactions. One transaction, as I was able to mention 12 months ago, was the first Bank borrowing in the Italian market. Three other issues were sold outside the United States. Our last borrowing of the year was our first issue in the U.S. market since February 1960. Conditions in the private market continue good. They enable me, in fact, to have the pleasure of telling you that our interest rate to borrowers has just been reduced to 5½ percent—the lowest rate we have been able to offer since 1958.

Since the closing of our annual reports, the volume of new lending has continued high. The total for IDA and the Bank amounts to nearly $200 million, and IDA accounts for the larger share. Since the opening of the new fiscal year, the Association already has extended some $110 million of new credits—an amount nearly as much as in the previous 12 months.

IDA has continued to lend for purposes new to the Bretton Woods institutions. When we met last year in Vienna, the Association had just agreed to its first financing of a municipal water supply project. Now I can report to you that IDA has just signed its first agreement to finance a project in the field of education. I refer to a $5-million credit which will help to finance the construction of secondary schools in Tunisia. We take particular pride in this inaugural effort; and this is a subject on which I shall have more to say in a few minutes.

The faster tempo of financial commitments by the Bank has not outstripped the Bank's activities in technical assistance to members. Almost from the beginning of our operations, we have found ourselves giving technical advice of one kind or another in the preparation of development projects. This work is now recognized to be a special branch of Bank activity, administered under special staff arrangements and with its own allocation of funds. Since the governors met in Vienna, we have agreed to share the cost of hiring and maintaining the best outside talent available to carry out some 10 studies in fields of interest to the Bank or IDA. And we have organized four additional studies as executing agent of the United Nations special fund. The scope of this work ranges from technical and economic feasibility studies of individual projects to complete surveys of transportation, water resources development, and the like.

Our new development advisory service has now come into operation. We have recruited a small corps of highly experienced professionals to assist the member governments of less-developed countries to take up urgent development tasks. They are available to serve as economic and financial advisers, particularly in the preparation and execution of economic development programs. Some of these experts already are serving abroad—in Chile, Ghana, Pakistan, and Thailand, for example—while others are taking up interim assignments at the Bank's headquarters in Washington.

Our Economic Development Institute completed its seventh regular course this year, and has now returned over 140 fellows to senior economic posts in their governments. This year the Institute also conducted a special course in French for officials drawn mostly from the newly independent countries of Africa. More than 100 of the Institute's English-language libraries in economic development have been distributed to selected institutions in our member countries. The preparation of a French library is well advanced.

Nothing, I believe, is more vital to the economic progress of the underdeveloped countries than a well-rounded spread of education, and the executive directors as well as I myself have become convinced that here is a field in which the Bank might make a useful contribution. We have in mind making grants from our accruing profits to assist, in member countries, economic, technical, or vocational education of a sort closely related to the objectives of the lending activities of the Bank and IDA. It is difficult at this stage to estimate precisely the amount to be devoted to this purpose, but it could be as much as $10 million a year. A distinguished American educator, Dr. Harvie Branscomb, former chancellor of Vanderbilt University, has joined our staff to advise us on the formulation of the program.

The Bank staff has carried forward two special projects which I mentioned in Vienna. It has finished and made public a study of various proposals for setting up some kind of multilateral scheme for insuring international investments. It was not the purpose of the study to reach conclusions with respect to any such scheme, but rather to illuminate the issues involved. It has been given to governments and to the Development Assist-

ance committee of the OECD, which asked the Bank to undertake it.

For some time, the executive directors of the Bank have been studying a second idea that also is aimed at increasing confidence in international private investment, namely, the establishment, under the sponsorship of the Bank, of some kind of machinery for the conciliation or arbitration of international disputes arising between governments and private parties. A working paper on the subject has been circulated, and we are now receiving comments from governments. I hope that you will agree with me that this approach is an interesting and promising one, and that you will approve the resolution on your agenda specifically authorizing the directors to study the matter.

I would like to turn now to the Bank's industrial-financing affiliate, the International Finance Corporation.

This is my first address as President of IFC and I am presenting the Corporation's report to you this year more convinced than ever that our member countries' interests are well served by having an institution in the World Bank family devoted to the promotion of the private industrial sector. During the past year the Corporation made nine investment commitments totaling something over $18 million and organized an underwritng in which it took an initial commitment of some $3 million more. The money total of these transactions was considerably more than the previous year's investment total; but what was more notable was the variety and importance of what was done.

IFC has three major functions to perform: first, to contribute to financing new or expanded ventures, in association with private investors, which are of high developmental priority to the economies of the countries where they are located; second, to contribute to the establishment or the development of capital markets in our member countries; and third, to stimulate the international flow of private foreign capital.

IFC has been able to operate this year with greater flexibility than previously because of the change in the charter which the Governors approved last year to allow the Corporation to invest in equity. An IFC investment in a Spanish manufacturing company this year is an example. IFC not only was able to make an appropriate loan but also, for the first time, to strengthen a company's financial structure by purchasing its capital shares. This was the first time that IFC acquired an equity interest as part of the original investment commitment. Private capital from two financial institutions, one in the United States and one in Germany, was attracted to the Spanish investment and participated with IFC.

IFC also went into the underwriting business for the first time. It formed a syndicate with a Mexican investment house to underwrite an issue of capital shares of the largest private steel company in Mexico. As I mentioned, IFC's total initial commitment for the underwriting was some $3 million, but three well-known United States and European investment institutions joined with IFC to take over about $1 million of the underwriting commitment. The offering was considerably more successful than had been anticipated, perhaps in part because of the strength of the underwriting syndicate, and IFC had to take up only about $800,000 of its initial commitment.

Since the close of the fiscal year IFC has made another interesting investment, a loan to a large textile company in Colombia. Partly because of the state of the capital market in Colombia, this company had been unable to raise funds from its customary sources at home, and therefore turned to IFC. IFC was able to arrange for the participation of four banks in the United States, one in Germany and one in Switzerland. When the investment agreement was signed, nearly seven-eighths of IFC's $2 million commitment was taken up by the six private banks. This transaction linked with the company leading banking houses on two continents and enabled the company to avoid interrupting an expansion program it had long planned and already begun.

These three recent transactions well illustrate the three principal functions of IFC: financing high priority industrial undertakings, developing capital markets, and promoting the international flow of capital.

IFC's pipeline is now filling up. Since the end of the fiscal year the executive directors already have approved new investments of more than $6 million in countries of Latin America, Africa, and Asia. The preparation of other investments is well underway, and I am confident that this will be the Corporation's most active year since its founding. I want to add that Mr. Martin Rosen, in the new position of Executive Vice President, has displayed the leadership that I expected of him.

Mr. Chairman, I want now to turn to some long-range considerations that affect the prospects for economic growth in the less developed countries.

Since all of you are here today because of a concern or interest in the work of the Bank, IFC, and IDA, I do not need to convince you of the general case for providing a continuing flow of development aid. In 1948, when the Bank made its first development loans, the belief was widely held that if enough money could be found and channeled into the financing of the more obviously productive projects in a country, economic development would be almost sure to follow. Experience since then has shown both that there are usually internal obstacles to development that no amount of finance alone can overcome, and that the developing countries also face external economic difficulties—namely, adverse factors in their international trade—that affect the amount and kind of aid they need.

One such difficulty is sometimes created by the trade policies of the industrialized countries themselves. Generally speaking, tariffs or quotas do not at present unduly restrict the exports of primary products from the developing countries, but there are manufactured products—notably cotton textiles—where discrimination is an important factor. I feel considerable more anxiety about the effects of trade restrictions in the future, when we ought to be able to hope for rising exports from the developing countries, and especially of the products of their growing manufacturing industries. The new regional economic groupings of countries in Europe and elsewhere are obviously one source of concern to the developing countries. The possibility that the nations within these groupings may surround themselves with high protective barriers, offering discriminatory concessions only to countries with whom they feel special ties, clouds the economic prospects of those who feel they may be excluded. If, however, these groupings adopt liberal trade policies, the underdeveloped countries will have nothing to fear: on the contrary, they can be certain of sharing in the prosperity of the group's members.

A more serious situation arises from unfavorable movement in the terms of trade of most of the underdeveloped countries. In recent years the prices of what they buy from the developed countries have continued to rise, while with very few exceptions there has been a fall in the prices of what they sell. Clearly there is no easy way out, since in almost every case the recent decline in price reflects a fundamental tendency for production of the commodity concerned to run ahead of world demand for it. Nevertheless, it does seem to me that the industrialized countries ought to recognize that their own balances of payments have benefited from the swing of the terms of trade in their favor. To give you an instance, in one European country whose experience is reasonably typical, this swing was sufficient to make the nation's total import bill in 1961 about 8 percent less than it would have been had 1956 prices still prevailed. This is one reason—and there are many others—why most of the industrialized countries are today in a much better position to increase their contributions to the international development effort than they were a few years ago.

What with the continuing need for technical assistance, the implications of international trade policies, and the performance of the prices of internationally traded commodities, quite sufficient complications have been introduced into that former simple vision which saw an inflow of external capital as the sole prerequisite of economic progress. But one has to go a stage further. Not only must there be more aid, if development is to continue: the aid must often be different in kind as well as greater in amount.

Many countries are finding that their capacity to make effective use of aid is growing faster than their capacity to repay. During the early 1950's, when external debt was still comparatively small and well-prepared projects were few, most less developed countries could still prudently accept loans at conventional rates of interest and repayable over the conventional period of time. But today, in many cases, a dangerously high proportion of export earnings (the prospects for which are themselves clouded) are mortgaged to future debt service. Our own figures show that between 1955 and 1961, a group of 34 countries, accounting for some 70 percent of the population of the underdeveloped world, more than doubled its total external public debt. Yet over the same period, the export earnings of the same group increased by little more than 15 percent.

If the momentum of development is to be maintained, it can only be by grants or by loans largely at very long term and at very low interest. This is why the International Development Association was brought into existence.

The needs of the poorer countries are great, and they certainly are not likely to diminish over the next few years. At the same time, if foreign aid is to be a real help to the recipient countries, and is not to become an intolerable burden upon the lenders, it must be offered and applied as economically and effectively as possible. I should like to discuss one factor in particular which, I believe, has a great influence on the effectiveness of aid; this is the choice of the channels through which the aid is made available.

An important part of the capital needs of the less-developed countries can and should be met from foreign private sources. But, for reasons that are well known, private capital is not willing to venture into these countries on the scale needed. In particular, capital for direct investment in roads, railroads, and other basic services, or for social investments such as schools or hospitals, is almost unobtainable from private sources on any basis.

This means that private capital investment must be supplemented, on a large scale, by funds from public sources. The question remains: Are we likely to get the best results if these funds are supplied on a bilateral basis—direct from one government to another—or should they be channeled through, and administered by a multilateral agency?

Realistically, this cannot be a stark choice between two extreme positions—all aid bilateral or all aid multilateral. It is a question of emphasis. Like it or not, bilateral aid is an instrument of foreign policy, and mixed up with cultural ties, regional loyalties, and

other circumstances extraneous to purely economic considerations. The aid-giving countries are naturally disposed to direct their help especially to those countries whose friendship or stability they particularly value. Nor do I expect them to stop stinting aid to countries they hold in less regard.

But I do believe that the emphasis should and can be changed, away from bilateral and toward multilateral aid. Bilateral aid is usually—and unfortunately, increasingly—tied to purchases of the giver's products. However well intentioned a lending government, it is vulnerable to pressure from its own commercial interests to help finance the sale of particular goods for projects abroad, whether the projects themselves are well justified or not. And, however sensible the government of the recipient country, it may have difficulty in resisting offers of finance, even for low-priority projects and on terms that often are not suited either to the circumstances of the country or the requirements of the project.

My most serious criticism of bilateral aid programs, however, is their susceptibility to political influences, whether overt or otherwise. At its worst, aid is offered or exacted as a price in political bargaining that takes no account of the actual economic requirements of the recipients. But even at best, there is always the risk that political influences may misdirect development aid, since they may bring in considerations that are irrelevant to the real needs. I have known cases where, as a result, a splendid new sports stadium has been built, while the highway system remains primitive; or where the national airport has acquired a strikingly modern terminal building, while parched but fertile land is left without irrigation. Economic priorities are inevitably confused when economc objectivity is lost—and economic objectivity is not easy when aid is influenced by political ends. Moreover, the problem goes deeper than the simple waste of a given amount of money. Aid directed to a government that is unwilling to meet the real needs of a country has one consequence that is pernicious. The most obvious result of some of the bilateral lending of the past decade has been to make it possible for countries to put off undertaking needed reforms; because well-meant but ill-judged offers of aid have been forthcoming, governments have been able to postpone such essential but disagreeable tasks as the overhaul of systems of taxation or essential currency reforms.

I doubt, moreover, whether bilateral aid is any more efficient as a method of achieving political ends than as a means of furthering development. My own acquaintance among leaders of the less developed countries does not suggest to me that they are persons who would be easily bent to any foreigner's purposes: they value their own and their countries' independence too highly. In any case it is clear that aid which is at the mercy of the variable winds of diplomacy offers a poor basis for the rational programing of economic development.

Admittedly, bilateral programs have been known to work well, avoiding friction, furthering development, and even garnering some political returns as well. And development aid on a multilateral basis has not always been a success. Having said this, however, I would still assert that multilateral aid, when it is professionally equipped and independent of political pressures, offers advantages that bilateral assistance cannot equal.

The international aid organizations are objective, and are known to be so. They enable a developing country to draw on the experience of all nations; to buy in the cheapest market; and to avoid compromising its sovereignty by regulating its internal affairs at the behest of other countries. An international organization will make aid available with the sole purpose of helping the country receiving that aid. The Bank, and IDA, for example, can apply what should be the real criterion—the practical merits of the particular case. Because they are known to have no ulterior motive, they can exert more influence over the use of a loan than is possible for a bilateral lender: they can insist that the projects for which they lend are established on a sound basis, and—most important—they can make their lending conditional upon commensurate efforts being made by the recipient country itself.

This objectivity provides the chief reason for expecting that aid can be most effective if channeled through an international agency—but there are other reasons. Countries receiving aid from a multilateral organization to which many nations have contributed, and under international administrations, will be likely to take a more responsible attitude toward the use and repayment of that aid than toward aid received bilaterally. An international organization can also spread its net more widely than any single country. It can provide advice on all aspects of development planning, based on experience drawn from many nations, including the underdeveloped countries themselves. It offers a framework within which can be put to good use the resources and knowledge of industrialized countries too small to be able to justify the administrative effort needed to mount effective aid programs of their own. It may, like the Bank, be able to raise development funds on a worldwide scale in the private market. And in the long run, I am convinced, multilateral aid programs must exert a much healthier influence than bilateral lending upon international relations as a whole.

I have advanced a number of arguments whose relation to one another may not have seemed very clear. But in fact they are all relevant to a single and urgent issue—the future of the International Development Association.

I have argued that more aid is needed; that in particular, more aid is needed on comparatively easy terms of repayment; and that there are cogent reasons for preferring that such aid be made available on a multilateral basis. IDA is a major source of development aid, and the principal international instrument for the provision of aid on lenient terms of repayment. But IDA faces the imminent full commitment of its initial funds.

The facts are set out in the report of the executive directors regarding the replenishment of IDA's resources. IDA now has about $765 million in usable funds, including the very welcome supplementary contribution recently made by Sweden. We estimate that by mid-1963 most or all of these funds are likely to have been committed. This does not, of course, mean that all of IDA's funds will actually have been disbursed by then: It is quite certain that they will not; we would not expect to pay out the last of our usable funds until 1965. But unless we can be assured—very soon—that further funds will be available from 1965 onward, IDA will not be able to enter into any new lending commitment after about the middle of next year. This is not a situation that can be ignored and allowed to drift. To do nothing would in itself constitute a decision to bring IDA's operations to a halt.

If IDA continues to operate at its normal pace, it seems probable that it will during the current fiscal year commit something like $500 million. This money will be directed only to high priority developmental purposes, in countries whose capacity to attract and repay loans from conventional sources is limited or nonexistent. There is no reason, that I can see, to suppose that the demand for worthwhile credits will be any lower in subsequent years. On the contrary, it is my conviction that the demand will continue to increase, and to increase greatly. Experience has already demonstrated, I believe, that IDA is capable of meeting a very real and important need and, in relation to this need, the original capital of IDA was obviously inadequate. But if it is to meet this need—if it is to become a principal instrument for the development of the poorer countries, and not just a minor gesture of good will toward them—it will clearly require a very substantial addition to its resources.

There is one point that I feel should be made clear. The total amount lent by the Bank this year was much greater than in any previous year. But we cannot expect the rate of lending by the Bank to continue to expand in future years. Indeed, it may prove difficult to maintain the Bank's operations at their recent level. Many of the Banks' present member countries cannot prudently assume further hard debt without jeopardizing their future, and of about 20 new members expected to join the Bank within the next year, or 2, few will be in a position to service loans from the Bank. It is to IDA, not to the Bank, that most of them will have to look for help. The future of IDA is therefore the most important issue that I commend to your sympathetic consideration during this week's meetings.

Over the years, the governors have made a series of crucial decisions that have shaped the international aid effort, and permitted it to meet the growing and changing needs of the less developed countries. I think particularly of your authorization of the creation of the International Finance Corp., of the doubling of the authorized capital of the Bank, and of the creation of the International Development Association itself. I believe that your approval of the resolution directing urgent attention to the problem of the enlargement of IDA's resources could well prove to be the most important and fruitful of all these decisions.

Mr. Chairman, as many of the governors know, this is the last of these meetings in which I shall be an active participant. Before the next one, I shall have retired as President of the Bank. The time has come for me to heed the advice of that wise poet, Horace, who said long ago: "Solve senes centem mature sanus equum, ne peccet ad extremem ridendus." Which I translate freely thus: "When your horse is getting old, be wise: turn him out to grass in good time, lest in the end he stumble and people begin to make fun of him."

At a moment like this, all sorts of thoughts come pressing in. One is about this meeting, and the significance it has assumed in our lives and in the conduct of the world's affairs.

I shall greatly miss the view from this platform. Before I leave it, let me give the Governor my deeply felt thanks for the support that the Board through the years has given to the Bank and its President. I am sorry that the Bank's accomplishments could not have been greater; what we have been able to do still leaves much undone. But the Board itself, as a group and as individuals, has been a great source of strength to the executive directors and to the management. Nor can the Board in its turn, I think, feel any discontent, or indeed anything but pride, about the men and women who serve it on the staff of the Bank and its affiliates. They are the foundation on which the value of our institutions rests; for capability and sense of purpose, I dare to say that they are the equal of any group of comparable size or mission anywhere.

Much as I shall personally regret parting from the Bank, I think my leaving will be a good thing. Orderly change of any sort is likely to be good—not because it casts away the old, but because it lets in the new. Letting in the new is important if the Bank is to avoid becoming a fossil and to remain a living institution. I look on my retirement as one more contribution I can make

to the future of the Bank. I believe my successor will be selected in the near future, and I shall step down soon after that.

As you know, some changes already are being effected in the management of the Bank. Next month, Sir William Iliff will retire. He is one of my oldest associates in the Bank and, through the years, one of those on whom I have come to rely the most as friend, critic, and adviser. He is one of the principal architects of the Bank as it is now organized and operating; his judgment in policy matters, his skill and perseverance as a negotiator, and his talent for both official and personal relationships has made him of enormous value to us. He has our fervent good wishes for many happy years ahead.

It is a pleasure to assure you that Mr. Burke Knapp will continue to serve as Vice President, and will go on giving us the benefit of his extraordinary versatility and exceptional energies in that post. As you know, Mr. Geoffrey Wilson has joined Mr. Knapp as a Vice President. Mr. Wilson's first association with the Bank was with its Board of Directors; and, following this experience with him, I was very happy early this year to be able to persuade him to join the staff. I am glad now that he will be working in a position of wider responsibility.

This is a time when there is a changing of the guard in the Bank. But it is not a time of slackening—quite the reverse. The accomplishments of the Bank may not yet loom very large compared with what remains to be done. I do not mean this as belittlement; what I mean is that neither the Bank nor the work in which it is engaged is complete, or ever should be. What the Bank has been able to do is by no means inconsiderable; in fact, the volume of sheer physical creation—the scores of factories, the millions of acres of land, the millions of kilowatts of electric power capacity, the tens of thousands of miles of roads and railroads—can only be called impressive. But the Bank's work is not to be assessed in terms of the building of cold monuments of stone and steel and concrete; it has had a deeper purpose—to enlarge the riches of the earth, to give men light and warmth, to lift them out of drudgery and despair, to interest them in the stirring of ideas, in the grasp of organization and techniques toward the realization of a day in which plenty will be a real possibility and not a distant dream.

I think I can say with some objectivity that the Bank has made its mark. It is showing how an instrument of international cooperation can bring the world's resources to bear on the problems that are of concern to most of mankind—a kind of burning glass that can kindle the fire of hope even in the most remote and forsaken corners of the earth. Above all, the work is still in progress, and it is work in which we can all take pride. I wish you all success in your endeavors that lie ahead, in this meeting, and in many meetings to come.

RETIREMENT OF W. D. JOHNSON

Mr. MAGNUSON. Mr. President, I arise to pay tribute to a fine gentleman and worthy citizen who retired just a short time ago after 31 years of outstanding service as a legislative representative on Capitol Hill.

The gentleman in question, Mr. W. D. Johnson—better and most affectionately known to many of us simply as "W. D."—was vice president and national legislative representative of the Order of Railway Conductors & Brakemen. The two high posts he held were a deserved recognition of his 57 years of service to his railway group.

W. D. Johnson was born in Brookfield, Mo., on October 18, 1881. He married Myrtle Maude Fisher on October 7, 1908. "W. D." received his formal education in the public schools of Brookfield, and at the age of 12 years accepted his first employment with a Brookfield steam woodsaw firm. For his services, he received the magnificent sum of $1 per day with no limitation on the number of hours worked.

On October 18, 1898, his 17th birthday, he went to work for the Hannibal & St. Joseph Railroad (now a part of the Burlington system) as a freight brakeman. In 1904 he shifted to the Santa Fe, working as a conductor out of Silsbee, Tex.

Mr. Johnson joined the Order of Railway Conductors & Brakemen in 1904 at Temple, Tex. He held local offices, rose to the chairmanship of the Order's State legislative committee, and in 1931 was elected vice president and national legislative representative. W.D., now 81 years of age, served the conductors continuously in some capacity, local or national, from 1905 until his retirement last month. This 57 years of continuous service established a record unequaled in the history of his union.

W.D. was the dean of the Washington representatives of the various railway labor organizations. Most fitting it was that a number of his associates in the railway labor field paid their respects to him at a luncheon given in his honor recently, and presented him with a token of their high regard.

I wish to add my tribute to him today because, at least to me, he was just about everything that his occupation required. W.D. is one of those rare individuals who dignifies every duty assigned to him by the zeal, courage, and determination he displays in its execution. Always thoroughly informed as to the objectives, and the particular problems, of his union, he had a way of presenting his views that made you entirely willing to discuss them with him. Even more importantly, he always left one with a feeling that he could rely fully upon his every statement.

I am truly sorry to see him leave his important duties here. My sincere wishes go with him in whatever paths his future may lead him.

I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that further proceedings under the quorum call be suspended.

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

NATIONAL CONGRESS OF AMERICAN INDIANS—NINETEENTH ANNUAL CONVENTION AT CHEROKEE, N.C.

Mr. ERVIN. Mr. President, early this month the Eastern Band of Cherokee Indians played host to their Indian brothers from all across the Nation. The occasion was the 19th annual convention of the National Congress of American Indians which assembled September 2–7 in Cherokee, N.C. Our State is proud that this village in the beautiful Smoky Mountains was the site of the only all-Indian national organization's first convention east of the Mississippi.

North Carolina is proud of the Cherokee Indians and their accomplishments. They have contributed much to the greatness of our State and this Nation. Residing on the Qualla Boundary Reservation are the descendants of the Cherokees who hid in the mountains rather than leave their ancestral homelands for the long trip to Indian Territory during the 1830's. The path of those who left the East is known today as "The Trail of Tears," an appropriate name for one of the most shameful incidents in American history. The story of this tragic event is movingly portrayed in Kermit Hunter's outdoor drama, "Unto These Hills," which is presented each summer at Cherokee.

Mr. President, the present-day Cherokees have made remarkable strides as a people. They have carried on the noble tradition of Sequoyah, Junalaska, Tasli, and Drowning Bear—all great Cherokee leaders; they have retained in the village of Cherokee and the hills of the Great Smokies, a unique Indian culture; and their 56,000 acre reservation has become a showplace of Indian progress through economic development. I wish to commend Chief O. B. Saunooke, vice-chief Neuman Arneach, and the tribal council; Superintendent of the Indian Agency, Darrell Fleming, and the members of the Cherokee Historical Association for their dedication and untiring efforts on behalf of all the Eastern Band of Cherokees. I feel certain that the four hundred Indians participating in the National Congress of American Indians annual convention accomplished many things during their meetings and returned home inspired by the outstanding achievements of the Cherokees.

The purpose of the Indian Congress is to safeguard the rights and improve the status of all American Indians. Representatives from 78 member tribes, individual Indians, and their friends gather each year in convention to define the various goals which they will seek to accomplish. The theme of the Cherokee convention was "Unity Through Organization." NCAI's President Walter S. Wetzel, and Executive Director Robert Burnette, invited many outstanding speakers and panelists to present to the delegates ways in which they might achieve unity of purpose. Among the guest speakers were Congressman Wayne Aspinall, Democrat, of Colorado, chairman of the House Interior and Insular Affairs Committee; Congressman Roy Taylor, Democrat, of North Carolina, member of the House Subcommittee on Indian Affairs; Assistant Secretary of Interior John Carver; and Commissioner of Indian Affairs Philleo Nash. Many Indian leaders also expressed their views on Indian unity.

I was deeply honored, Mr. President, to be invited to address the banquet of this distinguished gathering. Unfortunately, pressing Senate business made it impossible for me to appear personally, but I did have an opportunity to deliver

my address by direct telephone connection. This was a particular honor for me, since, in addition to my longstanding interest in the American Indian, the Subcommittee on Constitutional Rights, of which I am chairman, is conducting a nationwide investigation of the rights of our Indian citizens. This study is the first such inquiry by Congress in a too long neglected area of the law.

I ask unanimous consent to have printed in the RECORD at this point the following items: My speech prepared for the NCAI Cherokee Convention; an address delivered by Judge Lacy W. Maynor, an outstanding Lumbee Indian from Pembroke, N.C.; the official resolutions of the 19th annual convention; and various newspaper articles describing the weeklong activities at Cherokee.

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

REMARKS OF SENATOR SAM J. ERVIN, JR., TO NATIONAL CONGRESS OF AMERICAN INDIANS

President Wetzel, my friend and host, Chief Saunooke, Indian delegates, fellow North Carolinians, other distinguished visitors, I am deeply honored to be invited to address this great national Indian convention. Being an adopted son of the Eastern Band of Cherokees who have given me a name which means lawgiver, I am especially happy to be again in the hospitable village of Cherokee to participate in this organization's first annual convention east of the Mississippi.

It is fitting that such a distinguished group as the delegates gathered here should hold their annual meeting among the Cherokee Indians. For the Cherokees have made many fine contributions to our national life and have produced a number of prominent Americans. Sequoyah is one of the 12 cultural heroes in world history whose figure is emblazoned on the bronze doors of the Library of Congress in our Nation's Capital as a lasting monument to this great Cherokee and the alphabet which he devised. The significance of Sequoyah's success is especially notable when we realize that only 6 years elapsed between his inventing the new system of writing and its first appearance in printed form—a process which took several thousand years in the Old World.

President Kennedy in his inaugural address said, "Ask not what your country can do for you—ask what you can do for your country." Sequoyah symbolizes what Indians can do and have done for themselves and our country. Other contributions of the Indian to our society include such diverse items as: tobacco, cotton, chewing gum, popcorn, and even the simple pipe, as well as many of our daily foodstuffs. We would have to devise new names for more than half of our States, not to mention the countless cities, lakes, mountains, and rivers, which have names of Indian derivation.

In war as in peace the Indian has made an outstanding contribution to the Nation. Although, at the time of World War I many Indians were not yet citizens, the ratio of Indian volunteers in our armed services was unsurpassed by that of any other group in America. And, during World War II, of the 24,000 Indians engaged in the service of their country, two received the Congressional Medal of Honor, 51 the Silver Star, 70 the Air Medal, 34 the Distinguished Flying Cross, and 30 the Bronze Star.

The Indian's longstanding devotion to good government led to another contribution which is little known, even to many American Indians. This contribution is one of particular interest to me; it is the constitutional form of government under which a number of our Indians lived. I am referring specifically to the separate constitutions of the Iroquois and the Cherokee which were based upon democratic concepts. The Iroquois of history comprised the Mohawk, Oneida, Onondaga, Cayuga, and Seneca, living in central New York. They were independent bodies with similar dialects and similar customs but with no political coherence. Their constant peril from warring among themselves fostered diplomacy and produced great leaders and lawgivers, who sought to bring about peace and unity. Tradition states that Deganawidah, a Huron, and Hiawatha, a Mohawk, induced the five tribes to form a league which preserved the integrity and individual nature of each, but united them in common council and ceremonies with a fixed number of chieftain delegates from each tribe. To the Indians this confederacy was known as the Great Peace—to the white man it was the Iroquois Confederacy. This was also the first step by American Indians toward a unification for their common good.

Absolute unanimity was the law. All the work of the council was performed without an executive head, save a temporary speaker appointed by acclamation. These civil chiefs were nominated by women in whose families the titles were hereditary and were confirmed by popular councils both of men and women. Another group of leaders existed within the council, to which Iroquois men could aspire on the basis of merit. These positions were filled by men who displayed great interest in the affairs of the nation and demonstrated outstanding ability in its behalf. They formed a subcouncil within the confederation council similar to a house of representatives as against the senate of the hereditary chiefs. In addition to the organization procedure of the council and the qualifications of their leaders, the Iroquois constitution protected the rights of the people, set out the rights of tribes and foreign nations within their territory, and defined the laws of adoption and emigration.

Other interesting aspects of the Iroquois constitution, a document which antedated the U.S. Constitution by some 200 years, were the right of popular nomination, the right of recall, and women suffrage. Women had great power in Iroquois society, for they not only could nominate and elect their rulers but remove them for incompetency in office. This right of women suffrage flourished in the old America of the red man—450 years before it became a reality in the new America.

While it is difficult to assess the influence of the league on the future governmental organization of the Original Thirteen Colonies, it is reasonable to assume there was an influence. No less an extraordinary American than Benjamin Franklin challenged the Colonies with the example of the six-nation league in the following words:

"It would be a very strange thing if six nations * * * should be capable of forming a scheme for such a union, and be able to execute it in such a manner as that it has subsisted ages and appears indissoluble; and yet that a like union should be impracticable for 10 or a dozen English colonies, to whom it is more necessary, and must be more advantageous; and who cannot be supposed to want an equal understanding of their interests."

The history of Indian constitutions began with that of the Six Nations and later reached its pinnacle in the documents of the Five Civilized Tribes. For example, in 1820, the Cherokee Nation established a formal government of laws. Its form divided the nation into eight districts, each entitled to send four representatives to New Echota, the national capital. There was an upper and a lower house, known respectively as the national committee and the national council, whose members were chosen by popular election. The principal chief was the designated officer of the national council and each district had a judge, a marshal, and a council house where meetings were held twice a year. Men under the age of 60 were subject to the poll tax, and various laws were passed concerning the collection of taxes, debts, road repairs, and school support.

Later in 1827, the Eastern Cherokees met in general council and established a constitution patterned after that of the United States, which provided for courts, legal representation, and jury trials. In many respects, this Cherokee constitution anticipated some of the future debates in Congress on the need for various constitutional amendments. For example, article 3, section 7 of the Eastern Cherokee constitution, provided for the right of suffrage for 18-year-olds and article 4, section 1, set out the procedures for removal and replacement of their chief executive in event of disability. Both of these areas have been the subject of long congressional debate within recent years and amendments are pending on these subjects within this session of Congress.

This evening, I shall not attempt to trace all the extensive changes in congressional policy toward Indians, but I would like to touch briefly upon three acts passed by Congress which are especially significant. These are the Indian Claims Commission Act, and the Citizenship, and the Indian Reorganization Acts.

Historically, the question of land rights fostered the major source of friction between the Indians and the Federal Government. Many tribes felt the Government had not paid adequate prices for Indian land. When an Indian tribe wanted its day in court to litigate this question, a bill had to be introduced giving the tribe authority to apply to the courts for redress. Sometimes years passed before the bill received approval and much of Congress' time was spent in considering this legislation.

In 1946, the Indian Claims Commission was organized to "hear and determine claims against the United States on behalf of any Indian tribe, band, or identifiable group of American Indians residing within the United States." This legislation was unique in that the United States, a major power, provided its native population with blanket authority to sue where they felt just compensation had not been received.

Although many Indians became citizens before 1924 by various special measures, it was in that year that all Indians born within the territorial limits of the United States were given citizenship by virtue of the Citizenship Act. This act also stated that the "granting of such citizenship shall not in any manner or otherwise affect the right of an Indian to tribal or other property." Thus the Indians were granted citizenship within the meaning of the U.S. Constitution, and consequently the same rights under it that are guaranteed to all other citizens.

The Indian Reorganization Act (IRA) approved by President Franklin Roosevelt, June 18, 1934, was another important and far-seeing measure. This act deals with a wide range of subjects. Among other things, it defines the activities and powers of Indian tribal government and prescribes the Secretary of Interior's role in tribal affairs with specific limitations on his actions. Land, credit, education, Indian employment, and tribal organizations were covered by the IRA.

Tribes were assisted and encouraged to develop representative governments under constitutions. The act provided specifically for a method of adopting a written constitution, namely, "by a majority vote of the adult members of the tribe." The constitutions add to, but do not detract from the powers of an Indian tribe. The laws, customs, and decisions of tribal governments control large areas of civil and criminal law. These areas include questions of

tribal membership, property, taxation, social welfare, domestic relations, and the form of tribal government. The sovereignty of Indian tribal governments consistently have been upheld by our Federal and State courts. The passage of the Indian Reorganization Act was another reaffirmation by Congress of the inherent right of tribes to operate through governments of their own creation and to revitalize and stabilize the powers of such governments.

These laws indicated a new trend in governmental thinking—one which makes the Indians American citizens, despite trust status of their Indian land. The three measures reaffirm the Indians' right to self-government under tribal jurisdiction, and restrict the relations of the Interior Department in the tribal governments' activities. Furthermore this gives the Indian groups the right to sue the Federal Government for alleged grievances.

Presently the Subcommittee on Constitutional Rights is attempting to determine if further congressional legislation is needed. For several years, the subcommittee has been receiving complaints that Indian citizens are being deprived of their basic constitutional rights by Federal, State, local, and tribal governments. The subcommittee's investigation into the constitutional rights of the American Indian is the first congressional inquiry into this neglected area. In January of 1961, the subcommittee began compiling preliminary research on the background and present-day legal status of the American Indian under the Federal Constitution. In order to determine if their constitutional rights were violated, it was necessary for the subcommittee to learn what constitutional guarantees were applicable to Indians.

A study of administrative regulations and court decisions was a part of our preliminary investigation. In addition to this research concerning the Indian and his rights as a citizen, two important studies in 1961 disclosed the need for clarification of the American Indians' constitutional rights.

These two major reports, coupled with our background research, and the complaints we received from Indian citizens, confirmed the necessity for an investigation of their rights with a view to possible legislative clarification, definition, and a means for safeguarding these rights.

Because of the diversity and uniqueness of American Indians, and their problems, our nationwide investigation has been divided into a study of the rights of Indians living on a reservation, those relocated by the Federal Government or living off the reservation, and nonreservation Indians. Each group's problems are being studied separately.

The subcommittee has held hearings and staff investigations in southern California and Nevada, Arizona, New Mexico, Colorado, North and South Dakota, and Washington, D.C. In the course of these field investigations and the Washington, D.C., hearings, we have heard the views of hundreds of tribal representatives, some 20 Department of the Interior officials, representatives of several organizations active in Indian affairs, the present and past executive directors of your organization, and many individual Indians throughout the country.

In this regard I am reminded of a story which I would like to share with you. A questionnaire was sent by a congressional committee to an individual Indian. Unfortunately, instead of enclosing a return envelope and a questionnaire, one of the secretaries made a mistake and forgot to enclose the questionnaire. You can imagine the consternation of this man when he received an official envelope from the Congress and opened it, find only a return envelope inside. He wrote back and said:

"So you send me two envelope and so there was no letter too. And so what want me to do with two envelope no letter too and what all 'bout. And so I don't know what about too well, so write to you, answer me sometime about that envelope only and so have nothing to do with two envelopes to."

As many of you know, preliminary to our initial hearings the subcommittee sent out some 2,500 questionnaires to the following: Tribal leaders—their chairmen and councilmen, or their governors and spokesmen; judges of the tribal and Indian offenses courts; attorneys representing Indian tribes; area directors and superintendents on Indian reservations; private and church groups interested in Indian affairs; historians and anthropologists; U.S. attorneys, State attorneys general, and prosecuting attorneys; local law enforcement officials, and other Federal and State agency officials concerned with Indian affairs. In addition, we sought to reach individual Indians, and groups both on and off the reservations by utilizing the American Indian Chicago Conference's mailing list. Luckily in each instance, we avoided enclosing an envelope within an envelope.

It is important that the subcommittee receive current data regarding the status of Indian rights from as wide a cross-section as possible. While our questionnaires were directed toward receiving a variety of opinions, our primary concern was to establish direct contact with Indian people and their leaders in order to learn the situation in their communities.

The replies to the questionnaires were very helpful in revealing the most pressing constitutional problems and aided the subcommittee in establishing geographical areas for field investigations. Some replies to the questionnaire indicated complete lack of understanding of constitutional rights. One judge of the Court of Indian Offenses said he had asked that a person be provided to counsel the Indians regarding their rights in the Indian court. The judge explained that even though many Indians are not guilty, they plead guilty because they do not understand how to proceed to defend themselves.

Another Indian judge described as chaotic the situation on his reservation, located in two States. He said, "To make the confusion more complete on our reservation, we find some laws are being enforced by one of the States but not by the law enforcement authorities of the other State. How do you like your laws? Well done, over easy, or sunnyside up? It will be prepared to your taste but for the most part, you can do as you please. How would you like to live on a reservation in a free country where no one knows what the laws mean or who has jurisdiction over them?" I am happy to say that on that particular reservation the tribe recently revised the entire tribal law and order code and court system to meet their present needs and have provided for the safeguards of the Bill of Rights.

From this survey, it was apparent that many of our Indian citizens living on reservations do not know their basic rights under the Federal Constitution and therefore are not able to protect themselves from violations by Federal, State, or tribal governments. For instance, many Indians do not realize that they have the right to counsel in criminal cases or to a fair and speedy trial. It has been only a little more than a year since the Secretary of Interior rescinded a regulation which precluded an Indian's having legally trained counsel to represent him in criminal cases in the Courts of Indian Offenses; this, notwithstanding the provisions of the sixth amendment. Jurisdictional disputes and unwillingness by governmental officials to assume responsibility for law and order were also evident from the answers contained in the questionnaires.

Let me discuss for a moment, two other concerns of our study. Public Law 280, of the 83d Congress, conferred all civil and criminal jurisdiction over reservation Indians to certain States.

In the various Public Law 280 States, it has been alleged that there is often unwillingness by such States to assume jurisdiction and an attitude of hostility toward Indian groups exists. Your organization, NCAI, and many other tribal groups in the country have consistently gone on record seeking an amendment to this act since its passage.

In those Public Law 280 States, where problems exist, we have found cases in which crimes have been committed on the reservations and State officials have made no attempts to bring the criminals to justice. On the other hand, we have found that in some States which have not assumed jurisdiction, State officers are arresting Indians on the reservation and prosecuting them for crimes over which the Federal authorities have exclusive jurisdiction. My colleagues, the distinguished majority leader, Senator MIKE MANSFIELD, and Senator LEE METCALF, have introduced a bill, at this and previous sessions of the Congress, which would provide that the Indian tribes be given the right of consent before State jurisdiction is extended over their reservations.

The administration of law and order in Indian communities is of great concern to the subcommittee. Hand in glove with the lack of understanding of constitutional rights by Indian citizens, there appears to be a lack of constitutional safeguards within the tribal governments and the Indian court systems. In addition to these handicaps, a total lack of training for the judges and personnel of these courts is indicated. Training for Bureau and tribal police officers in arrest procedures and rights of Indian citizens are innovations of recent vintage.

Let me state that the subcommittee is not atacking the Indian system of justice, but rather, we are suggesting that their need is for more adequate safeguards, which can only work to the advantage of the Indian people.

At this point I think it is appropriate to sketch briefly the development of Indian law and order. In early relations between the Federal Government and the Indians the traditional customs of each tribe for maintaining justice were to continue. Later tribal custom and the Army commander determined law, justice, and punishment. Next, the Indian agent or local superintendent succeeded the army commander. In the early 1880's, rudimentary codes of law were drafted. The Commissioner of Indian Affairs Annual Report of 1883 stated that the Secretary of Interior gave official approval to certain rules governing the Courts of Indian Offenses. These rules prohibit the sun dance, scalp dance, and war dance, and provide for organization at each agency of a tribunal composed of Indians empowered to try all cases of infraction of the rules. The Commissioner said that he was of the opinion that the Court of Indian Offenses with some modifications, could be placed in successful operation at various agencies, and thereby many of the barbarous customs now existing among the Indians would be entirely abolished. It is disturbing to me that the first courts established by the Federal Government were for the purpose of protecting the Indian from his own culture.

Earlier I spoke of the Indian Reorganization Act which reaffirmed and formalized tribal governments. It was also during this period that the Federal Government reevaluated (with Indian participation) law and order and the court systems.

As a result of this review the present day Court of Indian Offenses and tribal courts evolved. The earlier Court of Indian Offenses, as established by the Secretary of Interior in 1883, was improved upon and

regulations were written as they appear in title 25 of the Code of Federal Regulations. The tribal courts were established by tribal law and order codes which were subject to the approval of the Secretary of Interior. In both cases, only a few of the safeguards guaranteed in the Federal Constitution were incorporated. They contain only the trappings of constitutional safeguards which in practice are alleged to be of little value.

"A Program for Indian Citizens," published by the Fund for the Republic, and Secretary of Interior Stewart Udall's "Task Force on Indian Affairs," illustrate some of the problem areas of law and order.

"A Program for Indian Citizens" stated, "Neither Congress or the States could infringe upon the basic constitutional rights of Indians. * * * But the Federal judiciary has determined that the guarantees of freedom of worship, speech, and the press, the right to assemble and petition the Government, and due process do not restrict tribal action."

The Secretary's task force recommended that the Secretary of the Interior insist that constitutional guarantees be observed in the courts of Indian offenses which are bound by the Secretary's own regulations, and that tribal governments provide for protection of these rights by their own ordinances.

I have commented this evening on a few aspects of Indian affairs in which I am interested. In closing let me say, I share an interest in American Indians common with the majority of the citizens of this country. It would be an ungrateful country, indeed, which did not recognize the benefits it inherited from its original inhabitants.

Our subcommittee also is interested in your future as American citizens and as American Indians. Let me urge you as leaders to encourage your Indian people to learn their rights under the Constitution and how to derive full benefits from them. Inform us of any problems you may have of a constitutional nature and give us the benefit of your thinking on ways to safeguard your rights. By exercising your rights as citizens within your own communities, you will find an effective tool for protecting your special rights as Indians. By joining together nationally as you have in this organization, you will find the tools for informing Congress and the rest of the country of your special problems. We must not forget that the strength of the American Indian does indeed lie in unity.

This great nation of ours was founded and exists on the principle of a government of laws which respects and protects the rights of men no matter how few in number or insignificant in power. The Founding Fathers borrowed many ideas from your ancestors in forming this union of States. However, we have been slow in relinquishing to the Indian, the right to control his own destiny.

The fault is held in joint tenure by red and white men. While the attempt has been made for years to model the Indian after the white man, the Indian has made few attempts to express his own desires for the future.

Under the present Democratic administration, President John F. Kennedy has pledged a New Frontier for all Americans. Through Secretary Udall and Commissioner Nash, both keenly interested in your problems, the New Frontier is making it possible for Indians to forge ahead by special programs designed for their needs.

I hope that you, as Indian leaders, through this fine organization will unite for the purpose of informing the administration, the Congress, and the American people, as to how we can help you obtain your rightful place in the mainstream of American life. In my view it is imperative that you stimulate your people to seize the initiative in establishing guidelines for working with others to take control of your own destiny.

The success of the National Congress of American Indians portends a bright future for the unity of the American Indian.

> "I do not know beneath what sky
> Nor on what seas shall be thy fate;
> I only know it shall be high,
> I only know it shall be great."
> —Richard Hovey "Unmanifest Destiny" 1864.

Thank you.

SPEECH TO THE NATIONAL CONGRESS OF AMERICAN INDIANS BY JUDGE LACY W. MAYNOR

President Wetzel, my good friend and host, Chief Saunooke, regional vice presidents and other elected officers, members of the executive council, delegates to this convention, visitors, my friends, when I last spoke to you at the 1958 convention in Missoula, Mont., I told you that I felt that my having a part in the program of the only national, all-Indian organization was one of the greatest pleasures of my life. I further stated that it meant all the more to me to be with you then, because my people had been geographically isolated from close association with you for so long.

May I reiterate today how wonderful it is that you have managed to break the geographic isolation between the eastern and western Indians by convening in annual convention at Cherokee, N.C., thereby providing a historic first. Truly you are welcome to our State of North Carolina and here at Cherokee. I wish that it were possible for each of you not only to see Cherokee but to visit my people, the Lumbee Indians.

As most of you are aware, the Lumbees have never been reservated but rather live in their own separate and distinct Indian communities. We are proud of our Indian descent and are proud of the progress we have made as Indians. Our people have enriched our State and our Nation. We have our own fine schools, Indian teachers come out of our college and provide educators in many States of the Union. Other Lumbees have become physicians, lawyers, churchmen, and skilled workmen. We are an agricultural people, too, growers of cotton, tobacco, and food crops.

The Lumbees have used a municipal form of government with a mayor and council for years. We are a politically minded people and deeply aware of our responsibilities in the democratic form of government enjoyed in this country. Our Indian leaders are running for elective positions of responsibility in our county and State. I am proud to serve as the second Lumbee Indian judge of the Maxton recorder's court which court hears cases involving Indians, white, and Negro Americans. If any of you have free time after the convention, I invite you to visit us in Lumbeeland.

My friends, I would like to talk today about something of concern to all Indians, whether living on or off an Indian reservation, in a small village or in a large city; whether educated or having a fortune or drawing a relief check. I was asked to talk about civil or human rights. However, I feel that it is necessary to look behind these terms so that we might understand fully their meanings. The concept which motivated the struggle for human rights is man's fight for human dignity.

I have sat in many gatherings of Indians over the years and listened to a multitude of fine words uttered about the goals and ambitions of Indian people. I have heard cries of outrage and murmurs of discontent against the Government when we were concerned, and indignation poured out in well-chosen words at the discriminating, dictatorial action, and lack of understanding of the administrators of the policies.

I have picked up newspapers and magazines countless times, only to read the story of the shiftless, drunken, lawbreaking, ill-educated Redman. I have turned on the radio or the television in my home and heard and watched our ancestors portrayed as conniving, savage, untrustworthy, sneaky people incapable of honest or humane action.

I have been in public meetings where the topic of the day concerned human relations and human rights, and when the smoke had cleared, I realized that statements comparable to those I had heard against Indians were uttered against almost every racial minority or religious group in existence. And, my friends, some of our Indian people have been as guilty as anyone in allowing, abetting, and encouraging the dreadful images created. But you and I are guiltier yet, for we know that these mutterings are not true likenesses of the American Indian—nor of other people, and we have sat silent knowing full well our very muteness lent a silent acknowledgment to untruths.

The theme of this convention is "Unity Through Organization." It is a good and worthy theme indeed. However, in order to unify, it is necessary to have an ideal or a goal to serve as a rallying point. This goal must be something desired wholeheartedly; it must be worthy; and it must be dynamic enough to inspire. Next, it is mandatory that a set of standards—a guideline, if you will, must be drawn up which will serve as the blueprint toward accomplishing this aspiration. Let us pause for a moment to consider, what kind of cause is worthy enough to inspire the members of this convention to work in unity, forgetful of internal frictions and jealousies for the betterment of all Indians? Is there a true Indian need worth sacrificing for? Or are we in this convention merely to renew old acquaintances and to have a good time? Or are we here to let each other know of our growing concerns with the common Indian problem? I hope that we are here for the express purpose of taking unified action to correct some of the shameful conditions, existing in our communities. To do this, we must lay siege to, alter, squeeze, and create a situation which is to our liking. We must move forward, objectively and with speed, now.

I would like to propose one simple goal for the leaders in this convention. If we achieve it, we can conquer all our other difficulties with comparative ease. Let it be our focal point of effort for the rest of this year and for all of 1963. Let us strive as Indians, to regain the commanding position held by our forefathers. We must let each other know that we are somebody. We must let the Nation know we exist as strong and united citizens.

I need not digress at this point to cite specific contributions of our fathers to the American society. No one knows better than you and I that we surrendered a continent, gave the early American pioneers clues for survival, provided most of the present food staples, bestowed many of the place-names in American geography, and even contributed to this country's philosophy of self-government.

Then, somehow in our fight for survival against the encroaching newcomers, Indian cultures, with their adaptability, came to a standstill. Oh, yes, we adopted the firearms and the firewater and the radio and the pickup truck. But in many other aspects of Indian life, confusion and frustration dominated.

What caused this? Why did we, as some people say, "let the parade of progress" pass us by? For many years, we have let administrators, pseudo-historians, and other prophets of gloom beat drums of fear which told us that Indians cannot do this or forge ahead here, but rather, that Indians must make themselves model farmers or model craftsmen. We have become citizens with a complex, whose initiative and creativeness have been stifled.

My friends, I want to say to you that we can accomplish anything we set our hearts and minds to. For the remainder of this convention, let us devote ourselves to re-establishing our human rights, our dignity as Indians and as men and women.

Let us draw a blueprint for today in our communities. With this blueprint in hand, let us tell the New Frontier how we want them to help us—not what we want them to do for us. In joint effort, we as Indians should take the lead and point the way. How can we do this? How can we assert our human rights?

The theme of this great convention is "Indian Unity Through Organization." How can this be—for we are a widely different and diverse people?

Can there be unity in diversity? Think a moment, the people who recently settled these United States were an admixture of all origins, races, creeds, and religions. Yet today, they are unified, have basic characteristics and common interests, and have retained strong traits of their ancestors.

As an individual from an Indian community whose 35,000 people have never lived on a reservation, I am concerned about a more diversified economy and higher standard of living for our people, a better education for our children, and improved health conditions.

What are areas of concern in your communities? Are not the preceding concerns common problems which all Indians share? How can we best solve these problems which are not unique but pertain to each of us—for they relate to our enjoyment of full human rights.

My friends, since I last talked with you, I have observed and pondered upon many things regarding our struggle as Indians. Consequently, my remaining comments will suggest what I hope to be a way to lend strength to our struggle.

We must unify all Indians from the North, the South, the East and West into a stronger organization. True, we have the beginning of such a union in the National Congress of American Indians. But, we must extend this union and bring in all our brothers and friends. As leaders, our first concern should be full representation of all Indian groups, so that the NCAI may truly become the spokesman for all Indian people.

Then, we must find effective ways to communicate through our organization and with each other. Because of long distances and different geographic locations many of us meet each other and talk about our situations only in the annual convention or talk with our executive director, when we are in Washington. It is essential that we take time to communicate with each other though the NCAI Sentinel, newsletters, and correspondence. In this way, we can become more aware of our similar conditions and see common grounds for fighting our cause together.

Again, let us think about what we must do to make this a truly national organization. I have stressed making our congress more representative and establishing better communication between Indian leaders and Indian people. What else must be done? There must be sacrifice by the Indian leaders and people. Leaders must be willing to give time and energy, and obtain money to support the organization. We must actively take the case of what is the National Congress of American Indians to the Indian people and show why there is need for such an organization. Indian tribes and their people as individuals, must contribute money to their case.

Our executive director must have a staff to assist our cause, who will keep informed and then inform Indians of the problems arising throughout the country, thereby enabling us to present a clearer picture of our needs. We must also look beyond the people of our tribe and find a way to effectively channel and amplify the good will and sympathy of the American public for the Indian. This will take study and planning by Indians as to how to best interpret our problems in terms which can be easily grasped and clearly understood.

It seems as though I have gone astray from the subject assigned to me, by my good friend Chief Saunooke, for I have asked many questions which on the surface possibly do not appear to have any connection with human rights.

What I believe does have such a connection is this. We as Indians, and as leaders of our people, must become so concerned about our people and our future, that we will work to tell the Indian story to each other, sacrifice so that our national organization can tell our story to all Indians and to all other people. But most of all, we must instill within ourselves and our people a belief in themselves as a people with a future.

I sincerely hope that we can go on record at this convention by drawing a common blueprint for today in our communities; honestly appraising how we as leaders of our people can put the true image of the American Indians' past and future in its proper perspective; honestly inform and unite our people regarding their common goals, and then join hands with all Indians to make a more effective and representative organization.

This will take great sacrifice and dedication which infuses tolerance, patience, understanding, truthfulness, simple and clear expression of the facts and financial support. When we do this, and I hope we shall during this Cherokee convention, then we will have taken a giant stride toward establishing in our own minds Indian dignity. This will be the first real step toward attaining our human rights.

In closing, may I say that one of the things which has sustained the red man through the years has been the concept of the Great Spirit. May he give us the guidance and strength of purpose to find our way as Indians in the society of today.

Resolutions Adopted by the 19th Annual Convention of the National Congress of American Indians

Resolution No. I—Statement of Policy of the National Congress of American Indians

Be it resolved, By the National Congress of American Indians in the 19th Annual Convention assembled September 2–7, 1962 at Cherokee, N.C. that the following statement of policy be and the same is hereby adopted:

The policy of the Congress (NCAI) is to support all action, executive and legislative, for the improvement of the economic, educational and social status of the American Indian; to take all appropriate measures available for the preservation, protection and economic development of Indian trust property, tribal and individual; to maintain and protect the constitutional and civil rights of American Indians and the rights of tribes and their members under treaties and laws.

In aid of this policy the Congress (NCAI) declares as follows:

1. Jobs for Indians: Employment to make Indians economically independent is of paramount importance. The efforts of the Bureau of Indian Affairs in this field are highly commended. The Congress (NCAI) recommends the establishment of an independent division of Economic Development in the Bureau of Indian Affairs under a separate Assistant Commissioner of Indian Affairs and the expansion of present efforts to bring industry to or near Indian reservations and communities with a preference right of employment for Indians and enlargement of the vocational and on-the-job training programs.

2. Improved housing for Indians: Decent housing should be provided for Indians residing on and near reservations and in Indian communities. The Congress (NCAI) is pleased with the long strides taken in making public housing available on Indian reservations. This program deserves further intensive work to make Indian tribes aware of the possibilities of the program and to render assistance in bringing the construction of housing to fruition. Modification of existing law is suggested to extend the benefits to Indians whose income is so low that they are not eligible to occupy low rental public housing units under present law.

3. Education: The Congress (NCAI) urges acceleration in the current effort to insure that there are schools and teachers for these Indian children for whom such educational facilities are now denied. In view of the new demands of current technology and industry, the Congress (NCAI) points to the need for expanding school curriculums to include courses in mathematics, science and foreign languages in order that Indian graduates may compete for entrance into major schools of higher learning in the United States.

4. Administration of Indian affairs: Steps should be taken to remedy the imbalance between Federal personnel devoted to property management and those devoted to the people themselves. If funds for both purposes are not available from the U.S. Congress, some shift in allocation should be made to favor an increased number of employees who work with the people at the expense of decreasing the number of property-management employees.

5. Development and use of natural resources: Indian land, minerals and resources should be developed and managed to encourage the Indian use of land on the reservation for agricultural and grazing purposes. The highest possible income should be obtained for Indian owners from trust minerals, including oil and gas, and timber. The Bureau should apply the same principles of business, negotiation and bargaining to trust resources which an informed non-Indian landowner would employe to obtain the highest possible price for his property.

Resolution No. II—Submarginal Land Be Transferred to Indian Tribes

Whereas the Secretary of the Interior in January 1961 recommended to Congress that the United States transfer in trust to 18 American Indian Tribes the submarginal land located on their respective reservations; and

Whereas these lands have been administered and treated substantially as Indian lands; and

Whereas in many instances the tribes have been proceeding on the understanding that the lands ultimately would be transferred to them and in reliance on such understanding improvements were made at tribal expense on the submarginal lands in water development, dams, fencing and structures and the tribes have borrowed substantial sums of money from the United States to purchase land adjacent to submarginal land pursuant to land purchase and land consolidation plans approved by the Secretary of the Interior, and

Whereas the submarginal lands are needed by the Indians to obtain maximum utilization of their tribal land and to augment their income; and

Whereas S. 2183, H.R. 3534 and S. 1925, bills to accomplish the transfer of submarginal lands to the 18 tribes and now pending in Congress: Now, therefore, be it

Resolved, By the National Congress of American Indians in the 19th Annual Convention assembled at Cherokee, N.C., September 2–7, 1962, that Congress is petitioned to transfer the submarginal lands to the tribes and to act on S. 2183, H.R. 3534, and S. 1925 now before it.

RESOLUTION NO. III—REAFFIRMING RESOLUTION NO. 6, 17TH ANNUAL CONVENTION OPPOSING ACQUISITION OF TRIBAL PROPERTY WITHOUT TRIBAL CONSENT

Whereas by Resolution No. 6 adopted by the National Congress of American Indians at its 17th annual convention in Denver, the National Congress opposed any acquisition of tribal property without the consent of the tribes in connection with the proposal of the United States to acquire by eminent domain tribal property of the Confederated Saliah and Kootenai Tribes of the Flathead Reservation, Mont., for the construction of Federal dam projects; and

Whereas the National Congress has been advised that the U.S. Corps of Engineers persists in its policy of taking tribal property for river control purposes without regard to treaty commitments of the United States: Now, therefore, be it

Resolved, That the National Congress of American Indians assembled in its 19th annual convention in Cherokee, N.C., reaffirms its Resolution No. 6 adopted in Denver and reaffirms its opposition to the acquisition by the United States of tribal property in violation of treaty agreements and without the consent of the tribe concerned.

RESOLUTION NO. IV—PUBLIC LAW 280, 83D CONGRESS BE AMENDED TO REQUIRE INDIAN CONSENT

Whereas at the time he signed Public Law 83-280, President Eisenhower characterized it as "a most unchristianlike approach" because the law would permit State jurisdiction to be extended without the consent of the Indian people affected; and

Whereas it is contrary to American principles of democracy and self-determination to impose jurisdiction on any people without their consent; and

Whereas there is now pending in Congress S. 1479 introducted by Senator MIKE MANSFIELD and Senator LEE METCALF of Montana and H.R. 4756 introduced by Representative ARNOLD OLSEN of Montana which would accomplish these purposes: Now, therefore, be it

Resolved, That Congress amend Public Law 280, 83d Congress, to require by referendum, the consent of the Indian people residing on the reservation, as a condition to extending State civil and criminal jurisdiction over Indian people on Indian reservations; and be it further

Resolved, That the Congress adopt S. 1479 or H.R. 4756 before adjournment.

RESOLUTION NO. V—CONSERVATION VERSUS TERMINATION

Whereas the U.S. Congress and the Secretary of the Interior are taking action, by legislation and administrative measures, to carry out the President's program for the conservation and development of natural resources and recreational areas on land and water, and

Whereas this program takes cognizance of diminishing natural resources and recreational assets in face of the explosive growth of population, and

Whereas Indian reservations are subject not only to the same forces of erosion in priceless possessions but also to such moves in the Congress as House Concurrent Resolution 108, 83d Congress, for termination of Federal supervision, which would open them to ruinous exploitation under unrestricted private ownership, and

Whereas in his annual report for 1961 the Secretary of the Interior acknowledged the significance of Indian reservations to the Government in relation to the President's program without bringing out the contradictory pose of the termination policy, and

Whereas the application of the President's policy with full force to Indian reservations will not impair Indian rights and usage now enjoyed and in fact will afford an increased income through the multiple use of assets under the stepped-up program of the Government in the conservation and recreational fields for the benefit of future generations: Now, therefore be it

Resolved, By the National Congress of American Indians in convention assembled that the executive director is hereby instructed to bring this resolution promptly to the attention of the President, calling upon him to include Indian reservations in the program by specific action, through administrative dispositions or through recommendations to the U.S. Congress for appropriate legislation, for the benefit of all America and so that, as the perpetuation of an historic asset distinctively American, there will always be Indian reservations and there will always be Indians.

RESOLUTION NO. VI—RESOLUTION ENDORSING LEGISLATION TO PROVIDE FOR LOANS TO TRIBAL CLAIMANTS BEFORE THE INDIAN CLAIMS COMMISSION

Whereas Indian tribal claimants before the Indian Claims Commission without funds to employ and pay expert witnesses are at a serious disadvantage in presenting their claims against the United States, in opposition to the Department of Justice with unlimited funds and facilities to present the defense of the United States; and

Whereas the Attorney General of the United States has recognized the injustice of handicapping Indian tribes in the prosecution of their claims and has urged that loan funds be made available to such tribes through the Department of the Interior: Now, therefore, be it

Resolved, By the National Congress of American Indians in the 19th annual convention assembled at Cherokee, N.C., September 2-7, 1962, that in order that tribal claimants may have the same opportunity to present their claims as is available to the United States to defend them, that H.R. 11263 or S. 3178 be adopted by Congress before adjournment.

RESOLUTION NO. VII—INDIAN CRAFT STANDARD RESOLUTION

Whereas due to the influx of foreign-made craft resembling American Indian-made craft flooding the market; and

Whereas it is the wishes of the American Indian to maintain those identities of their own handicraft work; and

Whereas the general public is not able to distinguish between the two crafts: Now, therefore, be it

Resolved, That the National Congress of American Indians recommends and encourages the different tribal groups to authenticate their arts and crafts in a manner of their own choice.

RESOLUTION NO. VIII—HEALTH RESOLUTION

Whereas the health problems of American Indians and Alaskan natives contrast sharply with those of the general population, and

Whereas these problems are compounded by the geographic and cultural isolation of Indians which create major obstacles to reaching them with effective curative and preventive health services, and

Whereas the Division of Indian Health, U.S. Public Health Service, has demonstrated steady progress in improving the health of recipients of services during the last 7 years; such service being made possible by budget increases voted by the Congress, and by additional authority through amendments of the transfer legislation (Public Law 568, 83d Cong.), and

Whereas this progress, though encouraging, still falls far short of the objective to raise the level of Indian health to that of the general population of the United States of America; such shortcomings emphasizing the need for still further efforts: Now, therefore, be it

Resolved by the National Congress of American Indians, assembled in convention at Cherokee, N.C., September 2-7, 1962, That this organization strongly urge upon the Congress of the United States the inclusion in the 1964 budget of the Division of Indian Health of the U.S. Public Health Service the following items:

1. Indian health activities: $62,400,000 for the curative and preventive health services in amounts which will lead to further improvement of the health of Indians.

2. Indian health facilities: $14,800,000 for the construction of hospitals and clinics; health centers and stations; sanitation facilities; and essential personnel quarters; and modernization of existing buildings. The National Congress of American Indians strongly urges that a minimum of $6 million of the total expenditure proposed for construction be allocated for sanitation construction projects. It is further suggested that the Congress provide for additional technical positions on the sanitation staff which will enable the Division of Indian Health, U.S. Public Health Service, to achieve a more rapid implementation of this basic health service.

RESOLUTION NO. IX—ARTS AND CRAFTS RESOLUTION (EDUCATION)

Whereas the Bureau of Indian Affairs has completed plans for opening the Institute of American Indian Arts in the former Santa Fe Indian School on October 1, 1962, for the benefit of Indian high school students and post-high-school students from all recognized tribes in the United States; and

Whereas the program to be offered at the Institute of American Indian Arts is designed to provide Indian students with a high quality basic education plus training in the fine and applied arts that will open many new employment opportunities to them; and

Whereas increased emphasis on Indian arts and crafts is an important objective of the National Congress of American Indians: Now, therefore, be it

Resolved by the National Congress of American Indians in the 19th annual convention assembled at Cherokee, N.C., September 1962, That we endorse the program of the Institute of American Indian Arts and encourage interested students to enroll in the Institute.

RESOLUTION NO. X—RESOLUTION APPRECIATION

Be it resolved by the National Congress of American Indians, meeting in annual convention in the beautiful Eastern Cherokee Reservation, Cherokee, N.C., That there be extended to the following arms of government, civic associations, business firms and others listed, our deep appreciation and hearty thanks for hospitality at this convention;

First, the city of Cherokee, Chief Osley Saunooke, the Eastern Band of Cherokees, chief of police and staff, the Bureau of Indian Affairs, Cherokee Indian Agency, the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary, the House Committee on Interior and Insular Affairs and the Department of Health, Education, and Welfare, Indian Health Branch.

Second, John Parris and Bob Terrell of the Asheville Citizen, Bruce Roberts of the National Observer Weekly of Washington, D.C., Donald Jansen, staff reporter of the New York Times, station FWBC-TV, Greenville, S.C., and all the national networks for coverage, and all advance publicity accorded this organization.

Third, Hon. Phillco Nash, Hon. John C. Carver, Jr., Hon. Wayne N. Aspinall, Hon. Roy A. Taylor and Hon. Sam J. Ervin for their fine contribution to this convention.

RESOLUTION NO. XI—PHOENIX MEDICAL CENTER

Whereas the Indians maintain a special and unique fiduciary relationship with the

Federal Government through which progress is largely dependent upon cooperation, patience and mutual understanding and respect; and

Whereas there has developed between the U.S. Public Health Service and the Indians of Arizona a relationship which has clearly demonstrated this mutual respect and understanding; and

Whereas the Indians of Arizona have noted a remarkable rate of progress in the Indian health program on the various reservations throughout Arizona; and

Whereas the Indians of Arizona are now beginning to recognize that preventive health programs and adequate followup care are essential and integral supplements to direct medical care in the establishment of a complete medical care program upon which further progress is dependent; and

Whereas there exists between many of the Indians of Arizona basic cultural differences and mental attitudes toward both curative and preventive health programs normally accepted by non-Indians which are generally recognized and appreciated by the staff of the U.S. Public Health Service; and

Whereas the general attitude of the Indians of Arizona is that they are not ready to accept services in a community hospital and they prefer and will enter Indian hospitals where they can feel more comfortable in a familiar and understanding atmosphere; and

Whereas any change in the foreseeable future to enforce the Indians of Arizona to accept services in community hospitals which are not tailored to fit specific needs and in which there is limited or no understanding of the Indians' basic culture, social, environmental, and economic backgrounds which are essential and integral parts of a complete medical care program would be detrimental to the future health status of the individual Indian as well as to the continued progress of the overall Indian health program in Arizona: Be it therefore

Resolved, That the National Congress of American Indians, assembled in convention at Cherokee, N.C., September 2-7, 1962, concurs with the expressed views of the various tribal councils of Arizona Indians that the most desirable and effective method of providing the health services needed by the Indians in the Southwest requires a medical center in Phoenix, Ariz., staffed and operated by the Public Health Service, which would coordinate and cooperate with the individual reservation hospitals. The National Congress of American Indians urges the U.S. Congress for early authorization and appropriation of actual construction funds for the construction of a Phoenix Indian hospital.

RESOLUTION NO. XII—COMMEMORATION

Whereas Dr. Laverne Madigan, executive director of the Association on American Indian Affairs, passed away in a tragic accident last month; and

Whereas Dr. Madigan was a true friend of American Indians and worked long and hard for them and their interests in the social and economic fields devoting her talents and time unstintingly in and out of the associations; and

Whereas through her efforts and the programs of the association the Indians, particularly in the Middle West are making appreciable progress in community relationships: Now, therefore, be it

Resolved, By the National Congress of American Indians in the 19th convention assembled September 2-7, 1962, that it expresses its deep regrets for the untimely passing of Dr. Madigan and the loss of a true and sympathetic friend of the American Indian who approached their problems with a warm and understanding heart.

RESOLUTION NO. XIII—TO REPRODUCE COPIES OF THE MANUAL OF OPERATIONS

Whereas various tribes and individual members of National Congress of American Indians have made inquiries with reference to duties and functions of our organization and its officers; and

Whereas a manual of operations was adopted, by resolution No. 33, at the 16th annual convention at Phoenix, Ariz., and

Whereas it appears that many of our tribes and members are not aware of this document: Now, therefore, be it

Resolved, That the National Congress of American Indians in convention assembled at the 19th annual convention, September 2-7, 1962, at Cherokee, N.C., hereby instruct the executive director to reproduce copies of the Manual of Operations and make available to all National Congress of American Indians officials and to all tribes.

RESLUTION NO. XIV—COMMEMORATION OF INDIAN LEADERS

Whereas the National Chairman of Programs honoring the 200th anniversary of the birth of Sequoyah; and

Whereas it is the desire to have a memorial postage stamp issued honoring this great Indian, inventor of the Cherokee alphabet; and

Whereas this is one means to commemorate our great Indian leaders through the times: Now, therefore, be it.

Resolved by the National Congress of American Indians in the 19th annual convention assembled, September 2-7, 1962, approach the Postmaster General to issue a postage stamp honoring the great Sequoyah; and be it further

Resolved, The executive director of the National Congress of American Indians be directed to accomplish this intent.

[From the Asheville (N.C.) Citizen Times, Sept. 3, 1962]

INDIANS ARRIVE IN CHEROKEE FOR BIG CONVENTION

(By John Parris)

CHEROKEE.—The greatest representation of Indian tribes ever to congregate east of the Mississippi poured into Cherokee Sunday.

They came by air and by car, from every section of the country for the 19th annual convention of the National Congress of American Indians.

The convention gets underway at 10 a.m. Monday with a parade of tribes through the streets of this smallest capital city in America.

Thousands of paleface visitors to the Cherokee reservation clogged the highway and streets with bumper-to-bumper traffic throughout the day and into the night Sunday, presenting a phenomenon to the visiting Indians from across the country, who admitted they had never seen anything like it.

Hundreds of early arrivals—representing a third of the 75 tribes expected for the 6-day gathering—congregated in little groups throughout Sunday to do some Indian politicking.

The office of vice president of the organization is up for election and it carries with it high prestige among the tribes.

Three candidates were reported Sunday night in the running: incumbent Nelson Jose, Pima Indian of Sacaton, Ariz.; John Shaw, an Oklahoma Osage of Burbank, Okla.; and Chief Osley Bird Saunooke of the Eastern Band of Cherokees.

Robert Burnette, NCAI executive director, said the candidates would be in the parade Monday morning dressed in tribal costume. However, Saunooke is not expected to be walking in the parade since he recently injured his foot and has been forced to use a cane.

Burnette said that Indian politics is no different from any other politics—"except Indian politics is rough."

Several prominent government officials and political leaders will participate in the week-long convention.

Among the early arrivals was Assistant Secretary of the Interior, John A. Carver, Jr., who is scheduled to deliver a major address at 12:45 p.m. Monday. Carver spent most of Sunday afternoon on an inspection tour of the Great Smoky Mountains National Park, going over the sections of the Bryson City-Fontana Road now under construction.

Carver, who visited the Smokemont and Deep Creek campgrounds, was astounded by the tremendous congestion of traffic, not only on the park roads but other highways in western North Carolina. He said something should be done to alleviate this problem, particularly as it applies to the park and the village of Cherokee, which has become a bottleneck.

Philleo Nash, Commissioner of Indian Affairs, arrived late Sunday night. He is scheduled to address the convention at 1:30 p.m. Tuesday.

Also among the early arrivals was Congressman ROY A. TAYLOR of the 12th District, a member of the Indian Affairs Subcommittee of the House, who will speak at 10 a.m. Tuesday.

Representative WAYNE N. ASPINALL, Democrat, of Colorado, Chairman of the Indian Affairs Subcommittee, was expected to fly into Asheville Monday morning and address the convention at 2:15 p.m.

Delegates and official guests attended the final performance of "Unto These Hills," the Cherokee Indian drama as guests of the Cherokee Historical Association Sunday night.

Carol White, general manager of the Cherokee Historical Association, said that with the final performance, attendance for the 1962 season would run approximately 130,000 paid admissions. This would compare with 116,627 last year.

[From the Asheville (N.C.) Citizen Times, Sept. 4, 1962]

CARVER HEARD AT CHEROKEE—INDIAN POLICY IS DISCUSSED

(By John Parris)

CHEROKEE.—The prime emphasis of the Kennedy administration in Indian affairs is being put on economic development.

This expression of policy was made by Assistant Secretary of the Interior John A. Carver here Monday at the opening session of the 19th Annual Convention of the National Congress of American Indians.

He said that the economic future of the Nation's 600,000 Indians is of prime concern to the Kennedy administration and that it is working to bring about maximum Indian economic self-sufficiency.

Two other goals, Carver said, round out a trinity of major objectives which has NCAI backing: full participation of Indians in American life, and equal citizenship rights and responsibilities for Indians.

He raised the question of termination of Federal services on Indian reservations, an issue raised during the Eisenhower administration.

"Termination implies abruptness," he said, pointing out that Congress has the power to specify termination as an objective, and then added:

"We ought to be more concerned with the dynamics or movement of our policy rather than with ethically unsatisfactory or politically impossible termination of Federal programs."

A few minutes later, Congressman WAYNE N. ASPINALL, Democrat, of Colorado, chairman of the House Committee on Interior

and Insular Affairs, set the delegates cheering when he announced during an address from the same platform:

"As long as I am chairman of the committee no Indian tribe in the United States will be terminated until it is ready for termination."

Carver, in speaking to delegates of some 30 Indian tribes gathered here for their first meeting east of the Mississippi, compared Interior Department statements on Indian policy in 1961 and 1962 with those issued three-quarters of a century ago.

"Plans of our Indian policy in the 1870's were frankly materialistic," he said. "We wanted to push the Indians aside so that the railroads could be built, the settlers could move in and the mineral wealth of the Black Hills could be opened up.

"The ethical orientation of policy found its place in the subordinate aspects—the determination that coercion should be applied humanely, that administration should be civil rather than military, and that presumably ethically oriented Christian churches could have the authority of selecting our agency superintendents.

"Today," Carver said, "the ethical considerations have achieved primacy so that we have real governmental difficulties permitting the development of hydroelectric, flood control or reclamation projects which will have the effect of flooding land owned by the Indians."

He said that he was struck by the comparison between progress made by the Indians themselves in the interim with the progress "which the Government has failed to make in treating with what is called the Indian problem." In 1875, he said, the ancestors of the delegates to the convention were largely without competence in the English language. They were in places still at war with the United States. They were herded like animals and were as a matter of Government policy subjected to soup-kitchen subsistence to wean them away from their nomadic life.

Today, Carver said, there is universality of education among the Indians. They are citizens of the United States, they have attained prominence in the arts, in business, in government and in politics.

Yet, Government policy until the present remained static and continued to treat the problem in the same terms after all these changes had taken place, he said.

Carver blamed it on "the inertia of Government itself, the vested interests in Indianness, the national conscience—the hangover from the absence of an ethical basis for our original policies and the tendency or temptation to equate the conditions of all Indians with some specific group."

ASPINALL outlined for the delegates the role of the Committee on Interior and Insular Affairs in Indian affairs.

He told them he was anxious to help improve conditions "and to work with you to make Indian life in this country measure up to the full advantages which American citizenship entails."

"Not," ASPINALL said, "simply because you are a minority group. Not because you are descendants of the first inhabitants of this country, but because you are citizens of the United States and your children deserve what my children and my neighbor's children deserve."

He said he was convinced that "full understanding and cooperation among Congress, the Bureau of Indian Affairs, the various tribal councils and the individual Indian are essential if we expect to bring about a satisfactory relationship between our Indians and our Government."

Then, Chief Osley Bird Saunooke of the Eastern Band of Cherokees officially welcomed the delegates to Cherokee.

The next speaker was Dr. Caruth J. Wagner, Chief of the Division of Indian Health of the Department of Health, Education, and Welfare, who made these promises to the NCAL.

1. The Public Health Service will do everything within its capabilities to continue to implement a program that will raise the health status of the American Indian to the highest possible level in the shortest possible time.

2. Specific health programs will be planned with the active participation of the tribal councils and their health committees.

3. "We will actively solicit continuous appraisal and evaluation of our programs," he added, "by each tribal group and make every effort within the limits of good health practice and available resources to provide services that are to the best interest of the Indian in respect to his culture, his personal goals and personal needs."

He said he came into the program firmly convinced that in spite of the giant strides made in the past, "there remains a tremendous amount of work to be done before we can state the Indian is receiving comprehensive health service and that our ultimate goal is in sight."

[From the Knoxville (Tenn.) News Sentinel, Sept. 5, 1962]

INDIANS DEVELOP RESOURCES, SKILLS—GOALS OUTLINED AT CONVENTION

CHEROKEE, N.C., September 5.—The U.S. Commissioner of Indian Affairs says a great deal of progress has been made recently toward fuller development of Indian-owned physical resources, skills, and capacities.

Philleo Nash told delegates to the 19th convention of the National Congress of American Indians here yesterday that "we have made a good beginning in our march along the new trail" and the way is now clear for heightening development activity on the reservations.

"The touchstone of our administration," he said, "is economic development among Indians on the reservations. One of our long-range goals is maximum Indian economic self-sufficiency."

Two additional goals, he added, are full participation of Indians in American life and equal citizenship privileges and responsibilities for Indians.

TAKES HARD WORK

"In one form or another, these are goals that have been set for the Bureau of Indian Affairs and the Indians time and time again," Nash said.

"But for over 150 years," he added, "nobody has yet apparently been able to meet them. I do not claim to know the reason why. They are challenging but they are also attainable. I think they just take some hard work, not only on the part of the Bureau but on the part of Indians as well."

Nash announced plans for recruiting economic development specialists this year and placing them at the various Indian agencies across the country in the area offices and in Washington.

APPROPRIATIONS UP

Nash said one of the most gratifying developments during the past year was the increase in the appropriation authorization for the Bureau's credit program—from $17 million to $27 million.

Nash said there now are 20 industrial plants on or near Indian reservations as a result of coordinated efforts of Indian tribes, local communities, various other Government agencies, and the Bureau of Indian Affairs.

Furthermore, he said, there is every reason to expect that job-providing industrial operations in the reservation areas will increase in the years ahead.

Earlier, a similar note was sounded by Representative ROY A. TAYLOR, Democrat of North Carolina, who said, "We are anxious to assist Indian citizens in advancing economically, socially, and politically."

[From the Knoxville (Tenn.) Journal, Sept. 8, 1962]

RESOURCE FIGHT SEEN BY INDIAN

CHEROKEE, N.C., September 7.—The high chief of American Indians said last night the red men are going to have to unite and fight to keep the resources of Indian land for the benefit of Indians.

Walter Wetzel, chief of the Blackfoot Tribe in Montana and president of the congress, was the final major speaker at the convention.

"We Indians are struggling unsuccessfully with the problems of maintaining home and family and Indian ownership of Indian land," said Wetzel. "We must strike. We must seek a new policy. We must join together and fight with determination to keep the God-given resources of Indian lands for the Indians' own benefit."

These, he said, have been owned by the Indians for centuries and are a vital part of the red man's American heritage.

He suggested that the tribes join together under the banner of the Indian congress and adopt what he called a new perception—that of concentrating on the development of Indian human and natural resources at home on the reservation.

Wetzel in public life is a consultant to Interior Secretary Stewart Udall on Indian affairs.

"It is essential that the Federal agencies dealing with Indian affairs work in close cooperation," he said, "and that responsibilities placed on these agencies be in accordance with the aims and goals of President Kennedy.

"If the superintendents," he added, "will sit down with the governing body or the councils and take a realistic look at the conditions and morals of the Indian people, much benefit would emanate from such meetings and definite results would no doubt be forthcoming."

Wetzel said he and other consultants to Udall feel that the Bureau of Indian Affairs represents a third party which can bring together Indians and others in such a way as to promote Indian self-sufficiency and increase the extent of Indian participation in the affairs of the communities surrounding the reservations.

[From the New York Times, Sept. 6, 1962]

RIGHTS DRIVE SET BY INDIAN TRIBES—UNITED STATES SAID TO SUPPORT ACTION IN COURT AND EDUCATION

(By Donald Janson)

CHEROKEE, N.C., September 5.—The National Congress of American Indians is planning a two-pronged attack on discrimination against Indians.

Under the plan, called Operation Constitution, lawyers would be hired to defend Indians in test cases throughout the country.

Simultaneously, an educational campaign would be conducted on the reservations to make sure that Indians understood their rights.

Numerous instances of discrimination were alleged at recent hearings in the Dakotas and in the southwest conducted by the Constitutional Rights Subcommittee of the Senate Judiciary Committee.

The subcommittee heard Indian charges of brutality at the hands of white policemen, false arrest, discrimination in the administration of State welfare programs and in admission to hospitals and public schools, and inadequate law enforcement on reservations.

MANY UNAWARE OF RIGHTS

Testimony indicated that many Indians were unaware of their rights to counsel, jury trial, equal protection of the laws and due process of law. Many had never heard of change of venue. Many could not afford a lawyer in any case.

"Even members of the tribal councils, the Indian leaders on the reservations, often

know little about this," Robert Burnette, executive director of the National Congress of American Indians, said today.

Mr. Burnette said private foundations would be asked to help finance Operation Constitution.

He reported that Attorney General Robert F. Kennedy had pledged full cooperation and that "all efforts will be coordinated and cleared through the Department of Justice."

"There are hundreds of cases that need attention," Mr. Burnette said in an interview between sessions of the congress' annual convention here.

A start on prosecuting these cases, Mr. Burnette said, would serve as a warning that Indians were no longer passively accepting injustice. He said it was possible that "a great deal of the maltreatment and violations of civil rights will cease immediately."

Senator SAM J. ERVIN, JR., Democrat, of North Carolina, the chairman of the subcommittee, has called his panel's investigation "the first such congressional inquiry into this most important and all-too-long-neglected area of law.

The subcommitte plans to draft corrective legislation for consideration by the next session of Congress.

Operation Constitution would provide legal aid not only in cases of alleged violation of individual rights, but also to challenge the constitutionality of certain Federal, State, and local laws and ordinances.

The National Congress of American Indians is holding its 19th annual convention in this reservation of the Eastern Band of the Cherokee Tribe in the Great Smoky Mountains.

The congress is the country's only all-Indian national association. It represents 75 of the Nation's 250 tribes and bands, and more than half the nearly 600,000 Indians in the country. About 50 tribes are represented by some 200 Indians at this convention.

[From the New York Times, Sept. 8, 1962]

ANTI-INDIAN BIAS IS LAID TO STATES—TRIBAL CONVENTION TOLD OF SENATE INQUIRY FINDINGS

(By Donald Janson)

CHEROKEE, N.C., September 7.—A Senate investigation has found that some States, having assumed civil and criminal jurisdiction over Indian reservations in recent years, are failing to provide equal protection of the law there.

"We have found cases in which crimes have been committed on the reservations and State officials have made no attempts to bring the criminals to justice," Senator SAM J. ERVIN, Jr. said tonight.

Mr. ERVIN, Democrat, of North Carolina, is chairman of the Subcommittee on Constitutional Rights of the Senate Judiciary Committee. His unit is conducting a nationwide investigation into complaints by Indians.

In a speech to the final session of the annual convention of the National Congress of American Indians, he also reported that "in some States which have not assumed jurisdiction, State officers are arresting Indians on the reservations and prosecuting them for crimes over which the Federal authorities have exclusive jurisdiction."

Mr. ERVIN, unable to leave the Senate in time to attend the convention dinner as planned, addressed the Indians by a connection from Washington to the Boundary Tree Lodge here.

The jurisdictional tangle, he said, is complicated by allegations of hostility toward Indians on the part of law enforcement officials.

A law in 1953 conferred civil and criminal jurisdiction over reservation Indians to Wisconsin, Minnesota, Nebraska, California, and Oregon. Alaska was added later.

INDIANS CHARGE PREJUDICE

The legislation also allowed other States to assume jurisdiction. Few have, however, partly because of strong Indian opposition. Indians contend that in many States prejudice against them is too strong to permit fair treatment.

Today the Indians here, representing about 50 tribes throughout the country, adopted a resolution urging that the law be amended to require the consent of the Indians on a reservation before State law could supplant Federal jurisdiction there.

The law was passed at a time when termination of Federal responsibility for Indian affairs was the expressed policy of Congress and the Eisenhower administration.

The present administration does not favor termination unless individual tribes ask to be shifted to State jurisdiction and are found ready, educationally and otherwise to fend for themselves.

CHAOTIC SITUATION CITED

Mr. ERVIN said that the law had resulted in some "chaotic" situations.

He quoted an Indian judge whose reservation is situated in two States as saying:

"To make the confusion more complete, we find some laws are being enforced by one of the States but not by the law-enforcement authorities of the other State."

A member of the committee that drafted the convention's resolution, Mrs. Pauline Tyndall, secretary of the Omaha Tribe of Nebraska, said in an interview that her State "has failed to provide proper law enforcement" on her reservation since being given jurisdiction in 1953.

Until this year, she said, the closest policeman was in the county seat of Pender 27 miles away and he refused to respond to calls. The result, she said, was brawling, deaths, and vandalism.

This year, she said, a policeman has been stationed 8 miles away but not near enough to forestall continuing vandalism.

Policemen now respond to calls, she said, but sometimes resort to "brutal beatings" of Indians they arrest.

She said that as a result of prejudice Indians were treated more harshly than whites by law-enforcement officers and received more severe sentences.

About 200 Indians, some from as far away as the State of Washington, attended the 5-day convention here on the reservation of the Eastern Band of the Cherokee Tribe.

[From the New York Times, Sept. 8, 1962]

THE OLDEST SETTLERS

The Indians were here first—probably many thousands of years before Columbus arrived, but they are still having trouble getting and maintaining all the rights that were theirs nearly five centuries ago. The National Congress of American Indians, in session at Cherokee, N.C., has been organizing a campaign to help them defend themselves.

Their rights are threatened in two main ways. One is discrimination by white men who believe that they are the superior race and need not bother too much about doing justice to individual Indians. The other threat is Government policy. This policy, if one takes the reports of the Bureau of Indian Affairs literally, is often genial. We are trying to educate the Indians, especially every one of the little Indians. We are doing something to help them irrigate their lands, improve their stock, develop their resources and even bring in industries on the old reservations.

But the policy of Congress, as set forth nearly a decade ago, is "to make the Indians * * * subject to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens of the United States." This policy, which may be theoretically sound but has broad and extremely serious implications for the Indians, calls for termination of Government aid and supervision as soon as possible. However, it has been misinterpreted, distorted, and exploited, to the Indians' cost.

A subcommittee of the Senate Judiciary Committee has recently heard shocking testimony of discrimination against individual Indians, including false arrest, illegal withholding of State welfare aid, and inadequate protection against white offenders on reservations. At most the Indian is a small minority group, but each individual Indian has as many rights as any white person. Furthermore, he must be protected in his old traditions and ways of life if he wishes to retain them.

DISAPPEARING DUNES

Mrs. NEUBERGER. Mr. President, nature is buffeted repeatedly by man's attempts to shape and change his environment. The conservation movement in the United States was born out of the necessity for preventing excesses in that direction.

A recent article in the New York Times related some activities in my own State of Oregon where efforts to control natural forces have created new controversy over natural resource management policies. The article tells of the dunes planting program conducted by the U.S. Forest Service to prevent the shifting of sand along a section of the Oregon coast —once described by authorities as "the most magnificent dunes on the North American continent."

As sponsor of legislation to give this uniquely beautiful seacoast area the protection of national park status, I am particularly disturbed by the Times story. It should serve as a warning to those officials who have opposed my proposal for the Oregon Dunes National Seashore that time is running out on our opportunities to safeguard this great natural scenic asset and tourist attraction. Unless protective action is taken soon, a large section of the awe-inspiring dunes could be reduced to mediocrity unworthy of recognition as a national park unit.

I ask unanimous consent to have printed in the RECORD, the New York Times article of September 2, 1962, entitled "Dispute Centers on Oregon Dunes."

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

DISPUTE CENTERS ON OREGON DUNES—STABILIZATION PLAN RAISES FEARS OF CONSERVATIONISTS

FLORENCE, OREG., September 1.—A political storm has been raging over the proposed Oregon Dunes National Seashore here for 3 years.

Now local conservationists are increasingly alarmed over a dunes stabilization program they fear is destroying the scenic and recreational values of the area. At the same time they deplore expansion of carnival-type businesses and private housing developments.

If these activities continue unchecked, they believe, the national seashore idea will become a fading dream.

Planting of beach grass by the U.S. Forest Service has focused new attention on the attempts of Senator MAURINE NEWBERGER and her late husband, Senator Richard Neuberger, to preserve the dunes under the National Park Service.

The area has been leveled off into what appears to be something quite different from the shifting and gentle curves of the dunes that were there previously. A bulldozer is used to level the sand before planting.

TREATMENT OF CRITICAL AREAS

The Forest Service, which now manages most of the 35,000-acre dunes area, asserts the planting of beach grass, followed by scotch broom and lodgepole or shore pine, is only being done in critical areas where the moving sand threatens campsites, roads, and river and lake outlets. Their published plan calls for the stabilizing of 6,622 acres by this method over the next few years.

While Forest Service officials deny any plan to stabilize the entire dunes area, conservationists point to an article in a recent timber journal that describes just such a plan. The author of the article is on the Forest Service staff.

Nevertheless, the Service recognizes the dunes as a "key area for recreation," and all other possible use of the land is said to be "subordinated to recreation and scenery."

Local opponents of the Park Service's taking over the dunes point out that the sand, if allowed to shift in its natural course, would have closed up the outlet of Cleawox Lake. They maintain that the stoppage would result in the lake's inundating Honeyman State Park, one of the State's most popular tourist centers.

But conservationists contend there are other ways to protect the Cleawox Lake outlet, such as dynamiting or bulldozing, which the Forest Service has used elsewhere.

The dunes are adjacent to three other large fresh-water lakes—Woahink, Siltcoos and Tahkenitch—46 miles of Pacific Ocean beach from Florence south to Coos Bay; forested land, and the Sea Lion Caves, the only mainland rookery on the Pacific. It is the unique combination of these recreational resources in one area that prompted the Pacific Coast Recreation Survey staff in 1959 to suggest that the National Park Service establish the national seashore in Oregon.

Because of pressures from local property holders who don't want to sell their land—and who fought Senator NEUBERGER's plan—the Senator is drafting a compromise measure that would confine the national seashore area west of Highway 101. But local opponents are skeptical and agree with supporters who believe the National Park Service would not accept this plan because it excludes the lakes. It is the combination of dunes and lakes that makes the area unusual.

To the surprise and disappointment of dunes backers, President Kennedy's conservation message to Congress earlier this year did not include the Oregon dunes as one of the areas he recommended to be preserved under the National Park Service.

Nevertheless, the Interior Department, which has jurisdiction over the Park Service, has continually supported the Neuberger plan, and still supports it in principle, according to Assistant Secretary of the Interior John A. Carver.

If there is no action soon, thousands of acres of dunes will be covered over, their hauntingly beautiful contours buried by dense growth. More and more commercialization of the area will occur. And if the conservationists are right, the National Park Services interest in the Oregon dunes will disappear.

CBS REPORTS ON SMOKING AND HEALTH

Mrs. NEUBERGER. Mr. President, courage and conviction were displayed by "CBS Reports" in Wednesday night's television essay entitled "The Teenage Smoker."

Jack Gould, of the New York Times, in a perceptive, commendatory review of the program, published in yesterday's Times, appropriately commented:

If in the future charges are made that commercial television is beholden to its advertisers, last night's edition of "CBS Reports" will be a major exhibit in contradiction.

If any evidence is needed of the extreme pressures militating against forthright public discussion of smoking and health, such evidence can be found in the instantaneous howls of the tobacco industry, protesting that the program did not adequately portray the position of tobacco's defenders.

I ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks.

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

TV: A BURNING ISSUE—"CBS REPORTS" EXAMINES RELATIONSHIP BETWEEN SMOKING AND CANCER

(By Jack Gould)

If in the future charges are made that commercial television is beholden to its advertisers, last night's addition of "CBS Reports" will be a major exhibit in contradiction.

The documentary unit of the Columbia Broadcasting System, under the direction of Fred W. Friendly, addressed itself boldly and uncompromisingly to the issue of the relationship between cigarette smoking and lung cancer.

Included in the filmed analysis of the controversy over health and smoking was the part played by tobacco advertising, including the familiar commercials that are such an integral part of the American TV scene. The tobacco industry spends at least $70 million a year in television advertising, according to Variety.

There were repercussions before the program reached the air. George V. Allen, Jr., president of the Tobacco Research Institute, Inc., said that the documentary was "a one-sided presentation against tobacco," that he had been quoted out of context and that CBS had inadequately stressed the view in some quarters that the primary causes of lung cancer were unknown.

CBS had no comment on the protest, merely observing that the competency of the men working on "CBS Reports" was common knowledge.

In what was its first program of the new season, bearing the title of "The Teenage Smoker," the CBS unit relied largely on information that had been reported earlier. Its contribution was to pull together the loose ends in a major TV special document designed to stimulate national discussion of the subject of physical well-being and smoking.

The program's overwhelming force lay in the testimony of the Royal College of Physicians in Great Britain and officials of the U.S. Public Health Service that there was a statistical correlation between smoking and the incidence of lung cancer.

"The Teenager Smoker," narrated by Harry Reasoner, showed slides prepared by the American Cancer Society. The destruction of lung sacs and clogging of arterial vessels was attributed to excessive smoking.

In rebuttal the viewer heard Dr. Clarence Cook Little, scientific director of the Tobacco Research Center, and Dr. Harry S. N. Greene, chairman of the department of pathology at the Yale University School of Medicine, maintain that it was not clearly established that a cigarette caused cancer in man.

Stephen Fleischman, producer of the program, obviously set aside time for the anti-cancer theory but neither Dr. Little nor Dr. Greene responded very directly to the data supporting a correlation between the disease and heavy use of cigarettes.

The British Government's campaign to implement the Royal College's findings against cigarette smoking were especially interesting. The British cigarette companies have been persuaded not to advertise their wares on TV before 9 p.m., a move designed to curb appeals to young people to take up smoking.

The content of American cigarette advertising, including the highly romanticized appeals on TV, were cited in connection with the issue of introducing young people in the United States to the cigarette habit.

Mr. Reasoner concluded that there was little likelihood of any grand decision on cigarette smoking but maintained that Government, the tobacco industry, the medical profession, and the journalistic media had continuing roles to play in helping the individual make his own decision.

"CBS Reports," which was edited with the crispness for which the series is noted admirably did its share last night.

ONLY BRAVE U.S. STAND WILL PREVENT BIG WAR

Mr. THURMOND. Mr. President, I ask unanimous consent to have printed in the RECORD an excellent news column by the distinguished columnist Mr. Henry J. Taylor. The column is entitled "Only Brave U.S. Stand Will Prevent Big War: Lessons of History Are Clear," and was printed in the September 18, 1962, issue of the State, of Columbia, S.C.

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

ONLY BRAVE U.S. STAND WILL PREVENT BIG WAR: LESSONS OF HISTORY ARE CLEAR

(By Henry J. Taylor)

Khrushchev wants us to dwell on the horrors to the United States of atomic attack if we upset his Cuba position and forget the horrors to the Soviet Union.

It is an ancient trick. The best—and only—counteroffensive to this is our own bravery. With it, praise God, there will be no war.

Deep in our national heart we live by our fine old American saying, "Don't tread on me." We must live by it now and have security, or soon we will not live at all. For if we are afraid to fight, you and I will do nothing but die in a war that need not be.

STUPID CUNNING

In Geneva and elsewhere, I have experienced countless meetings officially with the Kremlin regime. For 4 years I encountered them all. You are lost in dealing with the Communists until you realize that great stupidity and great cunning can go together.

We are merely rationing Khrushchev as, piece by piece, he eats Berlin.

Similarily he eats Laos, eats Cuba, even eats the shoreline of the United States. It is too late for half measures in Cuba, and certainly too late for no measures.

CRIES FOR PEACE

The choice is no longer ours. Humanity cries out for peace and the assurance of peace. But we cannot avoid war if we refuse to risk it, as we did in the Berlin airlift, the Quemoy intervention by the 7th Fleet, the Lebanon landings.

This much we know. In fact, forgetting this is what caused us our agony today in Cuba.

Al Capone used to say, "We don't want no trouble." Neither does Khrushchev. These Kremlin khans are not going to knock the world into radioactive rubble, including Mother Russia. They have a better idea.

DO IT OURSELVES

They expect us to knock ourselves out, by appeasing them. For aggressor nations choose their victims among the bluffers, not among those of sober strength; among the craven, not among those with stout hearts, great productivity and an absolute determination to fight if they are trod upon. This is the key to our security. We have no other.

The Russian expression for someone who has very little power, is "short hands." Communists say, "Promises are words which inferior people exact from each other when they are not sure of their own strength." We must not be unsure of ourselves or have "short hands" in nearby Cuba.

WORDS NOR DOLLARS

We cannot do with words, we cannot do with dollars, what we fail to do with guts. A nation that doubts itself enlists in the ranks of the enemy and bears arms against itself, guaranteeing its own defeat by being the first to be convinced of it.

Accordingly, Khrushchev told Poet Robert Frost we would not fight. "Khrushchev thinks," said Frost, "we will sit on one hand and then the other." Well, if we will not fight in Cuba, where will we fight? And what will Khrushchev demand next?

HIS WORDS

On April 20, 1961, 3 days after the Bay of Pigs debacle, President Kennedy stated that "if the nations of this hemisphere should fail to meet their commitments against outside Communist penetration, then I want it clearly understood that this Government will not hesitate in meeting its primary obligations, which are the security of our Nation * * * Should that time ever come, we do not intend to be lectured on intervention by those whose character was stamped for all time in the bloody streets of Budapest."

What we must face are present realities. In effect, Cuba has been invaded. A great U.S. naval base (Guantanamo) in the shade of the Panama Canal stands surrounded now by a solid ring of enemy artillery.

FACE REALITIES

The U.S. Navy, Marines, and Air Force either enter Cuba to relieve this intolerable danger, with all that it implies, or the Soviet Union will hereafter control the entire Western Hemisphere, including the United States.

We are the greatest nation on the face of the earth and in the history of the world. A land of wonderful people—good people, dear people, warmhearted, courageous, energetic, fun-loving people—but a people ready to give their all when the need arises.

HAVE MEANING

Those three hallowed words—duty, honor, country—mean something to Americans. We should say a proud word for our history.

Civis Romanus erat—we are citizens of no mean state. The peace of the world rests on our courage, and on that alone.

Let our contempt of fear live up to our heritage. It must be no less, and it need be no more. It will not fail us.

ONE HUNDREDTH ANNIVERSARY OF EMANCIPATION PROCLAMATION

Mr. JAVITS. Mr. President, tomorrow will be 100 years after President Lincoln read his final draft of the Emancipation Proclamation to the members of his Cabinet and, for all practical purposes, promulgated it. I refer to that fact in connection with the events taking place almost daily at the State college in Oxford, Miss., on the sidewalks of Albany, Ga., and at the burned-out churches of Terrell County, Ga. I note with great interest that three residents of that State pleaded guilty to the burning, so we are no longer left in doubt as to what happened there or who did it. I refer to what is taking place in the schoolrooms of Prince Edward County, Va., and wherever Americans are being denied their sacred rights as Americans because of their color.

In many cities throughout the land, as here in Washington, commemorative exercises will be held in observance of that great document of freedom. Across the Nation, too, citizens will be waiting patiently to see what the United States does with respect to this commemoration.

I begin with affirmative facts. I compliment the President and the Department of Justice for their apparent determination to follow through in the matter of the denial of equal opportunity in higher education to a student who was personally refused admission to the State college by the Governor of Mississippi on the doctrine of interposition, which predates the Civil War and is completely invalid in constitutional and legal terms.

I think the Department of Justice, which now states it will move vigorously in that situation, is doing precisely what the Nation expects.

I call upon the United States also to honor this great anniversary by fulfilling a pledge made over and over again during the successful campaign waged for the Presidency in 1960, through issuance of an Executive order to bar discrimination in housing. This pledge was contained also in the Democratic Party platform. It is a pledge which the President himself said he could redeem by the stroke of a pen.

This centennial celebration can be made doubly memorable by the President, therefore, if he will use this occasion to sign an Executive order barring discrimination and segregation in all federally assisted housing. We were told as far back as November 1961, that the text of such an order was on the President's desk, awaiting signature. The country is still waiting.

We were advised by press reports that the order would have directed all Federal agencies concerned in any manner whatsoever with housing or home mortgage financing to see to it that Federal credit or funds would not be used for segregated housing in any such operations. Yet this evil continues to exist.

In connection with public housing, urban renewal, homes financed by federally insured or guaranteed loans, and houses for the elderly, as well as in the operations of federally supported mortgage lending institutions such as Federal savings and loans associations, discrimination could be barred by an Executive order on housing.

Over the past 10 years every important investigation into this deplorable situation—and that includes the U.S. Commission on Civil Rights—has reached the same conclusion; namely, that Presidential action is essential.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. JAVITS. I ask unanimous consent that I may proceed for 3 additional minutes.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator from New York may proceed for 3 additional minutes.

Mr. JAVITS. The U.S. Civil Rights Commission said:

Federal programs, Federal benefits, Federal resources have been widely, if indirectly, used in a discriminatory manner—and the Federal Government has done virtually nothing to prevent it.

When Dr. Robert C. Weaver was appointed Housing and Home Finance Administrator, hopes ran high that such an order would be made.

Recently it has been said the order has been delayed because of the impact it might have on the economy and on the housing construction industry.

A study submitted to the President by the National Committee Against Discrimination in Housing, which I ask unanimous consent to have printed in the RECORD as a part of my remarks, shows that this is not a proper objection, and that a fair housing order is not only morally right, but feasible as well.

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

NATIONAL COMMITTEE AGAINST DISCRIMINATION IN HOUSING,
New York, N.Y., July 16, 1962.

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

DEAR MR. PRESIDENT: The National Association of Home Builders recently sent you what purported to be an objective and scientific study of the probable effects of an Executive order to end racial discrimination in federally aided housing. The document, however, is neither objective nor scientific, and is in fact misleading in its statements and unfounded in its conclusions.

The association is a declared opponent of the Executive order. It was hardly surprising that a survey of its own membership indicated opposition to the order. The amazing fact is that 59.3 percent of those who responded said their building plans would not be affected, would be increased, or had no opinion. Moreover, 62 percent of the membership of the NAHB did not even bother to answer.

That the answers to a questionnaire prepared and distributed by NAHB were put through a tabulating machine by a private processing firm does not authenticate the results. In fact, this firm itself raised serious questions concerning the basic validity of the survey, including the questionnaire, the sample, and the reliability of the conclusions.

Some of the glaring weaknesses are the following:

1. A definite southern bias in the responses. Despite two appeals by the NAHB to its members, only 38 percent returned the questionnaire. Thirty-five percent of these were from the South, the largest response from any of the four national regions. More than one-half of the respondents who said their plans would be adversely affected were from the South.

2. The press release accompanying the report points out that 10 percent of the builders in San Francisco, 38 percent in Los Angeles, 14.5 percent in New York, 36.7 percent in Pittsburgh, and 64 percent in Phoenix would cut back production if the Executive

order were issued. With the exception of Phoenix, all these localities are presently covered by State and local legislation barring discrimination in housing. Such legislation is far broader in coverage than any proposed Executive order. In none of these localities have building starts or general real estate activity diminished following the fair housing statutes. These same builders, who presumably would not operate under an Executive order covering federally aided housing, are currently operating and prospering under more stringent anti-bias legislation.

3. Predictions of cutbacks under an order covering FHA and VA housing exceeded the use these same builders made of FHA and VA financing.

4. Respondents predicted greater cutbacks by other builders than by themselves—a typical emotion-based response.

5. Extremely sharp variations in opinion even in the same locality. For example, while 38 percent of Los Angeles builders said they would cut back production, only 10 percent of the builders in San Francisco said they would do so. The same extremes show up in every region.

6. Conclusions are drawn on the basis of small, spotty returns. For example, 29 builders responded in Los Angeles; 55 in New York; 89 in St. Louis; 52 in Oklahoma City; 7 in Providence. Conclusions based on such a haphazard sample are statistically invalid.

As pointed out in NAHB President Leonard L. Frank's covering letter, the survey unquestionably reflects "emotional attitudes." A particular group of builders wants to prevent the issuance of the order. Their replies are no guide to what actions they will or will not take, should the promised Executive order be issued. Competent studies have repeatedly demonstrated that what people say they will do in the future bears little relation to their actual behavior when confronted by the actual situation. Wherever civil rights legislation has been enacted, actions of the objectors have contradicted their predictions.

Seventeen years ago, when the first fair employment practices law was considered in New York, businessmen said the legislation would drive business out of the State. An executive of Associated Industries of New York said:

"Such restrictions will eventually lose for New York State a very substantial portion of the 5 to 6 million jobs now available and a very substantial portion of the $8 to $10 billion annual payroll that goes with these jobs. Certainly, it will prevent expansion in New York State of existing business that can be moved elsewhere."

Today, industry in the State is the first to express admiration for the fair employment practices law and for the healthy effects it has had on the State's economy. Twenty States have fair employment practices laws today, and in none has business been adversely affected.

Twenty years ago, the board chairman of the Metropolitan Life Insurance Co., said that Stuyvesant Town, its large housing development in New York City, would be threatened by a nondiscrimination law. "Negroes and whites do not mix—a hundred years from now maybe they will," he said. Subsequently, the Metropolitan vice president in charge of housing told the U.S. Civil Rights Commission in New York:

"To conclude, Metropolitan, in the selection of tenants for our apartment communities, does not discriminate because of race, color, creed, national origin, or ancestry. We have residents of many faiths and nationalities, both white and nonwhite. On the basis of our experience to date, this policy of nondiscrimination has created no unusual problems, tensions, or difficulties."

The Levittowns of Long Island, Pennsylvania, and New Jersey were built originally for all-white tenants because of "business considerations." They are now integrated, thanks to law and community action. Prices remain high and sales active. In Levittown, Long Island, houses originally selling at $9,000 are today going for as much as $18,000. Levittown, N.J., became open occupancy in March 1960 after the New Jersey fair housing law was upheld by the courts. Construction and sales continued unaffected by this new policy. Thirty to forty Negro families now live in this development. Subsequently, Levitt & Sons did not hesitate to undertake another vast development in New Jersey, also subject to the law. In May 1962, President William J. Levitt announced that sales for the company were about $30 million for the year ending February 28, 1962, nearly doubling the year before. The company's two largest operations in 1962 were the open occupancy developments in New Jersey.

Five years ago, when bids were opened for sponsors in Washington, D.C.'s southwest renewal project, there was little competition among builders. Redeveloper James Scheuer obtained the bid and voluntarily announced an open occupancy policy. The real estate industry in Washington was convinced the project would fail.

Today, Scheuer's Capitol Park project is integrated, occupied, and successful. Webb & Knapp followed Scheuer, also on an open occupancy basis. Reynolds Metal Co. is following the example. When bids were opened for the last parcel subject to a requirement by the District of Columbia Redevelopment Land Agency that discrimination be banned, competition was keener than ever.

Testifying a few weeks ago before the U.S. Civil Rights Commission in Washington, W. B. Reynolds, consultant to Webb & Knapp, stated:

"The company looked upon this (open occupancy) not as a deterrent to a successful rental and sales program, but as an opportunity to help create a new balanced community in what will soon be one of Washington's most desirable neighborhoods. The results to date have fully confirmed this opinion. Others now have reached the same conclusion, since there are several other large development firms involved in the overall project after spirited competition for the various sites offered."

The same opinion is echoed by other large builders throughout the country.

There are now 11 States and 3 cities with fair housing laws applicable to the private housing market. In order of passage, they are: New York City, Pittsburgh, Colorado, Massachusetts, Connecticut, Oregon, California, Pennsylvania, New York State, Minnesota, New Hampshire, New Jersey, Toledo, and Alaska.

These statutes are broader in scope than any of the proposed Executive orders. A check shows that in not one of these jurisdictions were building starts of real estate activity reduced. Increases or decreases in building have conformed to general business conditions, as they have elsewhere.

In New York City, where bias has been banned in private housing since December 1957, 70 percent of the real estate operators queried by the City Commission on Human Rights (formerly Commission on Intergroup Relations) replied that the law has had no adverse effect on their operations. Following the passage of the law, there has been a record building boom, with 1951 the only post-World War II year with a construction rate higher than the years 1959, 1960, and 1961.

At the hearings held by the Civil Rights Commission in Washington, D.C., on April 12 and 13, the director of the Washington FHA insuring office presented data on the number of housing units insured by FHA from 1951 to 1961 in the States of New York and New Jersey (which passed fair housing laws in 1954 and 1955) as compared to the States of Maryland and Virginia (which have no antidiscrimination laws). He stated:

"None of the dire predictions that were made in neighboring States where fair housing laws were being considered were ever realized after the laws were enacted.

"In all of these States, the volume of business done by FHA was considerable throughout the period. The fluctuations from year to year within the particular States were not significantly dissimilar and seemed to coincide with the national trend."

It is manifest that the Home Builders' survey is propaganda, not fact. An Executive order barring discrimination in federally-assisted housing is not only morally right, but feasible as well.

The 37 national civic and civil rights agencies that are associated with the National Committee Against Discrimination in Housing trust you will not give weight to a document that deserves none. We respectfully request that the order be signed at the earliest possible date.

Respectfully,

CHARLES ABRAMS,
President.

Mr. JAVITS. The experience of States like my own State of New York, the State of New Jersey, and cities like New York City, where there are now fair housing laws, bears this out.

In conclusion, at a time when American democracy is being tested by the Communist challenge among the developing nations of Africa and Asia, when two-thirds of the people of the world are yellow or black, the United States must use every opportunity to truly commemorate the 100th anniversary of the Emancipation Proclamation by action. I know of no single act which the President could take which would more clearly refute the charges made against our country, and the concerns expressed within our country with respect to equal opportunity and with respect to our determination to proceed—whether it be in Mississippi, or Georgia, or throughout the Nation—with an even hand in giving our people their sacred constitutional rights, than the issuance of an executive order eliminating discrimination in housing. I urge the President to do that on the 100th anniversary of the Emancipation Proclamation.

ACADEMIC FACILITIES AND STUDENTS ASSISTANCE ACT

Mr. JAVITS. Mr. President, I note the presence in the Chamber of the senior Senator from Oregon. I telephoned to him this morning. What I wish to say to him is as public as it is private.

I accord to the Senator the highest of credentials for his leadership in the effort to have enacted a higher education bill. I know that the rebuff in the other body must have been very disheartening to him and to many other members of the conference committee, yet I hope very much that the Senator may yet feel it possible again to bring the conferees together in the effort to salvage something from the bill. I only express it as a hope.

I have the greatest of confidence in the Senator's zeal and desire, which are fully equal to mine or to those of anybody else, to do what is possible in this situation.

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

Mr. JAVITS. I yield.

The VICE PRESIDENT. The time of the Senator from New York has expired. Does the Senator from Oregon desire recognition?

Mr. MORSE. Mr. President, I ask unanimous consent, since this is a subject of such importance, that the Senator from New York be granted about 5 minutes more to discuss this matter.

The VICE PRESIDENT. The Senator from Oregon asks unanimous consent that the Senator from New York may be recognized for an additional 5 minutes. Is there objection to the request by the Senator from Oregon? The Chair hears none, and it is so ordered.

Mr. MORSE. I hand to the Senator from New York a Republican document which I received from three Republican members of the conference committee this morning, and I ask unanimous consent that it be printed in the RECORD.

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

COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES, CONGRESS OF THE UNITED STATES,
Washington D.C., September 20, 1962.

Hon. WAYNE L. MORSE,
Chairman, Conference Committee on Higher Education, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Aid for construction of college facilities has overwhelming bipartisan support in the House, as illustrated by the 319 to 79 vote on January 30, 1962. Moreover, the most critical need of our colleges is in the field of construction of new facilities.

The House has spoken unmistakably against scholarship aid to students at this time. We urge that the conference committee now meet and report out a higher education bill which will contain titles I and III for academic construction as already agreed upon.

Any delay on the part of the Democratic leadership in calling the conference committee into session must be interpreted as a decision not to have a college facilities bill this session.

With virtually unanimous agreement as to its critical importance and a workable compromise already at hand, the Democratic leadership should not fail its obligations in this respect. Certainly the House stands ready and willing, on a bipartisan basis, to grant immediate assistance for construction of academic facilities.

Sincerely yours,
CARROLL D. KEARNS,
ALBERT H. QUIE,
CHARLES E. GOODELL,
Republican Managers on the Part of the House.

Mr. MORSE. It is an interesting document as to the Republican strategy on the bill. The fact is that the Republicans have done everything they could to prevent the higher education bill from being enacted in this Congress. I am perfectly willing to call the conferees together, if the Republicans will agree to title III of the bill. Title III of the bill would provide for the construction of junior and community colleges in this country. We all know what happened in the House yesterday. We all know what the coalition did yesterday. We all know why the bill was sent back to conference. We all know that the religious issue was basic to the action taken by the House of Representatives yesterday, and the Senator from Oregon is not afraid to say so publicly.

We can negotiate on this question until doomsday, but we are not going to pass a higher education bill unless we can obtain an agreement as to whether or not there can be a categorical use provision adopted for religious colleges in this country.

The senior Senator from Oregon, as the Senator from New York knows, did everything he could to lead the conference committee into a compromise in respect to the religious issue.

We have available a compromise which I think squares with the Constitution and which, in my opinion, ought to be adopted.

I think the Senator from New York knows that this issue is central to what really is wrong. That is really the problem which confronts us as conferees in respect to passing a higher education bill.

If the Senator from New York can give the chairman of the conference committee assurance that we could accept title III of the bill and could have it passed—for it is a school construction bill—and that we could leave until next year the other portions, which would enable us to come to grips once more with this religious issue, I will go along with that. But I do not know of any greater disservice that we could do to our country in the dying hours of this session of the Congress than to enter into a great hassle over the religious issue. That is what underlies the whole problem.

We are not going to pass a bill, in my judgment, in this session of the Congress, involving any grants to religious schools, although I think they ought to get grants on a categorical use basis.

But I am not going to fall for the "bait" in that Republican document. I am satisfied that the reason we are not going to be able to get a bill through the House of Representatives is that there is the great religious issue bound up in any education bill.

What should we do? I think we should say, in the closing hours of the session, "Let us pass title III of the Senate bill." That would provide funds for the construction of community colleges. Community colleges represent the great emergent movement in American higher education. In 10 years there will be more students in this country going to school in community colleges than in all the so-called standard colleges combined. The crying need in higher education, so far as facilities are concerned, is in respect to community and junior colleges.

Will the Senator from New York join me now in urging the Congress to pass title III of the bill this session, and will he join me next January in introducing a bill which would again come to grips with the religious issue, which would provide for categorical use grants to religious as well as public colleges?

I say to my friend—and he knows the great regard I have for him—that we could not have gotten the bill through the conference if it had not been for the great assistance by the Senator from New York. But I plead with the Senator from New York to help me get through a bill for construction of public community colleges and, in January, to join forces with me on another bill. Then we will fight it out, when we have the time to fight it out, on the great religious issue, on a bill to provide grants, on a categorical use basis, to both public and religious schools.

Mr. JAVITS. Mr. President, I had not seen the letter referred to. I see it for the first time now.

I took some pains yesterday to try to ascertain the reason for the defeat in the other body. I learned, from what I believe to be entirely viable and proper information, that it consisted not of one, but of two compounded parts.

Let us remember that the margin of defeat, considering the size of the other body, was not too great. The vote, as I recall, was 214 to 186. There was a difference of 28 votes. Therefore, a change of 15 votes would make a difference in the result.

I learned that many Members of the House who voted against the measure did so because of the 20 percent forgiveness in the student loans, and most of the others voted on the very issue mentioned. I read the same thing into it that the Senator reads into it—the so-called religious issue.

It seems to me that before we give up trying, even at this session of the Congress, we ought to see if we could at least win back to our side those who objected to the scholarship forgiveness loan package. That, as I see it, is what my three colleagues from the House of Representatives have suggested. They urge a bill containing titles I and III.

Mr. MORSE. Yes. But they do not say that they would go along with title II, the forgiveness section, eliminated. If the Senator from New York could obtain some assurance for us, before we go back into a conference, that we could get support from the House with the 20 percent forgiveness section eliminated, difficult as it would be for me to accept that compromise, I would accept a 100 percent loan program for students, if I had to do so in order to get a bill. But I am not going to accept a bill with all of title II eliminated from it.

Mr. JAVITS. Would the Senator accept a 100 percent loan program, with some forgiveness for excellence in scholarship, which was my proposal?

Mr. MORSE. I would go further than that. I would accept a 100-percent loan provision with no forgiveness at all, if that were what I had to do in order to get a bill passed. I do not think there would be a snowball's chance even in a cool oven of getting that kind of bill through the Congress in these dying days of this session but I would accept the bill if title II were kept in it and if it contained a 100-percent loan provision with no forgiveness at all.

The Senator knows how difficult that is for me.

Mr. JAVITS. I do.

Mr. MORSE. I led the fight on the floor of the Senate for an out-and-out scholarship provision. I am not going

to be caught in the Republican trap of trying to put the blame on the Democratic Party for having no higher education bill because of title II, when I know that the real reason for having no bill is the religious issue.

I have stood up—and, let me say, it has not been politic for me to stand up—on the religious issue. I believe that loans to private religious schools are constitutional. I believe that categorical use grants to religious schools to be constitutional. I believe that across-the-board unrestricted grants to religious schools are unconstitutional for reasons I have stated in great detail.

I am open for an agreement on a higher education bill if we can get some commitments in advance. But the Senator knows that we had to withhold some conferences for several weeks until we could get the House to offer us a package of proposals with which we could go along.

It is up to the House. I say to the Members of the House, "Come to the senior Senator from Oregon with a proposal to keep title I, title II, and title III in the bill, modifying title II by providing a 100-percent loan provision.

Given this, the senior Senator from Oregon, chairman of the conference, will agree to go along with the bill. I do not know whether I can take the majority with me or not. But the Senator knows that I cannot take a majority of that conference with title II completely eliminated from the bill. I think there is a good possibility that the Senate conferees could also accept a bill stripped to title III.

But so far as the proposal in the letter is concerned, why ask me to put my head into that kind of political guillotine? I hope I am too smart for that. I hope I do not suffer any lapse of good judgment to fall into that kind of a trap. Get me the kind of commitment from the House which I have described, and we can have a bill from the Senate conferees by 5 o'clock tonight.

Mr. JAVITS. Mr. President, the Senator has mentioned a Republican trap.

Mr. MORSE. Read the letter.

Mr. JAVITS. I have read the letter. It seems to me that what those gentlemen propose is what they honestly believe in. I do not think it is any more of a Republican trap than what might be called a Democratic trap, in the proposal of the Senator from Oregon. He does not want anything but title III if he can get it.

Mr. MORSE. They know that no one but Houdini could get what they have asked for.

Mr. JAVITS. They know also that they could not get something through the House other than the kind of proposal which has been offered.

Mr. MORSE. I thought the Senator said that the reason the House voted as it did was the 20 percent nonrepayable loan provision. I say that we should strike the 20 percent provision and then see if we can get the necessary votes to agree to the conference report.

Mr. JAVITS. The other point, which I think is not unfair, is that the conferees signed the report notwithstanding the grants that could have gone to religious institutions. I do not think their good faith should be impugned.

Mr. MORSE. I am not impugning the good faith of the conferees on the religious issue. The reason 214 Members of the House voted against the report was basically the religious issue.

Mr. JAVITS. If I may be so bold as to suggest to my colleague, we are trying to get an agreement. I do not believe that descriptions of Republican or Democratic traps will lead to an agreement. I know the strong views of the Senator from Oregon on many subjects, and he knows mine. So I wondered if I could confine the discussion to the substantive questions involved. I have presented the Senator's suggestions. I will do my utmost to see if I can produce some kind of assurance as to the available votes, at least on the Republican side. I cannot say anything about the Democratic side. Let us remember that approximately 80 Democrats voted against the conference report.

Mr. MORSE. Basically on the religious issue, too.

Mr. JAVITS. Whatever may be the reason, it is no great Democratic victory. No matter what the Senator says about it or how he dresses it up, it cannot be made into a Democratic victory.

We know the objective. It will require both Republican and Democratic votes to get anything. I do not think we can woo votes by talking about traps. Nonetheless, I shall try. I appreciate the disposition and frankness of the Senator in saying what he will and will not do. I will do my utmost to see if we can put together the blocks of the wall. I think we are within reach of it. That is my impression from trying to ascertain the facts in the House. I shall do what I can and return to the Senate and state what I have been able to accomplish.

Mr. MORSE. If it will not be a handicap to the Senator, I shall appoint him my ambassador of good will to go to the House and see if he can get the necessary votes if we agree to strike the nonreimbursable loan clause of title II of the bill.

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

Mr. JAVITS. I yield.

Mr. RANDOLPH. In the conference I offered the 20-percent forgiveness provision, and it was agreed to. That proposal was an attempt more clearly to coincide with the earlier action taken by the Senate.

Now that the House in its judgment—and I think a very faulty judgment—has turned down the conference report, I would desire to lean again, as I have been leaning in conference, in an effort not to take polarized positions. We should do the opposite on the measure, since the need is so great, and the issue is not black or white. It is an issue concerning which there can be a blending so that Senators can square the subject matter with their consciences. The Senator from Oregon and others of us have done so. As a conferee I would not indicate that I am now in a position in which I want to do nothing more. I want to do something more if possible. I hope there will be an attitude of effort in the next few hours or days to bring about a bill which will reflect not only the judgment of the Senate and the House, but also will be a response to the need.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may have an additional 2 minutes.

The VICE PRESIDENT. The Senator from New York is recognized for an additional 2 minutes.

Mr. JAVITS. I yield 2 minutes to the Senator from West Virginia.

Mr. RANDOLPH. The program should be responsive to the need which exists throughout the Nation. Not all the young men of our Nation can go to Harvard. There are small colleges in the State of West Virginia with dedicated faculties, facilities, and degrees which are conducive to the pursuit of excellence and for the exercise of the inquiring mind. It is my desire to do everything I can. In a degree a tragic situation has arisen. But we must press on. We can do no less. I join the Senator from New York in attempting to arrive at a further agreement.

Mr. JAVITS. Mr. President, I am grateful to the distinguished Senator from West Virginia, and I shall certainly try.

Mr. ERVIN. Mr. President, in relation to the question which has been discussed by the Senator from Oregon [Mr. MORSE], the Senator from New York [Mr. JAVITS] and the Senator from West Virginia [Mr. RANDOLPH], I should like to say that I anticipated what would happen to the education bill which undertook to extend Federal financial aid to church-owned and church-controlled institutions when the bill was before the Senate in February, I believe. It was for that reason at that time that I offered an amendment to strike from the bill all provisions which undertook to extend Federal financial aid of any character to church-owned and church-controlled institutions. It is my solemn conviction that the establishment of religion clause of the first amendment prohibits aid of a financial nature from the Federal Treasury to any church-owned or church-controlled institution of any character whatsoever.

When the Legislature of Virginia enacted the statute of Virginia for religious freedom, it declared that to compel a man to make contributions of money for the dissemination of doctrines which he disbelieves is sinful and tyrannical.

In my judgment, it would be just as sinful and tyrannical today to compel Protestants and Jews to make contributions of money in the form of taxes to Catholic institutions, or to compel Catholics and Jews to make contributions of money in the form of taxes to Protestant institutions or to compel Protestants and Catholics to make contributions of money in the form of taxes to Jewish institutions.

It is a salutary action when the House defeats a proposition of that kind, because the America we have known and loved would be destroyed should we depart from the principle that tax moneys are not to be used to support religious institutions in any form or in any guise.

Mr. MORSE. Mr. President, I hope my majority leader will not misunderstand my motivation or think that any comment I am about to make is in any way meant as a personal criticism. It involves a comment I wish to make with respect to the procedural situation that confronts us in the Senate, a policy which is being followed by the leadership in the Senate with which I find myself in complete disagreement, in the closing days of the session.

There was adopted yesterday a unanimous-consent agreement, when I was not in the Chamber—and of course that is no one's fault but my own, although I was engaged in another place on Senate business when I was absent from the Chamber—which limits to 3 hours of debate today H.R. 8181, to provide a very expensive aquarium for the District of Columbia.

Had I been present, I would have objected to any such unanimous-consent agreement, because that bill should be talked to death in the remaining days of this session of Congress. If I had been present I would have objected. There are some other bills also with respect to which an attempt will be made to obtain unanimous-consent agreements. I will freeze myself to my chair in the Chamber or have another Senator protect me when I am off the floor, and object to any unanimous consent to limit debate on them, because I believe they ought to be killed until we have an opportunity, in the next session of Congress, to give adequate and full consideration to them.

So far as the aquarium bill is concerned, the District of Columbia needs a new aquarium just about as much as I need a whale on my farm to put in the fall crop.

If there ever was a shocking waste of taxpayers' money—and I shall show that later in the discussion on the demerits of the bill—this is it. Hundreds of little children in the District of Columbia are living in hovels which are not even up to the standard of pigpens. We talk about building a $10 million aquarium and we talk about adding facilities in the zoo to take care of bears and elephants. When are we going to put first things first in the Senate? When are we going to stop this shocking misuse of taxpayers' money?

I am now talking about the procedural matter. I want my leadership in the Senate to know that it has had its last unanimous-consent agreement from the senior Senator from Oregon, from now until the Senate adjourns, to limit debate on anything.

I am going to stay here and perform the job of a liberal, which in the closing days of the session is the job of a watchdog, in protecting the public interest from this kind of waste.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. MORSE. I think that is time enough, anyway.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for an additional 3 minutes for the purpose of making comments on what the Senator from Oregon has said, and also to call up a bill which I believe can be disposed of expeditiously.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

CASH ASSISTANCE UNDER NATIONAL SCHOOL LUNCH ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1977, H.R. 11665.

The VICE PRESIDENT. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 11665) to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Agriculture and Forestry with amendments on page 3, line 6, after "1962", to strike out "one-half of any funds available for apportionment among the States shall be apportioned in the manner used prior to such fiscal year, and one-half of any such funds shall be apportioned in accordance with the foregoing provisions of this section, and (2)" and insert "three-quarters of any funds available for apportionment among the States shall be apportioned in the manner used prior to such fiscal year, and one-quarter of any such funds shall be apportioned in accordance with the foregoing sentences of this section, (2) for the fiscal year beginning July 1, 1963, one-half of any funds available for apportionment among the States shall be apportioned in the manner used prior to the fiscal year beginning July 1, 1962, and one-half of any such funds shall be apportioned in accordance with the foregoing sentences of this section, (3) for the fiscal year beginning July 1, 1964, one-quarter of any funds available for apportionment among the States shall be apportioned in the manner used prior to the fiscal year beginning July 1, 1962, and three-quarters of any such funds shall be apportioned in accordance with the foregoing sentences of this section, and (4)"; and on page 7, after line 14, to strike out:

SEC. 11. (a) There is hereby authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1963, and such sums as may be necessary for the fiscal year ending June 30, 1964, and each succeeding fiscal year, to provide additional funds to certain schools (selected on the basis of factors set forth in subsection (b)) to assist such schools to serve free and reduced price lunches. From the sums appropriated pursuant to this section for any fiscal year, the Secretary shall reserve such amount as may be necessary, but not in excess of 3 per centum thereof, for apportionment to Puerto Rico, the Virgin Islands, Guam, and American Samoa. Such amount shall be apportioned among Puerto Rico, the Virgin Islands, Guam, and American Samoa on the basis of (1) the relative numbers of free and reduced price lunches served during the preceding fiscal year by schools, participating in the program under this Act in such places, (2) the need of students in such places for free or reduced price lunches and (3) the relative assistance need rates of such places. The remaining amount of such sums appropriated for any fiscal year shall be apportioned among the States (other than Puerto Rico, the Virgin Islands, Guam, and American Samoa) on the same bases. For purposes of this section, American Samoa shall be deemed to have an assistance need rate equal to such rate for Guam, for periods ending before July 1, 1967.

(b) Except as provided in subsection (c), funds apportioned to each State under subsection (a) shall be paid to selected schools in such State to assist such schools to serve free and reduced price lunches. Such schools and the amounts of such funds that each shall from time to time receive shall be determined by the State educational agency on the basis of the following factors: (1) The economic condition of the area from which such schools draw attendance; (2) the needs of pupils in such schools for free or reduced price lunches; (3) the percentages of free and reduced price lunches being served in such schools to their students; (4) the cost of lunches in such schools as compared to the average cost of school lunches throughout the State; and (5) the need of such schools for additional assistance as reflected by the financial position of the school lunch programs in such schools.

(c) In the case of any State which is not permitted by law to disburse funds paid to it under this section to nonprofit private schools, the Secretary shall withhold from the funds apportioned to such State under this section an amount which bears the same ratio to such funds as the number of such free and reduced price lunches served in the preceding fiscal year by all nonprofit private schools participating in the program under this Act in the State bears to the number of such free and reduced price lunches served during such year by all schools participating in the program under this Act in the State. The Secretary shall select nonprofit private schools in each such State and shall determine the amounts which shall be paid to each such school from time to time from amounts so withheld; on the basis of the same factors set forth in subsection (b).

And, in lieu thereof, to insert:

SEC. 11. (a) There is hereby authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1963, and such sums as may be necessary for each succeeding fiscal year to provide special assistance to schools drawing attendance from areas in which poor economic conditions exist, for the purpose of helping such schools to meet the requirement of section 9 of this Act concerning the service of lunches to children unable to pay the full cost of such lunches.

(b) Of the sums appropriated pursuant to this section for any fiscal year, 3 per centum shall be available for apportionment to Puerto Rico, the Virgin Islands, Guam, and American Samoa. From the funds so available the Secretary shall apportion to each such State an amount which bears the same ratio to the total of such funds as the number of free or reduced-price lunches served in accordance with section 9 of this Act in such State in the preceding fiscal year bears to the total number of such free or reduced-price lunches served in all such States in the preceding fiscal year: *Provided*, That for the fiscal year ending June 30, 1963, $5,000 shall be apportioned to American Samoa, which amount shall be first deducted from the total amount available for apportionment under this subsection. If any such State

cannot utilize for the purposes of this section all of the funds apportioned to it, the Secretary shall make further apportionment on the same basis as the initial apportionment to any such States which justify the need for additional funds for such purposes.

"(c) Of the remaining sums appropriated pursuant to this section for any fiscal year, not less than 50 per centum shall be apportioned among States, other than Puerto Rico, the Virgin Islands, Guam, and American Samoa, on the basis of the following factors for each State: (1) the number of free or reduced-price lunches served in accordance with section 9 of this Act in the preceding fiscal year, and (2) the assistance need rate. These factors shall be applied in the following manner: First, determine an index for each State by multiplying factors (1) and (2); second, divide this index by the sum of the indices for all such States; and, third, apply the figure thus obtained to the total funds to be apportioned. Any funds so initially apportioned which cannot be used for the purposes of this section by the State to which apportioned, together with the remainder of the funds available under this subsection, shall be further apportioned by the Secretary on the same basis as the initial apportionment to such States which justify on the basis of operating experience the need for additional funds to meet the need of students in such States for free or reduced-price lunches.

"(d) Payment of the funds apportioned to any State under this section shall be made as provided in the last sentence of section 7 of the Act.

(e) Funds paid to any State during any fiscal year pursuant to this section shall be disbursed to selected schools in such State to assist such schools in the purchase of agricultural commodities and other foods. The selection of schools and the amounts of funds that each shall from time to time receive (within maximum per lunch amounts established by the Secretary) shall be determined by the State educational agency on the basis of the following factors: (1) The economic condition of the area from which such schools draw attendance; (2) the needs of pupils in such schools for free or reduced-price lunches; (3) the percentages of free and reduced-price lunches being served in such schools to their pupils; (4) the prevailing price of lunches in such schools as compared with the average prevailing price of lunches served in the State under this Act; and (5) the need of such schools for additional assistance as reflected by the financial position of the school lunch programs in such schools.

(f) If in any State the State educational agency is not permitted by law to disburse funds paid to it under this Act to nonprofit private schools in the State, the Secretary shall withhold from the funds apportioned to such State under subsections (b) or (c) of this section an amount which bears the same ratio to such funds as the number of free and reduced-price lunches served in accordance with section 9 of this Act in the preceding fiscal year by all nonprofit private schools participating in the program under this Act in such State bears to the number of such free and reduced-price lunches served during such year by all schools participating in the program under this Act in such State. The Secretary shall disburse the funds so withheld directly to the nonprofit private schools within such State for the same purposes and subject to the same conditions as are applicable to a State educational agency disbursing funds under this section.

(g) In carrying out this section, the terms and conditions governing the operation of the school lunch program set forth in other sections of this Act, including those applicable to funds apportioned or paid pursuant to sections 4 or 5 but excluding the provisions of section 7 relating to matching, shall be applicable to the extent they are not inconsistent with the express requirements of this section.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The VICE PRESIDENT. Without objection, the committee amendments are considered and agreed to en bloc.

Mr. JAVITS. Mr. President, I have an amendment to the bill which is at the desk.

The VICE PRESIDENT. The amendment will be stated.

Mr. JAVITS. I am not calling up the amendment. I should like to question the Senator from Montana, with whom I have conferred about this proposal, and the reason for it. However, I should first like to state my point on the RECORD, so that it may be clear that our colloquy refers to this amendment.

It is my desire, by the amendment, to provide nonprofit summer camps, which now receive limited food aid from the Department of Agriculture, with the full range of assistance which is given under the National School Lunch Act.

This proposal has received strong support from religious and lay organizations alike engaged in the development of youth. I believe that every Senator is familiar with the great work which is carried on by organizations such as the Community Council of Greater New York, the Boy Scouts, the Salvation Army, 4–H Clubs, the Herald Tribune Fresh Air Fund, and literally hundreds of other organizations across the country, in bringing children out of slums and sending them to summer camps. We all know the difficulty these organizations encounter in raising money for these camps and maintaining them, and the great humanitarian interest that is involved, which is so deserving of Federal help in the form of food aid—in this case for the most deserving of all; namely, children, who would then be able to receive during the summer the same foods they receive during the school year under the School Lunch Act. I should like to get the Senator's disposition on that subject.

Mr. MANSFIELD. Speaking for the Senator from Louisiana [Mr. ELLENDER], the chairman of the Committee on Agriculture and Forestry and also the Senator from North Carolina [Mr. JORDAN], who reported the bill from the committee, I wish to state for the RECORD that it is my understanding that the Department of Agriculture was opposed to S. 2821 because it contemplated extending the school lunch program in its entirety to nonprofit summer camps for children. They point, for example, to the different type of food service operated in summer camps, that many State educational agencies probably would not be authorized to make agreements with summer camps, and the difficulty of insuring that nutritional standards would be met because of the short duration of many such camps.

I have, however, discussed with Department officials the possibility of a further study of the current program under which summer camps received donated foods from the Department. They have informed me that they will undertake a review of summer camp operations for the committee to determine how much assistance is currently being provided to camps under the donated foods and special milk program and the desirability and feasibility of increasing such assistance.

I feel such a review would be most worthwhile and would be very helpful to the committee in acting on any legislation affecting summer camps.

Mr. JAVITS. Mr. President, will the Senator from Montana further yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. The bill S. 2821 to which the Senator referred in his statement contains the substance of the amendment which I had proposed with respect to the pending bill.

Mr. MANSFIELD. I understand.

Mr. JAVITS. I shall not press the amendment. Obviously, it could not be adopted without the concurrence of the Department and the committee. I believe a study will show such a desirability for help as to deserve it and get it. So I shall not press the amendment.

Mr. HART. Mr. President, the chairman of the Agriculture Committee and my fellow members kindly incorporated in the committee report at my request a special section directed to the school lunch problems of our large metropolitan centers.

The big cities of the Nation, such as Detroit, have at one and the same time the largest number of needy children and the highest proportion of older schools built without facilities for serving meals. This means that new techniques and new equipment must be developed in order to have this program reach the hundreds of thousands of children having the greatest nutritional requirement.

The committee report directs the Secretary of Agriculture to look into this key problem and report as promptly as possible after January 1, 1963.

With this kind of concentrated attention it should be possible for Detroit youngsters and those of the other big cities to benefit more fully from this program. Given the 3-year transition period provided in the Senate bill, participation should be stepped up so that Michigan and the many other States similarly situated will not lose by the passage of this bill; indeed, along with the rest of the country we will gain by having the program operated under a formula which provides equal Federal contribution to all who participate.

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

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

The bill (H.R. 11665) was passed.

OPPOSITION TO UNANIMOUS-CONSENT AGREEMENTS

Mr. MANSFIELD. Mr. President, a few moments ago, the Senator from

Oregon stated, in effect, that the leadership had asked for unanimous consent with respect to certain measures to which, had he been present, he would have objected. Speaking only for myself, I have followed assiduously over the past several weeks the practice of not asking for unanimous-consent agreements unless the Senator from Oregon was fully aware of my intention and gave his concurrence. It is my understanding that he was on the floor of the Senate yesterday, for example, when an agreement was reached to meet at a time certain on Tuesday next and to vote at a time certain on the conference report on the farm bill. It is my further understanding that on occasion he has been in the Chamber and has indicated he was not averse to unanimous consent being given for the consideration of an amendment.

I assure the Senator from Oregon that I did not ask for unanimous consent with respect to the aquarium bill, although I will take full responsibility for it. I have tried to cooperate with the Senator from Oregon and to accommodate him, as I have with all Senators, in what I have thought he wanted done concerning what the leadership has tried to do in scheduling proposed legislation. I say this not in the form of an apology, but only as an explanation.

Mr. MORSE. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. MORSE. The Senator from Montana, my majority leader, need make no statement at all. That was not the desire of the senior Senator from Oregon. The Senator from Montana knows that I agreed to a unanimous-consent request with respect to the conference report on the farm bill. I knew nothing about a proposal for a unanimous-consent agreement on the aquarium bill. I have long opposed the proposed authorization for an aquarium until more important needs have first been taken care of. I was not told that there would be a request for unanimous consent to limit debate on the aquarium bill.

I do not say that I have a right to be notified. I do not even ask for that. I have a duty to perform, as does every other Senator, to be present on the floor of the Senate, or to have another Senator representing me. I stepped outside the Chamber momentarily, and the Senator from Wisconsin [Mr. PROXMIRE] agreed to represent me in case any unanimous-consent requests were made.

I desire the Senator from Montana to know that I am perfectly willing to stand on my record of cooperation with him, just as the Senator from Montana has a right to stand on his record of cooperation with the Senator from Oregon. I think we have had a very fine record of cooperation on procedural matters. I do not know who was responsible for the unanimous-consent agreement on the aquarium bill. Whoever it was had the right to ask for unanimous consent, and if I was not present, that was my fault.

I serve notice that I shall object to unanimous-consent agreements in doubtful cases. If unanimous-consent proposals are made with respect to important measures, such as the farm bill, which is one of the major pieces of proposed legislation that we know we must pass in connection with commitments we have made, I will agree to unanimous consent. But I will not give unanimous consent on doubtful, controversial issues, and certainly not with respect to measures which cannot be considered to be on the "must" list for passage before sine die adjournment, because many such bills are bad. For example, I will not give unanimous consent to limit debate on the so-called Embassy construction bill, unless there can be some consideration of amendments which I desire to offer, which, in my judgment, would remove the bad features of the bill.

That is the position of the Senator from Oregon. I believe the Senator from West Virginia desires to speak, so I shall let him obtain the floor in his own right.

Mr. RANDOLPH. Mr. President, I shall not speak now, but will discuss the subject a little later.

Mr. MANSFIELD. Mr. President, I assure the Senator from Oregon and all other Senators that there will be no subterfuges, no under-the-table deals. If any requests are made, they will be made with the thought in mind that all Senators who are interested in one way or the other will be notified, so that, if possible, their assent may be given beforehand. I realize that many things can happen toward the end of a session; but I assure the Senate that so far as the Senator from Montana is concerned, if he has any control over certain events which sometimes happen, they will not happen.

Mr. LAUSCHE. Mr. President, I shall assume a part of the responsibility for the unanimous-consent agreement which was entered into with respect to the aquarium bill. I vigorously oppose the aquarium bill. I concur in the statement of the Senator from Oregon that there are thousands of places in which $20 million, $15 million, or $10 million could be more intelligently and humanely spent than on the project contemplated by the aquarium bill. I think the leadership and the President ought to tell the Senate to lay this bill aside.

I wish to relate my experience with respect to this subject, and I desire to have the Senator from California [Mr. ENGLE], especially, listen to it. There was a meeting about 2 months ago at which about 30 persons were present. Those 30 persons comprised Representatives, both Republican and Democratic. The one who presided is a Member of the House of Representatives. The implication was made that the Senator from Ohio—I was not identified, but I was the person in contemplation—believed he had achieved something by having the amount reduced from $20 million to $10 million. I was astounded by the remarks which were made. To those 30 people, the statement was made: "The Senate will approve $10 million. The House approved $20 million. He might as well understand now that the amount which will be agreed upon in conference will be $15 million." I repeat: That statement was made in the presence of, I should say, 30 Representatives, and was directed at me, because I made a fight against the bill.

Mr. President, the aquarium bill is nothing but a political operation. Why should a $15 million aquarium be built in Washington merely to invite visitors, of whom 8 million are already coming into the city each year? To build such an aquarium would be imprudent. It is unjustified. It is an insult to the people of the country, who are struggling to pay taxes. If ever a measure came before this body as to which the President ought to put thumbs down, this is it.

We are worrying over the flight of gold, worrying about lifting the debt ceiling, worrying about the depreciation of the dollar. Yet this scandalous bill is presented to us, a bill which contemplates the building of this aquarium at an expenditure of $15 million.

Mr. President, I hold the Senator from West Virginia [Mr. RANDOLPH] in the highest esteem, and I know he is not at all familiar with what transpired at the meeting referred to. He is a decent, honest man; and I know he honestly believes in the legitimacy of this project.

Mr. MORSE. Furthermore, Mr. President, the Senator from West Virginia [Mr. RANDOLPH] has a parliamentary responsibility, as a member of the Committee on Public Works, once this bill has been made the business of the Senate, to take the bill through the Senate. That is his job.

I join the Senator from Ohio in paying the highest respects to the ideals and the high principles of the distinguished Senator from West Virginia. Certainly he would not be a party to a subterfuge.

We found, that under a unanimous-consent agreement, a bill which shocked us was to be before the Senate. We intend to do all we can to have the bill defeated. If it were not for the unanimous-consent agreement, I assure the Senate that the bill would be defeated.

Mr. MANSFIELD. Mr. President, I join the Senators who have spoken in their remarks of commendation and praise of the distinguished Senator from West Virginia [Mr. RANDOLPH]. I have served for many years with him, and I have the highest respect and admiration for him.

BLOCKADE OF CUBA

Mr. MILLER. Mr. President, during the debate on the so-called Cuban resolution yesterday, in some of the statements made after the debate, and in all too many writings by some columnists, there has appeared the view that the imposition of a blockade with respect to war materiel destined for Cuba would be an act of war.

I had hoped that in my lengthy statement on this floor on September 6, I might have encouraged a little more thinking and research on this subject and a little less snap judgment on it than has occurred since then. But apparently my hopes have not been fulfilled.

In the September 21 issue of Life magazine, the lead editorial, entitled "What Should Monroe Doctrine Mean? Blockade," again goes into this subject,

and, I suggest, reaffirms my view on it, and makes very clear that a snap judgment on it, without thought to the fine points of this matter, might well be wrong. I ask unanimous consent that this excellent editorial be printed at this point in the RECORD.

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

[From Life magazine, Sept. 21, 1961]

WHAT SHOULD MONROE DOCTRINE MEAN?

BLOCKADE

Khrushchev's arms buildup in Cuba is an insolent challenge to the Western Hemisphere which has so far drawn no adequate response from the President of the United States. The White House is wrapped in what appears to be indecision. A measure of indecision is understandable, for we have been skillfully ambushed by Khrushchev. But the President must act, and we urge him to invoke the Monroe Doctrine, a foundation stone of U.S. foreign policy, to prevent Castro's further import of Communist arms.

What has happened to the Monroe Doctrine? When Khrushchev pronounced it dead 2 years ago Eisenhower denied it, and so has Kennedy. But Khrushchev is evidently trying to prove it dead or to find out what it means. Being unilateral, the doctrine has always meant just what the United States says it means, including what kind of colonization it is intended to forbid. But to mean anything to Khrushchev, the doctrine needs a fresh definition of the kind the United States will risk a fight for. Kennedy owes the world that clarification.

In his statement admitting the Cuban buildup, Kennedy said it is not yet a serious military threat to the United States. He made a distinction (hardly tenable) between offensive and defensive weapons, implying that a continued buildup will raise the "gravest issues"—i.e., issues of U.S. preventive action. We suggest that the issue is sufficiently grave already; that the presence of massive Soviet arms and soldiers in this hemisphere is hostile to the Monroe Doctrine, and that it should be specifically defined to exclude them. Russian arms have turned Cuba into a Russian colony as abject as East Germany. If not yet a threat to the continental United States, they are such to the harassed governments of Venezuela, Guatemala, Honduras, and several other members of our hemisphere security system, not to mention our Marine base at Guantanamo or the Panama Canal. And they are a political threat to the U.S. position as a world power.

How then can Kennedy stop further Communist arms to Cuba and make an updated Monroe Doctrine stick? He has taken some first steps. He is bringing pressure on our NATO allies not to let their ships be chartered for this traffic. Dean Rusk has proposed an informal meeting of Western Hemisphere foreign ministers to discuss possible OAS action. Moreover, Kennedy has promised to continue helping Caribbean nations patrol their shores against arms smuggled from Cuba.

These steps are not enough. The next one, we suggest, is that the U.S. Navy, with whatever Latin American support we can muster, stop and search all vessels, especially Soviet vessels, entering Cuban waters and suspected of carrying more Soviet arms or men. The men would be sent home, the arms dumped in the sea.

Rusk has discouraged blockade talk on the ground that it would be "an act of war." But a blockade against armaments is less warlike than Khrushchev's massive arming of Castro. It is less bellicose than Khrushchev's irresponsible rodomontade of last week, in which he accused the United States of plotting an invasion of Cuba and threatened nuclear war. An arms blockade—although it may mean war—is not necessarily a formal act of war, especially if the 139-year-old Monroe Doctrine is interpreted to require it.

In so interpreting it, we must of course seek assent from our Latin allies, with whom we have increasingly shared responsibility for the doctrine's definition since 1933. But we have not surrendered this responsibility; the Latins are inclined to evade it; and our whole hemisphere security system depends in the last analysis on U.S. power. Said Kennedy last year: "If the nations of this hemisphere should fail to meet their commitments against outside Communist penetration * * * this Government will not hesitate in meeting its primary obligations which are to the security of our Nation."

It is true that U.S. interests and security are now global, not merely hemispheric. Kennedy himself seems unduly impressed with Khrushchev's argument that if we support NATO bases near Russia's Turkish border, why can't Russia have bases in our backyard? Though our interests are global, we have a prior commitment to this hemisphere; and there is no law telling us we must not resist aggression until our declared enemy is as worldwide as we.

The Soviet buildup near Florida is the most direct challenge to the Monroe Doctrine since Maximilian invaded Mexico. The reassertion of the doctrine against this threat will reassure our uneasy allies and put spine in the inter-American system. Above all, it will let Khrushchev know that Kennedy, who once said, "Our restraint is not inexhaustible," is not the victim of permanent indecision. A blockade has its dangers, including that of physical sailor-to-sailor contact with the enemy, though the conflict will remain as limited as Khrushchev desires. There is far greater danger in continued piecemeal acceptance of the worldwide Communist advance.

TRIBUTE TO MRS. VIRGINIA WELDON KELLY

Mr. STENNIS. Mr. President, I have dealt with our military construction authorization and appropriations bills for almost 10 years.

During that time, I have never found an individual more alert or more interested in certain items in these bills, or more concerned about the welfare of our entire military personnel than Mrs. Virginia Weldon Kelly. She has shown a particular concern for military hospitals, including the Naval Hospital at Long Beach, Calif.

Mrs. Kelly is a capable and courageous member of the fourth estate.

Mrs. Kelly has been especially interested in the Long Beach Naval Hospital, because she had personal knowledge of the great need for such a hospital in that busy west coast area.

Many, many times I have heard her express her humanitarian interest in the welfare of our military personnel, both enlisted and officer. I know this interest is genuine as her very warm heart has reflected for many years.

In view of my observations of Mrs. Kelly and her generous interest and concern for the welfare of military personnel and their families, I have made special inquiry to learn more about her activities.

On inquiry, I have learned the following facts:

Mrs. Kelly, wife of retired Rear Adm. Thomas J. Kelly, has devoted much of her spare time as a Navy relief volunteer and Red Cross volunteer, on duty in military hospitals helping to care for the sick and wounded members of our armed services and their wives and children.

During World War II, when her husband was then at sea, Mrs. Kelly lived in Long Beach. Since 1946 Admiral and Mrs. Kelly have lived in Washington where she has been a member of the Congressional press corps for 15 years.

Long Beach did have a naval hospital during World War II, but it was later turned over to the Veterans' Administration, which continues to operate it.

Throughout the years hundreds of servicemen have written Mrs. Kelly, urging her to assist in getting a new hospital for Long Beach.

Before the Korean war, the Long Beach Naval Shipyard closed, causing much unemployment in that area.

Mrs. Kelly took up her pen and wrote newspaper editorials urging the shipyard be reopened. In 1951, it did open again and is still operating.

Other activities in the busy life of Mrs. Virginia Kelly include:

Assistance in organizing the first Navy Wives Club in Seattle during World War II.

Service as a sponsor of a class of reserve midshipmen at the U.S. Naval Academy. She spent a year of her spare time repairing 3,000 hymnals at the academy chapel.

Ever mindful of the needs for military servicemen, she has spent hours as a volunteer worker at Walter Reed Hospital in Washington, and has pushed for a new naval home in Philadelphia similar to the Old Soldiers Home in Washington.

Mrs. Kelly, one of the first writers to envisage nuclear-powered surface ships for the Navy, is proud to acknowledge the nuclear powered cruiser, the U.S.S. *Long Beach*.

Her life of unselfish service is an inspiration to thousands of servicemen.

I mention these facts as an outstanding illustration of the unselfish service rendered by many wives of men in the military services. Too often their contributions are not fully recognized. It is my privilege to record here some of the activities of Mrs. Kelly. Further, it is both a privilege and a reward to those of us who do such work in the Armed Services Committee to come in contact with her efforts and achievements. I feel that the many years of the sincere and devoted work of Mrs. Kelly are appreciated greatly by the Department of the Navy and by the countless thousands who have directly benefited by her endeavors.

Mr. RUSSELL. Mr. President, as one who has been privileged to enjoy the friendship of Mrs. Kelly over a period of years, I appreciate the fact that the Senator from Mississippi has made this statement, and I wish to associate myself with the comments he has made about her. She not only is interested in matters having to do with service personnel and retired personnel of our military services, but she is a most effective

advocate of causes that she espouses—almost as effective as anyone I have ever met.

At the time that I had almost fully decided that a certain hospital on the west coast was not at all necessary, unless it were to be used by retired personnel, Mrs. Kelly finally convinced me that it was absolutely essential that the hospital be constructed. I understand that the bill which the Senator from Mississippi sponsored on the floor of the Senate for military construction purposes carried the hospital item, and that its construction will soon be under way. Mrs. Kelly is a remarkable person. We live in a changing world, but she possesses fine attributes of character which are not subject to change, and which are the stamp of loyalty in any age and in any period. Although she is a relatively young woman, she has all the characteristics of one of the grand ladies of an era that is past.

Mr. STENNIS. I thank the Senator from Georgia very much for his fine remarks. In addition to the other fine qualities of Mrs. Kelly, she has persistence that prevails.

Mr. ENGLE. Mr. President, I am delighted to join in the tribute paid by the Senator from Georgia and the Senator from Mississippi to Mrs. Kelly, whose friendship I have the privilege of sharing also. All the things that have been said about her in these tributes are 100 percent correct, including the statement with respect to her persistence. I believe the hospital referred to is the hospital at Long Beach, Calif.

Mr. STENNIS. That is correct.

Mr. ENGLE. I believe I am correct in saying that she worked for that hospital for a period of some 12 years. She showed a great deal of persistence. I am convinced also, because I was a chief advocate of that hospital in my own State, that in the absence of her friendship and her influence, together with the distinguished Senator from Mississippi and the distinguished Senator from Georgia, we probably would not have gotten the hospital built.

It is a pleasure to happen to be on the floor of the Senate at the time that my distinguished friends undertook to pay these personal tributes to her and to join with him in his remarks, and also with the remarks of the senior Senator from Georgia.

Mr. STENNIS. I thank the Senator very much.

U.S. FREELOADING AT AIRPORTS

Mr. MONRONEY. Mr. President, you will recall that, when Congress passed the Federal Airport Act, last year, we provided authorization for the various Federal inspection agencies—such as Customs, Immigration, and so forth—to pay rent for the space they occupy at our gateway airports.

The purpose of this action was clear. In the report on the bill, the committee stated that "it is a matter of simple equity for the Federal Government to bear the responsibility for assuming the costs it incurs in the execution of its duties."

The importance of this policy becomes all the more urgent in view of recent settlement of the airways user issue by imposition of a 5-percent airways tax which becomes effective November 15.

Today—a year after passage of the Federal Airport Act—we find that the authorization, and the congressional intent that the agencies should pay their own way, continues unheeded.

In this connection I commend to your attention an article in the latest issue of Airport Services Management magazine by Kendall Hoyt, their Washington editor, which discloses the failure to face this obligation which Congress saw clearly and for which we enacted the legislation.

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

[From Airport Services Management magazine, August 1962]

U.S. FREELOADING AT AIRPORTS—INSPECTION AGENCIES SHOULD PAY FOR SPACE

(By Kendall K. Hoyt, Washington editor)

User charges for airports and airways are urged year after year in Government reports, beyond the gasoline taxes, transportation taxes, and other levies on everyone who flies.

All this time, the Federal inspection agencies have not been paying their way, and are stubbornly resisting the idea that they should. The free space they demand at airports to inspect international arrivals could be rented for at least $3 million and perhaps $5 million per year.

By the rule-of-thumb ratio of 10 times the annual rent as a measure of value, here is well over $30 million worth of terminal space, rent free.

The fact that the airports concerned get something approaching this sum per year in Federal aid is quite another matter. The aid, mainly for runways and taxiways, may not be used for terminal buildings except as concerns air safety.

Inspection of passengers, baggage, mail, and freight at points of entry has nothing to do with air safety or even with aviation, any more than does the inspection of incoming highway and seaborne traffic.

ONE HUNDRED AND FORTY-FIVE AIRPORTS AFFECTED

In the 50 States, District of Columbia, Puerto Rico, and Virgin Islands are 56 airports of entry and 89 landing rights airports; a total of 145 where flights from foreign countries may be cleared. (See table in this issue of A/SM for the State-by-State count.)

Elaborate facilities, of course, are not needed at the many points where international traffic is light. The main problem is at some 25 major terminals, inland as well as coastal, since long-range jets bring all points within reach of other nations. And the number of jetports is expected to double in 5 years.

Four Government departments are involved:

The Bureau of Customs, Department of the Treasury, inspects to see that full duties are paid on every taxable import, a service that can pay its way.

The Immigration and Naturalization Service, Department of Justice, prevents illegal admission of aliens.

The quarantine services of the Department of Agriculture prevent introduction of plant pests and animal diseases.

The Public Health Service, Department of Health, Education, and Welfare, prevents importation of human diseases.

Obviously, these inspection activities have nothing to do with aviation. The Treasury can designate an "airport of entry" without the foreknowledge or consent of the airport management.

The Government is encouraging foreign travel to promote international good will and, in the case of visitors here, to improve the gold balance.

As travel increases, more and more space and personnel time must be donated by airports and airlines.

LAW AUTHORIZES PAYMENT

In the amendments to the Federal Airport Act last year, section 9(e) authorizes appropriations "to enable the head of any department or agency of the Federal Government charged with the duty of inspection, clearance, collection of taxes or duties, or other similar functions, with respect to persons and property moving in air commerce, to acquire such space at public airports * * * as he determines * * * to be necessary" in consultation with the Federal Aviation Agency.

The Senate report on the bill made the purpose clear as follows:

"Since these duties are strictly governmental and generally of no direct benefit to the users, your committee is of the view that it is a matter of simple equity for the Federal Government to bear the responsibility for assuming the costs it incurs in the execution of its duties."

After the law was signed on September 20, 1961, the Airport Operators Council, international association of the larger air terminals, promptly wrote the departments concerned, to explain the urgency of this matter of simple equity, saying:

"We earnestly request that you give immediate attention to the implementation of this law by including in your budget requests * * * the necessary amounts to cover the space occupied by the employees of your agency at U.S. airports where passengers, baggage, mail, and cargo are cleared for entrance.

"Estimates indicate that the value of the space currently occupied by these four agencies of the Federal Government * * * would probably not exceed $3 to $5 million per year.

"As national budgets go, these are relatively small amounts. But the thousands and hundreds of thousands of dollars that these facilities cost local communities and air carriers is a significant item to them."

DEPARTMENTS ARE EVASIVE

The Departments made no apparent effort to include such payments in their budgets for the current 1963 fiscal year, nor do they seem to be doing so for the next year.

The Commissioner of Customs told the Airport Operators Council that the law is permissive rather than mandatory.

"In view of the advantages to the airport through the performance of these services," he said, "it did not appear that a substantially sudden departure from arrangements previously worked out should result."

Early this year, Senator MIKE MONRONEY, aviation chairman of the Senate Committee on Commerce, and sponsor of last year's legislation, wrote the Director of the Budget.

The latter replied that payments for space should wait until aviation pays more user charges in return for the Federal aid to airports and airways. He said that where any special arrangements must be made, the costs should be absorbed out of present appropriations.

Aviation interests hurt by this think that before there is further talk of user charges, Uncle Sam should set the example as authorized by law and demanded by the clear intent of Congress.

If the agencies have to pay, they will quite possibly find that they can work with less space than they are now using free, so the overcrowding in major terminals can be eased to the good of the airports, the airlines, and the traveling public, observers feel.

Some of the airport commissioners affected have passed resolutions, including Los Angeles, where the cost of free space is valued at $200,000, and also San Francisco.

Similar petitions, letters, and statements may also be made from other airports of entry and landing rights airports. For the airport manager putting his airport on record, it will be helpful to state just how much space is being used, what percentage of the time, how much it is worth, and what the traffic load is, so the pertinent facts will be available to the Federal Government.

CUNNINGHAM AMENDMENT AND ITS MISCHIEFS

Mr. PELL. Mr. President, today's New York Times has an article entitled "Cunningham Amendment and Its Mischiefs" written by their very distinguished Arthur Krock.

In my view, Mr. Krock highlights in a most cogent manner the principal drawbacks of the Cunningham amendment and I ask unanimous consent that Mr. Krock's column be printed in the RECORD.

I was particularly interested in Mr. Krock's comments since last month I appeared before the Senate Post Office and Civil Service Committee to oppose the amendment. It is my earnest hope that the Post Office and Civil Service Committee in their wisdom will delete the Cunningham amendment which I firmly believe would be against the best interests of our country.

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

CUNNINGHAM AMENDMENT AND ITS MISCHIEFS

(By Arthur Krock)

WASHINGTON, September 20.—The Senate committee in charge of the postal rate increase bill was still wrestling today with a problem inherent in current American politics. It is, how Members of Congress can avoid charges, by challengers of their seats in the November elections, of being "soft on communism" without denying U.S. citizens their right to have their mail delivered to them by the Post Office Department.

The problem was created by approval by the House of an amendment to the postal bill proposed by Representative GLENN CUNNINGHAM, of Nebraska. It provides that no international mail which the Attorney General classifies as "Communist political propaganda" may be handled by the Post Office Department; also, that no material so classified, originating in this country, may be sent under the first-, second-, and third-class postal rates established in the pending bill. Domestic mail of this character could still be sent at fourth-class rates. But the law requires that these rates must cover the cost of handling: hence, Representative CUNNINGHAM told the House, his amendment would put an end to the "subsidizing" by this Government of Communist political propaganda.

PRESERVING THE PRIVILEGES

But a growing awareness of the consequences of his method has impelled the Senate committee to try to serve its objective and at the same time preserve the several rights and privileges the Cunningham amendment would infringe or demolish. These include the aforesaid right of American citizens to get delivery of their mail, and the privilege this Government now enjoys in Iron Curtain countries of getting delivery there of at least part of the 16 million pounds of mail annually sent from the United States.

Among the substitutes for the Cunningham amendment that are under consideration by the Senate committee are these:

(1) By Chairman WALTER of the House Un-American Activities Committee, directing the Post Office Department to place notices in post offices warning recipients to look for Communist political propaganda in their mail. The House approved this (H.R. 5751), but it has been held up in the Senate on the point that it covers people who never receive this type of mail.

(2) By Senator BUSH, of Connecticut, directing the Postmaster General, when he has determined that mail is of this character, to notify the addressees of this determination but inform them they can have delivery, if they so request, of the material he is withholding.

(3) By the Department of Justice, recommending that if the Senate wants to take some checking action it should join the House in adopting Representative WALTER'S warning notice bill. To approve the Cunningham amendment, said the Department, would deprive serious students of Soviet political propaganda of their right of delivery; impose on the Attorney General the impossible task of deciding who these persons are, and what is Communist political propaganda with a harmful potential; break a great American tradition; injure the projection of itself by the United States abroad as "a democratic society in which ideas and information flow freely," and institute political censorship of the mails.

PORTRAIT OF UNCLE SAM AS A BOOB

Representative WALTER, opposing the Cunningham amendment in the House, attacked the proposal at another vulnerable point. "It would create," he said, "the false impression that the American people are so naive and gullible that they cannot be exposed to Communist propaganda without the danger of their being adversely influenced or corrupted." He did not add that the right to be gullible is fundamental in a free society. This is the kind of calculated risk which the author of the first amendment rejected as a reason for abridging the guarantees of personal and political freedom this amendment confers. Any of the American people are free to be beguiled, if they have no better sense, so long as they refrain from trying to force or subvert others into attempts to implement their delusion by sabotaging the Constitution.

And, as President Kennedy said in opposing the Cunningham amendment, the American people "are used to hearing both sides, and I don't think they are particularly impressed by * * * what I've seen of (this) propaganda."

THE 40TH ANNIVERSARY OF RADIO STATION WJAR

Mr. PELL. Mr. President, on September 6, radio station WJAR, a service of the Outlet Co., in Providence, R.I., celebrated its 40th anniversary.

This distinguished station has an impressive list of firsts that it has presented to the people of Rhode Island: In 1923 WJAR joined with station WEAF in New York City, and station WCAP in Washington, D.C. to form the first radio network in America, the Red Network, which later became the National Broadcasting Co.

Rudolph Valentino made his first radio broadcast from station WJAR.

The first phonograph recording ever presented on radio was tested in 1925 on WJAR.

In 1960, WJAR radio, together with its sister television station, staged not the world's first, but the world's largest polio inoculation program when 11,400 Salk vaccine shots were given to the people of Rhode Island as a public service.

From its early beginnings as a station of 200 watts, station WJAR was heard as far away as Puerto Rico and Texas, first with the news, carrying the World Series in 1923, covering Lindbergh's flight across the Atlantic and President Roosevelt's fireside chats. It has excelled in times of emergency, giving on the spot coverage to hurricanes and other critical situations on a 24-hour basis.

I would like to congratulate Outlet President Joseph Sinclair and Radio Manager James Gleason for the fine standards they have set and maintained in making radio station WJAR an outstanding leader in the field of news, entertainment, and public service.

EQUAL EARNINGS

Mr. McCARTHY. Mr. President, the bill to guarantee women equal pay for equal work has been approved by the House and is now before the Senate Committee on Labor and Public Welfare. The Minneapolis Star recently took an editorial stand against discrimination in pay, and I ask unanimous consent that the editorial, which appeared in the Star on August 18, be printed at this point in the RECORD.

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

EQUAL EARNINGS

Legislation which would guarantee that women be paid the same as men doing equal work is nearer reality than ever before. A bill has been passed by the House and now awaits Senate approval. But there is a flurry of controversy as business leaders, including the U.S. Chamber of Commerce, worry about implications.

Although steady improvement has been made in achieving equitable pay for working women, glaring examples of inequities are still to be found. Antagonists of an equal-pay law are conjuring up the bogey of Federal control and interference in business policies. In franker discussion they might admit that equalizing pay not only will cost some businesses more money but also damage male pride.

It also is likely, however, that leveling off pay scales in jobs where there has been notable discrimination may add to the satisfaction and effectiveness of women employees, and in certain fields it may attract job applicants of more training and ability than were willing to do the work previously. Extension of the equal-pay principle may even have the effect of opening up more jobs for men.

There is some fear among male workers that equal pay might mean standardizing wages at the lower rates now paid women in some places, but the pressures for higher wages being what they are, it seems unlikely that this would happen to any large extent.

The basic idea—that pay is for satisfactory production on the job, whoever the employee may be—remains sound. Efficient women employees should earn as much as efficient men employees, law or no law.

THE 100TH ANNIVERSARY OF EMANCIPATION PROCLAMATION

Mr. WILEY. Mr. President, the 100th anniversary of Abraham Lincoln's Emancipation Proclamation, September 22, offers the Nation new opportunity

to rededicate itself to the letter and spirit of the proclamation, and to crystallize new American freedoms.

In 1862, Abraham Lincoln—"invoking the considered judgment of mankind and the gracious favor of Almighty God"—proclaimed that the slaves should be forever free.

During the intervening years the Nation—justly and rightly—has attempted to assure that all individuals, qualifying as citizens, should enjoy equal rights, and protections under our laws.

EMANCIPATION, 1962

In 1962, however, challenges still remain, including—

Fundamentally protecting—and providing opportunity to freely exercise—constitutional rights, including voting, by all citizens.

Emancipating individuals from still-existing bondages: Economically, of poverty, intellectually, spiritually, of ignorance, illiteracy, hate, prejudice, and intolerance.

Environmentally creating a better climate of respect and dignity for all individuals, regardless of race, creed, and nationality.

Expanding opportunity for education, advancement in vocational life, improvement of economic status, and general enjoyment of the freedoms of our way of life.

CIVIL RIGHTS

As a member and former chairman of the Senate Judiciary Committee, I have had special responsibility and opportunity for service in this field. These efforts have included—

Supporting effective civil rights laws—including creating and extending the life of the Civil Rights Commission, to protect the constitutional rights of all citizens;

Strengthening our judicial system, particularly by providing more Federal judges to provide fair and timely justice to all citizens to protect not only constitutional rights but also property and life; and

Other efforts to preserve, protect, and perpetuate liberty and justice for all.

For the future, the faith of our system—and dedication of our citizens—will be determined to a large degree by the fairness and justice with which each individual is treated under the law.

HUMAN PROGRESS

As envisioned by our forefathers and symbolized in the Emancipation Proclamation, the ideal of freedom can be further strengthened by improving all aspects of human life and progress.

Consequently, I have also felt it especially important, as a Senator of Wisconsin and the Nation, to support programs not only in civil rights, but in such fields as: full employment, at good wage rates, for American workers, including a realistic program of unemployment compensation for the jobless; to enable workers to participate proportionately in the abundance of our way of life; improve homebuilding program to provide better homes for more Americans; improving and expanding our educational system, including lifting the status and wages of teachers, to provide better educational opportunities for the youth of America; creating a bright outlook for our more than 17 million senior citizens, including over 400,000 in Wisconsin, through liberalized social security benefits, realistic medical care, better housing, and greater efforts to enable these folks to continue to participate in and enjoy a life of dignity in their respective communities; improving youth programs—not just to combat delinquency but for channeling this great reservoir of energies, talents, and imagination toward useful purposes; strengthening our job-creating, progress-promoting, free-enterprise system; and generally improve our free way of life.

In a world threatened by totalitarian communism, enslaving all people under its domination, the 100th anniversary of the wiping away of the vestige of slavery has special significance.

As the citadel of global freedom—for the future, as the past—the United States has the great responsibility of holding aloft the light of freedom as a beacon for all humanity.

MEDICAL CARE FOR THE AGED

Mr. McGEE. Mr. President, some of the issues we debate in this body are somewhat abstract to many of us because we have little direct connection with the problem concerned. Recently two events occurred in my State that brought home—all too graphically—a problem that we have not yet been able to master.

The first event was a tragedy that took place in my hometown, Laramie, Wyo. There in that city, on an early fall afternoon neighbors found a man and woman—husband and wife—shot to death. It was apparent that the husband had shot his wife while she slept and then used the same weapon to end his own life.

The cause of this tragedy also was readily apparent. The husband was 71 years old. His wife was 70. In one of his last conversations with a neighbor the husband had said that his wife had been chronically ill for years and he was worried about medical expenses and her continued illness. "We're just getting older and older," he said. "There's no way out."

There was a way out, and he took it. And we who are the survivors of this little tragedy can say that "he really should not have done that; he could have found assistance somewhere from somebody, and perhaps he was not thinking right anyway," and in time we can forget about the whole thing.

Perhaps we do not feel any pangs of guilt as citizens of the most prosperous Nation on earth, where there is too much food, too many automobiles, two televisions sets in many homes, when we can let a man who should be receiving the reward for a life of productive work worry himself into a tragedy because he cannot provide medical care for a loved one.

Mr. President, there may be those who can convince themselves that we had done all we could for this couple, but I am not one of them.

The second event was recorded in a newspaper article that pointed out that Big Horn County, Wyo., as of September 1962, has absolutely no funds with which to pay doctors and hospitals for the care of welfare cases. County officials said that any further care would have to be done without charge by the doctors and hospitals concerned.

Perhaps the citizens of Big Horn County would have paid more taxes for this purpose except that State law sets a maximum mill levy for health purposes and the county had already assessed to that limit. And county officials noted that the situation would be worse in 1963 since the assessed valuation of the county had dropped by $2 million.

Among the expenses that had exhausted the county medical funds was $28,300 for hospitalization. I do not know what portion of the Big Horn County welfare caseload is composed of elderly persons but I suspect it is substantial. And I do know that this body, this year, turned down a proposal that would have been of significant assistance in both instances I have mentioned.

That proposal, of course, is for financing hospital and health care for the aged through social security. Mr. President, I believe now, as I did before the vote, that this is an equitable means of giving our elderly citizens the dignity of a financially independent old age by eliminating one of the heaviest drains upon their income—the cost of medical care.

Before the vote on this issue I received a heavy volume of mail protesting the medicare plan. And along with this mail came statements from some citizens of my State who believed that their opinions were identical to the vast majority of the State's citizens that were equally critical of the social security approach to this problem.

But, Mr. President, after the vote a curious thing happened. The heavy volume of mail on medicare continued—but now it was from those people who supported my stand. The mail and telegrams now came from the people who had no lobby to represent them—people who believed the bill would pass, who believed it unnecessary to write their Senator to reinforce what to them was an obvious solution to an obvious need.

It might be well for those who were so quick to say what the people of Wyoming wanted without bothering to consult the people themselves to reexamine their self-assumed credentials as reflectors of the public's opinion. For the ratio of my mail indicates that there is more support for medicare at the grassroots than many of its opponents would like to admit. It is now running at 20 to 1 in support of that proposal.

It is also obvious from my mail that much of the opposition to this measure came from people who did not understand the proposal and too readily believed some of the exaggerated ills attributed to it by its enemies. For example, many incorrectly believed it would affect their doctor-patient relationship or their choice of hospital. I note that the Gallup poll which appeared in late August showed that only one-half of the public understands how the plan would be financed and only 11 percent are sure who would receive benefits.

Mr. President, I still think that this is a good idea. And I am sure the many voices that were not heard last time on this issue, the lobbyless millions who would be so vitally affected by this legislation, will make their wishes known to the people who represent them in Washington. These people have come to realize that they cannot afford to be silent, that they must contribute to the public debate in order that they not be overrun by the high pressure campaign of those who wrongly believe that this bill is inimical to their well-being.

INTERPLANETARY FLIGHT RECOVERY AND LANDING AREA

Mr. ALLOTT. Mr. President, it has come to my attention that, within the past few days, NASA has announced publicly that they are actively searching for areas that might be feasible for location of an interplanetary flight recovery and landing area.

For this long-range planning, this organization is to be commended. It is this type and degree of planning that will allow us, in the years ahead to forge ahead in the race into space and take our rightful place, not in the sun, but in the galaxies.

In connection with the search for plausible and feasible sites, I respectfully suggest to NASA that they would be well-advised to consider areas in the great State of Colorado, where climatic conditions and topography were of such an ideal nature that this Nation saw fit to locate its Air Academy there. I realize, of course, that many other factors must be taken into consideration for the establishment of such a project as a recovery site for interplanetary craft, but foremost among those considerations, I would assume, would be the factor of ground space. I submit that nowhere in this great country of ours, is there more available space, of a more appropriate or suitable nature for such an installation than in the great eastern plains area of the State of Colorado, where there are now thousands upon thousands of acres of flat, prairie-like lands, ideally suited for such consideration. Where else, Mr. President, in this great Nation of ours is there so much land available, centrally located in the heart of the Nation, with such ideal weather conditions for such a project?

Where else, centrally located, is there an area where the population is even now small enough to locate such an installation without inconveniencing and perhaps even transplanting thousands of people?

Because of these ideal weather conditions, because of the topographical advantages of the land in the area, because of the central location of the general area, Mr. President, I submit that NASA could look far and wide and not find a more ideal spot for such an installation than the prairie lands of eastern Colorado. In addition, they would, I am sure, find a most hospitable and receptive people, and a spirit of cooperation and progressiveness unsurpassed anywhere else in the land.

Mr. President, the people of Colorado invite NASA to come into our State and see for themselves what our land and our people have to offer to our Nation in the way of facilities and desire to be a part of the great plans this Nation has for our progress into space.

HARTKE REITERATES NEED FOR HIGHER EDUCATION LEGISLATION

Mr. HARTKE. Mr. President, on January 26, 1961, I introduced two bills, which I felt would give assistance to those young people who desire a higher education. They were S. 602 and S. 611. S. 602 would have amended the Internal Revenue Code of 1954 so as to allow an additional income tax exemption for an individual who is a full-time student at an institution of higher education. Basically, the bill would have provided an extra $600 exemption for taxpayers with children who were enrolled in colleges and universities.

S. 611 is a loan insurance program modeled after the Federal Housing Administration mortgage insurance program. The Government would not provide money for the loan, but it would guarantee repayment. The moneys would be provided to students by the institution of higher education, and to colleges and universities by financial institutions.

Mr. President, I merely point out that these two bills were an effort on the part of the junior Senator from Indiana to do something to assist our young people, America's most valuable natural resource, in acquiring the higher education they so justly deserve.

I regret, therefore, Mr. President, that yesterday, the House of Representatives sent back to committee, H.R. 8900, which had been passed in the Senate as S. 1241 and for which I proudly voted.

Congresswoman EDITH GREEN, of Oregon, and the House-Senate conference committee are to be congratulated for reporting such important legislation to the House for consideration.

And, at this time, Mr. President, I should like to point out to my able colleagues of the Senate that they should read the CONGRESSIONAL RECORD of Thursday, September 20, 1962, pages 20138–20153, inclusive, if they want a real insight into why our younger people and particularly those needy students, will have to wait for the possibility of a higher education.

To me, Mr. President, the defeat of this legislation is a travesty on human justice. How can we expect America to be a nation in motion, if our young people do not have the opportunity to learn, even though they have the ability and talent, but not the wherewithal to finance a higher education?

Are we to expect our young people to forget about a higher education? Are we to say to the rest of the world that America cannot afford to develop her most valuable natural resource: her young people?

Recently, Columnist Sylvia Porter wrote in her column, "Your Money's Worth," an article headlined: "Return to School—For What?" that possibly our young people are dooming themselves to the job underworld. She admonished young Americans, "You'll be in a self-made minority, handicapped group."

Yesterday, Mr. President, this Nation added more of our young people in becoming part of this self-made minority and handicapped group by recommitting H.R. 8900.

The President of the United States, Mr. President, in his Labor Day message to America's youngsters, quoted the shocking projection that "7.5 million boys and girls will fail to complete high school during the decade of the 1960's unless we, as a nation, take positive steps to prevent it." Further, Mr. President, the Department of Labor states that 2.5 million of these 7.5 million will not even complete elementary school.

These statistics are devastating. They are, if they become a reality, going to set America back several years. Personally, I am concerned about this problem more than I am able to adequately express. And I am just as deeply concerned over the fact that those who do complete high school, who do want a higher education, but who do not have the finances, are doomed to forget about it. They are doomed to finding a job. And if they do not find a job, they are doomed to becoming one of the unemployed Americans.

It is our responsibility, Mr. President, to cut the unemployment rolls of America. How can we expect a further decline in our unemployment, if we sit idly by and do not make some legislative effort to correct an ill?

On September 18, 1962, Mr. President, our distinguished Vice President LYNDON B. JOHNSON addressed the convention of the United Steelworkers of America at Miami, Fla. In his remarks to the delegates and honored guests at the convention, he pointed out that one of six trends at work in this great Nation of ours was "our rate of economic growth has been inadequate to ward off long-term unemployment."

I should like to suggest, Mr. President, that perhaps one of the reasons our rate of economic growth has been inadequate is because America has failed in providing assistance for a higher education to those young people in whom we shall entrust the future of America.

Not so long ago, Mr. President, the Secretary of Defense remarked that there were not too many brains in the Midwest. This, to put it mildly, upset me, since I represent Indiana, the heartland of not alone the Midwest, but all America.

I should like to point out that some of the brains of the Midwest include two natives of Indiana, who are astronauts, and a third astronaut who was graduated from Purdue University, one of the most famous land-grant colleges in America, which each year graduates plenty of brains not just for the Midwest, but again, for all America.

Mr. President, I should also like to point out that Dr. Frederick L. Hovde, president of Purdue University, Dr. Herman B. Wells, chancellor of Indiana University, and many other distinguished educators, including former Secretary of the Army Elvis Stahr, who is now president of Indiana University, wrote me

expressing their support and hope that S. 1241 would become law. I am sure that today they share my disappointment to the action of the House of Representatives yesterday, to recommit the measure.

Congresswoman EDITH GREEN yesterday pointed out that should H.R. 8900 have become a reality, all 45 colleges and universities in Indiana would have $92,105 next year that might be set aside for nonreimbursable loans for needy students desiring a higher education.

It seems to me then, that Indiana should not be too dismayed or hesitant about spending a little over $92,000 for 45 colleges and universities to loan our needy students. After all, the money will come back. It is not like throwing it to the four winds. And, Mr. President, I hasten to remind everyone that this money comes back not just as a material thing alone, but the return of interest on this loan comes back in brainpower, which I repeat, is this Nation's most valuable natural resource. This is the resource we can least do without if we are to continue to be a nation of action—not reaction—if we are to be a nation determined to maintain our world leadership as we said yesterday that we are.

CONSTITUTION WEEK: THE 175TH ANNIVERSARY OF THE CONSTITUTION OF THE UNITED STATES

Mr. YARBOROUGH. Mr. President, September 17, 1962, was the 175th anniversary of the signing of the Constitution by the delegates gathered in convention at Philadelphia. The document which was to become the rockbed of the world's greatest fountain of liberty, was heralded across a vibrant young nation to be.

After the signing, "the most wonderful work ever struck off at a given time by the brain and purpose of man" was swiftly submitted to the Congress and transmitted by that body to the States for ratification. With the ratification by the ninth State, New Hampshire, on June 21, 1788, the necessary correlative step to the Revolutionary impulse of 1776 had been taken; a sound framework of government was established. The call of Dr. Benjamin Rush in 1787—"the American War is over; but this is far from being the case with the American Revolution. On the contrary nothing but the first act of the great drama is closed. It remains yet to establish and perfect our new forms of government"—had been heeded.

The Declaration of Independence of 1776, had emphasized individual rights and the concept of the people as the final and rightful source of authority. The ratification of the Constitution brought strength and order to government and the creation of a balance of power both between the levels of government and among its various organs. Essential authority, however, still rested with the people, but it was now enclosed within a structure of law.

The ratification was the formulation of the remaining part of "one consistent whole," a system of liberty within an ordered society, the essential essence of free government; a system reflected in combination by the Declaration and the Constitution.

Mr. President, though the Constitution of the United States has proven to be the most permanent written National Constitution of the 18th, 19th, and 20th centuries, many of its ablest framers were discouraged at the time. In his informative diary, kept during his service in the U.S. Senate from 1803 to 1807, Senator William Plumer wrote:

In a conversation this day with Abraham Baldwin, a Senator from Georgia and a member of the convention who formed the Constitution of the United States, he said that General Washington at that time, in a morning's walk, told him he did not expect the Constitution would exist more than 20 years.

He said that the convention was more than once upon the point of dissolving without agreeing upon any system. Many believed they had no authority to report a new system, but only propose amendments to the old Articles of Confederation. Some were for a government of energy embracing many objects of legislation—but others to have a more limited authority and to extend to fewer objects. All were better pleased with it when the propositions were reduced to form and connected together than they expected. All the members present, except three signed it—these were Elbridge Gerry, of Massachusetts, George Mason and Edmund Randolph, of Virginia.

Mr. Baldwin observed that after the instrument was engrossed and ready to be signed, General Washington, then President of the Convention rose, with his pen in his hand, and observed that his duty as Presiding Officer, and his inclination had united in preventing him from taking an active part in the interesting debates of that body, that doubts might exist whether he approved of the instrument, or only signed it by order of the Convention—he thought it his duty to remove these doubts by explicitly declaring that though he did not consider it a perfect system, yet he approved of it as a man, and as a delegate from Virginia.

Mr. President, great men are nearly always modest men. Washington, Jefferson, and Lincoln are true and typical examples of the modesty of true greatness. With a modest characteristic of greatness, the noble Washington worried over whether their work in the Constitutional Convention was for a day, or 20 years, or whether the Convention could really bring out a workable Constitution at all or not.

Great efforts brought forth a document of marvelous adaptability to changing times, and the experience of generations has proven that the framers of the Constitution wrote a document of government, not for decades, but for the centuries.

Now at the 175-year mark, with 1¾ centuries of experience behind us, the Constitution is more vital today than ever before, and means more security of life, liberty, property and the pursuit of happiness now than ever before in our country's history.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial from the Abilene Reporter-News of Abilene, Tex., of September 17, 1962, entitled "Constitution Week" and an editorial from the Houston Chronicle of Houston, Tex., of September 17, 1962, entitled "The 175th Anniversary of Constitution."

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

[From the Abilene Reporter-News, Sept. 17, 1962]

CONSTITUTION WEEK

Today is Citizenship Day and this is Constitution Week.

The dual observance marks the 175th anniversary of the signing of the U.S. Constitution on September 17, 1787, at Philadelphia.

Months of meetings and debates preceded the signing of the Constitution. Many times the Convention seemed at the point of breaking up in noisy disagreement, but it held together until the instrument was completed and signed.

The U.S. Constitution, by any measure, is a remarkable document. The delegates who drafted it must, in truth, have had divine guidance to have brought forth a Constitution that could form the bedrock of this Nation from the postrevolutionary days to the nuclear space age.

Citizenship Day today honors those who become of voting age for the first time this year and those who have become naturalized citizens.

Constitution Week seeks to focus citizen attention on the Constitution. It is a good time for emphasis on the Constitution in schools and for the average citizen to find a copy and reread it. He will then be in a better position to appreciate it as a vital historical document and to understand and place his own interpretation of events in relation to it.

[From the Houston Chronicle, Sept. 17, 1962]

THE 175TH ANNIVERSARY OF CONSTITUTION

This is Constitution Day, the 175th anniversary of the signing of the American Constitution.

We who enjoy the blessings of living under a democratic republic with a Constitution which has met the test of time so admirably are perhaps too prone to forget that just as winning our freedom was a long, bloody, and often discouraging process, neither did the birth of our Government come about without hard labor and much anxiety.

The original union of the Thirteen Colonies under the Articles of Confederation had proven too weak to meet the new Nation's needs and demands. So, on May 14, 1787, delegates from 12 of the States—Rhode Island abstaining—met to draft a stronger Constitution.

There was wide disparity between the views of the delegates and the interests of the States they represented. Believers in a strong Central Government clashed with adherents of the widest practicable State sovereignty. Large States wanted representation in the Congress based on population, small States sought equal representation. The issue of slavery divided the States.

For 4 months the delegates labored and sweated in the summer heat before they reached all the great and small compromises that were found necessary.

Even then only 39 of the 55 delegates signed it on September 17, 1787.

And it was not until June 21, 1788—9 months later—that ratification by the ninth State, which happened to be New Hampshire, insured the operation of the new Constitution, and not until March 4 of the succeeding year that it formally went into effect. It was a full 3 years after the Constitutional Convention met before Rhode Island finally ratified to make the action of the States unanimous.

There were anxious moments during those first 9 months, particularly when Massachusetts ratified by the close vote of 187 to 168 in the legislature. Subsequently, Virginia

gave approval by only 89 to 79, New York by 30 to 29, and New Hampshire by 57 to 46, all uncomfortably close margins.

Appreciation of the fact that the birth of our Nation and its form of government did not come easy should encourage us in our resolution to maintain and defend both.

ELKINS, W. VA., ARMORY NAMED FOR GOV. W. W. BARRON; ROLE OF NATIONAL GUARD IN COLD WAR STRESSED BY SENATOR RANDOLPH IN DEDICATION SPEECH

Mr. RANDOLPH. Mr. President, events of recent weeks, both in Berlin and in Cuba, have served to heighten the existing tensions between nations caught up in the contentions of the cold war.

There have been brutal shootings and other hostile acts by Communist border guards at the Berlin wall, and feelings continue to run strong on both sides of that barrier to freedom.

To the south, the Russian buildup of Cuban forces has, in the eyes of many Americans, transformed Castro's economically faltering government into a potential threat to the Western Hemisphere.

It is reassuring, therefore, to know that this Nation has an alert and highly trained system of National Guard and Reserve units which, if called upon, can provide an instant and authoritative response to any emergency.

Today, as in the Berlin crisis of 1961, the National Guard is an efficient and highly mobile organization capable of supplying effective influence far beyond its recognized and considerable capacity for military action. As a useful implement in the international arena, our National Guard is a tangible embodiment of this Nation's determination to take whatever action required to support our worldwide commitments.

On September 14, 1962, it was my pleasure to participate in the dedication ceremonies of the W. W. Barron National Guard Armory, in my hometown of Elkins, W. Va. Named in honor of West Virginia's 26th Governor, who is also an Elkins resident, this new armory will contribute significantly to the overall effectiveness of National Guard activities, both in West Virginia and elsewhere.

And, it is entirely fitting that this modern facility for national defense should be named for a native of Elkins, and one who has been chosen to fill a position of sensitive leadership and challenging responsibility. Governor Barron has reflected credit to his community through his service as a member of the legal profession, as an active civic worker, as mayor of Elkins, State attorney general, and now as Governor of the Mountain State.

The dedication proceedings were capably conducted by master of ceremonies, Bonn Brown, an Elkins attorney, with the invocation being offered by the Reverend Duard H. Estep, pastor of the Elkins Baptist Church. The Honorable C. H. Siedoff, mayor of our city, gave welcome to those assembled, after which the national colors were presented to local Guard unit commander Capt. Peter E. Zurbuch by Edward White, commander of the H. W. Daniels Post 29, the American Legion.

The name of the new armory was then announced by West Virginia secretary of state the Honorable Joe F. Burdett. Brig. Gen. Gene H. Williams, State adjutant general, followed with the presentation of the armory keys to Captain Zurbuch.

A message was read from Hon. HARLEY O. STAGGERS, Representative of the Second Congressional District of West Virginia, in which he expressed regret that official duties in Washington, D.C., prevented him from being in attendance. He extended best wishes to those present. Governor Barron then offered informed comment on the rapid strides being made by West Virginia in the training and maintenance of its Reserve and National Guard units, and declared that capabilities would "keep in tune with the times to support the ever-improving records of our officers and men."

It was my privilege on this meaningful occasion to address an attentive and understanding audience on the subject of the importance of the National Guard and Organized Reserve units to national security.

Benediction was offered by the Reverend Fr. Charles Doyle, St. Brendan's Catholic Church, Elkins, following which visitors toured the impressive new facilities of the armory, and were entertained by music of the Highlanders Bagpipe Band, of American Legion Post 29, under the direction of Chester Phillips.

I ask unanimous consent that my remarks at the dedication be printed in the RECORD.

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

ADDRESS OF SENATOR JENNINGS RANDOLPH AT THE DEDICATION CEREMONIES OF THE W. W. BARRON NATIONAL GUARD ARMORY, ELKINS, W. VA., SEPTEMBER 14, 1962

It is a particular privilege for me to be in Elkins tonight to take part in the dedication ceremonies of the William Wallace Barron National Guard Armory, and to once again greet valued friends and neighbors. Because this is my hometown, I am extremely gratified that this modern facility for national defense has been erected here. In future years it will contribute to the overall effectiveness of National Guard activities, both in West Virginia and elsewhere.

Today, as at few other times, the National Guard and its contributions to American security are primary considerations to all citizens. We have seen ominous events of recent weeks cause the Congress to grant President Kennedy authority to mobilize a portion of our reserve military strength should international developments force such a move. This is a strong demonstration of America's determination to meet aggression with resolve, and a further acknowledgement of the National Guard's value as a vital weapon in our cold war arsenal.

Late happenings in Berlin have brought increasingly strained relations between the forces of East and West. Refugees fleeing the Communist sector have frequently met violence, and on occasion border guards have exchanged tear-gas fusillades. With feelings running strong on both sides of the wall, predictions for the future hold little hope of any immediate lessening of tensions.

In Cuba concerns of a similar nature are building, and people the world over uneasily watch as the Communist bloc filters support into Castro's stronghold. Here is yet another crisis of diplomatic and military import which must be faced by the United States. It is patently certain that this Soviet-controlled buildup of Cuban military capability poses a series of knotty and far-reaching problems for the West—problems which are even now undergoing intense examination of a systematic and efficient nature. Our Secretary of State is active, both officially and behind the scenes, and creative efforts are being set forth to achieve concerted action from the combined membership of the Organization of American States. Behind this activity stands President Kennedy's affirmation that this Nation's patience is not inexhaustible and that we would not hesitate to use unilateral strength in the interest of security.

We ask ourselves, "What has been our defense in sudden crises of the past; what has been our bulwark of strength?" In answer, we look to the men of the National Guard and the Reserve who fulfilled their missions so affirmatively in the callup of August 1961. These men may actually have altered the course of history with their quick and efficient response to the call to arms.

We cannot in all conscience say that the Guard and Reserve forces who were called to active duty last year altered the balance of power in a military sense. They did not. What they did accomplish, however, was equally effective and important. They imprinted in the minds of observers everywhere, friend and foe alike, the determination, the strength and the readiness of this Republic to mobilize its forces in support of its worldwide commitments. We asserted at that time, and stand ready to demonstrate again today, the singleness of purpose with which the free nations of the earth will meet the overt aggression and encroachments of atheistic communism.

In simplest terms the National Guard reflects a posture of American resolve. With our Reserve ready to act, no realistic foreign power can mistake our conviction, and no ally doubt our integrity. It becomes increasingly obvious that the forces opposed to us in this cold war are willing to create world crises whenever and wherever they deem it advantageous. National Guard and Reserve units provide an instant and authoritative response to such dangers, at the same time making unnecessary the maintenance of a large regular military force.

Here in West Virginia, and particularly in Elkins, the National Guard has become an honored tradition of fidelity and devotion to duty. The battery which will have as its new home the Barron Armory has evolved from an old infantry unit founded prior to the Revolutionary War, and has served faithfully and well since that time. These men are living proof that our State stands second to none in supporting this Nation's defense effort.

Capt. Peter E. Zurbuch and the men of Battery A, 1st Howitzer Battalion, 201st Artillery are proud of this imposing structure and the principles which we honor tonight. Elkins' new armory will be one of more than 4,000 such installations in the United States acting as nerve centers for our armies of readiness, and training grounds for forces which today form a bulwark in the world.

The armory itself is a fitting monument to the purpose and preparedness of Americans. It represents the meaningful efforts of Federal, State, and local governments, and civic organizations which are aware that maintenance and training of an effective reserve force is vital to the security of all men and women who believe in freedom and faith.

And, how appropriate that this armory should be named after a native of Elkins, and the 26th Governor of the State of West Virginia, William Wallace Barron. His life has been closely linked with the changes of our city of Elkins itself. We are gratified

that the citizens of West Virginia have recognized the qualities of leadership which were first indicated here, and have called him to a position of sensitive responsibility.

As a member of the legal profession, as an active worker in civic organizations, as mayor of Elkins, State attorney general, and finally as our Governor, Wallace Barron has reflected credit to the residents of this community. Our honoree has devoted himself to positive programs for advancement of West Virginia and the betterment of its citizens. Throughout his youth and manhood he has been a stanch advocate and consistent supporter of National Guard and Reserve activities. As a member of the U.S. Army during World War II he is cognizant of the strategic necessity of maintaining a force capable of immediate and flexible action in these times of extreme danger.

We salute William Wallace Barron tonight, and dedicate in his name this new structure for national defense which stands here—and in so doing we proclaim to all nations that American citizens are mindful of their tradition in a country of peace where men are fathers first, and fighters only if the necessity is forced upon them.

We have looked to the citizen-soldier in the past and have not been disappointed. He has been tested at the battles of Lexington and Concord, in the hills around Gettysburg, and in the trenches of France. He has served his country well on the beaches of Normandy and Anzio, in the jungles of Guadalcanal and the snows of Korean winter—and now he is again ready to meet the challenge. He is the National Guardsman and reservist—the citizen-soldier who carries with him the hope that wars will cease and that soon, in God's divine plan, he will live with his fellow-man in understanding and peace.

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

The VICE PRESIDENT. Is there further morning business? If not, morning business is closed.

CONSTRUCTION AND OPERATION OF NATIONAL FISHERIES CENTER AND AQUARIUM IN THE DISTRICT OF COLUMBIA

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 8181) to authorize the construction of a National Fisheries Center and Aquarium in the District of Columbia and to provide for its operation.

The VICE PRESIDENT. During the further consideration of the bill there is, by unanimous consent, a limitation on debate of 3 hours.

Mr. MANSFIELD. Mr. President, under the unanimous-consent agreement, the time is to be divided equally, and is to be controlled, respectively, by the majority leader and the minority leader.

With the consent of my Republican colleagues, I ask that, instead, the time be controlled by the Senator from West Virginia [Mr. RANDOLPH] and the Senator from Wisconsin [Mr. PROXMIRE].

The VICE PRESIDENT. Is there objection? The Chair hears none; and it is so ordered.

The Senator from West Virginia [Mr. RANDOLPH] is recognized for 1½ hours and the Senator from Wisconsin [Mr. PROXMIRE] will have 1½ hours under his control.

Mr. RANDOLPH. Mr. President, the purpose of H.R. 8181, as amended, is to authorize the Administrator of General Services to plan, construct, and maintain a National Fisheries Center and Aquarium in the District of Columbia or its vicinity, for the display of freshwater, marine, and shell fishes and other aquatic resources for educational, recreational, cultural, and scientific purposes. The facility would be operated by the Secretary of the Interior, who would assign such responsibility to the branch of the Bureau of Sport Fisheries and Wildlife having as its major activity the rearing and holding of living fishes, including the operation of acquariums. A nonpartisan advisory board would be established, to render advice and to submit to the Secretary of the Interior recommendations concerning the management and operation of the Center and Aquarium. The cost would not exceed $10 million, under the provisions of the bill now before the Senate; and the Secretary will establish charges for visits to the Center and Aquarium, and for other uses, at rates which will produce sufficient revenues to cover an appropriate share of its annual operation and maintenance costs.

Mr. President, the fishing industry was our first and, for a long time, our principal industry. It is now laboring under serious handicaps, operating with obsolete equipment, and our fisheries and the food from the sea are not obtaining the adequate support to which they are entitled. The sources of such food are great, but have been sadly neglected. I think it important to state to the Senate that almost half the fish consumed in the United States is imported from other nations. Our fishing fleet has decreased in numbers; the vessels are old and obsolete; and most of the fishermen are advanced in age. Modern vessels of other nations, including the Soviet Union, are fishing adjacent to our shores. In many cases the fish caught are processed overseas, and are reshipped back to us.

Fish provide a major source of food for the world's population. On a per capita basis, Americans consume less of this food than do the people of most other countries. It is believed that fish will be required to supply a greater proportion of the world's protein needs as populations increase, and that will increase the demands in the United States as our population increases over the next few decades.

Sport fishing provides large recreational benefits, as well as a considerable source of food. As our population becomes more urban, as people move from the rural areas into the cities, additional educational services will be necessary in order to promote a better understanding of our Nation's heritage, of the recreational possibilities our fisheries afford, and of the need for conservation of the natural resources of this Republic. The improved management practices and effective conservation measures will prove more profitable for industry, consumer, and sportsmen. As the population of our Nation expands, larger numbers of persons are turning to water resources for outdoor recreation. This includes sport fishing, camping, boating, swimming, and studies of aquatic life.

To achieve our goals in educating our population—our younger people especially—with respect to the present condition of the fisheries industry in the United States, our fresh-water and marine resources and the need for their conservation, it is believed that establishment of a National Fisheries Center and Aquarium will go a long way toward this accomplishment. Such a center would be a focal point for pertinent national research activities, and would stimulate public interest in our fisheries resources, thus making an important contribution to the public welfare, education, and scientific knowledge. It would provide a means for coordination and joint training for Federal, State, and other fisheries scientists responsible for an intelligent and orderly management of our fishery resources. Services could also be supplied to colleges, universities, and other educational institutions and groups by providing training in many specialized fields of aquatic biology.

The existing small aquarium—and it is a small aquarium; it is not as large as fishponds which many persons have in their back yards—is in the basement of the Commerce Building. It is inadequate to meet the needs and demands of the public at the present time, is frequently crowded by visitors, and is not satisfactory to carry on desired research activities.

I hope Senators may find time, during the adjournment, or at some other period, to see the aquarium in the basement of the Commerce Building, where people are unable actually to see the fish in the water. Certainly we cannot carry on any research activities at the present time under such an inadequate program as is now in being.

It is believed that the proposed installation will attract at least 3 million visitors annually, including schoolchildren, college students, scientists—we emphasize the younger people in that group—and others interested in fisheries and our fishery programs.

For a long time this industry was one of the principal industries of the United States. Today more than 50 percent of the fish consumed in the United States come to us from foreign sources.

It is also believed that Washington, D.C., is the logical location for the National Fisheries Center and Aquarium because of the inadequacy of the existing aquarium; the existence of a large manpower pool and good supply of fresh, brackish, and salt water; the availability of the Potomac River and the Chesapeake Bay with living specimens native to those waters; existing collections of preserved specimens in museums; the existence of splendid library facilities in the area; and the air, rail, and water transportation which will facilitate shipment of specimens.

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

The PRESIDING OFFICER (Mr. Moss in the chair). Does the Senator yield?

Mr. RANDOLPH. I am glad to yield to the Senator from Ohio.

Mr. LAUSCHE. Directing the Senator's attention to page 7 of the bill, under "Appropriation" I now read from line 20, section 8:

Funds appropriated and expended hereunder for construction of the buildings for the National Fisheries Center and Aquarium shall not exceed $10,000,000: *Provided*, that the expenditure of such funds shall be made subject to the condition that the Secretary of the Interior shall establish charges relating to visitation to the National Fisheries Center and Aquarium and he may establish charges for other uses at such rates as in the Secretary's judgment—

What I shall now read is the important material—

will produce revenues to cover an appropriate share of the annual operation and maintenance costs thereof.

My question is, If the bill is to be passed, why ought we not make charges that will amortize the cost of the building and will provide sufficient funds for operating and maintenance expenses each year?

Mr. RANDOLPH. I think the point raised by my friend from Ohio should be discussed on the Senate floor. This question was considered in the Subcommittee on Public Buildings and Grounds of the Committee on Public Works. It was equally a matter for discussion in the full committee during consideration of the measure, prior to being reported to this body.

The House bill contained no such provision. This is a Senate committee amendment, as my colleague indicated by reading the language. We felt it was necessary to make a reasonable charge, but to use such language as would indicate that prohibitive charges which might actually stop people from coming into the center or visiting the aquarium should not be assessed. In other words, we felt that from the standpoint of a person thinking of coming, the charge should not be a deterrent to the visitation. That was why we used the language quoted.

Mr. LAUSCHE. I was thinking that to amortize the cost of the building in 20 years the charge would be negligible; and that could be done.

Mr. MILLER. Mr. President, will the Senator from Ohio yield?

Mr. LAUSCHE. The Senator from West Virginia has the floor.

Mr. MILLER. Will the Senator from West Virginia permit the Senator from Iowa to respond briefly?

Mr. RANDOLPH. I will yield to the Senator in a moment. I want to clear up the point.

In the hearings held June 15, 1962, the Senator from Ohio made a very urgent plea against passage of the bill. Believing as he does, and being against passage of the bill, his statement doubtless was based on his conviction.

On page 8 a discussion on this point is reflected.

The Senator from Ohio [Mr. LAUSCHE] said:

Senator YOUNG, the passage is highly desirable—

That is, the passage of the bill—

but it is inopportune at this time to do it.

The Senator from Alaska [Mr. GRUENING] said:

Senator LAUSCHE, I wonder whether an amendment along these lines would perhaps meet the objections that you stated very clearly. This would be the approximate language:

"It is the purpose of the Congress that this project be self-supported, and the Secretary of the Interior is directed to provide a system of projected admission fees which will, over a period of years, repay amortization and interest charges of the original cost."

The Senator from Ohio [Mr. LAUSCHE] responded:

That would be a very excellent improvement of the bill.

The Senator from Alaska [Mr. GRUENING] continued:

Well, I think that it is very clear from your testimony, I think we are very sympathetic to the fact that if we could make this thing self-sustaining, so that the cost to the Government could be repaid over the years, that would remove a major part of your objection, would it not?

The Senator from Ohio [Mr. LAUSCHE] then said:

You still have the matter of the time being opportune to go into the project at this time.

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

Mr. LAUSCHE. I suggest that what is now in the bill does not conform to what the Senator from Alaska [Mr. GRUENING] said at the hearing. The Senator mentioned amortization of the capital investment. The language of the bill now provides for recouping a part of the operating and maintenance costs.

Mr. RANDOLPH. Yes. I read this so that the RECORD might reflect what the Senator was saying today is something he said in the committee. It was appropriate for him today to speak in terms of amortization, rather than an appropriate share of the cost, as we have indicated by the language.

Mr. President, I yield first to my colleague on the committee, the Senator from Iowa [Mr. MILLER].

Mr. MILLER. Mr. President, I wish to inform the Senator from Ohio that I have an amendment prepared, which I have not had an opportunity to discuss with the distinguished Senator from West Virginia, but which I think would probably satisfy the Senator on this point, in that it would provide for amortization over a period of not in excess of 30 years, and would further provide for defraying the operation and maintenance charges. I thought the Senator might like to know that such an amendment is on my desk and that I propose, as soon as the opportunity presents itself, to discuss it with the Senator from West Virginia.

I thank the Senator.

Mr. RANDOLPH. I am grateful to my colleague for calling attention to his proposal.

I now yield to the Senator from California.

Mr. ENGLE. Mr. President, I have noted the language used by the Senator from Ohio [Mr. LAUSCHE], which is that the passage of the bill is highly desirable but that it is inopportune at this time. I am glad the Senator from Ohio has indicated that an aquarium of this nature is desirable. However, the Senator protests the timing of the measure. On that point I wish to observe that this is an authorization bill. The matter of priority is one which will necessarily be established when the Appropriations Committees in the two Houses of Congress undertake to provide appropriations for it.

I have listened to some of the statements made today. I recognize the problems in the District of Columbia which, on their face, appear to have a priority higher—and certainly have a priority higher—than the building of an aquarium, provided we could do something about those problems. In my view, we cannot stop doing everything which would be beneficial to the people of the country—whether it be an aquarium, a park, or something else—merely because we have not taken care of the housing needs or educational needs of all the people of the Nation. That is a matter of balance and of some intelligence.

In comment upon the particular observation made by the Senator from Ohio [Mr. LAUSCHE], the timing and the priority would be in the hands of Congress hereafter. This is an authorization bill. At such time as the Congress sees fit to appropriate for the particular construction involved it will go forward.

I would hope also that the aquarium would be self-supporting. I think it would be. There are aquariums in California, and they are self-sustaining.

I think over the long haul it would be possible to make the aquarium self-sustaining on the basis of the visitation of people, as has been demonstrated throughout the country in other places.

Mr. President, I would like to say further in a brief statement in support of H.R. 8181, authorizing the construction of a National Fisheries Center and Aquarium in the District of Columbia, this bill, introduced in the House by Representative MICHAEL KIRWAN, has as its companion in the Senate my bill S. 2296.

At the outset, I want to say that I support the amendments to the bill adopted by the Senate Public Works Committee. I have in mind particularly the amendment limiting the authorization of funds for the construction of the project to $10 million, and authorizing the Secretary of the Interior to set charges for visits and other uses to cover operation and maintenance costs.

It is my understanding that 6½ million tourists come to this city every year and that they leave approximately $375 million here. I am confident that the proposed Aquarium and Fisheries Center will have great tourist appeal and that it will soon be paying for itself. There is every reason to expect that the charges collected will pay not only for

its operation and maintenance but eventually will return to the U.S. Treasury the initial $10 million for construction of the project.

There is no need, I am sure, to elaborate on the recreational, educational, and entertainment values of a national aquarium. Aquariums throughout the capitals of the world are unrivaled in popularity.

The proposal has a much larger purpose than to house a display of fish.

The National Fisheries Center and Aquarium would serve as a world center of specialized fishery research. It would serve to emphasize the important part played by fish and fishery products in everyday life. It would serve as an educational center for the Nation's schools. It would serve to stimulate an interest in our youth in the science of oceanography.

The research that will be made possible by the kind of center envisioned in the proposal would help to answer two great needs: First, the need to increase the world's food supply. Second, the need to make greater progress in medical research of benefit to humans.

Last year the President, in his natural resources message to Congress, stressed the importance of oceanographic research if we are to meet the need of an additional three billion pounds of fish and shellfish by the year 1980.

With hunger and malnutrition among the world's most pressing problems, we cannot afford not to turn to the untapped resources of the sea and other waters for additional supplies of animal protein. A fish protein concentrate, cheaply made from now underutilized species, that can be easily transported and stored, may well be the answer to the world's hunger problems. The kind and extent of research that the center could accommodate will help tremendously in the achievement of that objective.

Finally, the proposed center will be in a position to lend an invaluable hand to medical science. A report I received from the Director of the National Institutes of Health points out that the use of marine biology in medical research has dramatic possibilities. For example, the NIH reports that the retina of the squid is proving to be very useful in the study of intimate details of the visual process. This research may provide important answers to the problems of blindness in human beings. Only a fisheries center of national stature can provide the facilities and the variety of rare marine species to carry out medical research of this kind on a broad scale.

We are long overdue in this country in establishing a National Aquarium and Fisheries Center. Aside from the recreational, educational, practical, and scientific values, such a center would do much for our country's prestige abroad.

I earnestly hope that the Senate will act favorably on the proposal.

Appropriation is a matter for subsequent decision.

Mr. MILLER. Mr. President, would the Senator from West Virginia permit me to ask a question of the Senator from California?

Mr. RANDOLPH. I yield for that purpose.

Mr. MILLER. I should like to ask my friend from California whether the point he is making is that regardless of the degree of desirability or priority of an authorization bill, the bill ought to be passed.

Mr. ENGLE. I think it is desirable, as the Senator from Ohio said, to pass the bill. I am not passing upon the question as to when it should be constructed, as distinguished from doing something else. This is a good project. As the Senator from West Virginia has pointed out, it is a matter of some importance to the people of this country. I expect to address myself to that question at some length later.

Mr. MILLER. Does the Senator contend that the matter of priorities is none of the affairs of other committees, and only the affair of the Appropriations Committee?

Mr. ENGLE. I do not. Appropriations must be passed upon in this body, as well as in the other body.

Mr. MILLER. There must be priorities in authorizations as well as in appropriations.

Mr. ENGLE. I agree 100 percent. Both must be acted upon in this body, as in the other body. The committees are only implements of this body, as they are in the other body.

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

Mr. RANDOLPH. I yield to my colleague from Ohio.

Mr. LAUSCHE. Mr. President, I call to the attention of Senators the words of the President in one of his early messages. When he uttered the words, he was applauded vigorously. He asked the Congress to forgo desirable but not essential projects, and the promotion of other such functions. The proposed project falls completely within the spirit and the letter of that request. It is desirable, but it is not essential. For that reason I made the statement which I did before the committee. I thank the Senator.

RESERVATION OF CERTAIN LANDS IN WASHINGTON FOR INDIANS OF THE QUINAIELT TRIBE

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 507) to set aside certain lands in Washington for Indians of the Quinaielt Tribe, which were, to strike out all after the enacting clause and insert:

That lands heretofore set aside under the provisions of the Act of August 22, 1914 (38 Stat. 704), for lighthouse purposes at or near Cape Elizabeth on the Quinault Indian Reservation, State of Washington, and consisting of eighty-five and five one-hundredths acres, more or less, in lots, 1, 2, and 3 in section 34, township 22 north, range 13 west, Willamette meridian, which lands are excess to the needs of the Treasury Department, shall be, and the same are hereby, set aside in trust for the Quinault Tribe of Indians, in the same manner and to the same extent as other real property held in trust by the United States for said tribe.

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission, provided that said setoff shall not exceed the sum of $581.12.

And to amend the title so as to read: "An Act to set aside certain lands in Washington for Indians of the Quinault Tribe."

Mr. ANDERSON. Mr. President, I move that the Senate concur in the amendments of the House of Representatives with an amendment. I send the amendment to the desk and ask that it be stated.

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

The LEGISLATIVE CLERK. On page 2 it is proposed to strike all of section 2 and insert a new section 2 as follows:

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

Mr. ANDERSON. Mr. President, by way of explanation, S. 507 passed the Senate on May 11, 1961. The purpose of the legislation is to convey 85 acres of surplus Federal land on the Quinaielt Indian Reservation to those Indians. When the Senate passed the bill, it included in section 2, as it has in all other bills conveying surplus Federal lands to Indians, a provision authorizing the Indian Claims Commission to set off against the claims this tribe may have against the Federal Government the value of the land conveyed under the bill. The House amended the bill by setting a dollar limitation that might be set off against any recovery, and it is our understanding that the House is prepared to recede from its amendment and agree to the original proposal passed by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Mexico, to concur in the amendments of the House, with an amendment.

The motion was agreed to.

CONSTRUCTION AND OPERATION OF NATIONAL FISHERIES CENTER AND AQUARIUM IN THE DISTRICT OF COLUMBIA

The Senate resumed the consideration of the bill (H.R. 8181) to authorize the construction of a National Fisheries Center and Aquarium in the District of Columbia and to provide for its operation.

Mr. RANDOLPH. Mr. President, various possible sites in the area have been suggested, such as one on Hains Point. The site should be readily accessible by water and highways, and of appropriate size to provide necessary parking areas. The amendment to the bill adopted by the committee authorizes the use of Federal land for the site if available. It is believed that a suitable site can be found on Federal land, with the necessary requisites to accomplish the purposes of the project.

Facilities at such a center would stress the acknowledged importance of the oceans and the fresh waters of the world as a potential basic food reservoir for the earth's expanding populations; that our research and public education on aquatic resources must keep pace with such population; and the need for a national center which symbolizes research, development, and display leading to public education in all phases of aquatic life.

It is not the intention of the Public Works Committee that the National Fisheries Center and Aquarium enter into competition with any private aquarium. It is realized that many of the existing aquariums are public facilities and that, at a cost of $10 million, the center would exceed the cost of any private commercial aquarium now in existence. It should be emphasized that the main function of the center is for study and research, rather than for display purposes, although research on fish and other aquatic animals is intimately connected with an aquarium and in connection with the fisheries center, is considered a prerequisite to much research that is believed essential. It is felt that an aquarium in Washington would increase the interest of our citizens in the fishery resources and further desires to visit aquariums in other sections of the country.

I believe that establishment of a National Fisheries Center and Aquarium in our Nation's Capital will provide great assistance to our citizens and the fishing industry in meeting the problem of understanding conservation and prudent management of an important natural resource, our fisheries. It will also present outstanding opportunities for coordinated scientific research and advancement of public understanding of fresh water and marine resources. The many thousands of adults and youngsters who will view the live displays of fish and other aquatic animals and examine the exhibits will learn much about the relationship between these resources, our national health, and economic and recreational well-being.

Mr. YOUNG of North Dakota. Mr. President, I commend the distinguished Senator from West Virginia for the case he is making in behalf of the proposed legislation. Fish provide a very important source of food for this Nation and, indeed, the entire world. Fishing also is a good sport, which millions of people enjoy.

We in this country have been doing a great deal of research in almost every field, but very little in the fishing industry. I think it is high time that we engage in more research in this highly important industry. I commend the Senator for the position he has taken. I support this legislation.

Mr. RANDOLPH. I thank my friend from North Dakota. It is easy to attempt to place the project alongside a project to help schoolchildren through an education bill, and to say that because we have not undertaken a given project with the use of Federal funds for our youth, we, therefore, should not proceed in an orderly, reasonable, and realistic fashion to consider proposed legislation of the type now under discussion. I am sure that the Senator from North Dakota, as well as the Senator from West Virginia, have been intensely interested in educational programs for the strengthening of our Nation.

I am sure that argument does not worry some of us in the Senate, because we are sincerely desirous of meeting these situations as they arise and considering bills upon their merits, not in relationship to some other bill that failed or seemed to have support which was not developed successfully enough to accomplish passage.

Mr. YOUNG of North Dakota. I am for economy, but not for this kind of economy.

Mr. RANDOLPH. I thank the Senator. The committee believes that such a national center will become a feature for attracting tourists that visit Washington from other sections of our Nation, and our foreign visitors, and that this type of science and cultural center will become a source of national pride. In consideration of the many benefits that will accrue from the proposed National Fisheries Center and Aquarium, the committee recommends enactment of H.R. 8181, as amended.

I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill, as amended, be considered as original text for the purpose of amendment.

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

The committee amendments, agreed to en bloc, are as follows:

On page 2, after line 2, strike out:

"(b) The Administrator is further authorized to purchase, lease, or otherwise acquire such lands, waters, and interests therein, as he may deem necessary to carry out the provisions of subsection (a) of this section.

"(c) In addition to an aquarium, the National Fisheries Center and Aquarium shall include, but not be limited to, a fisheries museum and a sporting goods shop specializing in fishing equipment."

And, in lieu thereof, to insert:

"(b) The Administrator is further authorized to use Federal land and property for purposes of this Act with the consent of the particular agency having administrative jurisdiction thereover, and, if said property is unavailable for purposes hereof, he may purchase, lease, or otherwise acquire such lands, waters, and interests therein, as he may deem necessary to carry out the provisions of subsection (a) of this section."

On page 4, line 1, after the word "Aquarium", strike out the comma and "and to present educational lectures and materials; in line 3, after the word "permit", to strike out "free" and insert "on such terms and conditions as he shall consider to be in the public interest the"; on page 5, line 5, after the word "The", to strike out "Director of the National Fisheries Center and Aquarium shall" and insert "Secretary may designate an employee of the Department to"; on page 6, line 24, after the word "section", to strike out "4" and insert "5"; on page 7, line 5, after the word "section", where it appears the second time, strike out "4" and insert "5"; and after line 15, strike out:

"SEC. 8. There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this Act."

And, in lieu thereof, insert:

"SEC. 8. Funds appropriated and expended hereunder for construction of the buildings for the National Fisheries Center and Aquarium shall not exceed $10,000,000: *Provided*, That the expenditure of such funds shall be made subject to the condition that the Secretary of the Interior shall establish charges relating to visitation to the National Fisheries Center and Aquarium and he may establish charges for other uses at such rates as in the Secretary's judgment will produce revenues to cover an appropriate share of the annual operation and maintenance costs thereof."

Mr. PROXMIRE. Mr. President, the bill before the Senate would authorize the expenditure of $10 million to build a national aquarium in the District of Columbia. As the Senator from Ohio [Mr. LAUSCHE] has indicated, no doubt it would finally cost more than $15 million. It is the most extravagant gold-plated fish bowl in world history.

One of the most sobering aspects of this proposal to throw away taxpayers' money on the proposed fish emporium is the intent to establish an unnecessary ornament in a city which badly needs funds for basic necessities.

DISTRICT REAL NEEDS NEGLECTED

The total Federal contribution to the District of Columbia for 1962 was $32.7 million. We are now considering the spending of almost one-third that amount for a single promotional venture.

Another name for Washington might be the Paradox on the Potomac. Grandiose plans move forward to build extravagant libraries to house Presidential papers, to set up great monuments, statues, fish aquariums—and vast sums are spent to decorate the White House. At the same time, thousands of the city's people live in overcrowded slums, ridden with crime and juvenile delinquency because of the lack of youth employment opportunities and adequate youth programs.

Junior Village, the District's home for indigent children, has facilities for 320 children. As of yesterday, September 20, there were 659 children at Junior Village.

Much stress has been laid on the value and importance of promoting education about fish. To spend $10 million to educate people about fish in a city where children are taught from shabby, dog-eared, out-of-date textbooks, in shabby, dog-eared schools, would be the height of folly—in fact, the fish follies of 1962.

I suggest that to spend $10 million for a place to house and feed fish in a city where children go hungry is more than extravagant, more than wasteful; it is inhumane.

DISTRICT OF COLUMBIA PARENT-TEACHERS OPPOSE AQUARIUM

Mr. President, this sentiment is one which seems to be widely shared by the people of the District of Columbia themselves. Mr. Ellis Haworth, chairman of the legislative committee of the District of Columbia Congress of Parents and Teachers, appeared before the Committee on Public Works in opposition to the bill. In the course of his remarks, Mr. Haworth said:

> So long as our children are given an inadequate schooling, so long as we are unable to provide our youth with the type of training needed to help them get jobs, so long as the Congress refuses to recognize its just obligations to the District, then so long will our organization raise its voice in protest over the expenditure of Federal funds for something in our community which can only be characterized as a luxury that we can ill afford.

To spend money on such a luxury, where there is an enormous budget deficit and critical national needs, as well as critical local needs, is about as foolish as Marie Antoinette saying that her subjects should eat cake when she was told they had no bread.

The spending of $10 million on the proposed aquarium is a double-feature extravaganza since, first, no significant need for this aquarium has been established, and second, there is no excuse for building it at this fantastic cost.

WORLD'S COSTLIEST FISH BOWL

The Senate Public Works Committee, in its report on the aquarium bill, stated: "At a cost of $10 million the Center would exceed the cost of any private commercial aquarium now in existence."

To the best of my knowledge, this statement applies to public as well as private aquariums and the cost would exceed any other by several million dollars. Among the major public aquariums in the United States are—

First. Steinhart Aquarium, San Francisco, built in 1923 at a cost of $300,000, according to figures supplied to the Senate Public Works Committee by Steinhart's superintendent-curator. This sum was donated by Ignatz and Sigmund Steinhart. The aquarium is now being entirely reconstructed at a cost of only $750,000.

Second. John G. Shedd Aquarium in Chicago, described by its assistant director as "the largest building in the world devoted exclusively to aquarium purposes," built in 1929 at a cost of $4 million, $3 million of which was donated by John G. Shedd, former president and chairman of the board of Marshall Field & Co.

Third. The New York Aquarium at Coney Island, built in 1957 by the New York Zoological Society and the city of New York at an initial cost of $1,500,000. Its total cost is estimated to be $6–$7 million when all construction is completed.

Among the private aquariums are—

First, Marine Studios at Marineland, Fla., built in 1937 at a cost of $1,500,000; second, Marineland of the Pacific, Los Angeles, built in 1954 at a cost of $3,500,000; third, the Seaquarium, Miami, built in 1955 at a cost of $3,250,000.

In comparison with these figures the proposed Washington aquarium would be the costliest fish bath in the country. Apparently the Washington fish will enjoy every advantage of a Fifth Avenue salon except Swedish masseurs.

The estimated annual operating costs and income of this gold-plated aquarium are equally out of proportion to other existing aquariums. Figures supplied by the Department of the Interior show the Washington aquarium would cost $800,000 to operate a year. By comparison, Steinhart costs $300,000; Shedd, the biggest aquarium in the world, a magnificent aquarium, which serves the city of Chicago and the whole Middle West, costs $250,000; and the New York aquarium, which serves the greatest metropolis in the Nation, $200,000. No operating costs were available for the private aquariums.

I shall discuss the Miller amendment later. Although it is worth while, it closes its eyes to reality, because it is absolutely impossible to amortize an aquarium this costly in Washington, D.C., in any period of years.

OPERATIONS COST INCREDIBLE

The cost of operating the New York aquarium is $200,000 a year.

No operating costs were available for the private aquariums.

The prediction for the annual income for the Washington Aquarium has been padded beyond all reality. It is predicted to be $1 million, with a proposed admission fee of 50 cents for adults and 25 cents for children. Steinhart Aquarium is free and has no income; Shedd charges 25 cents on Thursdays, Saturdays, and Sundays and makes about $75,000 a year; New York charges 90 cents for adults and 45 cents for children, and grosses an estimated $120,000, although New York has twice as many visitors as Washington—14 million in 1960, compared with 7 million for Washington; and New York is a metropolis almost ten times the size of Washington.

Marine Studios, of Florida, charges adults $2.20, children $1.10 and makes about $1,500,000; Marineland of the Pacific charges adults $2.20, children 70 cents and has an income of about $1,200,000; the Seaquarium, also of Florida charges adults $2.20, children, $1.10, and grosses about $1 million.

ONLY PRIVATE AQUARIUMS HEAVILY PROMOTED DRAW BIG GROSS

Why are these aquariums able to gross such large amounts?

Anyone who has visited these beautiful aquariums realizes that they are really promotional affairs. Some of these promotions would make Tex Rickard look like a novice.

These aquariums advertise extensively and produce spectacular shows, shows in which trained porpoises perform and go through all kinds of routines. Also, these aquariums provide automobile bumper stickers which can be seen in almost every city of the country. They are really promotional entertainment by private enterprise. They are operated in such a way that no public body is likely to duplicate. The only reason they operate is to afford people an opportunity to see a show; not merely to see fish or to study scientific exhibits or to conduct scientific studies; but simply to see a show. They provide entertainment—pure entertainment—and do not pretend to do anything else.

The Department of the Interior has ballooned its estimate of revenue by assuming a fantastic attendance of 3 million.

Last year 8 million visitors came to the District of Columbia. I am sure they did not come here to see fish—at least, not the kind of fish that swim under water. They came to the District to see their Government in operation. They came to visit the Capitol, the White House, the Lincoln Memorial, the Jefferson Memorial, and other sights, all of which are free. There is no question that none of these majestic edifices, all of them free, had anything like 3 million visitors, when the entire city had only 8 million visitors.

To assume that money could be charged and people expected to visit an aquarium in far greater numbers than visit other public aquariums in the country is completely impractical and utterly naive. I feel certain that no private financier who had money to invest would put money into this kind of operation, on the basis of the figures and statistics I have just presented.

The top attendance among the other aquariums is 2,300,000 at Steinhart, which charges no admission; it is free. Of the other aquariums which charge admission, the top attendance is 1 million, with a low of 200,000 at the New York aquarium, and 700,000 at the Shedd Aquarium in Chicago, those cities having populations, respectively, 8 and 4 times that of Washington.

I ask unanimous consent to have printed at this point in the RECORD a

table I have prepared showing the comparative data with respect to public and private aquariums, and comparing the aquariums in other cities with the proposed National Fisheries Center in Washington.

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

Comparative data on public and private aquariums

Name	City and date completed	Original cost	Attendance		Fees	Annual operating costs	Annual gross income
			Annual	High day			
Steinhart Aquarium	San Francisco, Calif., 1923	$1,800,000 ([1] 300,000)	2,300,000	18,000	Free	$300,000	None
J. G. Shedd Aquarium	Chicago, Ill., 1929	4,000,000	700,000	78,000	[2] $0.25	250,000	$75,000
New York Aquarium	Coney Island, N.Y., 1957	[3] 1,500,000	200,000		A- $0.90 C- .45	200,000	120,000
Marine Studios [4]	Marineland, Fla., 1937	1,500,000	1,000,000		A- 2.20 C- 1.10	([5])	[6] 1,500,000
Marineland of the Pacific [4]	Los Angeles, Calif., 1954	3,500,000	1,000,000	14,800	A- 2.20 C- .70	([5])	[6] 1,200,000
Seaquarium [4]	Miami, Fla., 1955	3,250,000	700,000	10,000	A- 2.20 C- 1.10	([5])	[6] 1,000,000
Proposed National Fisheries Center and Aquarium	Washington, D.C	10,000,000	[6] 3,000,000	[6] 85,000	[6] A- .50 [6] C- .25	[6] 800,000	[6] 1,000,000

[1] Earl Herald, superintendent-curator of the Steinhart Aquarium, testified at hearings before the Senate Public Works Committee on June 15, 1962, that the aquarium was built at a cost of $300,000 and that the present time $750,000 was being spent to reconstruct the entire installation.
[2] MTWF-free.
[3] Construction still going on, $6,000,000 to $7,000,000 before completion.
[4] Private aquariums.
[5] No figures available.
[6] Estimated.
Chart source: Bureau of Sport Fisheries and Wildlife, Department of Interior.

BILL AND COMMITTEE REPORT FAIL TO INDICATE ANY SERIOUS RESEARCH

Mr. PROXMIRE. Mr. President, much has been made of the argument that this is not to be merely an aquarium for people to visit, but an aquarium for research; that it will be an opportunity to conduct research which should have been engaged in and sponsored by our Government and conducted in a substantial way.

Anyone who reads the bill will see that that cannot be so. Who is to be on the Advisory Committee, under the bill? On page 5, lines 16 and following, we read that there are to be "two Members of the Senate, appointed by the President of the Senate."

Mr. President, I have great respect for the Members of the Senate, but I do not believe any Members of the Senate are ichthyologists or fish scientists or experts in any kind of fish research or fish conditions. Perhaps there are some, but I doubt it.

Mr. MILLER. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. MILLER. I suggest that if there be any Member of the Senate who might fall within that category, the distinguished Senator from Wisconsin, whose State is noted for its fish, would qualify.

Mr. PROXMIRE. I appreciate the flattering comment of the Senator from Iowa. Wisconsin is a great fish State. We are proud of our fish. I am sure that many people who come to Washington from Wisconsin would be happy to visit the aquarium; but I still cannot justify such an aquarium on that basis.

Furthermore, the bill provides that there shall be on the Advisory Committee "two Members of the House of Representatives, appointed by the Speaker of the House of Representatives."

Obviously, they do not have the background which would qualify them as researchers. Who else is to be on the Advisory Board?

The bill further provides, in dealing with the membership of the Advisory Board—

(3) two individuals appointed by the Secretary, one of whom shall be engaged in or closely associated with, sport fishing, and one of whom shall be engaged in, or closely associated with, commercial fishing.

Obviously, if they are engaged in or closely associated with sport fishing and with commercial fishing, they will be interested in many aspects of fishing; but it is doubtful that they will be expert ichthyologists or researchers.

Then the bill provides that the remaining members of the Advisory Board shall be—

(4) two individuals appointed by the Secretary from the public at large.

But there is no indication that any research worker or scientist or person with that sort of background would be appointed to the Advisory Board. It is apparent that at the time when the bill was drafted, no consideration was given to the appointment of such experts.

NO PROVISION IN REPORT FOR RESOURCES

On page 11 of the report we find listed the personnel who would be employed by the aquarium. But are research workers or scientists or persons who could possibly qualify as such listed in the report? I point out that the report lists, first, an "executive;" but there is no indication whatever that he would have the background of a scientist or research worker.

Then it lists "stenographic," for one-half a year. I assume that means a stenographic worker would be employed for half a day, each day.

Then we find listed an expert on aquariums; but there is no indication that he would be a scientist.

Also listed is one engineer—no doubt to be used to operate the aquarium; but there is no indication that he would be qualified as an expert on fisheries or the scientific aspect of fisheries.

Then we find that one architect is included in the list. I suppose it is conceivable that he might be an authority on the anatomy of fish, but I doubt it. Obviously, judging from the list on page 11 of the report, the architect would be employed during the years 1964 and 1965, in connection with construction of the building.

In addition, we find in the report an estimate of "additional expenditures—personal services." The total for 1964 is $47,000. The same amount is included for 1965. For 1966 through 1968, the estimate is $38,000. But, again, there is no indication that those funds will be expended to employ research workers. In fact, even if those funds were used for research purposes, the amount of research which could be conducted, in comparison with the amount of research work done in other areas of the country, as I shall point out in a minute—would be paltry and insignificant.

The PRESIDING OFFICER (Mr. BURDICK in the chair). The 15 minutes the Senator from Wisconsin has yielded to himself have expired.

Mr. PROXMIRE. Mr. President, I yield myself an additional 10 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for an additional 10 minutes.

Mr. PROXMIRE. Mr. President, it was argued by the Senator in charge of the bill, and it was argued again and again at the hearings, that those who propose the enactment of the bill believe that the proposed aquarium would offer great opportunities for research. But I submit that anyone who reads the hearings—and I have read them all the way through—would be hard put to find in them any documentation of the kind of research to be done, who would conduct it, what would be done, why it is needed, or what benefits the research to be done would provide. All that is dealt with in very vague and general terms.

The fact is that we now have some excellent research centers, conducting research under the Fish and Wildlife Service. Research is undertaken by the U.S. Fish and Wildlife Service, the Scripps Institute of Oceanography, at La Jolla, Calif.; at the Woods Hole Oceanography Laboratory, at Woods Hole, Mass.; and at the Solomons Island station, in Maryland. To the best of

my knowledge, this is the first time anyone has seriously attempted to justify the construction of a major city display aquarium on the ground that it would assist in research. Research is conducted in establishments specifically designed for that purpose, and experts are employed to conduct it there. But research is not conducted in an aquarium of this kind. Any attempt to conduct research in an aquarium would remind one of a distinguished Member of Congress who was reported to have recently traveled in Europe, for the purpose of studying the equality of opportunity for women at Parisian striptease joints. Obviously, the place to engage in research is an establishment designed for that specific purpose.

EFFECTIVE RESEARCH DONE IN FIELD

Furthermore, Mr. President, we should note that the Fish and Wildlife Service is comprised of two bureaus. One of them is the Bureau of Sport Fisheries and Wildlife. It studies fish husbandry, and the research done there is concerned primarily with fish husbandry, which comprises the study of nutrition and diseases of fish, and attempts to show the rice farmers in Arkansas and neighboring States methods of alternating the production of rice with the production of fish.

This Bureau also engages in pesticide studies on the effect of sprays, and so forth, on fishes and the organisms in the waters.

The Bureau also engages in reservoir research concerned with research for the management of fisheries in reservoirs constructed by the Federal Government; it also engages in marine sport fishery research, a new program, just getting underway, to assess the extent of the sport fishery for marine species.

These studies are being developed at the present time or are underway in establishments subsidized and paid for by the Federal Government.

In the second place, the Fish and Wildlife Service maintains a Bureau of Commercial Fisheries, which is concerned primarily with exploratory fishing—in other words, the finding of new fishing grounds for the industry; and this Bureau is also concerned with gear development, which comprises the development of new fishing techniques and methods, and so forth; it is also concerned with market promotion and the determination of new methods of preservation of fish for marketing; and it also studies the passage of fish at dams, primarily on the west coast, in relation to the passage of salmon at dams.

SERIOUS RESEARCH IN CALIFORNIA, MASSACHUSETTS, MARYLAND

Research is also conducted at the Scripps Institute of Oceanography, in California, and at the Woods Hole Oceanography Laboratory, in Massachusetts. At both these laboratories approximately 95 percent of the research work is under contract with the Office of Naval Research, and concerns studies of oceanography, including ocean currents, depths, temperatures, salinities, and stocks of fish. The Office of Naval Research not only finances the research at these two laboratories, but also has provided much of the money for construction of facilities and purchase of equipment.

Research is also done at the Solomons Island, Md., station, which is operated by the State of Maryland. This laboratory is concerned primarily with the management of the shellfish and fish of Chesapeake Bay. The University of Maryland participates in the activities at the Solomons Island station, for studies of water resources. At the Solomons Island station there is a Natural Resources Institute, operated in conjunction with the University of Maryland.

Mr. President, if the sponsors of the bill are interested in research, it seems to me that some indications that research work would be done at the proposed National Fisheries Center and Aquarium would have been evident at the hearings. But, as I have said, although I have studied the hearings very carefully, I was not able to find any documentation or any support or any evidence in regard to the kind of research which would be conducted.

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

Mr. PROXMIRE. I am happy to yield to the Senator from Ohio.

Mr. LAUSCHE. To corroborate the argument made by the Senator from Wisconsin, I should like to read from section 1 of the bill.

AUTHORIZATION FOR NATIONAL FISHERIES CENTER AND AQUARIUM

SECTION 1. (a) The Administrator of General Services (hereinafter referred to as the "Administrator") is hereby authorized to plan, construct, and maintain a National Fisheries Center and Aquarium in the District of Columbia or its vicinity for the display of fresh water and marine fishes and other aquatic resources for educational, recreational, cultural, and scientific purposes.

Fish would be displayed, but there would be no installation of research facilities in the building, if the provisions of the bill are followed.

That is section 1 of the bill.

Mr. PROXMIRE. Mr. President, the Senator from Ohio is absolutely correct. An analysis of the bill line by line, as the Senator from Ohio is doing, shows that the bill is not designed for research.

Mr. LAUSCHE. It is for the display of fresh water and marine fishes.

Mr. PROXMIRE. Yes. That is a perfectly proper objective; but let us debate the bill on the basis of what it actually provides.

Mr. LAUSCHE. And in section 2, which deals with the operation of the proposed Center and Aquarium, there is no indicate that research work will be done in this institution. It is intended to be visited by people who, by looking at the fish to be displayed there would gain in education. But if that amounts to research, I simply do not understand the meaning of the term. I think a reading of the testimony taken at the hearings will disclose that the proposed Center and Aquarium are intended primarily for the entertainment of visitors who come to Washington.

Incidentally, they will acquire education by seeing the various species of fish, but it will not be through research, as the Senator from Wisconsin has so clearly pointed out.

Mr. PROXMIRE. Yes, indeed. I thank the Senator from Ohio.

The distinguished Senator from Iowa [Mr. MILLER] has submitted an amendment which I think has a great deal of appeal. I would be very interested in supporting it, but I suggest to the Senator from Iowa that, in view of the record I have just discussed and the experience of other aquariums, he give real consideration, in offering the amendment, to supporting a motion that the bill be recommitted for the purpose of studying whether it would be practical or feasible to require the Interior Department to try to raise $10 million, pay the interest, and cover all maintenance costs in a period of 30 years. It may be possible, but I submit, based on all the experience of the aquariums in this country, that it could not be done.

Other public aquariums do not draw big enough crowds to cover maintenance costs, let alone amortization costs.

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

Mr. PROXMIRE. I yield to the Senator from Florida.

Mr. HOLLAND. First, I commend the Senator on the position he has taken. Second, I ask him if there has been any showing as to how much it would cost to continue to provide a supply of usable salt water at the so-called Aquarium for the display of fish. There is no water at the site except the polluted and murky waters of the Potomac, which are at most merely brackish. Has it been estimated how much it would cost to provide clear, constantly usable salt water for this project?

Mr. PROXMIRE. I thank the distinguished Senator from Florida. I think he raises a fascinating point. It had not occurred to this Senator before. It is an excellent point from the standpoint of engineering. It is quite a different problem to provide salt water at New York City or along the coasts of California or Florida, where the aquariums are located on the coasts, but when an aquarium is to be located many miles from a supply of salt water, as in this case, it seems to me the cost would be immense. I think this is an excellent point and a real basis for further study. Unless the proponents of the bill have an answer, it seems to me further study and recommittal for that purpose should be required.

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

Mr. PROXMIRE. I yield to the Senator from West Virginia.

The PRESIDING OFFICER. The additional time of the Senator from Wisconsin has expired.

Mr. RANDOLPH. Mr. President, I yield myself 1 minute.

With respect to the colloquy between the Senator from Florida and the Senator from Wisconsin as to the availability of salt water, the Shedd Aquarium which displays both fresh and salt water specimens at Chicago has no difficulty with that problem. The aquarium in Chicago is not located on the east or west coast, but is almost a thousand miles from any ocean. Salt water is delivered to it by tank car. Its original supply of salt

water was collected off Key West and hauled to the aquarium in the Chicago lakefront before the tracks were removed following construction of this beautiful building. Sea water was stored in huge concrete pools more than 30 years ago. That water has been used over and over, and is being supplemented only when new salt water fish specimens are brought in from Florida. That problem was considered by the Senate committee and by the House in its debate. Brackish water is not exactly salt water, but there is the Chesapeake Bay, near the District of Columbia, in the vicinity of where the aquarium would be constructed. The point is one that was not overlooked in the committee or in the debate in the House.

Mr. HOLLAND. I thank the Senator. I notice he has not said anything about the cost. I have communications from the operators of aquariums in my own State who tell me that it is quite a task to keep available the necessary supply of clear salt water for aquariums that are on the shore there. It costs a great deal of money to do it. They think the cost involved would be very great. They know the waters of the Potomac would not be suitable, because they are highly polluted and murky.

I think, unless there is something in the report indicating what the cost for that item would be, which would be a constant, day-to-day cost throughout the life of the aquarium, that is one feature which deserves and requires study and report as to the cost that would be involved.

I thank the Senator for yielding.

Mr. PROXMIRE. I thank the Senator from Florida.

It will be a few more minutes before I yield the floor.

The Senator from Iowa has put his finger on a very crucial part of the bill in referring to section 8. The Senator from Ohio has discussed it. I want to discuss it again. I want to emphasize how flimsy it is with respect to an assurance that any substantial cost is going to be covered in the bill. The section reads:

> Funds appropriated and expended hereunder for construction of the buildings for the National Fisheries Center and Aquarium shall not exceed $10,000,000: *Provided,* That the expenditure of such funds shall be made subject to the condition that the Secretary of the Interior shall establish charges relating to visitation to the National Fisheries Center and Aquarium and he may establish charges for other uses at such rates as in the Secretary's judgment will produce revenues to cover an appropriate—

I emphasize these words "an appropriate"—

> share of the annual operation and maintenance costs thereof.

It does not say a full share. It says "an appropriate share." If it cost $800,000, an appropriate share, in his judgment, might be $50,000 or $100,000. There is nothing in the bill that provides that it is to be one-half or one-third of the maintenance cost. Whatever he chooses to cover he can cover.

It is true that estimates in the report show that he may provide for the charging of fees that will bring in $1 million, but, as I pointed out, this estimate is based on a most optimistic and unrealistic notion in view of the record of public aquariums. The figures show they do not come within a mile of covering the costs, if adults are to be charged 50 cents and children 25 cents, unless a super promotion and a fancy aquarium show is put on, and nobody has proposed that.

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

Mr. PROXMIRE. I yield.

Mr. LAUSCHE. The section to which the Senator has just referred does not say that the charges collected for admission shall help amortize the cost of the capital investment.

Mr. PROXMIRE. That is an excellent point. It does not come close to it.

Mr. President, I yield the floor and reserve the remainder of my time.

Mr. MILLER. Mr. President, will the Senator yield me 3 minutes?

Mr. RANDOLPH. On my time?

Mr. MILLER. Yes.

Mr. RANDOLPH. I yield the Senator from Iowa 3 minutes on my time.

Mr. MILLER. Mr. President, I send an amendment to the desk and ask to have it stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Iowa will be stated.

The LEGISLATIVE CLERK. It is proposed on page 8, to strike out all of lines 1 through 5, and insert in lieu thereof the following:

> Charges relating to visitation to and uses of the National Fisheries Center and Aquarium at such rates as in the Secretary's judgment will produce revenues to (a) liquidate the costs of construction within a period of not to exceed 30 years and (b) pay for the annual operation and maintenance costs thereof.

Mr. MILLER. Mr. President, the amendment is self-explanatory. It is designed to conform with the policy which was recommended by the Outdoor Recreation Resources Review Commission, of which I had the honor of being a member, and which rendered a report to the President this year. That Commission recommends very strongly that there be an increased use of user fees for the purpose of defraying the cost of recreational facilities.

Regardless of how one feels about the timeliness of this bill, it seems to me our policy ought to be to have this a self-liquidating, self-maintaining operation.

I understand informally from one of the members of the staff that approximately $500,000 a year is estimated for the cost of maintenance, operation, and amortization involved.

If there were 2 million visitors, at the rate of 25 cents a person, the $500,000 would be taken care of. This is not to suggest a flat fee of 25 cents. The fee might be $1 for adults and 10 cents for schoolchildren.

In addition, it is contemplated that auditorium facilities would be furnished, occasionally at no charge and on other occasions at a charge, and charges would be made for uses of the facilities by scientific and commercial interests.

It seems to me my amendment is not a grasping in the dark. I think it has real possibilities for fulfillment. I hope my amendment will be agreed to. I think it would improve the bill.

Mr. MAGNUSON. Mr. President, will the Senator from West Virginia yield me a few minutes of time, so that I may speak on another matter which is quite important?

Mr. RANDOLPH. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from West Virginia has 48 minutes remaining.

Mr. LAUSCHE. Mr. President, how much time does the Senator from Wisconsin have remaining?

The PRESIDING OFFICER. Fifty-five minutes.

Mr. RANDOLPH. I yield 3 minutes to my colleague from Washington.

SHIPPING EMBARGO OF CUBA

Mr. MAGNUSON. Mr. President, on yesterday, prior to the passage of the joint resolution with respect to Cuba, I commented upon the fact that certain Italian seamen refused to sail two struck supply ships which were going to Cuba and to Castro. I commended them on that action, and suggested that the State Department should do what it could in that regard, along with action by our Government, including the passage of the joint resolution by the Senate. I suggested that we try to encourage other NATO maritime countries to follow the same practice.

The American Merchant Marine Institute has called on maritime lines throughout the free world to ban the carrying of Russian cargoes to Havana, and has urged President Kennedy to support this embargo.

Joseph Curran, president of the National Maritime Union, and Capt. William Bradley, president of the International Longshoremen's Association, have joined in a demand for a world boycott of arms shipments to Cuba.

I ask unanimous consent to have printed in the RECORD an editorial from the Seattle Post Intelligencer which salutes these men on their patriotism. The editorial states, in conclusion:

> Obviously, the American people are ahead of the administration in taking action to cripple the buildup of a Communist stronghold 90 miles from our shores.

I commend these people for their efforts.

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

MEN OF ACTION

While official Washington marks time, management and labor in the maritime industry are doing something about the buildup of Communist power in Castro's Cuba.

The American Merchant Marine Institute, representing the shipowners, has called on maritime lines throughout the free world to ban the carrying of Russian cargoes to Havana. It has urged President Kennedy to support this embargo.

Joseph Curran, president of the National Maritime Union, and Capt. William Bradley,

president of the International Longshoremen's Association, have joined in a demand for a world boycott of arms shipments to Cuba.

And Captain Bradley has warned that his longshoremen will refuse to handle shipments by any American companies that are known to be supplying Castro by sending goods through such ports at Antwerp.

We salute these men for their patriotism. Obviously, the American people are ahead of the administration in taking action to cripple the buildup of a Communist stronghold 90 miles from our shores.

Mr. MAGNUSON. Mr. President, I read today in the first edition of the Washington Daily News that a U.S. labor attaché in Rome is encouraging the Italian Government to force the Italian seamen to sail on these two ships. The report comes from Mr. Curran himself.

"We have had a call for help from the Italian union who says that their government is threatening to lift the seamen's cards if they don't sail the ships," said a spokesman for NMU President Joseph Curran. "And they say that the U.S. labor attaché at Rome is into it."

The State Department lists Mr. John C. Fuess as American labor attaché in the Italian capital.

"Last winter the State Department stopped the boycott against Castro shipping out of U.S. ports," said the NMU official. "But we don't mean to give in this time."

It was also pointed out that:

They expect the International Federation of Transport Workers, which has 6.5 million members in 100 countries, to declare an official boycott at a meeting to be held in London during the first week in October.

I commend Mr. Curran, Captain Bradley, and the American Merchant Marine Institute for what they are doing. It is what I suggested about a month ago. This could have a great effect in respect to our struggle with the Cuban problem, along with the joint resolution which has been passed.

I suggest to the American labor attaché in the Italian capital, whether his name be "Mr. Fuess" or something else, that he cease and desist from interfering with the free rights of these seamen, who believe that they should not participate in any aid to the Castro government. He should cease and desist from interfering with their free rights.

I thank the Senator from West Virginia.

Mr. RANDOLPH. I am delighted to accommodate my friend.

CONSTRUCTION AND OPERATION OF NATIONAL FISHERIES CENTER AND AQUARIUM IN THE DISTRICT OF COLUMBIA

The Senate resumed the consideration of the bill (H.R. 8181) to authorize the construction of a National Fisheries Center and Aquarium in the District of Columbia and to provide for its operation.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Iowa.

Mr. RANDOLPH. Mr. President, the amendment offered by my colleague from Iowa, who is a member of the Committee on Public Works, has been discussed informally by several members of the committee, and by several Members of the Senate who are not members of the committee. It is my feeling that the request made by the Senator from Iowa [Mr. MILLER] is not an unreasonable one. We are willing to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Iowa.

Mr. MORSE. Mr. President, I yield myself 3 minutes from the time in opposition.

I am opposed to the amendment, because there ought to be hearings on it. We do not have the slightest idea that we can work out an amortization program on the basis of any such fee paying principle as has been proposed. I think the amendment proves the soundness of a motion which I shall make, that the entire bill be recommitted to the committee, so that there can be further hearings not only in regard to the amortization program, but also in regard to some other issues which I wish to raise in my speech in opposition to the bill.

I have gone through the transcript of the hearings. There is nothing in the hearings which gives the Senate any evidence on which to pass judgment on the wisdom or lack of wisdom of the Miller amendment. This raises the entire question, also, as to whether or not entrance fees ought to be charged by the Federal Government for a National Fisheries Center and Aquarium. I shall have something to say about fees later.

If we have reached the point where the amendment is before the Senate and action is about to be taken on it, I think the time has come to take action on a motion to recommit the entire bill to the committee for further hearings. The committee should carefully consider the issue raised by the Senator from Iowa [Mr. MILLER], the question as to how best to amortize the cost of the aquarium, wherever it may be built.

About the last place in America where it ought to be built is on Hains Point, adjacent to the Potomac River, which is the filthiest river of its size in the world, the shores of which are now lined with tons of dead fish, according to newspaper accounts. Those fish are dead because they cannot live in the densely filthy Potomac River, yet it is proposed to spend $10 million to build an aquarium adjacent to that river.

I will tell Senators what we ought to do with the $10 million. We ought to clean up the Potomac River so that fish can live in it, so that little boys and girls and adults can swim in it, so that people can go boating on it, so that it will be a sanitary river rather than a constant flowing threat to the health of the people of the District of Columbia, of Maryland and of Virginia.

It is beyond my power of comprehension why there is even any talk about building a fisheries center and a fisheries research center on the dirtiest, stinkingest river in the world for its size.

At least we ought to put the aquarium on some clean river.

Furthermore, the talk about wishing to do something so that the people will have something to see when they come to Washington, D.C., is rather silly. There is so much for the people to see now in this city that they would have to stay here, most tourists would tell us, a month to even begin to see the things they would like to see—the Smithsonian Institution, the Library of Congress, the Capitol, the White House, the great art museums and all the rest.

This city is not lacking in tourist attractions, Mr. President. A lot of other areas of this country are.

I will tell Senators what I would be willing to consider, should the bill go back to the committee. I would be willing to consider some evidence as to whether the aquarium ought not to be located in Ohio, on the Great Lakes, and named the Kirwan Aquarium, in honor of that great Representative in the House of Representatives who is so much interested in the bill. I should like to honor him, too, but I am not going to honor him, in my judgment, by voting for an aquarium to be built at Hains Point, or any other area in the Washington area on the polluted, dirty, stinking Potomac River. We in the Congress ought to be ashamed of ourselves because we have not cleaned it up.

We ought to take the $10 million and use it for cleansing the Potomac River of pollution.

Mr. President, I do not wish to encroach further on the prerogative of the Senator from Wisconsin [Mr. PROXMIRE]. I did not see him; he was not in the Chamber when I started to speak, and I assumed the authority, as his colleague in opposition to the bill, to yield myself 3 minutes.

Mr. President, I raise a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MORSE. Am I correct in my understanding that this is an appropriate time, prior to action on the Miller amendment, to move to recommit the bill to the Committee on Public Works, so that further hearings may be held on the bill and on the Miller amendment? There have been no hearings on the Miller amendment. A very complicated subject of amortization is raised by the amendment. We ought to have some evidence submitted on that subject as well as on many other questions to which I shall direct my attention later, if necessary. The Fish and Wildlife Service has not given us sufficient evidence to pass a sound value judgment on the bill.

My first parliamentary inquiry is as follows: Would it be in order at this time to move to recommit the entire bill? Second, since a motion to recommit is debatable, would the time for the debate upon that motion have to be taken out of the 3 hours under the unfortunate unanimous-consent agreement that was entered into yesterday, when I was attending to Senate business off the floor of the Senate, and which never would have been entered into had I been present?

The PRESIDING OFFICER. The motion is in order and is debatable under the time limitation.

Mr. MORSE. Mr. President, I move that the bill be recommitted to the Committee on Public Works.

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

Mr. PROXMIRE. Mr. President, will the Senator withhold his suggestion? We are operating under a time limitation.

Mr. DIRKSEN. I shall withhold my request, provided I do not lose my right to make it.

Mr. MORSE. Mr. President, I ask the Senator from Illinois if he would consent that the time necessary for the quorum call be taken from neither side.

Mr. DIRKSEN. I am agreeable.

Mr. MORSE. Mr. President, I make that request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will call the roll.

The legislative clerk called the roll; and the following Senators answered to their names:

[No. 273 Leg.]

Allott	Hart	Morse
Anderson	Hartke	Moss
Bartlett	Hayden	Mundt
Bennett	Hill	Muskie
Bible	Holland	Neuberger
Boggs	Humphrey	Pearson
Burdick	Jackson	Pell
Bush	Johnston	Proxmire
Byrd, Va.	Jordan, N.C.	Randolph
Byrd, W. Va.	Jordan, Idaho	Russell
Carlson	Keating	Saltonstall
Carroll	Kefauver	Smith, Mass.
Case	Kerr	Smith, Maine
Chavez	Lausche	Sparkman
Church	Long, Hawaii	Stennis
Clark	Long, La.	Symington
Cooper	Mansfield	Talmadge
Cotton	McCarthy	Thurmond
Dirksen	McClellan	Tower
Douglas	McGee	Wiley
Ellender	McNamara	Williams, N.J.
Engle	Metcalf	Williams, Del.
Ervin	Miller	Yarborough
Fong	Monroney	Young, N. Dak.

Mr. HUMPHREY. I announce that the Senator from Nevada [Mr. CANNON], the Senator from Connecticut [Mr. DODD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Washington [Mr. MAGNUSON], the Senator from Rhode Island [Mr. PASTORE], the Senator from Virginia [Mr. ROBERTSON], the Senator from Florida [Mr. SMATHERS], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I further announce that the Senator from Alaska [Mr. GRUENING], the Senator from Wyoming [Mr. HICKEY], and the Senator from Missouri [Mr. LONG] are necessarily absent.

Mr. DIRKSEN. I announce that the Senator from Vermont [Mr. AIKEN] is absent on official business.

The Senators from Maryland [Mr. BEALL and Mr. BUTLER], the Senator from South Dakota [Mr. BOTTUM], the Senator from Indiana [Mr. CAPEHART], the Senators from Nebraska [Mr. CURTIS and Mr. HRUSKA], the Senator from Arizona [Mr. GOLDWATER], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from New York [Mr. JAVITS], the Senator from California [Mr. KUCHEL], the Senator from Kentucky [Mr. MORTON], the Senator from New Hampshire [Mr. MURPHY], the Senator from Vermont [Mr. PROUTY], and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent.

The PRESIDING OFFICER. A quorum is present.

Mr. MORSE. Mr. President, on the motion to recommit, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MORSE. Mr. President, I yield myself 2 minutes.

The Senator from Iowa [Mr. MILLER] has offered an amendment which I think, after a cursory examination of it, has great merit; but it is an amendment which I believe calls for hearings. It deals with the whole question of how to amortize the $10 million aquarium, if the Senate should make the unfortunate judgment of deciding to build it. I think the committee should take testimony with respect to the entire amortization program. But the bill ought to be recommitted to the Committee on Public Works anyway, for further consideration with respect to the question of the situs of the aquarium. I believe that probably the worst possible place to build an aquarium, of all places to be made available, is Hains Point in Washington, D.C. As I said a few minutes ago, the Potomac River is the filthiest river of its size in the world, a river which, as I speak, has its shores lined with tons of dead fish, dead because they could not live in the pollution of the stream. In fact, I believe the $10 million ought to be used to clean up the river rather than to build an aquarium on its shores.

Furthermore, the supply of land in this city for public use is very limited; and, in my judgment, Hains Point is not the place for an aquarium. I believe that once the river has been cleaned up, it ought to be an important center for recreational use—an attractive center for swimming, boating, and fishing.

I also think we ought to have more information. I have examined the hearings carefully, and there is a notable absence of data which should be obtained from the Fish and Wildlife Service. I have some data which I shall use later this afternoon with respect to the question of situs.

The Government already has a large sum of money invested in Federal fisheries throughout the country, any of which could be expanded in order to be an appropriate site for an aquarium.

A strong plea has been made for tourism. It is said that an aquarium would be an attraction for tourists to Washington, D.C. There are so many attractions in Washington, D.C., that tourists would have to spend a month or more really to make a start at seeing them. We could talk about the Smithsonian, the art galleries, the Library of Congress. We could talk about the multitude of facilities which are appealing to tourists. This is one city in the United States which does not need to provide more attractions for tourists to visit. There are many other places in the country where Federal dollars ought to be spent to attract tourists, if Federal dollars are to be used for that purpose.

A strong case could be made for building the aquarium on the Great Lakes, on the shores of the State of Ohio. It might be named the Kirwan Aquarium. I think that would be a very fine tribute to a great Representative from Ohio; although I believe there are many other things which might better be named for him in honor of his great record in Congress.

I do not believe the Senate has all the information it needs to justify the authorization or appropriation of $10 million for the construction of an aquarium in the vicinity of Washington, D.C.

I say again that this sum of money ought to be used to supply some of the urgent needs of the District of Columbia, if the money is to be spent here. Hundreds and hundreds of little boys and girls and adults in the District of Columbia live in hovels that are not as good as pigpens on the most modern farms.

Consider the slum clearance program, the local school construction program, and the housing program, on which $10 million could better be spent.

We have a great need for an improved educational program in this city and this country. Early next week we shall have a discussion in the Senate with respect to making loans to the school system of this city. This money is needed to tear down firetraps which, as I speak, are housing hundreds of young students of the District of Columbia and are endangering their lives by fire every hour of the schoolday. The $10 million ought to be spent for that purpose if it is to be spent in the District of Columbia.

Also, 73 military installations in this country have been closed, many of which are located at sites most appropriate for an aquarium. Do not forget that the aquarium that we are talking about is to be an aquarium which will not only be a hotel for fish but also will be a center for fisheries research.

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

Mr. MORSE. I yield myself another minute.

Mr. President, this is not the time to rush this bill through the Senate with no more consideration than it has received, and with a limitation of time for debate under a unanimous-consent agreement which was entered into in the absence of some of us who would not have agreed to it had we been present.

Although I gave first preference to the Representative from Ohio [Mr. KIRWAN] for the location of the aquarium to be in his State, I say to the President of the United States, who has been very much concerned and interested in trying to find some use for a great naval institution at Tongue Point in Astoria, Oreg., which he closed during his administration, that the institution is available both for a salt water and fresh water fisheries center and aquarium.

The PRESIDING OFFICER. The time of the Senator from Oregon has again expired.

Mr. MORSE. I yield myself another minute.

Mr. President, I say to the President of the United States that if he has any

doubt as to the use to which Tongue Point can be made, let us see if it cannot be put to use as a great Federal fisheries aquarium and research center, close to the great research centers in Oregon and Washington; close to the great centers of research in the State of the distinguished junior Senator from California [Mr. ENGLE], who seems to be an advocate of the bill.

All of these great research centers serve useful purposes on the west coast.

The PRESIDING OFFICER. The time of the Senator from Oregon has again expired.

Mr. MORSE. I yield myself another minute.

Mr. President, I even believe that a research center would be of far greater use in the State of the two Senators from Massachusetts than it would be at Hains Point in Washington, D.C., where the dirty, polluted, stinking waters of the Potomac River will wash the foundations of such an aquarium.

If ever I saw an example of a paradox, an example of inconsistency, it is a proposal to place an aquarium, a fish hotel called an aquarium, at Hains Point on the Potomac River. All these facts should be considered further by the Committee on Public Works. Therefore, I have made a motion to recommit the bill to the Committee on Public Works.

Mr. RANDOLPH. I would not want West Virginia to be denied proper consideration for such an installation. We have, of course, no salt water fishing, but we do have an abundance of trout and bass streams.

When I was fishing as a boy in Middle Island Creek, very late one afternoon, almost twilight, the day had shown little success. A farmer came by fishing, and he was catching where I was just trying. And he told me that if I would follow what he was doing, I would catch some yellow catfish—and that is a very edible fish in our section—if I would bait liver, a little touch of liver and sprinkle a little citronella on it, I would do well. Result—I caught at least a dozen yellow catfish there inside of an hour.

Mr. President, I wish to inquire if other Senators will wish to speak on the bill.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon to recommit the bill to the Committee on Public Works.

Mr. RANDOLPH. Mr. President, the bill should not be recommitted to the Committee on Public Works. It is very easy to be facetious on the floor of the Senate. I hope I will not be misunderstood when I indicate that the force of the arguments of Senators who have spoken today of "gold-plated fishbowls" will look good in the press. It will attract headlines. But very frankly, this is a basic matter.

Mr. President, this bill has not come from the Senate Committee on Public Works merely because that committee desired to report another measure to the Senate. It was passed by the House of Representatives. The House version of the bill authorized expenditures of not to exceed $20 million. It is not correct to charge the Senate Committee on Public Works with failure to give proper consideration to this legislation. Even though the bill had been passed by the House, the Senate Committee on Public Works held an adequate hearing on the bill. In our judgment, the amount of the authorization provided by the House version was excessive, so our committee voted to reduce it by $10 million. Our committee voted to add four safeguarding amendments—amendments which should appeal to the Senator from Ohio [Mr. LAUSCHE], the Senator from Oregon [Mr. MORSE], and the Senator from Wisconsin [Mr. PROXMIRE]. Those amendments will tend to have the costs of the National Fisheries Center and Aquarium amortized over a period of years. The word "amortization" is not specifically set forth in the Senate committee amendment, but the phraseology of the amendment is as follows:

Provided, That the expenditure of such funds shall be made subject to the condition that the Secretary of the Interior shall establish charges relating to visitation to the National Fisheries Center and Aquarium and he may establish charges for other uses at such rates as in the Secretary's judgment will produce revenues to cover an appropriate share of the annual operation and maintenance costs thereof.

That amendment was predicated on discussions at the hearings with several Senators, including the Senator from Ohio [Mr. LAUSCHE]. So the amendments which were added by the Senate committee were directed at the objections which were lodged against the bill.

Frankly, Mr. President, it is easy—but it is unfair—to indicate that the Senate Committee on Public Works, in reporting unanimously to the Senate a measure of this type, acted without giving consideration to the matters at issue. Of course, one can speak of Hains Point, but that site was not designated. I mentioned it merely as one of the sites which had been discussed.

However, the pollution of the Potomac River has had my attention, as well as the attention of other Members of the Senate, for a long time. Over a period of years I have worked diligently, both while serving as a Member of the House of Representatives and while serving as a Member of the Senate, to have the pollution of the Potomac River decreased. That river rises, not in Oregon, but in West Virginia. When its waters leave West Virginia, they are relatively clean. What happens to them when they are in the vicinity of Washington, D.C., is the responsibility of many persons, including all the Members of Congress.

The PRESIDING OFFICER. The time the Senator of West Virginia has yielded to himself has expired.

Mr. RANDOLPH. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 5 more minutes.

Mr. RANDOLPH. Mr. President, I have always been taught to consider a proposal on its own merits, and not to attempt to confuse it with other issues or matters which may or may not have been adequately dealt with during the 87th Congress in either the House or the Senate.

I repeat that Senators should realize that the bill was studied by the House Committee on Public Works. However, to judge from some of the remarks which have been made here, one would think the bill had been brought out under the cloak of darkness. But the facts show that the bill also was debated in the House Committee on the District of Columbia, and subsequently was passed by the House of Representatives. No attempt has been made by the Senate Committee on Public Works to bring the bill to the floor of the Senate without an adequate hearing. Some 25 persons testified at the hearing held by the Subcommittee on Public Buildings and Grounds of the Senate Committee on Public Works. With the exception of three, all the witnesses who testified were in favor of this proposal. Adequate notice of the hearing was given. The Senator from Ohio [Mr. LAUSCHE] attended the hearing, and appeared in opposition to the bill. Of course, I accord to him the right to have his own conviction in regard to this matter. He believed that the proposed expenditures for the Fisheries Center constitute a very important matter. He also believed this might be an inopportune time, but he rather indicated that the objectives sought were worthy ones.

The Senator from Oregon [Mr. MORSE] did not ask to testify at the hearing. He has made his position known here on the floor of the Senate, today; but I point out that he did not join the Senator from Ohio [Mr. LAUSCHE] in testifying at the hearing.

Mr. MORSE. Mr. President, will the Senator from West Virginia yield?

Mr. RANDOLPH. I yield.

Mr. MORSE. I did not have the slightest idea that this bad bill was before the Public Works Committee—just as the Senator from West Virginia does not have the slightest idea, as I am sure he will admit, about scores of bills which are before Senate committees, and on which testimony will be taken, and he cannot be charged with responsibility for something which was not called to his attention.

But when this bill was called to my attention on the floor of the Senate, I opposed it.

Mr. RANDOLPH. I do not attribute any lack of attention of duty to the Senator from Oregon because he did not testify at the hearing. However, I have stated the fact that he did not testify there. No doubt he was not aware of the fact that the House committee had held hearings on the bill and that the bill had been passed by the House of Representatives; perhaps it was for that reason that he did not attend the hearing which was held by the Senate committee.

Mr. President, this bill is not confined to the display of fish. The bill contains provisions which can result in scientific research of great importance to the country. At one time, and over a long period, the fishing industry was one of the most important industries of this Nation. But today, more than half the fish consumed by the American people

are obtained from other countries. So certainly there is a need for research. That need has not been met in the State of Oregon or in the State of Ohio or in the State of Wisconsin. This work can be done in the Nation's Capital. And it is estimated that approximately 3 million persons will, as a result of the construction of the proposed center and aquarium, thus be able to have a sense of the national heritage in the natural resources of the country, including the fish of the sea.

The PRESIDING OFFICER. The additional time the Senator from West Virginia has yielded to himself has expired.

Mr. RANDOLPH. Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 3 more minutes.

Mr. RANDOLPH. Mr. President, I am in good humor about this matter. I wish that understood.

I have done some fresh water fishing, although not a great deal. However, I do know the streams in West Virginia.

I told a story earlier today to indicate that it is necessary sometimes, to readjust our thinking. It is necessary, sometimes, to compromise. Merely to take a position today that this is a black or white matter is not enough. Merely to polarize one's position as being for or against this bill is not enough. There is an attempt to have the Senate, in a degree, accommodate itself to the House, where the measure has been passed, with a $20 million anticipated cost.

I compliment the Senator from Iowa, a member of the Public Works Committee. I have found, by and large, that when he offers an amendment it is worthy of the consideration of the Senator from West Virginia. I have never taken lightly any proposals which he has offered in committee. He did not offer the amortization amendment within the committee, but he has offered the amortization amendment in the Senate. It provides that there would be an amortization of the cost of the proposed project over a period not to exceed 30 years. I accepted the amendment. I believe it can be done over a period of 30 years. As I have calculated mathematically rather quickly, it would result in the levying of an admission charge of 25 cents a person. Schoolchildren in groups might possibly be admitted at a lesser charge.

I believe the amendment has merit. I do not believe it was an amendment offered to defeat the bill. It was an amendment, which, in the judgment of the Senator from Iowa, would improve the measure, and which would cause Members of the Senate to realize that we were attempting to work the will of this body in an affirmative manner.

I hope the Members of the Senate will reject the motion of my esteemed colleague from Oregon that the bill be recommitted. Why? I ask Senators to vote the bill up or down.

The PRESIDING OFFICER (Mr. BARTLETT in the chair). The time of the Senator has expired.

Mr. RANDOLPH. I yield myself 2 more minutes.

The PRESIDING OFFICER. The Senator is recognized for an additional 2 minutes.

Mr. RANDOLPH. This bill has been reported unanimously by the Public Works Committee. It is now on the floor for consideration. I ask Senators not to recommit the bill to the committee. Vote it up or down.

The charge which has been made that full consideration was not given to it by the Public Works Committee is not true. It is said that the bill should go back to the committee for further consideration. It is not necessary. The bill has been adequately considered.

I have a sense of my responsibilities in this body. Other Senators have a sense of responsibility. Frankly, sometimes I become profoundly weary of attempts to gloss over exact reasons why a bill is brought before the Senate and why Senators should or should not exercise their will over it. We ask Senators to vote either for or against the bill.

I have faith that the Senate will not recommit the bill, but will allow it to proceed through the stages of debate, if there is to be further debate, and then permit Senators to vote for the bill either favorably or unfavorably.

I ask for a rollcall.

Mr. PROXMIRE. Mr. President, I yield myself 2 minutes.

If ever a bill before the Senate should be recommended, it is this one. The Senator from West Virginia has said he will accept the Miller amendment. What does the Miller amendment provide? It provides that the cost of constructing the building and the maintenance cost will be repaid through admission charges to the aquarium. The fact is that there is not a public aquarium in the United States that comes close to covering its maintenance cost and any advance charge for amortization. Indeed, most were built largely with private donations.

The Senator from Iowa estimated that the maintenance cost and the amortization cost will be something like $500,000. My staff has talked with Mr. Hagen, of the Bureau of Sport Fisheries and Wildlife. He told our staff that the maintenance cost alone would be $800,000.

The Senator from West Virginia has just said that by charging an admission of 25 cents for adults and a lesser amount for children, the cost will be repaid. Even if 3 million a year did visit the aquarium, and we will not come within a mile of that, and were charged 25 cents, it would amount to only $750,000. The probability is, that nothing like 3 million people would visit the aquarium. There is not a public aquarium that draws 1 million a year. The one in New York, where there are 14 million people in the area, which is 10 times the size of Washington, draws how many? Two hundred thousand people.

I think the amendment of the Senator from Iowa is excellent, but certainly the Public Works Committee owes it to the Senate to tell us how the funds are going to be raised, so that the Secretary of the Interior will not be put in the position of being saddled with an impossible burden.

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

Mr. PROXMIRE. I yield myself 1 minute.

The Secretary will have to assume such a burden as a condition for building the aquarium when, on the basis of experience of public aquariums all over the country, that construction cost and maintenance cannot possibly be covered.

The Senator from Oregon and the Senator from Ohio both wish to speak, and I yield first to the Senator from Oregon.

Mr. MORSE. Let me say to my good friend from West Virginia—and I know he knows I do not use the term "good friend" only as a verbal gesture, because he is a dear friend of mine—that 16,742 bills have been introduced and of that number 3,738 bills have been in the Senate so far in this session of Congress. As individual Senators, we could not begin to be informed as to which bills are before committees, or when. When I learned about this bill and studied it, I decided to oppose it.

Hearings were held before the Senate Public Works Committee. I hold the hearings in my hand. The Senator from West Virginia talks about 30 witnesses. It will be found that a good part of the hearings was taken up by letters and reports from departments. I would not call the hearing pamphlet that I hold in my hand, of some 56 pages, a very lengthy or substantial or detailed hearing on this bill, and the record shows the hearings required only 1 day. That was on June 15, 1962.

On the House side, the hearings were not before the Committee on Public Works, but, I am advised, before the District of Columbia Committee; and they lasted only a part of a day.

There is before the Senate a very important amendment on amortization. It is a detailed, complicated amendment.

The Senator from Wisconsin pointed out that a great many problems are created when one is talking about getting 3 million people through an aquarium anywhere in the United States in 1 year, to pay for the amortization of the cost of the building.

We have already pointed out that we think the question of situs of the aquarium should be gone into thoroughly. The hearings are completely inadequate on the question of situs. I think there should be a body of evidence, information, and testimony as to the best place to locate such an aquarium. The hearings are most inadequate on that question.

I think we ought to take a look at the question of whether this would be the best expenditure of Federal funds.

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

Mr. MORSE. Mr. President, I yield myself another minute.

Yesterday the Senate passed a joint resolution with respect to Cuba. I think it is rather interesting to note that today we are talking about building an

aquarium. At a time when we realize how critical is the whole matter of foreign policy and the expenditures of this country in the very near future, I do not think we ought to be spending this $10 million now. We had better send the bill back to the Public Works Committee, and look into the questions: First, as to how best to pay for the building; second, as to where we should put it; third, as to whether or not it is necessary at all in the District of Columbia, or could be built as an expansion of existing Federal research centers in the field of fisheries.

I close with the statement that I would have Senators take note of what the Bureau of the Budget recommends, as shown on page 14 of the committee report:

> The Bureau of the Budget has advised that there would be no objection to the submission of this report from the standpoint of the administration's program. The Bureau further advises that it believes that at the present time there may be higher priority needs for the funds essential to this project.

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

Mr. MORSE. I yield myself an additional half minute.

I agree with the Budget Bureau statement. Certainly there are many other priority needs which ought to be given consideration before we spend this $10 million. If we are going to spend it at all, let us spend it to clean up the pollution of the Potomac River, rather than to build an aquarium at Hains Point or anywhere else on the Potomac River.

Mr. PROXMIRE. Mr. President, I yield 5 minutes to the Senator from Ohio [Mr. LAUSCHE].

The PRESIDING OFFICER. The Senator from Ohio is recognized for 5 minutes.

Mr. LAUSCHE. Mr. President, I do not believe that proper consideration can be given to the measure before us unless we also take a look at some other projects which have been developed in Washington, D.C. I wish to discuss in this connection what has been labeled in the Washington newspapers as the "white elephant" of the District of Columbia.

Nineteen and one-half million dollars was spent to build a stadium. It is "gold plated," "copper riveted," embellished so as to be the monument of the United States so far as stadiums are concerned.

The citizens of this District wanted a stadium. The Congress cooperated with them in procuring it. They built a $19½ million stadium, on a sale of bonds which brought $19½ million. The bond buyers would not have bought the bonds unless the U.S. Government had guaranteed the payment of the bonds. All Washington rejoiced because of this monumental building.

The interest to be paid on the $19½ million of bonds amounted to $429,000 each 6 months.

I believe the building has been open for about a year. Mr. Tobriner, the chairman of the board managing the stadium, has publicly stated that the U.S. Government should take over the management and ownership of the stadium. What else could have been expected when the project was executed? There was not a chance in the world that it would be selfsustaining.

I have some knowledge of that problem, because there is such a stadium in Cleveland, Ohio. Ours cost us about $4½ million. This one cost $19½ million and more, for the capital investment is $24 million.

This has been labeled a "white elephant." An article which I have read specifically states that when the decision was made to build it and for $24 million to be invested in it, it was an established fact that the project could not succeed.

I respectfully submit to the proponents of the bill that when we approved the building of a stadium and agreed to guarantee the payment of the bonds, the Congress did not adequately study that subject. Congress did not study it, because if it had it would have come to the conclusion now contained in the statement that at the very birth of the project it was bound to die so far as the ability to sustain itself fiscally on the income it would derive was concerned.

Where are we today? Mr. Tobriner has come to the Treasury of the United States to borrow $429,000 to pay the installment of the interest due today.

Members of the Senate cannot continue on the course we have been pursuing. How can we go to our home States and tell the people the Federal Government guaranteed payment of the bonds, $19½ million worth, and that we are now loaning money to pay the interest due on the principal? How can we go home to tell the people we now plan to build an aquarium on the Potomac River so that the good men, women, and children who come to this city will have the opportunity to look at live fish?

I cannot see how we can do that, when there are so many other places in which our money could be more intelligently and more humanely invested.

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

Mr. LAUSCHE. I yield.

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

Mr. RANDOLPH. I yield 1 minute, Mr. President.

If the Congress committed an error in the construction of the stadium in the National Capital, it was not because Congress had not given consideration to the stadium proposal. The stadium proposal was before the Congress of the United States for a period of more than 20 years.

Mr. LAUSCHE. That is correct.

Mr. RANDOLPH. The Commission studied the need for a stadium. Committees held exhaustive hearings. I would not wish to have the RECORD indicate that the question of the construction of the stadium was inadequately considered by Members of the Senate and of the House of Representatives.

If an error was made that is one thing, but if made, the error was made after full consideration of the situation.

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

Mr. RANDOLPH. I yield 1 more minute, Mr. President.

Mr. LAUSCHE. I think what the Senator has said merely aggravates the position occupied by the promoters of the stadium. Either there was made or there was not made an adequate study. If an adequate study was not made, I believe that would be forgivable in a higher degree than if, instead, after having made an adequate study—in the face of the study which indicated absolute failure—we approved the guaranteeing of the bonds. That is how it looks to me. The Senator from Wisconsin [Mr. PROXMIRE] has pointed out that if we——

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

Mr. RANDOLPH. Mr. President, I yield 2 additional minutes to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, I appreciate the fact that the Senator from West Virginia is willing to accept the amendment sponsored by the Senator from Iowa [Mr. MILLER]. The Senator knows that in the committee I suggested that a fee be charged which would be adequate to cover the capital investment in the course of 20 years and the operation charge.

Mr. RANDOLPH. The Senator is correct.

Mr. LAUSCHE. But I must concur with what the Senator from Wisconsin has said. We may order the charging of the fee, but facts will demonstrate that we would have to charge a fee so high that it would destroy the very purpose of the aquarium.

I should like to speak further in respect to the Madison memorial. It is proposed to spend $39 million, $20 million of which would go for a structure that would have utility, and $15 to $19 million for a monument.

There are costly monuments everywhere in Washington. We are building more and more of them. It is argued that there are not enough attractions to bring visitors to Washington. Mr. President, this year 8 million visitors will have come to the Capital. Wherever they look they will see a monument. There will be more monuments than buildings of utility if we continue the way we are going.

The time is at hand to remember that we are cheapening the dollar. We have lifted the debt ceiling to $308 billion. We are compelling foreign creditors not to take our currency but to demand gold. We have deficits in the sum of $6 or $7 billion. That trend cannot go on unendingly. The whole structure will topple unless we are careful.

Mr. RANDOLPH. Mr. President, I yield 3 minutes to a member of the Committee on Public Works, the distinguished Senator from Michigan [Mr. MCNAMARA].

Mr. MCNAMARA. Mr. President, I speak in opposition to the motion to recommit the bill. I support the position of the chairman of the subcommittee, the distinguished Senator from West Virginia [Mr. RANDOLPH]. It would be

useless to send the bill back to the committee.

No useful purpose would be served. We have a report. Hearings were held. I believe the hearings are complete enough so that each Senator can work his will on the proposal. The subject is before us in the proper manner. I support the position of the Senator from West Virginia that the bill should not go back to the committee, but it should be voted up or down, as the Senate wishes.

Mr. RANDOLPH. Mr. President, I shall take only 60 seconds. I do so for the purpose of clarification. The bill was sponsored in the House by the energetic Representative from Ohio [Mr. KIRWAN], with whom I was privileged to serve in that body for many years. But the vote will not be one to recommit the so-called Kirwan bill to the Public Works Committee. The Kirwan bill, H.R. 8181, which passed the House, was a measure that would authorize the acquisition of an aquarium center at a cost of $20 million. The bill before the Senate is the measure introduced by the distinguished Senator from California [Mr. ENGLE], as amended in the Public Works Committee. I am sure that Senators will not in effect take a negative action on the measure. If later they wish to vote against the bill on its merits, let them do so.

Mr. President, let us vote.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon [Mr. MORSE] *to recommit* the bill. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCARTHY (after having voted in the affirmative). On this vote I have a pair with the Senator from Rhode Island [Mr. PASTORE]. If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. HUMPHREY. I announce that the Senator from Nevada [Mr. CANNON], the Senator from Connecticut [Mr. DODD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Washington [Mr. MAGNUSON], the Senator from Rhode Island [Mr. PASTORE], the Senator from Virginia [Mr. ROBERTSON], the Senator from Florida [Mr. SMATHERS], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I further announce that the Senator from Alaska [Mr. GRUENING], the Senator from Wyoming [Mr. HICKEY], and the Senator from Missouri [Mr. LONG] are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Alaska [Mr. GRUENING], and the Senator from Ohio [Mr. YOUNG] would each vote "nay."

Mr. DIRKSEN. I announce that the Senator from Vermont [Mr. AIKEN] is absent on official business.

The Senators from Maryland [Mr. BEALL and Mr. BUTLER], the Senator from South Dakota [Mr. BOTTUM], the Senator from Indiana [Mr. CAPEHART], the Senators from Nebraska [Mr. CURTIS and Mr. HRUSKA], the Senator from Arizona [Mr. GOLDWATER], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from New York [Mr. JAVITS], the Senator from California [Mr. KUCHEL], the Senator from Kentucky [Mr. MORTON], the Senator from New Hampshire [Mr. MURPHY], the Senator from Vermont [Mr. PROUTY], and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent.

If present and voting the Senators from Nebraska [Mr. HRUSKA and Mr. CURTIS], the Senator from New York [Mr. JAVITS], and the Senator from Pennsylvania [Mr. SCOTT] would each vote "yea."

On this vote, the Senator from Arizona [Mr. GOLDWATER] is paired with the Senator from South Dakota [Mr. BOTTUM]. If present and voting, the Senator from Arizona would vote "yea" and the Senator from South Dakota would vote "nay."

The result was announced—yeas 28, nays 43, as follows:

[No. 274 Leg.]

YEAS—28

Bennett	Hart	Proxmire
Bush	Holland	Saltonstall
Byrd, Va.	Johnston	Smith, Maine
Case	Jordan, Idaho	Talmadge
Clark	Keating	Thurmond
Cotton	Kefauver	Tower
Dirksen	Lausche	Wiley
Douglas	McClellan	Williams, Del.
Ellender	Miller	
Ervin	Morse	

NAYS—43

Allott	Hayden	Muskie
Anderson	Hill	Neuberger
Bartlett	Humphrey	Pearson
Bible	Jackson	Pell
Boggs	Jordan, N.C.	Randolph
Burdick	Kerr	Russell
Byrd, W. Va.	Long, Hawaii	Smith, Mass.
Carlson	Long, La.	Sparkman
Carroll	Mansfield	Stennis
Chavez	McGee	Symington
Church	McNamara	Williams, N.J.
Cooper	Metcalf	Yarborough
Engle	Monroney	Young, N. Dak.
Fong	Moss	
Hartke	Mundt	

NOT VOTING—29

Aiken	Goldwater	McCarthy
Beall	Gore	Morton
Bottum	Gruening	Murphy
Butler	Hickenlooper	Pastore
Cannon	Hickey	Prouty
Capehart	Hruska	Robertson
Curtis	Javits	Scott
Dodd	Kuchel	Smathers
Eastland	Long, Mo.	Young, Ohio
Fulbright	Magnuson	

So Mr. MORSE's motion to recommit was rejected.

Mr. RANDOLPH. Mr. President, I move to reconsider the vote by which the motion to commit was rejected.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1023) to amend the act of August 20, 1954 (68 Stat. 752), in order to provide for the construction, operation, and maintenance of additional features of the Talent division of the Rogue River Basin reclamation project, Oregon.

The message also announced that the House had agreed to the amendments of the Senate to each of the following bills of the House:

H.R. 5144. An act to provide for the acquisition of and the payment for individual Indian and tribal lands of the Lower Brule Sioux Reservation in South Dakota, required by the United States for the Big Bend Dam and Reservoir project on the Missouri River, and for the rehabilitation, social, and economic development of the members of the tribe, and for other purposes; and

H.R. 5165. An act to provide for the acquisition of and the payment for individual Indian and tribal lands of the Crow Creek Sioux Reservation in South Dakota, required by the United States for the Big Bend Dam and Reservoir project on the Missouri River, and for the rehabilitation, social, and economic development of the members of the tribe, and for other purposes.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H.R. 11266) to amend the act of March 8, 1922, as amended, to extend its provisions to the townsite laws applicable in the State of Alaska.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1037) to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6682) to provide for the exemption of fowling nets from duty.

The message also announced that the House had concurred in the amendment of the Senate numbered 1 to the bill (H.R. 11018) to amend the act concerning gifts to minors in the District of Columbia, with an amendment, in which it requested the concurrence of the Senate, and that the House had concurred in the amendment of the Senate numbered 2 to the bill.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12180) to extend for a temporary period the existing provisions of law relating to the free importation of personal and household effects brought into the United States under Government orders.

CONSTRUCTION AND OPERATION OF NATIONAL FISHERIES CENTER AND AQUARIUM IN THE DISTRICT OF COLUMBIA

The Senate resumed the consideration of the bill (H.R. 8181) to authorize a construction of a National Fisheries Cen-

ter and Aquarium in the District of Columbia and to provide for its operation.

Mr. LAUSCHE. Mr. President, I ask for the yeas and nays on final passage of the bill.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Iowa [Mr. MILLER].

The amendment was agreed to.

Mr. MILLER. Mr. President, I send an amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 4, line 10, strike the period and insert in lieu thereof the following: "with which the United States maintains diplomatic relations and which extends similar use of its educational and scientific facilities and equipment to citizens of the United States."

Mr. RANDOLPH. Madam President, what is the situation with respect to the time?

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair). The Senator from West Virginia has 18 minutes remaining.

Mr. RANDOLPH. I yield 2 minutes to the Senator from Iowa.

Mr. MILLER. Madam President, on page 4 of the bill it is provided that the Secretary of the Interior shall "encourage the use of the educational and scientific facilities and equipment at the National Fisheries Center and Aquarium by individuals of any nation."

It seems to me that the phrase "any nation" is a little too broad. My amendment seeks to restrict it by providing that it shall be any nation "with which the United States maintains diplomatic relations and which extends similar use of its educational and scientific facilities to citizens of the United States."

I believe the amendment conforms to the policy previously adopted in our cultural exchange programs. I have discussed the amendment with the Senator from West Virginia. I understand it is acceptable to him, and I hope that the amendment will be adopted.

Mr. RANDOLPH. Madam President, the Senator from Iowa has spoken in the interest of improving the bill. The amendment is in the public interest. I accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa [Mr. MILLER].

The amendment was agreed to.

Mr. PROXMIRE. Madam President, may I ask the Senator from West Virginia if he has accepted the amendment of the Senator from Iowa? Has that been accomplished? Has the Senator accepted the amendment? The amendment I am referring to is the amendment which provides that the Secretary shall charge fees which, in his judgment, will be sufficient to cover the cost of operation and amortization of building cost.

The PRESIDING OFFICER. The Senate has agreed to the amendment of the Senator from Iowa.

Mr. PROXMIRE. I thank the Senator from West Virginia. I shall speak on that change in the bill a little later.

I now yield 5 minutes to the Senator from Florida.

Mr. HOLLAND. Madam President, I desire to speak against the passage of the bill. I think there is no Senator who does not advocate a program of economy and who does not have a desire to serve the cause of economy. We have an opportunity to serve in that cause, by defeating the bill.

The bill proposes to spend between $10 million and $20 million—perhaps more; the bill is an open-ended authorization—for the building of the proposed aquarium.

The very location of the proposed aquarium is one that will further crowd and further congest an already congested District of Columbia. I have been on Hains Point from time to time when there were sailboat races and events of that kind when the limited walk area endangered the number of people who tried to reach that area. I do not know how many times other Senators have read, but I have read several instances of people drowning by reason of being pushed off the bulkheads. There is hardly an occasion, when crowds attend, when someone is not pushed off into the water. Yet it is proposed to place a huge new building at that already congested spot, which is one of the preferred recreational areas of the District of Columbia; where the public tourist camp is located, as well as other activities with which Senators are familiar.

The proposal is to build an aquarium, which would be desirable, but not necessary; it is proposed to build it at a most difficult place so far as concerns obtaining good fresh water for the fresh water fish and good salt water, for the salt water fish, in order to maintain a national aquarium at a congested place, at the end of Hains Point, and at Federal expense, merely to add one additional attraction to an already overcrowded Washington, D.C.

This is one institution which, in the present condition of our Nation and its fiscal affairs, with our bond limitation going up, with our appropriations exceeding income, we can do without for a while. So far as the senior Senator from Florida is concerned, he is against it.

I remember that only a little while ago Congress approved the construction of a great stadium in the District of Columbia. We were told it would be self-supporting. We who have been reading the newspapers lately realize that, instead, it has become a "white elephant" on the hands of the District of Columbia or the trustees who are charged with operating the stadium. The proposed aquarium would be a "white elephant" on the hands of the Nation.

I sincerely hope that the Senate, in its judgment, will reject the proposed legislation.

Mr. RANDOLPH. Madam President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. RANDOLPH. The Senator from Florida has made two principal points in opposition to the bill. He has indicated that it authorizes an open-end appropriation and that this is anticipated. I fail to read that into the bill. I call the attention of the Senate to section 8, the amendment which was placed in the bill by the Senate Committee on Public Works:

> Funds appropriated and expended hereunder for construction of the buildings for the National Fisheries Center and Aquarium shall not exceed $10 million.

Mr. HOLLAND. I am glad that the Senator from West Virginia has at least placed that amendment in the bill, if it is there. It is not in the copy of the printed bill which is before the Senator from Florida, on his desk. To the contrary, neither the House bill, which is printed in the report, nor the Senate bill, apparently as it was originally introduced, had any such limitation. The evidence shows the reference to the item as $20 million or approximating $20 million, and shows also a recent reduction to $10 million.

I congratulate the Senator from West Virginia on having inserted in the bill the figure of $10 million. This is for the construction cost; it has nothing to do with the operation of the facility, nothing to do with congestion, nothing to do with crowding, nothing to do with the fact that a large annual additional Federal appropriation is required. But I congratulate the Senator on having come a small way toward the economy which I think the Senate ought to practice in this situation.

Mr. RANDOLPH. I came 100 percent of the distance, not a small way.

Mr. HOLLAND. The Senator came 50 percent of the way, if I read the figures correctly, from $20 million to $10 million. The Senator's ideas of percentage are of the kind which the Senate has too frequently used in matters of economy. But I suggest to him that it is only 50 percent economy.

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

Mr. RANDOLPH. Madam President, I yield myself 2 minutes.

I was about to go further. We have clarified the situation with respect to going 100 percent of the way toward economy. But for the moment, I should like to relate my remembrance of two football players who were talking to a third football player on a professional team bench. All of them had been to college.

One of them said to another, "You know, I was doing well in the University of Oregon until they gave me calculus. I couldn't make heads or tails of it, and out I went."

The second boy said, "I was doing well also, at the University of Wisconsin, until they gave me trigonometry. I was a complete dud, and out I went."

Then the boy who had attended West Virginia University, where we get down to fundamentals, looked at the other two and said, "Say, fellows, did you ever hear of a subject called long division?"

So what may be meat for one person may be poison for another.

I remember reading about counterfeiters in New York who produced spurious $10 bills. A digit in the machine

slipped, and up came the figure "8" instead of the "0." The counterfeiters looked at the bills. They were exquisitely printed. But they knew there was no bill of an $18 denomination, and they were about to destroy them.

But one of the counterfeiters said, "Let's take them down to Florida; they will accept any kind of money down there."

So that was decided, and they took the bills to Florida. They presented one to a merchant, who looked at it and said, "Sure, I'll change it. How do you want it? In two nines or three sixes?"

The PRESIDING OFFICER. The time of the Senator from West Virginia has expired.

Mr. RANDOLPH. I yield myself an additional minute.

I should like to move to the discussion of Hains Point. Nothing in the bill designates Hains Point as a site for the Fisheries Center. The Senator from Florida has indicated that is to be the site of the fishery center.

Mr. HOLLAND. So it has been stated in the press.

Mr. RANDOLPH. I cannot be responsible for the press; I can be held responsible for accurately reflecting the action of the committee which has reported the bill to the Senate.

So on both counts, the count of an open-end authorization for appropriation, and the count with respect to the site at Hains Point, I submit to the Senate that the Senator from Florida is in error.

Mr. HOLLAND. Madam President, I am willing to admit some things, but I should like to claim some things. I have studied calculus and passed. I have studied trigonometry and passed it. I have studied long division and passed it.

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

Mr. RANDOLPH. I yield 1 additional minute to the Senator from Florida.

Mr. HOLLAND. Without having studied any of those subjects, I think I would have known that even a $10 million appropriation at this time, when our budget is not balanced, together with any operating expense such as is proposed to be added to it, is out of reason.

I am told by my distinguished seat mate that the Senator from West Virginia himself has mentioned Hains Point as a proposed site for the location of the aquarium. Certainly the press has mentioned Hains Point.

The main point I am making is that we are tying and committing ourselves to this kind of proposal. I understand how a distinguished Senator from up in the high mountains of West Virginia would want to have a place nearby, where he could see fish from the saltwater, and that is quite all right. But when it comes to putting up a national aquarium at huge cost, at a time like this, when there are so many other aquariums located all over the country, where good, pure water is available, so far as the Senator from Florida is concerned, he does not believe that the cost of construction of an aquarium in Washington, D.C., is a necessary expense. He opposes it and offers to his colleagues an opportunity to vote for economy, which he believes is wise, and against extravagance, which he thinks is unjustified under the present conditions.

Mr. RANDOLPH. Madam President, I yield 3 minutes to the distinguished Senator from Kentucky.

Mr. COOPER. Madam President, I feel that I should say something about the bill, because I am a member of the Committee on Public Works, and I am on the opposite side.

I enjoyed the story about football; and knowing that the Senator from Florida is a former football player, I am encouraged to tell of my own experience. I do so without any prejudice to football players. Years ago I, too, played college football, and I have a great interest in it. I remember the story of the boy who was in college on one of the football scholarships; and when graduation day came, the coach saw him crying on the steps of one of the large buildings. He asked him why he was crying. He said to him, "You have been captain of the team, and all-American. Why are you unhappy on commencement day?"

The reply was, "Oh, coach, if I had only learned to write my name."

At any rate, Madam President, it seems that some regard this National Fisheries Center and Aquarium bill as a frivolous one. I must admit that when I first noticed the bill, I wondered why the expenditure of $10 million was proposed for such a purpose. However, on studying the bill and on considering the matter further, we find that the purpose is, first, to promote the fishery industry in the United States, one of our great industries; second, to promote the use of fish as food, not only in this country, but also in underdeveloped countries, in order to help feed the people of the world; third, to encourage the conservation of our streams. All of these are very important and worthy purposes.

If, in addition, the bill has some educational purposes—in helping the millions of people who come to Washington, D.C., to understand more about fish and the fishing industry—that, too, will be worth while.

I think the opposition to the bill on grounds of economy may be termed popgun opposition. From time to time, a number of Senators have submitted amendments which called for reductions in the amount of spending. I have offered such amendments on more than one occasion, both in previous years and this year, in connection with a number of important bills. But, almost invariably, such economy amendments are rejected.

The PRESIDING OFFICER. The time yielded to the Senator from Kentucky has expired.

Mr. RANDOLPH. Madam President, I yield 2 more minutes to the Senator from Kentucky.

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

Mr. COOPER. I thank the Senator from West Virginia.

Madam President, I say that such opposition on grounds of economy is, one might say, popgun opposition.

Furthermore, when arguments are made in opposition to such developments in the District of Columbia, one is forced to admit that such arguments are based on a double standard—one of favoring developments in the States, but opposing developments in the District of Columbia. Certainly, that is not fair or proper.

Some of the opposition to the bill is based on the ground that the bill is, at least in part, for educational purposes. But, Madam President, what is wrong with having educational institutions of various kinds developed in the Nation's Capital? Already there are in the Nation's Capital the Congressional Library, a great educational facility, and the Smithsonian Institution, with all of its branches. Recently Congress appropriated funds for a new Museum of Natural History.

There is also to be a great cultural center in the city of Washington. Congress has refused to appropriate funds for it; so the funds had to be obtained from private sources. In short, Congress has refused to provide funds for the cultural center, evidently because Congress does not believe in culture.

However, Madam President, in this city there are many developments for educational purposes, as well as scientific purposes.

So I considered the bill, and found that it has most serious and worthwhile purposes.

I also point out that even if the only purpose of the bill were educational, there is nothing wrong with that.

Next, I point out that the economy argument is only a popgun argument, because almost every day Congress appropriates hundreds of millions of dollars; and attempts to reduce the proposed expenditures generally fail.

In addition, I oppose the double-standard argument against the bill—the argument based on the belief that appropriations should be made for developments in other cities, but not for developments in the Nation's Capital.

Madam President, for all these reasons, I support the bill.

AMENDMENTS TO PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930—CONFERENCE REPORT

Mr. HOLLAND. Madam President, will the Senator from Wisconsin yield 2 minutes to me, in order that I may submit a conference report?

Mr. PROXMIRE. I yield 2 minutes for that purpose.

The PRESIDING OFFICER. The Senator from Florida is recognized for 2 minutes.

Mr. HOLLAND. Madam President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1037) to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read, for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today, pp. 20246–20247, CONGRESSIONAL RECORD.)

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

There being no objection, the Senate proceeded to consider the report.

Mr. HOLLAND. Madam President, the conference report is on Senate bill 1037, to amend the Perishable Agricultural Commodities Act of 1930. The conference report is signed by all the Senate conferees and all the House conferees.

All of the administrative corrective provisions which were in the original bill, as requested by the fruit and vegetable interests of the Nation and by the U.S. Department of Agriculture, were included in both versions of the bill, and thus were not in conference.

The only matters in conference were presented by House amendments by which it was proposed to limit the coverage in the field of retail dealers and in the field of frozen food brokers. The conference amendments on that subject were a compromise as between the House position and the Senate position; and I know of no opposition at all to the conference report, which recently has been adopted by the House of Representatives.

Madam President, I ask for approval of the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

CHICAGO INTERNATIONAL TRADE FAIR

Mr. DIRKSEN. Madam President, will the Senator from Wisconsin yield briefly to me?

Mr. PROXMIRE. I yield 1 minute to the Senator from Illinois.

Mr. DIRKSEN. Madam President, in the last 4 years, the Chicago International Trade Fair has become the leading annual international business, cultural, and entertainment event in the Western Hemisphere. No other American trade fair attracts as many foreign exhibitors to our shores and as many buyers and sellers and general public from as wide an area. We in the Midwest are very proud of the stature of the Chicago Fair and the great amount of business it generates. The World Marketing and Economic Development Conference held in conjunction with the exposition is one of the Nation's outstanding forums for the discussion of current problems in foreign trade. The fair was developed by the Chicago Association of Commerce and Industry as a promotion effort for the St. Lawrence Seaway. Increased use of the seaway has meant more jobs for midwesterners and has peaked an interest in exporting among businessmen in the Nation's heartland. Examples of the interest generated by the fair are illustrated in editorials from the Chicago Sunday Tribune, July 22 and July 29, 1962, and the Chicago Sun-Times, July 22, 1962. I ask unanimous consent that the articles be printed at this point in the RECORD.

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

[From the Chicago Sunday Tribune, July 22, 1962]

COME TO THE FAIR

For the fourth year in succession, the city's lakefront becomes a showcase for the world with the opening July 25 of the annual Chicago international fair in McCormick Place.

By the time its doors close on August 12, its sponsor, the Chicago Association of Commerce and Industry, expects that 750,000 visitors will have entered the air-conditioned fairgrounds, including 30,000 professional buyers. All this despite the competition of Seattle's World Fair and New York's trade exposition.

Exhibitors are coming from 25 nations on five continents and from every State in the Union to display their wares in Chicago, key to the richest international market in the world. A doubting Thomas doubts that statement at his peril, for Illinois, which shipped $1,727,900,000 worth of goods abroad in 1960 alone, tops its 49 sisters as the Nation's leading export State.

This year, the fair is the focal point of the city's international open-house program. It is being held simultaneously with the World Marketing and Economic Development Conference and the Unity of Americas Conference. With a record tide of oversea visitors expected, this becomes an opportunity for Chicagoans to display their traditional hospitality to the city's guests, and to sample the commercial wonders of the world on their own lakefront.

[From the Chicago Sunday Tribune, July 29, 1962]

AROUND THE WORLD

In McCormick Place we overheard a mother telling her husband: "We'll meet you in Greece in half an hour. You take Wilma to Japan. If she gets tired, let her sit down in that Finnish sauna. I'm taking Peter to Brazil." And she did.

Three hours, at a leisurely stop-look-and-listen pace, carries any visitor at Chicago's fourth annual International Fair into large areas of the far, middle, and near east, Latin America, Africa, Europe, and North America. For the armchair traveler unable to jet around the world at a moment's notice, 25 foreign nations and a host of American exhibitors have set out their best wares on his own lakefront doorstep. Here, in capsule form, is the world, or a good portion of it.

Milling machines and locomotives, backscratchers and tiny Japanese transistor radios, Spanish guitars and magnificent Mexican silver ornaments, sugar hammers from Chad and Egyptian tennis rackets, potent liquors and delectable European wines, Austrian costume jewelry and Greek pottery, Italian and Israeli textiles, and Polish beer and hams.

Even to an experienced world traveler, Chicago's lakefront fair is a surprising world, peopled with flashing water skiers, circus clowns, sword dancers, daring acrobats, celestial singers, horses, dogs, a baby elephant, and the most gorgeous red and gold dragon that ever undulated across a stage outside of China.

However, we found ourselves returning, along with thousands of other visitors, to the world market at the north end of the fairgrounds. The great national pavilions stand as a tribute to their architects and designers, but the world market, set apart in half a city block, is a shopper's treasure house, filled with a million dollars worth of imported merchandise, all for sale.

Buyers clustered about Danish handbags, Austrian hats, Bavarian china, Egyptian cotton and Israeli lace, Kenya wood carvings and Spanish furniture, Philippine shirts and sheep-lined Polish parkas, Japanese gardens, Italian coffeemakers and Colombian coffee. And in the international food supermarket, what shopper could resist French gourmet vegetables, distilled lime oil, celery flavored biscuits, whole ginger, kangaroo steaks, fried grasshoppers or smoked sparrows? Well, maybe not sparrows. We never have been able to develop a taste for sparrows.

[From the Chicago Sun-Times, July 22, 1962]

CHICAGO'S GLOBAL SUPERMARKET

The Chicago International Trade Fair has become renowned in the 3 years of its existence as a world marketplace. Last year it took on greater dimensions and new grandeur when it was held in McCormick Place.

On Wednesday, McCormick Place doors will open on the city's fourth annual international fair and, as has been the case each year in the past, this one promises to outdo the others that have been held before. There will be entertainment and fireworks, and exotic as well as practical exhibits to see. Twenty-five nations have registered to show their wares this year.

National exhibits of goods and artifacts will come from five continents—even more than can be seen at the Seattle World's Fair. Until August 12, Chicagoans and their guests will have an unrivaled opportunity to become acquainted under one roof with the newest products from storied, faraway places which ordinarily they might never have a chance to see.

But there is a deeper and more significant meaning to the fair. It demonstrates that people of many nationalities can compete peaceably in a central marketplace for customers, as they will be doing in McCormick Place for the next 2½ weeks, and profit as their specialties gain acceptance. There will be no Iron or Bamboo Curtains to disturb human relationships on the lakefront between now and next month.

For Chicagoans, the fair is a reminder that they are now residents of a great seaport, thanks to the St. Lawrence Seaway, and that 500,000 persons in this area are dependent on U.S. export trade. To sell abroad, Americans must buy abroad, and this is exactly the type of two-way traffic the fair is designed to promote.

CONSTRUCTION AND OPERATION OF NATIONAL FISHERIES CENTER AND AQUARIUM IN THE DISTRICT OF COLUMBIA

The Senate resumed the consideration of the bill (H.R. 8181) to authorize the construction of a National Fisheries Center and Aquarium in the District of Columbia and to provide for its operation.

Mr. PROXMIRE. Madam President, the Senator from Kentucky [Mr. COOPER], who is a very distinguished and very able Member of this body, has said he supports the bill because it provides for research and for improving our production of food by means of fisheries and conservation.

I have read the bill very carefully, and one cannot find in it or in the committee report—except in the vaguest generalities in the committee report—any indication that even 1 nickel would be spent for research.

It is proposed to set up an advisory board to counsel with the Secretary of Agriculture in regard to the operations of the proposed aquarium. The bill provides that the advisory board shall be composed of two Members of the Senate, two Members of the House, one person closely associated with sport fishing, one person closely associated with commercial fishing, and two members at large from the general public. But no provision is made that even one member of the advisory board shall have any kind of scientific background or research background or ichthyologist background, or anything of the sort.

Furthermore, on page 11 of the report there is a list of the estimated employment in connection with the proposed aquarium, including the employees to operate the aquarium. We find listed an architect, an aquarist, an engineer, an executive, and a stenographer. But none of them is listed as doing any research work. Madam President, although the bill masquerades as a research bill, unquestionably the purpose is to provide another scenic object and recreational object and, to some extent, an object for the education of visitors to the city of Washington.

Mr. RANDOLPH. Madam President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. RANDOLPH. I understand that the office of the Senator from Wisconsin is operated by a competent staff. I do not see on the published lists that any member of his staff is listed as a research assistant or a scientific assistant; generally, a Senator's employees are listed as clerks. Yet no doubt one or more of them functions as a research assistant to the Senator. Is not that true?

Mr. PROXMIRE. But is the Senator from West Virginia implying that the architect or the engineer or the stenographer listed on page 11 of the committee report will do 1 minute of research or could do it or will be an expert in ichthyology?

Mr. RANDOLPH. I do not even know how to spell "ichthyology."

Mr. PROXMIRE. Very well; the study of fish biology, disease, or research. Does the Senator imply that?

Mr. RANDOLPH. The Senator from West Virginia merely made the statement that a person can discharge certain obligations and assignments even though he may be listed on a payroll in other categories.

Mr. PROXMIRE. I accept that statement completely, but I think we all know, as Members of the Senate, that we do not hire a man who is classified as an architect, an engineer, an aquarist, an executive, or a stenographer to engage in research on fish. It is true that at the bottom of the list there is an item "personal services" category, including some $38,000.

As I said earlier, it is possible that persons may be hired for some research in this case, but there is no indication in the report or in the bill that they would be hired for such service.

Mr. RANDOLPH. Madam President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. RANDOLPH. Mention has been made of the hiring of an architect. The architect is to be hired only for 2 years, during the time of construction. The entire group of people listed in the report are for the construction period only.

Mr. PROXMIRE. That is true of the architect only. Others will be hired for 5 or 6 years.

Mr. RANDOLPH. I wanted to make sure.

Mr. PROXMIRE. The bill before the Senate has been improved by adding the Miller amendment, but if any Member of the Senate feels that by adding the Miller amendment we have now provided that the cost of construction will be borne by the members of the general public who go to the aquarium, he is deceiving himself. The Miller amendment provides:

> That the expenditure of such funds shall be made subject to the condition that the Secretary of the Interior shall establish charges relating to visitation to and uses of the National Fisheries Center and Aquarium as in the Secretary's judgment will produce revenue to (a) liquidate the costs of construction within a period of not to exceed thirty years and (b) pay for the annual operation and maintenance costs thereof.

There is no question that, on the basis of experience throughout the country for years and years, it will be impossible to provide charges which will be adequate to cover the $800,000 maintenance costs which Mr. Hagen, of the Bureau of Sport Fisheries and Wildlife, has told me will be the maintenance cost, plus the $400,000 or $500,000 amortization and interest cost which will be required. No public aquarium raises anything like that amount, and private aquariums gross the money only because they provide ornate, attractive shows, which are vigorously promoted at considerable cost, and undoubtedly net far less. This aquarium would have no such promotion.

While the bill has been improved, we deceive ourselves if we think the Miller amendment will result in a substantial diminution of cost to the taxpayers.

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

Mr. PROXMIRE. I yield myself 1 more minute.

Mr. BIBLE. Madam President, will the Senator yield me 1 minute for the purpose of calling up a conference report?

Mr. PROXMIRE. I yield 1 minute to the Senator from Nevada for the purpose of calling up a conference report.

SALE OF MINERAL ESTATE IN CERTAIN LANDS—CONFERENCE REPORT

Mr. BIBLE. Madam President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8134) to authorize the sale of mineral estate in certain lands. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today, p. 20261, CONGRESSIONAL RECORD.)

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

There being no objection, the Senate proceeded to consider the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. BIBLE. I thank the Presiding Officer. The conference report was signed by all members of the conference on both the House and Senate side.

WITHDRAWAL AND ORDERLY DISPOSITION OF MINERAL INTERESTS IN CERTAIN PUBLIC LANDS, PIMA COUNTY, ARIZ.—CONFERENCE REPORT

Mr. BIBLE. Madam President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10566) to provide for the withdrawal and orderly disposition of mineral interests in certain public lands in Pima County, Ariz. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today, p. 20261, CONGRESSIONAL RECORD.)

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

There being no objection, the Senate proceeded to consider the report.

Mr. BIBLE. The conference report has been unanimously agreed to.

Mr. MORSE. Madam President, will the Senator yield?

Mr. BIBLE. I yield to the Senator from Oregon.

Mr. MORSE. Does either of the conference reports violate the Morse formula?

Mr. BIBLE. No; they do not. I am happy to say to the Senator from Oregon that they both conform to the Morse formula.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

CONSTRUCTION AND OPERATION OF NATIONAL FISHERIES CENTER AND AQUARIUM IN THE DISTRICT OF COLUMBIA

The Senate resumed the consideration of the bill (H.R. 8181) to authorize the construction of a National Fisheries Center and Aquarium in the District of Columbia and to provide for its operation.

Mr. PROXMIRE. Madam President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has 9 minutes remaining.

Mr. PROXMIRE. I yield 7 minutes to the Senator from Oregon.

Mr. MORSE. Madam President, I wish to speak for a moment about the alleged research factors in the bill in reply to what the Senator from Kentucky [Mr. COOPER] said. I am sorry he is not present, because I would like to have him hear my reply to what I think was an unsound speech, in which he sought to rationalize the passage of the bill on the basis of the research features. That is the fish bait in this bill to induce people to take the hook, because the research provided by the bill is noticeable by its absence with reference to any particularization in the bill, as the Senator from Wisconsin has pointed out.

There is no land available in the District of Columbia to establish a research center in the field of fishery research if the job is to be done adequately; and the $10 million would be but a drop in the bucket for that kind of program.

What some Senators who are advocating the bill are taking advantage of is that apparently many Members of the Senate do not know enough about establishing a research center in regard to fish. There is no research on dead carcasses, to any great extent, in fish research, and it takes a substantial amount of land to build the necessary pools and physical facilities for a real fish research center.

Where is the land to be made available in the District of Columbia? It would be shocking if we took what little land is available in the District of Columbia for public use to establish an adequate fish research center. What is being done is to build a fish hotel. That is what it amounts to. There is to be an aquarium where people can see some fish in glass encased pools. The research center factor in the bill is de minimis. I think that aspect should be nailed to the floor.

There are great areas in this country where that can be done. I am surprised that the Senators from Massachusetts are not battling for a fish research center in their State.

There are great areas available in New York for such a purpose. I am surprised that the Senators from New York are not battling for the maritime fish industry, to have a research center established in their State.

There are fish areas up and down the Atlantic coast, any one of which would be preferable, a research center in connection with fisheries, to the limited area of land in the District of Columbia.

We need a fish research center in the District of Columbia about as much as I need the Washington Monument in my front yard.

I say to the Senator from Kentucky that there is no need for a fish research center in the District of Columbia. I have such great respect for the intellect of the Senator from Kentucky that I am sure if he would put that intellect to use he would see the logic of this argument. Where are the land resources for a fish research center in the District of Columbia? Where would we build the pools, reservoirs, and facilities necessary for a fisheries center into the District of Columbia?

I do not know why the Senators from Washington are not opposing the bill and fighting for a research center which could wisely be established in the State of Washington.

As my colleague who is in the Presiding Officer's chair knows, we also have great resources in our State of Oregon for the establishment of a research center in fisheries, if that is what Senators wish to do under the terms of the bill before the Senate. We in Oregon could also provide facilities for an aquarium.

Where are the two Senators from California, a State which has many latent potential facilities available for the building of a great fisheries research center in California, which would be of great benefit to the American taxpayers, instead of, to all intents and purposes, in my judgment, sending most of $10 million down the drain this afternoon, as will be the result when the bill passes the Senate?

Mr. KEATING. Madam President, will the Senator yield?

Mr. MORSE. We only start to pay the fiddler with this $10 million.

I am sorry, I do not have time to yield to the Senator. I am sure the Senator from West Virginia will give the Senator some time in a moment.

Madam President, we only start to pay the fiddler with this $10 million. If Senators really wish to build a fish research center in the District of Columbia, and to take for public use the limited, precious land which ought to be reserved for future generations of citizens of this District—which uses we cannot even yet contemplate—they cannot find the evidence to support it in the record of hearings on the bill.

There has been much talk about hearings on the bill. There was only 1 day of hearing in the Senate committee, and less than a 1-day hearing in the House, and that before the Committee on the District of Columbia. Those hearings are most inadequate with respect to the passage of the bill this afternoon. All Senators have to do is to read the record of the hearings to verify what I say. They will not find in the hearings information such as we need.

I have received a memorandum from Mr. Tunison, Assistant Director of the Bureau of Sport Fisheries and Wildlife, in response to a request for information I made this morning. I told him I wished to know something about the fisheries we have, about the facilities available, because I was interested in seeing which one or ones could be expanded in order to meet the objectives of the bill without wasting the taxpayer's money, which, in my judgment, the pending bill would do.

Mr. Tunison reports that the Bureau of Sports Fisheries and Wildlife has fisheries research stations in 13 States of the country.

There are none in my State.

Alabama has one. Arkansas has two. California has one. Colorado has one. Georgia has one. New Jersey has one. New York has one. Nevada has one. South Dakota has one. Utah has one. Washington has three. West Virginia has one. And Wisconsin has one.

I have also received a memorandum from Dr. J. L. McHugh, of the Division of Biological Research, Bureau of Commercial Fisheries, dealing with commercial fisheries research centers.

Mr. McHugh reports that the Bureau of Commercial Fisheries has 19 biological research laboratories in association with 26 field stations. The biological research laboratories are located in Seattle, Wash.; Beaufort, N.C.; Brunswick, Ga.; Galveston, Tex.; Gulf Breeze, Fla.; Oxford, Md.; Booth Bay Harbor, Maine; Milford, Conn.; Woods Hole, Mass.; Washington, D.C.; Ann Arbor, Mich.; Auke Bay, Alaska; Honolulu, Hawaii; Stanford Calif.; La Jolla, Calif.; and San Diego, Calif.

The biological field stations are situated at the following locations: St. Paul Island—Pribilof Island, Bering Sea; North Bonneville, Wash.; Mill Creek, Calif.; Decatur, Ala.; Miami, Fla.; Pascagoula, Miss.; St. Petersburg Beach, Fla.; Boston, Mass.; Eastport, Miss.; Franklin Station, Va.; Gloucester, Mass.; New Bedford, Mass.; Point Judith, R.I.; Portland, Maine; Rockland, Maine; Vineyard Haven, Mass.; Ashland, Wis.; Ludington, Mich.; Marquette, Mich.; Northville, Mich.; Hammond Bay, Mich.; Sandusky, Ohio; Brooks Lake, Alaska; Karluk Lake, Alaska; Kasitsna Bay, Alaska; and Little Port Walter, Alaska.

There are five laboratories devoted to technological research. These are located in Gloucester, Mass.; College Park, Md.; Seattle, Wash.; Ketchikan, Alaska; and Pascagoula, Miss.

I should like to see a hearing conducted in regard to what these research centers are now doing and to what extent they could stand some expansion of their facilities, rather than to spend $10 million for an aquarium in Washington, D.C., where very little research can be conducted of the type which needs to be conducted.

How much better it would be to select one or more of these facilities in use for research and to provide money for the expansion necessary to conduct the research desired and necessary.

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

Mr. MORSE. Is that all the time I have?

The PRESIDING OFFICER. Yes.

Mr. RANDOLPH. Madam President, I shall be happy to yield 1 minute of my remaining time to the Senator from Oregon. He may wish to make a point, and I should like to accommodate him.

Mr. KEATING. Madam President, since the Senator mentioned my name, will he yield to me?

Mr. MORSE. I am glad to yield to the Senator. I did not specifically mention the Senator's name, but I mentioned the Senators from New York, and that is the same thing.

Mr. KEATING. I share the Senator's view completely. If we are to have a research center—which the bill would not provide, since it would provide for an aquarium—it should be at some other place. There is a large and beautiful aquarium in New York City. If we are to have a research center there is no reason on earth why it should be placed in the District of Columbia.

Mr. MORSE. I wish my arm were long enough to reach across the Senate Chamber, so that we could shake hands.

Mr. KEATING. I will come over to the Senator's side of the aisle, so that the Senator can shake hands even while he is talking. I want the Senator to understand that I stand with him.

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

Mr. RANDOLPH. The Senator from Oregon does not have more time.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. RANDOLPH. Madam President, I offer the amendment which I send to the desk and ask to have stated; and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 1, line 9, after the word "for" it is proposed to insert the language "research and fisheries and for".

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from West Virginia.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Wisconsin has 2 minutes remaining.

Mr. MORSE. Madam President, if the Senator from West Virginia has time remaining, would he be willing to yield to me to answer a question or two?

Mr. RANDOLPH. Madam President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from West Virginia has 6 minutes remaining.

Mr. RANDOLPH. I wish to work with my friend, even though we are on opposite sides. I yield 1 minute.

Mr. MORSE. The National Fisheries Institute is very much interested in the pending bill. They seek to have some information from the Senator. I had temporarily overlooked it.

Would the bill provide for displays on commercial fishing as well as for exhibits on sport fishing?

Mr. RANDOLPH. It would provide for such facilities.

Mr. MORSE. The displays could include different kinds of commercial fishing gear and demonstrations of how they operate. Would those be on display?

Mr. RANDOLPH. They would.

Mr. MORSE. They might also show specimens of leading commercial fish species. Would those be on display?

Mr. RANDOLPH. Yes.

Mr. MORSE. The Bureau of Commercial Fisheries could give valuable assistance in setting up the displays.

Mr. RANDOLPH. We would use their valuable assistance.

Mr. MORSE. The project begins to take on some of the features of a museum; does it not?

Mr. RANDOLPH. I would not say so.

Mr. MORSE. I thought the answers to the questions would indicate that.

I have one more question and I shall be through.

I hope the subcommittee had this in mind when it discussed the bill. I understand that the Russians have a permanent commercial fisheries display of this kind in Moscow, to tell the Soviet people of their fisheries work. That can be seen as one goes through Moscow. That particular display is limited to a display, not being a research center.

I close by asking the Senator the question: How much of the initial appropriation and of the annual appropriation would the Senator expect to be devoted to research in the fishery in the District of Columbia, somewhere on the shore of the Potomac River, within the boundaries of the District?

The PRESIDING OFFICER. The time yielded by the Senator has expired.

Mr. RANDOLPH. Madam President, I yield myself 1 more minute.

Would it satisfy my colleague if I were to tell him that approximately 75 cents of every dollar would be used for research.

Mr. MORSE. Considering the lack of natural facilities, that would be an additional waste of the taxpayers' money.

Mr. RANDOLPH. I find that I cannot satisfy my colleague.

Madam President, I yield 3 minutes to my colleague, the Senator from Hawaii [Mr. FONG], who is a member of the committee.

Mr. FONG. Madam President, I am a member of the committee which considered the bill.

I think the project can be one of the greatest educational projects ever developed in the District of Columbia.

There are approximately 18 million tourists a year who come to visit our Capital. Approximately 9 million of those people walk through the halls of this Capitol. On some days approximately 20,000 people go through the White House.

It has been estimated that by the year 2000 there will be approximately 5 million people living in the metropolitan area of Washington, D.C. At present the population is approximately 2 million people.

By the year 2000 it is estimated there will be approximately 35 million tourists who will visit the city of Washington, D.C., annually.

If this project is completed, many of those people will wish to see it. It can be built under a plan which will make it educational as well as a tourist attraction. We should be able to convince at least one-fourth of the visitors who come to the city of Washington, D.C., to go through it. With 18 million tourists visiting this Capital City each year, if one-fourth of them were attracted to the aquarium, there would be a minimum of 4 million visitors at the aquarium annually.

The project involves a cost in the neighborhood of $10 million. The money can be borrowed for approximately 3¾ percent interest. That means we would spend approximately $375,000 annually for interest.

The project is contemplated to be amortized in 30 years. That would be 3⅓ percent a year, which would mean that it would be necessary to raise the sum involved to approximately $700,000 a year to pay for the interest and to amortize the cost of the building.

If 50 cents for each admittance were charged of the approximately 4 million visitors to the aquarium, there would be raised $2 million.

I believe the project would make money and would be self-supporting. The project would be a great educational attraction for the people who come to visit the Capital as well as for those who live in this vicinity.

The PRESIDING OFFICER. The time of the Senator has expired. Each Senator has 2 minutes remaining.

The bill is open to further amendment.

Mr. HOLLAND. Madam President, may I address one question to the distinguished Senator from West Virginia? I knew that I had not plucked the thought out of thin air.

Mr. RANDOLPH. I must be careful because I have only 2 minutes remaining.

Mr. HOLLAND. Is it not true that in the report of the committee, which the Senator is representing in handling the bill, the following words appear:

> Various possible sites in the area have been suggested, such as one on Hains Point.

Mr. RANDOLPH. That statement is in the report. That is correct.

Mr. HOLLAND. I thank the Senator.

Mr. RANDOLPH. The Senator from Florida had said it was proposed to build the aquarium at Hains Point. We have merely indicated that that is one of the sites discussed.

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

Mr. PROXMIRE. Madam President, I believe we have spent enough time on this subject. I yield myself 2 minutes. I shall be very brief.

I call to the attention of my friend, the Senator from Hawaii, that in all due respect, that the figures I got from the Tourist Bureau indicate 8 million visitors to Washington, D.C., last year and not 18 million.

Furthermore, on the basis of the experience of all aquaria in the country, we cannot possibly get more than a million people to come to an aquarium if there is a charge.

Perhaps there would be something new which would not be in any other aquarium. But that has been the experience. On the basis of the record, this aquarium could not possibly operate with an amortized cost of $700,000, which the Senator from Hawaii mentioned, plus the $800,000 which the Bureau of Fisheries said it would cost to maintain the aquarium. I submit the project is as financially unsound as it could be. No banker or businessman would put a nickel into that kind of private proposal.

In conclusion, in the event the conferees come back with a request for a penny more than the $10 million provided in the bill, and in the event the Miller amendment is discarded so that fees will not have to cover construction costs, I serve notice that the Senator from Wisconsin will join the Senator from Oregon in talking at great length on the bill should it return from conference. Knowing the Senator from Oregon, I think between us we can talk a long, long, long time. I yield the floor.

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

Mr. RANDOLPH. Madam President, in the next 60 seconds I should like to say only that the 3 million visitors mentioned is the number set forth in a letter to the chairman of the committee from Secretary Udall supporting the bill. In his letter Mr. Udall stated:

> We believe that an adequate facility would attract 3 million or more visitors each year.

I believe that the bill, as perfected by the three amendments which have been agreed to, is an equitable measure. I ask the support of the Senate, regardless of political preferment, in behalf of the measure.

The PRESIDING OFFICER. The time of the Senator has expired. The question is on the engrossment of the amendments and the third reading of the bill.

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

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, "Shall the bill pass?" 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. HUMPHREY (when his name was called). On this vote I have a pair with the senior Senator from South Carolina [Mr. JOHNSTON]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I therefore withhold my vote.

Mr. McCARTHY (when his name was called). On this vote I have a pair with the senior Senator from Oklahoma [Mr. KERR]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

Mr. TALMADGE (when his name was called). On this vote I have a pair with the distinguished senior Senator from Rhode Island [Mr. PASTORE]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Nevada [Mr. CANNON], the Senator from Connecticut [Mr. DODD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Oklahoma [Mr. KERR], the Senator from Washington [Mr. MAGNUSON], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Rhode Island [Mr. PASTORE], the Senator from Rhode Island [Mr. PELL], the Senator from Virginia [Mr. ROBERTSON], the Senator from Florida [Mr. SMATHERS], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I further announce that the Senator from Alaska [Mr. GRUENING], the Senator from Wyoming [Mr. HICKEY], and the Senator from Missouri [Mr. LONG] are necessarily absent.

On this vote, the Senator from Connecticut [Mr. DODD] is paired with the Senator from Pennsylvania [Mr. SCOTT]. If present and voting, the Senator from Connecticut 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 Nebraska [Mr. CURTIS]. If present and voting, the Senator from Alaska would vote "yea," and the Senator from Nebraska would vote "nay."

On this vote, the Senator from Oklahoma [Mr. MONRONEY] is paired with the Senator from Wisconsin [Mr. WILEY]. If present and voting, the Senator from Oklahoma would vote "yea," and the Senator from Wisconsin would vote "nay."

On this vote, the Senator from Rhode Island [Mr. PELL] is paired with the Senator from Arizona [Mr. GOLDWATER]. If present and voting, the Senator from Rhode Island would vote "yea," and the Senator from Arizona would vote "nay."

On this vote, the Senator from Ohio [Mr. YOUNG] is paired with the Senator from Nebraska [Mr. HRUSKA]. If present and voting, the Senator from Ohio would vote "yea," and the Senator from Nebraska would vote "nay."

Mr. DIRKSEN. I announce that the Senator from Vermont [Mr. AIKEN] is absent on official business.

The Senators from Maryland [Mr. BEALL and Mr. BUTLER], the Senator from South Dakota [Mr. BOTTUM], the Senator from Indiana [Mr. CAPEHART], the Senators from Nebraska [Mr. CURTIS and Mr. HRUSKA], the Senator from Arizona [Mr. GOLDWATER], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from New York [Mr. JAVITS], the Senator from California [Mr. KUCHEL], the Senator from Kentucky [Mr. MORTON], the Senator from New Hampshire [Mr. MURPHY], the Senator from Vermont [Mr. PROUTY], and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent.

The Senator from Utah [Mr. BENNETT] and the Senator from Wisconsin [Mr. WILEY] are detained on official business.

If present and voting, the Senator from New York [Mr. JAVITS] would vote "nay."

On this vote, the Senator from Wisconsin [Mr. WILEY] is paired with the Senator from Oklahoma [Mr. MONRONEY]. If present and voting, the Senator from Wisconsin would vote "nay," and the Senator from Oklahoma would vote "yea."

On this vote, the Senator from Utah [Mr. BENNETT] is paired with the Senator from South Dakota [Mr. BOTTUM]. If present and voting, the Senator from Utah would vote "nay," and the Senator from South Dakota would vote "yea."

On this vote, the Senator from Nebraska [Mr. CURTIS] is paired with the Senator from Alaska [Mr. GRUENING]. If present and voting, the Senator from Nebraska would vote "nay," and the Senator from Alaska would vote "yea."

On this vote, the Senator from Arizona [Mr. GOLDWATER] is paired with the Senator from Rhode Island [Mr. PELL]. If present and voting, the Senator from Arizona would vote "nay," and the Senator from Rhode Island would vote "yea."

On this vote, the Senator from Nebraska [Mr. HRUSKA] is paired with the Senator from Ohio [Mr. YOUNG]. If present and voting, the Senator from Nebraska would vote "nay," and the Senator from Ohio would vote "yea."

On this vote, the Senator from Pennsylvania [Mr. SCOTT] is paired with the Senator from Connecticut [Mr. DODD]. If present and voting, the Senator from Pennsylvania would vote "nay," and the Senator from Connecticut would vote "yea."

The result was announced—yeas 42, nays 20, as follows:

[No. 275 Leg.]

YEAS—42

Allott	Fong	Metcalf
Anderson	Hart	Moss
Bartlett	Hartke	Mundt
Bible	Hayden	Muskie
Boggs	Hill	Pearson
Burdick	Jackson	Randolph
Byrd, W. Va.	Jordan, N.C.	Russell
Carlson	Kefauver	Smith, Mass.
Carroll	Long, Hawaii	Sparkman
Chavez	Long, La.	Stennis
Clark	Mansfield	Symington
Cooper	McClellan	Williams, N.J.
Dirksen	McGee	Yarborough
Engle	McNamara	Young, N. Dak.

NAYS—20

Bush	Holland	Proxmire
Case	Jordan, Idaho	Saltonstall
Church	Keating	Smith, Maine
Cotton	Lausche	Thurmond
Douglas	Miller	Tower
Ellender	Morse	Williams, Del.
Ervin	Neuberger	

NOT VOTING—38

Aiken	Gore	Monroney
Beall	Gruening	Morton
Bennett	Hickenlooper	Murphy
Bottum	Hickey	Pastore
Butler	Hruska	Pell
Byrd, Va.	Humphrey	Prouty
Cannon	Javits	Robertson
Capehart	Johnston	Scott
Curtis	Kerr	Smathers
Dodd	Kuchel	Talmadge
Eastland	Long, Mo.	Wiley
Fulbright	Magnuson	Young, Ohio
Goldwater	McCarthy	

So the bill (H.R. 8181) was passed.

Mr. RANDOLPH. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. SMITH of Maine obtained the floor.

Mr. MANSFIELD. Madam President, will the Senator from Maine yield without losing her right to the floor?

Mrs. SMITH of Maine. I yield.

Mr. MANSFIELD. I should like to bring up some items on the calendar to which there is no objection, and to make some requests.

Mr. CLARK. Madam President, will the Senator from Montana yield to me for 15 seconds?

Mr. MANSFIELD. I yield.

POSITION OF SENATOR CLARK ON MILLER AMENDMENT TO H.R. 11164, DEALING WITH THE QUINCY PROJECT

Mr. CLARK. Madam President, yesterday H.R. 11164 was passed after an amendment proposed by the Senator from Iowa [Mr. MILLER] was defeated. I was necessarily absent, and my position on the Miller amendment was not

announced. Since I always make my position known and publicly announce it in the CONGRESSIONAL RECORD, I wish to state for the RECORD that had I been here I would have voted against the Miller amendment.

THE CALENDAR

Mr. MANSFIELD. Madam President, I ask unanimous consent that the Senate proceed to the consideration of items on the calendar to which there is no objection, before the Senate proceeds to the consideration of the Foreign Service building bill.

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

ECONOMIC AND SOCIAL DEVELOPMENT IN THE RYUKYU ISLANDS

Mr. MANSFIELD. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 2069, H.R. 10937.

The PRESIDING OFFICER. The clerk will state the bill by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 10937) to amend the act providing for the economic and social development in the Ryukyu Islands.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services, with an amendment, in line 5, after the word "figure", where it appears the second time, to strike out "$25,000,000" and insert "$12,000,000".

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

The amendment was agreed to.

Mr. MORSE. Madam President, may we have an explanation of the bill?

Mr. SALTONSTALL. The bill permits an increase in the authorization for the purpose of improving the economy of the Ryukyu Islands. The original request was for $25 million. The committee reduced the amount to $12 million. Last year the amount was increased to $6 million; and this year $6 million more has been asked for.

The committee has increased the authorization to $12 million for another year. Then it will be necessary to make another request for additional funds. The committee has authorized all the money which was asked for this year. The amount does not include administrative expenses. It includes aid to the Ryukyu economy, as shown on page 3 of the committee report.

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

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

The bill (H.R. 10937) was read the third time and passed.

Mr. SALTONSTALL. Madam President, I ask unanimous consent to have printed at this point in the RECORD so much of the committee report as adequately explains the purpose of the bill.

There being no objection, the excerpt from the report (No. 2103), was ordered to be printed in the RECORD, as follows:

EXPLANATION OF THE AMENDMENT

The amendment limits to $12 million the amount authorized to be appropriated in any fiscal year for programs within the Ryukyu Islands that are approved by the President.

PURPOSE

The bill as amended would increase from $6 million to $12 million the amount authorized to be appropriated in any fiscal year for programs within the Ryukyu Islands that are approved by the President.

BACKGROUND

Since the end of World War II the United States has exercised full powers over the Ryukyu Islands of which Okinawa is the largest. Before the war these islands were an integral part of Japan. Following Japan's surrender they were treated as a separate and distinct territory for the purpose of occupation. Unlike Japan, where occupation was carried out nominally under Allied authority, the occupation of the Ryukyus proceeded exclusively under American control.

The treaty of peace with Japan, ratified by the Senate on April 28, 1952, provided for the administrative separation of the Ryukyus from Japan and the continued exercise of all powers over the Ryukyus by the United States. Under the terms of article III of the treaty Japan agreed that it would concur in any proposal of the United States to the United Nations to place these islands as well as certain others under its trusteeship with the United States as sole administrating authority and that pending such disposition "the United States shall have the right to exercise all and any powers of administration, legislation, and jurisdiction over the territory and inhabitants of these islands."

In Executive Order 10713, dated June 5, 1957, the President assigned to the Secretary of Defense the exercise of U.S. powers subject to the approval and direction of the President. This Executive order charged the Secretary of Defense with the "development of an effective and responsible Ryukyuan government based on democratic principles and supported by a sound financial structure" and with making "every effort to improve the welfare and well-being of the inhabitants."

In a sense there are two governments in the Ryukyun Islands. One is the local government of the Ryukyuans themselves. This is called the government of the Ryukyu Islands. The other government could be considered an extension of our own Government to the Ryukyu Islands. This is called the U.S. civil administration of the Ryukyus.

LEGISLATIVE HISTORY

Public Law 86-629, the text of which appears in its entirety at the end of this report, provided a legal basis for U.S. programs designed to promote the development of the Ryukyu Islands. Among other things that law provided the following authorities:

"(1) All fines, fees, forfeitures, taxes, assessments, and any other revenues received by the government of the Ryukyu Islands shall be covered into the treasury of the Ryukyu Islands and shall be available for expenditure by that government;

"(2) Revenues derived by the U.S. civil administration of the Ryukyu Islands from certain designated sources shall be deposited in separate funds and shall be available for obligation and expenditure in accordance with the annual budget programs approved by the President; and

"(3) That not to exceed $6 million is authorized to be appropriated in any fiscal year for obligation and expenditure in accordance with programs approved by the President for purposes specifically set out in the law."

Public Law 86-629 did not substantially change the situation that then existed in the Ryukyus, but it gave legal sanction to a de facto situation. It did, however, provide specific statutory authorization for appropriations made previously on the basis of treaty authority.

REASON FOR INCREASE IN AUTHORIZATION OF AID

In August 1961 the President appointed an interdepartmental task force to determine what steps were necessary to improve the position of the United States in the Ryukyu Islands. Among the recommendations of this task force was that there is a need to increase economic assistance to the islands. Although the task force indicated that economic assistance of as much as $25 million annually might be sought, the additional amount recommended for fiscal year 1963 is $6 million.

COMMITTEE ACTION

The committee has limited the increase in the amount of aid authorized to only that amount involved in the 1963 program. This limitation will afford the Congress an opportunity to review the justification for any aid that is proposed beyond the total of $12 million annually.

A tabulation that appears earlier in this report shows that the amount of assistance has been increasing steadily since fiscal year 1959. The committee is inclined to believe that the level of assistance is being accelerated too rapidly. The committee hopes there will be no proposal to increase the authorization ceiling next year, and it anticipates that the Committees on Appropriations will carefully scrutinize the funding request based on the increased authorization contained in this measure.

ADDITIONAL TOLL BRIDGES ACROSS THE DELAWARE RIVER AND BAY

Mr. MANSFIELD. Madam President, I move that the Senate proceed to the consideration of Calendar No. 2078, H.R. 12818.

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

The LEGISLATIVE CLERK. A bill (H.R. 12818) to amend the act of July 13, 1946, to authorize the construction, maintenance, and operation of certain additional toll bridges over or across the Delaware River and Bay.

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

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

The bill (H.R. 12818) was ordered to a third reading, read the third time, and passed.

PROTECTION FOR THE GOLDEN EAGLE

Mr. MANSFIELD. Madam President, I move that the Senate proceed to the consideration of Calendar No. 1947, House Joint Resolution 489.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The LEGISLATIVE CLERK. A joint resolution (H.J. Res. 489) to provide protection for the golden eagle.

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

The motion was agreed to; and the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, with amendments.

The PRESIDING OFFICER. The first committee amendment will be stated.

The LEGISLATIVE CLERK. On page 2, at the beginning of line 9, it is proposed to insert "thereof".

The amendment was agreed to.

The next amendment was, on page 3, at the beginning of line 5, to insert "on request of the Governor of any State, the Secretary of the Interior may authorize the taking of golden eagles for the purpose of seasonally protecting domesticated flocks and herds in such State, in accordance with regulations established under the provisions of this section, in such part or parts of such State and for such periods as the Secretary determines to be necessary to protect such interests:".

Mr. TOWER. Madam President, I offer an amendment to the committee amendment which I ask to have read.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 3, line 6, in the committee amendment it is proposed to strike "may" and insert in lieu thereof "shall."

Mr. YARBOROUGH. Madam President, I am willing to accept the amendment to the committee amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas [Mr. TOWER] to the committee amendment.

Mr. KEATING. Madam President, will the Senator from Texas yield?

Mr. TOWER. I yield.

Mr. KEATING. Madam President, there has been much talk about accepting amendments. I have not heard any talk about accepting amendments. This is a measure which I introduced along with the senior Senator from Texas. I am very much interested in it. All the conservation groups in the country are interested in it. I should like to have an explanation of exactly what the amendment proposes to do before I will be willing to accept a proposal which might vitiate the beneficial effects of the bill.

Mr. TOWER. Madam President, the effect of the amendment would be merely to change one word.

Mr. KEATING. What word?

Mr. TOWER. To make it mandatory upon the Secretary of the Interior to allow the taking of the golden eagle in specified areas when requested by the Governors of States in which the golden eagle is killing lambs and goat kids.

The amendment has been discussed with the sponsors of the bill in the House. The senior Senator from Texas [Mr. YARBOROUGH] and I have discussed it. It seems to be a generally satisfactory arrangement. That is the only alteration in the bill. It would affect the golden eagle in only a few areas.

Mr. KEATING. Madam President, this entire question was discussed in the committee. An effort was made there to make the language mandatory. The committee rejected that proposal and accepted the bill in the wording as it is now stated.

The amendment of the junior Senator from Texas would completely change the effect of the bill. I agree with the distinguished Senator from Texas that only one word is involved, but it is a very important word. It changes the permissive authorization to the Secretary of the Interior to a mandatory requirement.

It will be necessary for me vigorously to oppose the bill. Nothing has been said to me about the proposed change. A transaction may be taking place, which I shall not call a deal, among Senators from other States; but the junior Senator from New York, who is a cosponsor of the proposed legislation, has never been consulted with respect to it. I am opposed to the amendment. Every conservationist in America would be opposed to it. I intend to oppose the amendment now.

I shall be glad to defer my remarks until the Senator from Texas has stated his case.

Mr. MANSFIELD. Madam President, I sought to call up these bills under the illusion that they were noncontroversial and that the differences had been settled. I have the floor only upon the sufferance of the distinguished senior Senator from Maine [Mrs. SMITH]. Under no circumstances would I wish to take up bills which might now be controversial, because the Senator from Maine has been courteous to me, and I should like to return the favor in some degree.

May I ask that the bill be withdrawn temporarily, so that the three Senators concerned might consult to see if some satisfactory disposition can be made of the bill?

Mr. YARBOROUGH. Madam President, I should like to speak to a point of personal privilege. Lest the junior Senator from New York think he has been bypassed on this subject, since he is one of the authors of the joint resolution, it has been called up on rather short notice. When I learned that it might be reached this afternoon, I sent to two different places for a copy of the hearings. I have not been able to obtain a copy of the hearings yet, but I have been working diligently toward that end.

This measure is a House joint resolution. We have been in contact with the author of the joint resolution, who says he will accept the amendment. He is an outstanding conservationist. I have said I would accept the amendment on the understanding that it was acceptable to the conservationists of the country. Certainly I had no intention of agreeing to the amendment if the conservationists of the country were opposed to it. But that was not my understanding of the situation. My understanding comes through communications from the House sponsors of the measure. I am a cosponsor of the Senate resolution to save the eagle from extinction. We have not had an opportunity to confer with the junior Senator from New York. It was our understanding that the Senators on the other side of the aisle were in harmony concerning the proposed amendment, which requires a finding by the Secretary of the Interior before the mandatory language becomes operative.

Mrs. SMITH of Maine. Madam President, I have the floor. I yielded the floor only for the consideration of bills to which there was no objection. I am most desirous to proceed with my subject.

Mr. MANSFIELD. Madam President, I shall ask the three Senators concerned to consult, so that some accommodation may be reached. I ask that the bill be withdrawn from consideration.

The PRESIDING OFFICER. Without objection, the further consideration of House Joint Resolution 489 will be postponed.

THE CALENDAR

Mr. MANSFIELD. Madam President, I move that the Senate proceed to the consideration of bills on the calendar to which there is no objection, beginning with Calendar No. 2056.

The motion was agreed to.

The PRESIDING OFFICER. The Senate will proceed to the consideration of bills on the calendar beginning with Calendar No. 2056.

HO KOON CHEW

The Senate proceeded to consider the bill (S. 3274) for the relief of Ho Koon Chew which had been reported from the Committee on the Judiciary, with amendments, on page 1, line 7, after the word "Act", to strike out "Ho Koon Chew" and insert "Koon Chew Ho", and in line 11, after the word "said", to strike out "Ho Koon Chew" and insert "Koon Chew Ho"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Ho Yee, a deceased United States citizen, shall be deemed to have resided in the United States prior to July 9, 1913, within the meaning of section 1993 of the Act of February 10, 1855 (Rev. Stat. 1878).

SEC. 2. For the purposes of the said Act, Koon Chew Ho shall be held and considered to be the natural-born son of the said Ho Yee, and shall be further held and considered to have been a United States citizen at all times since July 9, 1913: *Provided,* That the said Koon Chew Ho enters the United States for permanent residence within one year after the date of the enactment of this Act.

The amendments were agreed to.

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

The title was amended, so as to read: "A bill for the relief of Koon Chew Ho."

CLARA G. MAGGIORA

The Senate proceeded to consider the bill (H.R. 1488) for the relief of Clara G. Maggiora which had been reported from the Committee on the Judiciary, with an amendment, on page 2, after line 7, to insert a new section, as follows:

SEC. 2. That, notwithstanding the provisions of section 212(a)(4) of the Immigration and Nationality Act, Chiara Palumbo Vacirca may be issued an immigrant visa and

admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such Act: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act: *And provided further,* That this Act shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The amendment was agreed to.

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

The bill was read the third time and passed.

The title was amended, so as to read: "An Act for the relief of Clara G. Maggiora and Chiara Palumbo Vacirca."

PASQUALE MARRELLA

The Senate proceeded to consider the bill (H.R. 1599) for the relief of Pasquale Marrella which had been reported from the Committee on the Judiciary, with amendments, on page 1, line 10, after the word "Act", to strike out the colon and *"Provided further,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act"; on page 2, after line 2, to insert a new section, as follows:

SEC. 2. That, notwithstanding the provisions of section 212(a)(4) of the Immigration and Nationality Act, Ruth Cliver may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such Act: *Provided,* That if the said Ruth Cliver is not entitled to medical care under the Dependents' Medical Care Act (70 Stat. 250), a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act.

And, after line 12, to insert a new section, as follows:

SEC. 3. This Act shall apply only to grounds for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The amendments were agreed to.

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

The bill was read the third time and passed.

The title was amended, so as to read: "An Act for the relief of Pasquale Marrella and Ruth Cliver."

GABRIEL CHEHEBAR

The Senate proceeded to consider the bill (H.R. 1681) for the relief of Gabriel Chehebar, his wife, Marcelle Levy Chehebar, and their minor children, Albert, Zakia, Zaki, Jacques, and Joseph Chehebar which has been reported from the Committee on the Judiciary, with amendments, to strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act, Gabriel Chehebar, his wife, Marcelle Levy Chehebar, their minor children, Albert, Zakia, Zaki, Jacques, and Joseph Chehebar, Aniela Wojtowicz, Jozef Budny, and Maria Huszty Boros shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the enactment of this Act, the Attorney General shall reduce by ten numbers the number of refugees who may be paroled into the United States pursuant to sections 1 and 2(a) of the Act of July 14, 1960 (74 Stat. 504), during the fiscal year ending June 30, 1963.

The amendment was agreed to.

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

The bill was read the third time and passed.

ALI KHOSROWKHAH

The Senate proceeded to consider the bill (H.R. 2371) for the relief of Ali Khosrowkhah which had been reported from the Committee on the Judiciary, with amendments on page 1, after line 6, to insert a new section, as follows:

SEC. 2. For the purposes of the Immigration and Nationality Act Alexander Vedeler shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 25, 1953, and the time he has resided and has been physically present in the United States since July 25, 1953, shall be held and considered to meet the residence and physical presence requirements of section 316 of the said Act.

And, on page 2, after line 3, to insert a new section, as follows:

SEC. 3. For the purposes of the Immigration and Nationality Act Fong Yee Hin shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 25, 1940, upon payment of the required visa fee and head tax. Upon granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The amendments were agreed to.

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

The bill was read the third time and passed.

The title was amended, so as to read: "An act for the relief of Ali Khosrowkhah, Alexander Vedeler, and Fong Yee Hin".

KYOKO STANTON

The Senate proceeded to consider the bill (H.R. 2977) for the relief of Kyoko Stanton which had been reported from the Committee on the Judiciary, with amendments, on page 2, line 1, after the word "under", to strike out "chapter 55, title 10, United States Code" and insert "the Dependents' Medical Care Act (70 Stat. 250)"; in line 5, after the word "Act", to strike out the colon and *"Provided further,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act"; after line 9, to insert a new section, as follows:

SEC. 2. Notwithstanding the provision of section 212(a)(3) of the Immigration and Nationality Act, Joseph Anthony Vettiger may be issued a visa and be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

And, after line 17, to insert a new section, as follows:

SEC. 3. The exemptions granted in this Act shall apply only to grounds for exclusion in the cases of Kyoko Stanton and Joseph Anthony Vettiger of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The amendments were agreed to.

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

The bill was read the third time and passed.

ALDO FRANCESCO CARBONE

The Senate proceeded to consider the bill (H.R. 4478) for the relief of Aldo Francesco Carbone which had been reported from the Committee on the Judiciary, with amendments, to strike out all after the enacting clause and insert:

That, notwithstanding the provision of section 212(a)(1) of the Immigration and Nationality Act, Aldo Francesco Carbone and Elvira Ciccotelli may be issued visas and be admitted to the United States for permanent residence if they are found to be otherwise admissible under the provisions of that Act: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited in the cases of the said Aldo Francesco Carbone and Elvira Ciccotelli as prescribed by section 213 of the Immigration and Nationality Act.

SEC. 2. Notwithstanding the provisions of sections 212(a)(1) and (4) of the Immigration and Nationality Act, Erich Hoffinger may be issued a visa and be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That if the said Erich Hoffinger is not entitled to medical care under the Dependents' Medical Care Act (70 Stat. 250), a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act.

SEC. 3. This Act shall apply only to grounds for exclusion in the cases of the said Aldo Francesco Carbone, Elvira Ciccotelli, and Erich Hoffinger of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act.

The amendment was agreed to.

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

The bill was read the third time and passed.

The title was amended, so as to read: "An Act for the relief of Aldo Francesco Carbone, Erich Hoffinger, and Elvira Ciccotelli."

HANS-DIETER SIEMONEIT

The Senate proceeded to consider the bill (H.R. 5057) for the relief of Hans-Dieter Siemoneit which had been reported from the Committee on the Judiciary, with amendments, on page 2, line

2, after the word "under", to strike out "chapter 55, title 10, United States Code" and insert "the Dependents' Medical Care Act (70 Stat. 20)"; in line 6, after the word "Act", to strike out the colon and *"Provided further,* That these exemptions shall apply only to grounds for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act"; after line 9, to insert a new section as follows:

SEC. 2. Notwithstanding the provisions of section 212(a)(1) of the Immigration and Nationality Act, Sonja Dolata and Izabel Loretta Allen may be issued visas and be admitted to the United States for permanent residence if they are found to be otherwise admissible under the provisions of such Act: *Provided,* That unless the said Sonja Dolata and Izabel Loretta Allen are entitled to care under the Dependents' Medical Care Act (70 Stat. 250), suitable and proper bounds or undertakings, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act.

And, after line 20, to insert a new section, as follows:

SEC. 3. The exemptions granted in this Act shall apply only to grounds for exclusion in the cases of the said Hans-Dieter Siemoneit, Sonja Dolata, and Izabel Loretta Allen of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The amendments were agreed to.

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

The bill was read the third time and passed.

The title was amended, so as to read: "An Act for the relief of Hans-Dieter Siemoneit, Snja Dolata, and Izabel Loretta Allen."

JANINA TEKLA GRUSZKOS

The Senate proceeded to consider the bill (H.R. 9472) for the relief of Janina Tekla Gruszkos which had been reported from the Committee on the Judiciary, with an amendment to strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, the following aliens may be classified as eligible orphans within the meaning of section 101(b)(1)(F), and a petition may be filed in behalf of each alien named in this Act pursuant to section 205(b) of the Immigration and Nationality Act by the petitioner specified in each case subject to all the conditions in that section relating to eligible orphans:

Janina Tekla Gruszkos; Veronica Gruszkos.

Robert Rabin (Kazuo Inoue); Stanford Rabin.

The amendment was agreed to.

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

The bill was read the third time and passed.

The title was amended, so as to read: "An Act for the relief of Janina Takla Gruskos and Robert Rabin (Kazuo Inoue)".

MOLLY KWAUK

The Senate proceeded to consider the bill (H.R. 9669) for the relief of Molly Kwauk, which had been reported from the Committee on the Judiciary, with an amendment, on page 2, after line 2, to insert a new section, as follows:

SEC. 2. Notwithstanding the provision of section 212(a)(4) of the Immigration and Nationality Act, Yom Tov Yeshayahu Briszk may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act: *And provided further,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act.

The amendment was agreed to.

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

The bill was read the third time and passed.

The title was amended, so as to read: "An Act for the relief of Molly Kwauk and Yom Tov Yeshayahu Briszk."

KAZIMIERZ KRUPINSKI

The Senate proceeded to consider the bill (H.R. 10796) for the relief of Kazimierz Krupinski, which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

That, notwithstanding the provision of section 212(a)(9) of the Immigration and Nationality Act, Kazimierz Krupinski and Domenico Martino may be issued visas and be admitted to the United States for permanent residence if they are found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion in the cases of the said Kazimierz Krupinski and Domenico Martino of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act: *And provided further,* That the provisions of section 24(a)(7) of the Act of September 26, 1961 (75 Stat. 657), shall not be applicable in the case of Domenico Martino.

The amendment was agreed to.

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

The bill was read the third time and passed.

The title was amended, so as to read: "An Act for the relief of Kazimierz Krupinski and Domenico Martino".

BILLS PASSED OVER

The bill (H.R. 12907) for the relief of Dr. Mehmet Vecihi Kalaycioglu was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H.R. 5260) to make permanent the existing suspensions of the tax on the first domestic processing coconut oil, palm oil, palm kernel oil, and fatty acids, salts, and combinations or mixtures thereof, was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H.R. 13044) to amend the Home Owners Loan Bank Act was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H.R. 8874) to authorize certain banks to invest in corporations whose purpose is to provide clerical services for them, and for other purposes, was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H.R. 8074) to amend the District of Columbia Income and Franchise Tax Act of 1947, as amended, and the District of Columbia Business Corporation Act, as amended, with respect to certain foreign corporations, was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. MANSFIELD. Madam President, I ask unanimous consent that the succeeding bills on the calendar, up to Calendar No. 2076 be passed over.

The PRESIDING OFFICER. These bills will be passed over.

The bills passed over are as follows:

H.R. 4333, to amend the act entitled "An act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes," approved July 5, 1946, as amended.

H.R. 5700, to amend the Tariff Act of 1930 to permit the designation of certain contract carrier as carriers of bonded merchandise.

H.R. 8952, to amend the Internal Revenue Code of 1954 with respect to the conditions under which the special construction sale price rule is to apply for purposes of certain manufacturers excise taxes.

H.R. 7708, for the relief of Mr. and Mrs. Gerald Beaver.

The PRESIDING OFFICER. The clerk will state the next item on the calendar.

MR. AND MRS. GERALD BEAVER

The Senate proceeded to consider the bill (H.R. 7708) for the relief of Mr. and Mrs. Gerald Beaver, which had been reported from the Committee on the Judiciary, with amendments, on page 2, line 1, after the word "this", to strike out "Act" and insert "section", and after line 8, to insert a new section, as follows:

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Sergeant and Mrs. Cecil P. Fisher of Fort Bliss, Texas, jointly, the sum of $10,000. The payment of such sum shall be in full settlement of all claims of the said Sergeant and Mrs. Cecil P. Fisher against the United States arising out of the accidental death of their infant child during May 1950, in the Fifteenth Evacuation Hospital in Nurnberg, Germany: *Provided,* That no part of the amount appropriated in this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent

or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding.

The amendments were agreed to.

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

The bill was read the third time and passed.

The title was amended, so as to read: "An Act for the relief of Mr. and Mrs. Gerald Beaver and Sergeant and Mrs. Cecil P. Fisher."

Mr. MANSFIELD. Madam President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 2110), explaining the purposes of the bill.

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

PURPOSE

The purpose of the bill, as amended, is to pay to Mr. and Mrs. Gerald Beaver, of Queen City, Tex., $10,000 for the death of their infant child, and to pay to Sgt. and Mrs. Cecil P. Fisher, of Fort Bliss, Tex., the sum of $10,000 for the death of their infant child, both deaths occurring in the 15th Evacuation Hospital in Nürnberg, Germany, which a subsequent investigation disclosed were the result of the use of a boric acid solution in the feeding formula given the infants.

STATEMENT

The deaths which are basis of this claim grew out of the same incident at the 15th Evacuation Hospital, Nürnberg, Germany, from which arose the claim of Christine Fahrenbruch approved by this committee in March 1962 which became Private Law 335.

The Department of the Army has reported to the committee in regard to the bill as introduced for the relief of Mr. and Mrs. Gerald Beaver that—

"Records of the Department of the Army show that on April 27, 1950, at the 15th Evacuation Hospital, Nürnberg, Germany (an Army hospital), there was born to then Capt. and Mrs. Gerald A. Beaver a mature, live, female infant. Within several days after this infant's birth what was thought to be an epidemic was detected from a similar disease syndrome (a set of symptoms which occur together) which showed up in the progress of some infants in the nursery. When this was realized, admissions to the obstetrical service were discontinued and complete renovation of all facilities was initiated.

"The infant of Captain and Mrs. Beaver was one of six newborn infants affected. Their illness was diagnosed at the time (May 1950) as acute, severe gastroenteritis from an unknown organism. Vigorous treatments were administered to the babies consisting of massive chemotherapy (penicillin, streptomycin, and intravenous aureomycin), restoration of fluid balance and various types of supportive therapy. Notwithstanding these efforts, three of the six infants died within 3 days of the onset of their illness. The Beaver infant died on May 2, 1950."

"The diagnosis of gastroenteritis (inflammation of the stomach and intestines) from an unknown organism was considered the cause of the epidemic until 1960. An official investigation of this matter, conducted during the period of April 29–July 30, 1960, disclosed that the disease with which the children were stricken was caused by the absorption of boric acid. It was indicated further that the incident was caused by a mistake or mislabeling which resulted in the use of a boric acid solution in the feeding formulas. The solution appears to have been mistaken for sterile water.

"The Department views with extreme regret the death in this case. Reasonable men may differ on the amount of the award, $10,000, mentioned in the bill; however, in view of the facts and circumstances of this case, the Department defers in its views to those of the Congress and has no objection to the enactment of the bill."

Subsequent to the passage of the bill by the House of Representatives, the committee received a request from the Honorable RALPH YARBOROUGH, U.S. Senator from the State of Texas, to amend the bill to provide similar relief for Sgt. and Mrs. Cecil P. Fisher.

The committee believes that the bill, as amended, is meritorious and recommends it favorably.

Attached and made a part of this report is a letter dated October 10, 1961, from the Department of the Army in regard to the bill as introduced for the relief of Mr. and Mrs. Gerald Beaver; a letter dated March 28, 1962, to the Honorable RALPH YARBOROUGH in regard to Sgt. and Mrs. Cecil P. Fisher, enclosing a letter to Sergeant and Mrs. Fisher from the Deputy Assistant Secretary of the Army.

C. W. JONES

Mr. MANSFIELD. Madam President, before leaving the calendar, I move that the Senate proceed to the consideration of Calendar No. 1916, House bill 6649.

The motion was agreed to; and the bill (H.R. 6649) for the relief of C. W. Jones was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Madam President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1955), explaining the purposes of the bill.

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

PURPOSE

The purpose of the bill as passed by the House of Representatives is to pay to C. W. Jones, of Bishop, Calif., the sum of $39,810.35, as reimbursement of losses on sales of tungsten concentrates to the General Services Administration resulting from the rejection by the administration of portions of the concentrates as being of foreign origin.

STATEMENT

The General Services Administration has reported to the Congress that in its opinion the facts in the case do not provide a basis for granting the relief which the bill would confer.

The Treasury Department has reported to the Congress that, since the bill relates to a matter not primarily within the jurisdiction of the Treasury Department, it has no recommendation to make on the merits of the bill, but the Department has supplied a memorandum outlining the facts and stating the disposition of four closed customs cases involving Mr. Jones.

The facts in the case as set forth in the report, dated June 6, 1961, from the General Services Administration to the Congress are as follows:

"During the years 1954, 1955, and 1956, GSA was purchasing tungsten concentrates of domestic origin under the domestic tungsten purchase program established by a GSA regulation issued pursuant to the authority of the Defense Production Act of 1950. This regulation provided that persons desiring to participate in the program could do so by giving notice of their intention to the appropriate GSA regional office and that such persons would be issued certificates authorizing them to deliver tungsten concentrates of domestic origin and otherwise meeting the specifications set forth in the regulation.

"Mr. C. W. Jones, of Bishop, Calif., having given notice of his desire to participate in the program, was issued certificate No. 9–1793. As owner of a tungsten concentrating plant, Mr. Jones purchased concentrates from small miners and producers, upgraded and blended them to meet specifications, and in turn sold such concentrates to GSA under his certificate. Each lot of tungsten concentrates sold and delivered to GSA by Mr. Jones was certified by him to be of domestic origin. In his certificate of origin Mr. Jones gave an itemized, detailed list of each sublot making up the lot, showing the name and location of the mine from which each sublot was produced and the name and address of the producer. During the years 1954 and 1955 Mr. Jones sold and delivered to GSA tungsten concentrates for which he was paid in excess of $2,250,000.

"Based on information that some of the tungsten sold by Mr. Jones to GSA was not of domestic origin, and therefore not eligible for purchase under the program, his right to make further shipments to GSA was suspended in January 1956. Our investigation revealed that a total of 1,022.96 short ton units of tungsten contained in the tungsten concentrates which Mr. Jones had sold and delivered to GSA were not from the source certified by Mr. Jones and were ineligible for purchase. These ineligible concentrates had a value under the program of $64,207.66.

"At the time of the suspension of Mr. Jones' right to make further shipments, he had delivered tungsten concentrates, having a value in excess of $150,000, for which payment had not yet been made. Upon completion of the investigation, Mr. Jones was paid all moneys due after deducting $64,207.66, representing the purchase price paid him for the ineligible material, plus $1,086.15 expenses in connection therewith, or a total of $65,293.81.

"Mr. Jones appealed to the GSA Board of Review, claiming that such withholding was improper. The Board of Review, after a full hearing and consideration of all the facts and arguments of the parties, denied the appeal by decision dated December 28, 1959. A copy of the findings and decision of the Board of Review, docket No. 400, appeal of C. W. Jones, was forwarded to your committee with our report on H.R. 11692, 86th Congress, 2d session, under date of August 12, 1960.

"Immediately following receipt of the decision of the GSA Board of Review, Mr. Jones accepted return of the ineligible tungsten which was involved in the appeal. Earlier, the Bureau of Customs had seized this tungsten but had granted a remission of forfeiture and release from seizure upon Mr. Jones' payment of customs duties thereon. This action was based on evidence that, at the time of purchase and sale thereof to GSA as domestic material, he was not aware of the fact that such material had been smuggled into the United States.

"Part of the material involved in Mr. Jones' case was purchased by him from persons who were later convicted of issuing false certificates of origin covering such concentrates. Although Mr. Jones cooperated with the Government in its investigation of the smuggling of the concentrates into the United States from Mexico during the domestic tungsten program and assisted in securing certain convictions, we do not believe that this provides a basis for the relief proposed by this bill. The responsibility was on Mr. Jones, as a participant in the program, to be certain that the tungsten offered to GSA was of domestic origin, and that his certification as to the origin of such material was correct.

"In our opinion, the facts in this case do not provide a basis for granting the relief H.R. 6649 would provide."

The bill was the subject of a hearing by a subcommittee of the Committee on the

Judiciary of the House of Representatives. In its favorable report on the bill the Committee on the Judiciary of the House of Representatives set forth the facts in the case and its recommendations as follows:

"The claimant is a chemical engineer who bought and sold tungsten concentrates since World War II, and in 1952 he received a certificate from the General Services Administration, which administered the Defense Production Act of 1950, to participate in the domestic tungsten program. He then proceeded to purchase lots of tungsten concentrates, blended them, and, when he accumulated a large lot, sold them to the GSA.

"Under the prevailing rules and regulations the GSA would not accept lots less than 1 ton and paid therefore $63 a unit (a unit consisted of 20 pounds). Therefore, small miners were at a disadvantage and depended on the service afforded them by the claimant, who would buy as little as 40 pounds and pay the producer, immediately, 80 percent of the amount he was to receive. Mr. Jones, in turn, would blend the concentrates and when he had a 10½– or 11–ton lot would sell the tungsten to the Government. He would gross about 5 percent on the transaction as he would pay about $60 a unit to the producer and receive from the Government $63. This procedure was known to the GSA and in fact participation in the program by miners who did not operate concentrating plants was provided by regulation.

"The GSA required a certificate from its sellers that materials presented under the program were of domestic origin; it did not require a similar certificate from the miners or producers who sold to the operators of the concentrating plants until December 30, 1955. Mr. Jones, however, as early as 1952 and consistently thereafter, required from his producers and miners an affidavit, from each of them and for every unit he bought from them, declaring that the material was of domestic origin.

"On January 16, 1956, the assistant regional director, Emergency Procurement Service, region 9, GSA, at San Francisco, Calif., notified the claimant not to ship any more material, and this notice was later confirmed by letter on January 23, 1956. The reason given for the notice was that Mexican tungsten was being represented as domestic material and thus improperly sold to the Government, and that the entire matter was being investigated.

"Several lots shipped by the claimant were suspected as containing units of foreign tungsten and the GSA contended that Mr. Jones must furnish satisfactory proof that the material was not of foreign origin. The GSA then proceeded to offset $65,293.81 (the value of the material plus $1,086.15 handling charge) due on a "clean" shipment against the amount paid Mr. Jones on the suspected shipments.

"The offset was determined on March 20, 1957, and on March 22 the claimant was notified that his claim in the amount of $92,776.87 was offset by the aforesaid $65,293.81. On April 10, 1957, he was requested to furnish shipping instructions for the return of the disallowed material. On May 6, 1957, Mr. Jones offered to replace said material with an equal quantity of acceptable material, the price of tungsten having dropped in the meantime to $14 per ton and the program having terminated in June 1956. This offer was rejected on November 29, 1957, whereupon he appealed on December 6, 1957, and the appeal was heard February 27, 1958, by the Board of Review, GSA, which rendered its decision denying the appeal on December 28, 1959. The decision of the Board of Review, with supporting data, was submitted as evidence to the subcommittee that heard the parties and considered the evidence.

"The rejection and the denial of the appeal were based on the premises that the tungsten sold to the GSA by Mr. Jones was not of domestic production; that the Government had the right of setoff; and the refusal to accept substituted material was proper. It was charged that the material not of domestic origin was smuggled into this country. The offenders were named as a Dr. Shirley J. Carter (alias Martin Rausch), a Charles Warfield, and two others, one of whom was described as of the Arizona Mining & Tungsten Sales Corp.

"Carter (Rausch) and Warfield confessed to the illegal entry of the material they sold to Mr. Jones and of having issued false certificates of origin for the material so sold. They were convicted. Carter (Rausch) paid a fine of $14,500 and was ordered by the Federal district court in San Francisco to make restitution. He paid $1,200 in court and, over the objection of the Government, the money was paid over to the claimant. The claimant was permitted to pay the duties on the material and so retain possession of it, which he did, under protest, in order to protect his investment.

"Neither of the other two men was indicted or tried by the Government for violation of a Federal law, nor was the material seized as foreign material by the Bureau of Customs. One of those named was never indicted or tried inasmuch as Federal agents were never able to locate any such person or to determine that any such person actually existed. The other was not indicted inasmuch as he had not made any certification that the tungsten which he sold to the claimant was of domestic origin.

"The Board of Review determined that the claimant's appeal cannot be sustained because the claimant's certificates of origin were false in that the materials were not mined from the properties at the locations listed on the certificate of origin. On the same page of its decision (p. 15) the Board further observed that "there has been no evidence presented, nor has any allegation been made. that the appellant (claimant) knowingly submitted false certificates of origin with the tungsten materials which he delivered to the Government. On the contrary, the testimony and the evidence clearly showed that the appellant was the innocent victim of circumstances and that the certificates of origin were issued by him in the belief that they contained true statements as to the origins of the tungsten materials," and on page 20 of its decision it reasserted the good faith of the claimant.

"Further evidence of Mr. Jones' innocence is attested in reports from the General Services Administration and the General Counsel of the Treasury, with memorandum attached, both of which are made a part hereof, in which it is stated that Mr. Jones cooperated with the Government in its investigation of the smuggling of the concentrates into the United States and assisted in securing certain convictions.

"It should also be noted that testimony was received, in behalf of the claimant, that in 1953, long before the incidents that gave rise to this matter, Mr. Jones advised the GSA of his suspicion relative to possible smuggled material and on that information a conviction was procured (Madison Development Co.).

"The subcommittee heard the witnesses and received the testimony, at length and in detail, and carefully considered the facts in this case. Although the claimant, as a strict matter of law, could not prevail in seeking administrative remedies or through recourse to the courts, the committee is of the opinion there is an equitable basis for redress.

"The domestic tungsten program anticipated that there would be small producers and miners who would be required to process their yields through such methods as used by Mr. Jones, yet it cast the entire burden of responsibility of certifying the true origin of the material, not on them, but on the processors and continued that responsibility from the commencement of the program until December 30, 1955 (about 6 months before the program expired), at which time it required the producer to also certify that the materials were of domestic origin. Mr. Jones required such affidavits, from the miners he dealt with, from the very beginning of his operations.

"The committee also considered the testimony that the properties of tungsten, whether of domestic origin or from out of this country, are identical in every material respect and thus cannot be distinguished from each other. Therefore, in consideration of all the factors and facets of this case, the committee concludes that equity will be done and a sense of fairness established by enacting this legislation with the amendment. The amendment is suggested by deducting from the aforesaid $65,293.81, the amount of $21,608.06 (recovered by the claimant on the resale of the tungsten), $2,675.50 (charged to profit and expenses), and $1,200 (received in restitution through the Federal district court in San Francisco), leaving the amount of $39,810.25, which is the amount to which this bill is reduced.

"The committee recommends that this legislation, as amended, be considered favorably.

"An attorney having rendered service in this manner, the proviso in the bill relative to attorney's fee is retained."

The bill was the subject of a hearing by a subcommittee of the Committee on the Judiciary which reported it favorably.

The committee believes that the bill is meritorious and reports it favorably.

Attached and made a part of this report are (I) a letter dated June 6, 1961, from the General Services Administration, (II) a letter dated July 10, 1961, from the Department of the Treasury, and (III) a memorandum in regard to the bill by the Honorable HAROLD T. (BIZZ) JOHNSON, Member of Congress from the Second District of California.

AMENDMENT OF FOREIGN SERVICE BUILDINGS ACT, 1926, AUTHORIZING ADDITIONAL APPROPRIATIONS

Mr. MANSFIELD. Madam President, if the Senator from Maine [Mrs. SMITH] will permit me to call up one more bill, I move that the Senate proceed to the consideration of Calendar No. 1887, House bill 11880, in order to have the bill laid before the Senate and made the pending business.

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

The motion was agreed to; and the Senate proceeded to consider the bill (H.R. 11880) to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, and for other purposes, which had been reported from the Committee on Foreign Relations with an amendment, on page 5, after line 12, to insert a new section, as follows:

SEC. 3. The Congress hereby finds that since the United States is generally required, in locating its chanceries abroad, to observe the laws and zoning regulations applicable to business-type buildings in the capital cities of those nations with which diplomatic relations are maintained, it is appropriate to require that chanceries constructed by such

nations in the District of Columbia be located in business areas rather than in residential areas. Accordingly, the Act entitled "An Act providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and the uses of land in the District of Columbia, and for other purposes", approved June 20, 1938, as amended is amended by inserting "(a)" after the section number in section 6 and by adding at the end of such section the following new subsection:

"(b) After the date of enactment of this subsection, no foreign government shall construct, alter, repair, convert, or occupy any building for use as a chancery, chancery annex, or other business office of such foreign government on any land, regardless of the date of acquisition thereof, within a one-family detached dwelling residence district established pursuant to this Act, except on the same basis as in the case of the construction, alteration, repair, conversion, or occupancy of a similar building by a United States citizen or entity. Nothing in this subsection shall prohibit the continued use as a chancery, chancery annex, or other business office of any building lawfully being used for that purpose on the date of enactment of this subsection, or to prohibit the making of ordinary repairs to any such building."

Mr. MANSFIELD. Madam President, I thank the Senator from Maine [Mrs. SMITH] for her usual courtesy and kindness.

Mrs. SMITH of Maine. The Senator from Montana is entirely welcome.

Mr. DOUGLAS. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state it.

Mr. DOUGLAS. I should like to ask whether the committee amendment to this bill has been adopted.

The PRESIDING OFFICER. It has not.

Mr. MANSFIELD. The bill has merely been taken up; no further action on it has been taken.

Mr. DOUGLAS. Very well.

WHEN WILL WE START WINNING?

Mrs. SMITH of Maine. Madam President, 1 year ago on this day—impelled by concern over the fact that everywhere the Communists were pressing forward stronger—I stood in this Chamber and posed to my colleagues, to the American people, and particularly to the President of the United States, several questions which I considered to be of the utmost importance.

I asked, "How much longer can we afford to lose?"

I asked, "What have we done—or failed to do—that permits Khrushchev to act as he does?"

And, "Why is it that the Communists so often have the initiative and we are satisfied to react?"

And, "When will we start winning?"

In the year that separates us from the occasion of those remarks, the course of events has been, to say the least, an unpromising one for us. The Communists, far from exploring new frontiers of friendship and cooperation, have continued the pressures of their attacks against liberty.

Not only that, but more.

Indeed, they have increased their efforts. And there is little in their attitude toward any problem anywhere to indicate that they intend to change for the better.

Not in the U.N.; not in Berlin; not at Geneva; not in Cuba; not in Southeast Asia; not anywhere.

And why should they change? Why should they, as long as they are making progress toward their goals?

The NATO Alliance, protecting an area of the non-Communist world which is of great and immediate importance to the United States, is plagued by troubles, doubts, criticisms, and uncertainties.

More and more there is danger that Khrushchev, casting an acquisitive eye toward the Western doorstep of the Soviet Empire, will be tempted toward new challenges by military vulnerabilities that he believes exist there, or by his assessment that the free world's will is so low as to negate its power.

A prominent, highly respected American—and very good friend of President Kennedy—recently talked at length with Khrushchev and what he reported on Khrushchev's assessment of our will made headlines on the front pages of our newspapers, on television and radio throughout the country. He reported that Khrushchev had stated that he believes that the United States will not fight to protect itself.

Certainly one of the realities that faces us today is in the form of a challenge to adopt policies and take actions which will build the confidence of NATO Europe.

Could we possibly hope to build this confidence by demanding acceptance of U.S. policies that are not palatable to them? Would not this course be more likely to destroy their confidence than to build it?

Let us not forget that for 12 years NATO was a solid and cohesive force against communism. In the last 1½ years, difficulty has piled upon difficulty. De Gaulle was President of France prior to this troubled period. Macmillan spoke for Great Britain; Adenauer, for West Germany.

What has changed?

In Laos, our objective of a truly neutral and independent country is stalled by the refusal of the pro-Communist elements to comply with the peace agreement that was signed only a short time ago at Geneva.

It makes one wonder if we based our own agreement on a concept that the Communists are becoming more friendly and cooperative.

Do we really believe that such agreements with the Soviets will accrue to the benefit of anyone but themselves?

And do we have a basis for our actions which does assume an accommodation with the Soviets?

In Cuba, the Bloc countries and Castro blatantly defy the principles of the Monroe Doctrine, and proceed with the communization of that island—and in recent weeks an acceleration of transforming Cuba into a Communist arsenal.

Madam President, I ask you: Are we better off here than we were a year ago?

In Vietnam we are committing ourselves, bit by bit, to a more involved war, as the result of fashioning our responses to the patterns chosen by the enemy.

And in the realm of space, the Soviets' new achievements cast across the whole free world the shadow of a tremendous new military potential.

Our spokesmen, calm almost to the point of placid satisfaction, enjoin us not to worry. "We are far behind. But we will catch up. And meanwhile, there's no great military significance in the Soviets' feat. And Cuba really presents no threat."

Words and more words.

About the only tangible action we get is the callup of the Reserves in which Khrushchev, in his alternating policy of first blowing hot and then blowing cold, psychologically dangles our reservists on the end of an on-again-off-again line in a war of nerves—in which we react as he anticipates our reaction.

But who is really so blind as not to see that under the pressures of the last year the outlook for us has deteriorated steadily? And now it has reached such a disturbingly low level that its effects surely must be to banish the last vestige of complacency from our national attitude and to require each of us—whatever his position, whatever his responsibilities, and whatever his affiliations—to face the truth.

It is inconceivable that any amount of polished phrases—no matter how expertly put together and how adroitly presented—could longer conceal the hard facts from the American people.

We are simply not breathing the air of success.

In more ways than ever before within the memory of most of us our beloved country is rapidly becoming a second-rater.

No amount of contrived doubletalk can longer divert the impacts of reality.

In the eyes of the world our flag does not fly high and proudly as it once did.

And so today—impelled by the same concern that caused me to address the subject of our security and welfare a year ago—I ask again, "When will we start winning? How much longer can we risk waiting? What can we do to turn the tide more surely in our direction?"

Madam President, it would be unwise as well as incorrect to imply that there is a short route back to the position of eminence, influence, and well-being that our country enjoyed in better days. But I have no hesitancy in asserting that there is a route back and that we had best get our feet on it, and follow it, before we lose the chance to do so.

I would not be so presumptuous as to say that I am able to see every straightaway and turning of this route all the way to its ultimate destination (which, I hope, would be a secure and peaceful community of nations) but, once again, I have no hesitancy in asserting that I can see where our starting point should be.

We must start, and fashion our future progress toward an improved position, on a basis of military advantage—of this I am certain.

Not a fancied or limited advantage in a single technique, or in a particular locale, or to react to one specific situation,

but a realistic overall military advantage reposing in a capability to win our objectives at any level of conflict, from the lowest to the highest.

If we are determined to have and hold the benefits of this advantage, it would be the height of folly not to take new warning from the Soviets' recent two-man orbit.

It was a remarkable accomplishment. We would have been proud to claim it. It is unfortunate for the free world that we could not claim it.

I deem it unfortunate because it portends physical power of indescribably greater dimensions—and I know of nothing in the long record of aggression under the Communists to indicate that they do not intend to exploit, either overtly or by blackmail, any element of physical power within their reach, if given sufficient opportunity to do so.

Knowing how Khrushchev, Malinovsky, and others boasted of their new power after the recent space flights, who can close his eyes so tightly against the light of reality as to believe the Soviets do not intend to develop military power in space as fast as they are able?

Or looking toward NATO Europe, knowing that the Soviets have nuclear-armed forces available, who can stray so far from the path of reality as to believe that they do not intend to exploit these forces if they should consider it to their advantage to do so?

And I also ask, Madam President, Are we trying to increase our conventional forces in NATO at the expense of our tactical nuclear forces? Are we trying to convince the people that we are conjuring up a less dangerous kind of war for them to fight?

Or looking toward the jungle areas and underdeveloped regions; knowing that Khrushchev has espoused "wars of liberation," who can cite valid evidence that the Communists do not intend to exploit the physical power and emotions of human beings in insurgency operations and other disruptive activities, whenever it suits their purpose to do so and they have sufficient opportunity.

My thesis—my reason for addressing you today—is, I feel sure, clearly evident by now; but let us accord it the emphasis that will come from additional discussion.

The President and some of his principal policy and strategy advisors have been deeply occupied with the subject of risks.

We have been cautioned on more than one occasion that we cannot do thus and so because it would risk provoking the Communists; that, for example, we must urge NATO Europe to be satisfied with trying to defend itself by conventional means because of the stated conviction that even the highly selective use of tactical nuclear capabilities against military targets would escalate the conflict toward general war proportions.

The whole country has heard much about the inhibiting effects that these risks, and other similar ones, impose upon our national policy and strategy.

It is well to be aware of these circumstances and to evaluate them carefully. But I regret to say that from the same sources I have heard comparatively little about the risks of adopting wishful thinking as a substitute for hard-headed realism in overcoming the Communists' drive for power and keeping the balance on our side.

Can we risk the survival of our country on anyone's "opinions" as to what the Communists intentions are? I say no. It is unthinkable.

Surely there is something better for us than gambling on a guess that the Communists do not intend to use every part of the military capabilities that they now have or may develop later on, if and when it suits their interests to do so. Or to put it another way, could we possibly risk gambling on the dangerous assumption that their intentions will be good? Of course not.

Therefore, we must clearly see and clearly understand what is required of us to hold the military advantage.

What we must be prepared to do is counter the military capabilities that constitute a threat to us.

We must protect ourselves against that which we know the Communists are capable of doing.

As Senators know, the concept of being prepared to counter the military capabilities of the Communists is generally referred to as counterforce.

The world being what it is today, you would think that no one in this country would even remotely consider taking issue with this concept. Who could possibly quarrel with the purpose of winning our objectives in defense of our country?

But it has become increasingly clear that there are some who, obviously failing to understand the concept, take sharp issue with it. For example, when the Secretary of Defense referred to it in a speech at Ann Arbor, Mich., on June 16, there followed a flood of negative reaction that is still running, and there has even been a deep silence from the Secretary's colleagues.

I have waited for just one of them to speak out directly in support of the view he expressed. But none has—and to break his lonely position I speak out today in support of his Ann Arbor speech and say that it was the most encouraging expression to come from the Kennedy administration since the time of my speech a year ago.

Typical of the opposition was a three-column "anticounterforce" advertisement that ran in the New York Times of August 21. The signers are 175 most highly respected and patriotic faculty members of a dozen universities and colleges of recognized standing. They urged abandonment of our counterforce posture.

Why? Because, in their view, it is provocative to the Communists; and it tends to promote an arms race; and it increases the likelihood of war.

The solution which they, in all sincerity and seriousness, recommend is to reduce our arms—even disproportionately, if necessary—for the purpose of seeking a closer approach to equality with the U.S.S.R.

With this example in mind, let us see clearly and understand fully what the most vocal and influential of the well-intentioned critics are saying. Reduced to simple terms, it is this:

We are largely to blame for the Soviets' continued intransigence. Because we maintain the strength to counter their military capability, we give the Soviets reason to fear that we are preparing to attack them. They are driven to excessive secrecy and distrust by their apprehension of our strength.

In substance, these critics contend that the Soviets are bad because we make them bad. Hence, if we reduce our military strength, their attitude will improve, and they will become more tractable.

Do these good and sincere people who are so critical really believe that we would be better off without a margin of military advantage across the board? Are they really willing to risk the survival of our country on their opinion of the Soviets' intentions?

Is it conceivable that, in the present atmosphere, we would deliberately plan not to have more than the Soviets have? Is there any worthwhile evidence to cause us to see that way as the path toward more effective deterrence and greater security?

There are some who seem to think that deterrence is, in a manner of speaking, old fashioned; that it has been overtaken by events in the forward rush of technology; that deterrence, as we know it today, has no future. I disagree.

We have had effective deterrence for the majority of time over the last 15 years. We have effective deterrence now. And I believe we can continue to have effective deterrence in the future. And in the future, as in the past, there is no doubt that effective deterrence will stem fundamentally from our counterforce capability; from our capability to win over the enemy's military forces.

With those who favor placating the Soviets at the terrible cost of deliberately downgrading our own military advantage and settling for parity or near parity, it is unpopular to say that we can win. With dangerous positiveness and shallow reasoning they say that in nuclear war there could be no winner. With all the emphasis at my command, I disagree. We can win.

I do not mean to imply that we could win cheaply. But neither do we have to manipulate ourselves into a position where we would be absolutely dead. It would not have to be a Pyrrhic victory. Winning and losing are not fundamentally questions of the intrinsic costs of damage suffered in a war. We could lose by eroded resolve and ultimate capitulation without suffering any physical damage at all from the enemy who defeated us. But if we are attacked, I hold with the concept that our "second-strike" force must be stronger than the force remaining to the enemy after his initial strike. If we retained this advantage we would be in a winning position.

And what kind of reasoning, may I ask, is behind the accusation that by keeping ourselves strong in the face of a determined and capable nation, whose leaders are our avowed enemies, we are promoting an arms race? Let us not

surrender to this kind of self-incrimination any longer but instead set the facts straight. We are not promoting an arms race; not through counterforce or any other means.

The forces that we have and expect to have are not just someone's "idea." We do not get them like numbers pulled out of a hat. Far from that, our requirements are based on the most careful and complete information regarding the Communists' capabilities that it is possible for us to have. And that is the way we must continue to do it, no matter what the prophets of fear and doom say.

For I repeat, it would be folly for us, in the present climate of relations with the U.S.S.R., not to be able to counter those capabilities.

So if we are engaged in anything that resembles an arms race, let there be no mistake about who is at the bottom of the trouble: The Communists are to blame; not our concepts and strategy. And while we are at it, let us get rid of the fiction that our military posture indicates an intention on our part to initiate war against the Soviets by striking first. If this were our intention, would we not be stupid indeed to burden ourselves with the expense of an aerospace defense system, our ballistic missile early warning facilities, the Strategic Air Command alert, and other precautions of that sort? If we intended to strike first, could we not forego these things and put all of our effort and resources into offensive means?

Our policy leaders stress repeatedly that we must have flexibility, a choice among alternatives. I agree. Certainly we want to have several alternatives available if we are attacked. Counterforce response against military targets is only one of them; but a very desirable one.

Do we not want to do everything within reason to avoid needless destruction? Of course we do. Do we not want to provide the enemy with every possible incentive not to attack our cities? Of course we do. Do we want to subscribe to or be limited to a policy of indiscriminate devastation, which would provide an enemy with a strong incentive to attack our own cities? Of course we do not.

I do not comprehend the reasoning of those who cry for the abandonment of our counterforce posture. I do not understand how they believe that we can find greater safety in greater weakness.

But I am sure of this: If we do believe that counterforce is essential—if we do want to preserve it—the time has arrived for all of us—those of us here today; the American people everywhere; the President of the United States; not just a lonely Secretary of Defense; indeed, all of us, to do more to make the concept of countering the enemy's capabilities better understood and more widely accepted; to protect it from even those well-intentioned patriots, who, through fear of imagined or real risks, or through ignorance of the facts, would destroy it and cast us adrift on the stormy seas of far greater uncertainty.

I do not intend to imply that counterforce is the answer to everything. It is not. But even in the very worst context that can be contrived without going to impossible extremes, we are still vastly better off with it than we could possibly be without it.

No one claims that it is a panacea. No one could say for certain that because we have a counterforce capability the future will be easier. But there is every reason to believe that if we resolutely maintain a counterforce capability the future will be less difficult than it might be otherwise. And that is a goal which, although not spectacular, we must not ignore.

Mr. KEATING. Madam President, will the Senator yield?

Mr. SYMINGTON. Madam President, will the Senator yield?

Mrs. SMITH of Maine. I am glad to yield to the Senator from New York, and then to the Senator from Missouri.

Mr. KEATING. I wish to express my gratitude to the distinguished Senator from Maine for her fine address, which it was my privilege to hear. We need more who speak so forthrightly. After deep study of our military capabilities and our military posture, she has given us a simple analysis. There are those in this country, sincere people—not Communists, but sincere, dedicated Americans—who believe that the way to deal with the Russians is to reduce our military might down to about the equivalent of others. Then we would be able to get along better together.

The Senator from Maine has certainly devastated any such position. The best way—indeed, the only way—to keep the peace is to be strong and to remain strong.

Our military posture is far in advance of that of the Soviet Union at this time. We must not let down in that respect. Military weakness is vastly more dangerous than is strength. Inaction is vastly more dangerous than action. Everyone in the world—particularly the leader of every nation—knows that it is not the intention of our country to provoke anything in the way of military action. But the way to prevent such action being provoked is for us to demonstrate, and to continue to demonstrate that it would be a devastating mistake on the part of any other power to start anything of the kind.

I compliment the distinguished Senator from Maine on her fine speech. As one American, I am very happy that she is serving in the Senate on the particular committees to which she gives her great ability.

Mrs. SMITH of Maine. Madam President, I thank the distinguished Senator from New York. He has contributed greatly both in the military aspects of our country's welfare, and in his other public service throughout his career.

I am glad to yield to my colleague on the committee, the distinguished Senator from Missouri [Mr. SYMINGTON].

Mr. SYMINGTON. Madam President, I have listened to the Senator's speech in its entirety with great interest, and congratulate the senior Senator from Maine for one of the most thought-provoking addresses on our military status and posture it has been my privilege to listen to in the Senate.

As we all know, the distinguished Senator from Maine is one of the foremost military authorities in this body. For nearly 15 years she has been a member of the Senate Committee on the Armed Services. Before that she was a member of the House Committee on Naval Affairs. Whenever she rises to address the American people on the subject of national security, it is in their interest to listen.

I was especially interested in the devastating logic of her reply to those who, in effect, follow the theory of overkill and massive retaliation. I was also interested in her backing up the Secretary of Defense, that great speech he made at Ann Arbor about the importance of "counterforce" as national policy. I hope every Senator and Representative will take the time to read this penetrating analysis of the basic problem incident to our national security. More than that, I would hope that, in some way, every American could have the opportunity to ponder the thoughts presented by one of the most able, experienced, and conscientious Members of this body.

Mrs. SMITH of Maine. Madam President, I appreciate the very generous words of my able colleague on the Armed Services Committee. He has contributed greatly in industry and public service. As a former Secretary of the Air Force, he knows a great deal about what is required to keep the strength that we have had and want to continue.

Mr. PEARSON. Madam President, I join the distinguished Senator from New York and the distinguished Senator from Missouri in commending the distinguished Senator from Maine on the very thoughtful and constructive statement concerning one of the most important subjects and important matters in the world today.

Mrs. SMITH of Maine. I thank the Senator from Kansas for his kind remarks.

THE 1962 FARM BILL

Mr. PEARSON. Madam President, I address myself, for a very few minutes, to the so-called farm bill to be considered by the Senate next Tuesday. The conference report on H.R. 12391 combines not only the Freeman-Cochran theories of acreage limitations and marketing controls, but also invokes the old Brannan compensatory payment plan—so bitterly fought before by all of those who sought freedom for the farmers.

An unsatisfactory administration farm plan, once defeated, now returns with its objectionable features hiding behind the skirts of the relatively acceptable elements of the 1963 program. But I say once the trap is sprung, once the 1963 program is continued as law the growers of wheat and feed grains in 1964 will face the ultimate dilemma of choosing between the toughest mandatory production controls they have ever known or accepting the alternative of being dropped into an open market which has been unbalanced and confused by Government action.

The American farmer—provider of plenty in a world of want; creator, by

industry and ingenuity, of the greatest agricultural revolution witnessed by the world to date—deserves a better fate.

The wheat and feed grain programs incorporated in this conference report will neither increase farm income nor protect the freedom of the farmers.

Even a brief study of the agricultural economy points up the close interrelationship of its various elements.

In the feed grain provisions, supports are to be set in relation to corn and will be "at such a level between 50 and 90 percent of parity as will not result in increasing Commodity Credit Corporation stocks." With over a billion bushels of Government-owned corn hanging over the market, the obvious support price of corn and all other feed grains will be at the low end of the formula—50 percent of parity or about 80 cents per bushel. The downward plunge of prices for the feed grain growers will immediately be reflected in the livestock economy of the entire Midwest; the cash benefits feed grain growers might obtain under the 1963 program could be taken back from them many times over in subsequent years through lower livestock prices.

But the cause and effect reaction continues and wheat sold for feed—in competition with corn and other feed grains—would be supported at a level which would relate it to corn. By the U.S. Department of Agriculture's own figures, feed wheat could be supported at about 92 cents per bushel. This, of course, is far below the average of $1.40 which wheatgrowers had been led to believe they would receive for the 15 or 18 percent of their total production which would be marketed for feed purposes. The wheat program with its present intricate and complicated certificate system will indeed be a challenge to understand or to administer. The farmer's life, always dependent upon the uncertainties of nature, now faces further confusion, doubt, and uncertainty as to Government regulations.

This much we know. Wheatgrowers will be forced to reduce their present production by 20 percent. As an offset—which is only partial—wheat for domestic use or for export utilized as food would be supported on an average of $2 per bushel. I have already spoken of the fate of wheat used for feed purposes. Thus, under the proposed plan, the wheat producer may expect an overall average support of about $1.80 per bushel. Couple this with the mandatory acreage cut and the result can only be, it seems to me, a drastic income reduction for the producer. But I venture to say that the loss of income will never be received by the farmer with the sense of disappointment as the accompanying loss of freedom.

Madam President, when the 1962 farm bill was first reported from the Senate Agriculture Committee omitting the mandatory feed grain provisions and offering a choice of plans to the wheat farmers, some evidence was then produced that our Senate committee, in its diligent efforts, sought to move the farmers to an area of greater freedom.

Many amendments, however, transformed this bill into the administration plan with the strictest production and marketing controls ever imposed upon American agriculture. My vote on that measure was with the minority in this body and in agreement with the majority of the House.

Several days ago, as one of four members of the Republican Party, I voted, in effect, for the extension of the present farm program. It seemed to me that the extension of the present program for 1963, with some modifications, was the best program that could be achieved at this late hour. My reservations concerning the wheat and feed grain provisions for 1964 were strong, but as the distinguished Senator from North Dakota [Mr. YOUNG] stated, it was hoped that a better plan could be devised in conference. That conference report now before us represents a bill absent of compromise and almost punitive in nature.

The saddest and most disappointing feature of this conference report is that cruel part of the plan which promises the farmer a reward in 1963 if he will proceed down into the dark valley of regimentation in 1964. I repeat, this bill presents a trap wherein the grower of wheat and feed grains will soon be forced into the ultimate decision of accepting the toughest mandatory controls ever known or being dropped into an open market, uncertain and troubled by the unnatural manipulations of Government interference.

The distinguished minority leader of the House, Mr. HALLECK, may have been correct when he stated:

> Perhaps the most that can be said for this conference report is that it gives farmers 1 year to pack up and get out of agriculture.

Mr. MUNDT. Madam President, I congratulate the distinguished Senator from Kansas on his review of the action taken by the conference committee dealing with basic agricultural legislation. He has reiterated in part some of the arguments which I made on the floor at the time the Senate voted on the legislation initially.

It seems to me that this legislation, as it comes to us from conference, heralds the collapse of the whole price support concept in agriculture, and provides, in lieu of a fairly satisfactory and rewarding system of price supports, a system of fluctuating flexible price supports, worse by far in their impact on farmers than anything that has ever been presented to us by Secretary Benson or the Department of Agriculture. As is well known, Secretary Benson himself was an advocate of flexible price supports. This proposal goes further than the Benson flexible price philosophy, because it not only provides a further flexing of prices downward, but it is tied to an anchor instead of to a star. It is tied to existing surpluses in the Commodity Credit Corporation, which by no stretch of the imagination can be eliminated by a wave of the wand, and it means that for several harvests to come the Secretary of Agriculture will necessarily be forced by law to fix price supports on feed grains so as to make them extremely ruinous.

THE PLIGHT OF THE TIMBER INDUSTRY

Mr. MUNDT. Madam President, I wish to mention something about the plight which confronts the timber industry of America today. Over the past several months we have heard a great deal of discussion by Members of this body about the plight of our various American industries which are in economic difficulties because of imports from foreign producers. Just today the Senate completed consideration of legislation on expansion of the Trade Agreements Act granting broad authorities to the executive branch in negotiations for promoting trade with other countries.

Some time ago, back on May 15, 16, and 17 of this year we discussed on the floor of the Senate, Madam President, legislation dealing with the amendment to section 204 of the Agriculture Act of 1956. This bill was known as H.R. 10788 to permit and implement the negotiated agreements between this nation and 19 other nations relative to the protection of the cotton and cotton textile industries. At that time I offered an amendment to H.R. 10788 which would have provided that this agreement could not go into effect until such agreements had been negotiated for other designated agriculture products. One of those products is lumber and the timber industry which is in a very depressed condition in the United States today.

I was disappointed that some Senators who come from timber-producing States voted against my amendment at that time to bring timber under the mantle of this type of protection.

I am happy, however, that most Senators who have large timber interests in their areas and who have timber producers in their States, voted in support of my amendment, which would have provided for timber, lumber, and the lumbering industry the identical protection which it was hoped would be provided for textiles by the action which was taken.

I wish I could believe that the bill which the Senate passed this week—the Trade Expansion Act of 1962—contains provisions which will provide for protective measures for this great segment of our agriculture industry. I fear that it does not. I fear that agriculture and my great area of our Nation may be in for some increasingly difficult times because of the action of the Senate.

I have noted with increasing alarm in recent months that the Nation's forests, the people who work in them, the people who are dependent on them, and the communities whose economy stems from their bounteous gifts, have expended a great deal of effort in trying to improve the economic status of forest-based enterprises. Last week I was reminded of a statement made by President Kennedy in Salem, Oreg., on September 7, 1960, in which he said to a timber-based community:

> It is time for a fresh and imaginative program to resolve the problem of our Nation's timber industry and in 1961 we are going to put such a program into action.

This was an excellent statement of intention. It is unfortunate that the anticipation of its implementation has been so unrewarding. Here we are in late 1962 and as yet no definitive action which will bring economic relief to the timber industry has been taken in any fashion whatsoever.

Before discussing further the immediate and serious obstacles in the path of a healthy forest economy of our country today I believe it would be most helpful to put in context just how important this activity is to our Nation. Over the years, since the founding of our country, the lumber industry has been the backbone of the forest economy. Lumber has made the most significant contributions to our American way of life of any of the forest products, although nature's gift to us through the forest includes much more than lumber. The list of specific products could be endless; the poles that support our lines of communication across the continent, the books we read, the magazines that supply us with current information and the daily newspapers that keep us so well informed on the many subjects of current interest to you and me, the furniture we sit upon, the cellulose in the garments we wear, the rosins and the resins and the glue and the paint that we depend upon, the pencils that I use to jot down my thoughts on this subject and, if one might use the term, the handles for the tools that torment those who are gardeners on the weekend. And—probably most important of all—the homes that provide shelter for millions of Americans today.

However, I believe I can document the case I advocate today for protection of the great lumber industry of America and it can be most accurately portrayed, if I confine my observations to the lumber manufacturing industry—for in this single basic industry are illustrated all the heartaches and the perils which beset the forest industry as a whole.

The lumber industry is America's oldest industry. The original forests of the United States covered 822 million acres or more than 40 percent of our land area. There obviously is no record of the original volume of timber but it has been estimated as being between 5 and 8 trillion board feet. Vast forests provided lumber for the very first needs of the Virginia and Massachusetts colonists—shelter against the elements and stockades for protection against the hostile savages. Within a few years after the first settlements, sawmills began to appear up and down the Atlantic seaboard. Even before the first reported sawmill was built at Berwick, Maine, in 1631, the settlers in this new land began to clear areas for farms—for the sites of their barns and of their homes. Timbers for bridges and roads were hewn from the virgin forests. Frequently, in the colonial days, the objectives of the woodcutter were first to clear the land and only secondarily to obtain fuel and building materials. The lumber industry developed hand in hand with agriculture, furnishing the first crude instruments basic to cultivation of the virgin land. Lumber manufacture was primarily—even as it remains today in large measure—local industry. The lumberman and the pioneering settler were one and the same.

As the centers of population and commerce and industry moved westward, so did the lumber industry. New York timber succeeded the seacoast stands as the center of production. Then to Pennsylvania, along the Susquehanna and Ohio Rivers, and up into Michigan, Wisconsin, and Minnesota and South Dakota. From the Lake States the westward migration of the lumber industry split around the last decade of the 19th century, a part moving into my home State, into the Rocky Mountain area and the Pacific Northwest, but the greater part moving toward the vast virgin stands of the Southern States.

It was inevitable that the early lumber industry was exploitive in character. As fast as land was cut over, settlers moved—clearing, cultivating, and building. The order of the day was for the lumberman to harvest the timber and to get out of the way of the advancing tide of settlers. Present-day critics of the history of the lumber industry give relatively little consideration to the contributions it made to the rapid growth and settlement of America. Forests, even as soil, game, and water, were exploited. Fortunately, trees are a renewable resource. In fact, our forests are America's greatest and only renewable resource. There has been a great awakening to this fact, which began at the turn of this century under the farsighted leadership of men such as Gifford Pinchot and President Theodore Roosevelt. The American lumber industry has played a dominant role in assuring the future of our Nation's timber resources. Economic facts of life have necessitated the replacement of trees as they are cut in order to assure a continued operation. The privately owned forest products industries are in virtually every State of our Union.

We sometimes get a distorted view of an industry because of our lack of closeness to it. The forest industries, operating as they do, in isolated areas, suffer more from this distortion perhaps than most industries. This is an industry of very small units. It is probably impossible to count all of the sawmills operating in this country at any given time. However, it is estimated that there may be as many as 65,000 sawmills producing lumber for the multitudinous needs of the American consumer. As distinguished from highly concentrated industries which are the major source of competition to lumber, the index of concentration in the lumber industry is the lowest of any major industry. The three largest lumber companies account for less than 7 percent of the Nation's total lumber product.

The lumber industry is a highly competitive industry. There is strong competition not only between different species of wood and different producing regions, but also between similar operations in the same area. Because of the necessity of operating close to the source of its raw material, segments of the lumber industry are found in virtually every State, and lumber manufacturing is a major industry in at least two-thirds of the States. Although the industry as a whole ranks fourth in numbers of manufacturing employees, the average sawmill is much smaller in terms of number of employees than most other manufacturing establishments. For example, the most recent figures available to me are that among all manufacturing industries the number of employees average 56 per establishment. For sawmills, the national average is only 16 employees.

Another characteristic of the lumber industry has been its need to adapt itself to the forest and woodlands in the various parts of the country, which vary in the extreme as to species, accessibility and climate. The lumber industry is far more subject to weather difficulties than are most other industrial activities.

There are today 4,510,213 owners of timberland in the United States, and the largest single owner is the Federal Government.

Mr. President, you will note this is the first time I have made reference to the Federal Government, but I will mention it often today because I suppose if I were to adopt a theme for these remarks it would be "Government and the American Lumber Industry."

The United States depends upon trees. Few natural resources have contributed as much to our growth and prosperity as have the forests during the past 350 years. Our forests are being made increasingly productive by intensive management as wild timber stands are converted to growing stands.

We have over 486 million acres of commercial forest land in the United States. About one-fourth of this is owned by the Federal Government. Most of the rest is privately owned. We have a standing timber volume of over 507 billion cubic feet and a sawtimber volume of over 2 trillion board feet. This volume is increasing annually.

Nationwide we are harvesting less than our annual growth. Our forest reserve is increasing at the rate of 25 percent of the cut.

Growing trees is a profitable venture. More than 20,000 private landowners throughout the country are certified tree farm owners—dedicated to practicing sound forest management on more than 55 million acres. Our citizens know it is good business to "keep America green."

Forestry in the United States means growing trees as a crop. The practice of forestry dates from 1892 on private land. One of the country's first native foresters, trained in Europe, was employed as forest manager in North Carolina in that year.

The real reason why forestry was delayed in getting a foothold until after 1900 is that our country was blessed with more abundant, accessible and varied forests than any nation on earth—over 800 million acres when the colonists arrived.

Although timber is the primary products of our forests, the forest manager gives consideration to all other land values, such as soil conservation, pure water yield and storage, wildlife food and habitat, forage for domestic livestock, and outdoor recreation.

For example, one company which harvests timber from its tree farms for paper, plywood and lumber, in 1960 welcomed over 25,000 hunters onto the same lands.

The tree farms also serve as vital watersheds by retaining water from rain and melted snow, thus helping to maintain steady stream flow.

The degree of utilization in the woods has increased steadily over the years. In 1900 an estimated 30 percent of the sound wood in each tree was converted into useful products. In 1961 the estimate lies between 50 and 80 percent. Utilization depends upon many variables, but largely upon technology and ultimately upon markets. It is physically possible to put an entire tree, including bark and branches to good use. But it is not economically feasible to do so because the costs of handling, transporting, and converting all the parts are prohibitive.

Tree planting more than doubled between 1956 and 1960. It has tripled since 1953. In the 1960 planting season 2,135,287 acres were planted, and private landowners planted 1,835,400 acres or 87 percent of all forest planting. Growing forests from direct sowing of seed has proved successful on a large scale in some regions, for certain species, and is expected to make tree growing economical on vast additional acreage.

Since 1900, over 30,000 undergraduate degrees were awarded in U.S. forestry schools. Graduate degrees during the same period totaled 5,344 master and 575 doctors for a grand total of more than 36,000. We have 28 schools granting forestry degrees.

Some of our Nation's worriers and planners have been periodically predicting a timber famine over the past century. In fact every 10 years they looked at our standing timber volume and fabulous per capita consumption of wood and predicted that we would run out of timber within the next few years.

Unfortunately, they neglected to remember that under our profit oriented capitalistic system, private individuals, if left unrestrained, will produce to meet the demands of the day. They also did not remember that productivity of our land under management is greater than its productivity in its wild state. Capitalism offers an unlimited incentive to make the land increasingly productive.

Private owners have the freedom and incentive to use their best judgment to take advantage of expected market opportunities which means that the United States will have an increasing supply of quality lumber.

Today that great industry is in economic difficulty. Part of it stems from the regulations and administrative rulings which have been handed down by the Forest Service in connection with the cutting of timber from Government-owned forests. Much of it comes from the fact that the competition with other materials and imports has depressed the price. In fact, on June 15 in a statement by Mr. Edward P. Cliff, the Chief of the Forest Service of the U.S. Department of Agriculture, before the Senate Commerce Committee, stated:

> The major problem of the industry is a drop in a lumber selling prices. Lumber has numerous problems of competition with other materials and lately with increased imports of lumber from Canada.

The soft lumber market since the middle of 1960 and the concern of the industry over the increased volume of Canadian timber flowing into the U.S. markets demonstrates that a major problem of the industry is in oversupply in comparison to demand. In that same hearing Mr. Cliff also stated:

> It is generally agreed that the lumber industry is caught in a price-cost squeeze. Costs of lumber production during the last few years have not increased markedly. Rather the inability of the industry to reduce costs in step with the climbing lumber price is a major cause of the difficulty.

In another Senate Commerce hearing on June 18, Mr. Cliff was asked if the Forest Service still agreed with testimony which was given by its spokesman before the House Appropriations Committee in February 1959:

> The Forest Service is by far the largest single supplier of raw material for the Nation's forest products industry. Many mills both large and small are primarily or wholly dependent on continuing or increasing purchases of national forest timber. Alternate sources for purchase of timber from major segments of the lumber and plywood industry, especially in the Northwest, have now been exhausted. This almost complete dependence on purchase of national forest timber for continued operations makes the products of the national forest timber sales program more significant than ever. Many mills must purchase timber to keep operating. The national forests are the one place where they can buy it. The job of selling it must be done by the Forest Service. This will keep mills going, provide jobs, and stimulate the general economy.

Mr. Cliff acknowledged that this statement to Congress today was still the position of the Forest Service.

In view of these statements it seems to me that since the Forest Service recognizes the need or dependence of the forest products industry on them as their single supplier and since this industry is made up of so many small units which has much to learn about the efficient operation of manufacturing facilities, it is unfortunate that a statement would be made that industry is caught in a cost-price squeeze because of its inability to reduce costs in steps with reclining lumber prices.

I am sure that Members of the Senate know very well that no grouping of human beings has achieved perfection in its economic activities. I applaud, however, the efforts of the American lumber industry in the efforts which it has made as small private entrepreneurs to make its products more competitive with imported specified products in the marketplace; to make it simpler for specifiers and users of lumber to distinguish the particular kind of lumber necessary to do a specific task. I applaud the American industry for its highly developed and highly responsible citizenship program in the field of conservation; its "Keep America Green" program. Its tree farm programs should gladden the hearts of every citizen interested in sound conservation practices in our forests. I applaud the American industry for its efforts to promote the highest use of wood and wood products. Its advertising and merchandising programs are exemplary. These are efforts that deserve recognition.

There is a vast area of activity over which the American industry has absolutely no control and virtually no influence and thus this is my theme, the Government and the American industry. I want to tell the story—to paint a picture—to tell some history—of American industry dogged, restrained, restricted, exploited, maligned, and often ignored by a government—our Government. It is not a pleasant nor an attractive picture. It is certainly not a partisan story, and I believe that it is a story that was not written—just developed or evolved, like Topsy. It was not planned; it just happened.

Madam President, there are many problems confronting the timber industry, some of which could be solved by a change in the administration of the forest logging program or in the cost in the administration of the road construction program which is imposed upon small lumber mills or changes in other Government regulations which those engaged in selling must abide by.

However, Madam President, in my opinion one of the major problems confronting the timber industry today was aptly stated when Mr. Cliff said, "Lumber has numerous problems of competition with other materials and lately with increased imports from Canada."

In order to meet this situation last May, I offered an amendment to H.R. 10788, the so-called legislation to amend section 204 of the Agriculture Act of 1956, which would have provided protection for the cotton-textile industries. My amendment would have extended to the beef and beef products, pork and pork products, fresh frozen lambs, poultry and poultry products, timber and timber products, and dairy products, the same type of negotiated agreements that the cotton and cotton textile people enjoy today. Unhappily, that amendment was rejected.

Since it was rejected, the representatives of the timber industry have been clamoring for some kind of assistance. It is unfortunate that those who seek protection now did not seek protection then for the great timber industry of the Nation, because, as I have pointed out, it is necessary to move in with one's amendment in the Senate when there is legislation which can logically carry the amendment to the proper end—legislation which will secure the approval of the White House as well as of Congress.

However, during the debate on the amendment many Senators indicated that at the proper time they would be happy to support whatever legislation was needed to provide the protection to these various agricultural products. During the debate on the amendment I pointed out that in the great West some of the best timber ever to grow in outdoors is raised. In that country is located the Simpson Timber Co. with which my office has had considerable correspondence. The Simpson Timber Co. is one of the more forward looking companies in these United States and

consider forestry a system of cropping. Great Douglas-firs are planted many, many years before finally maturing. As some of the trees are cut down in one part of the forest they repopulate that forest so that never again will we have a denuded area in such places. That is enlightened, progressive, and successful timber country.

At one time I had the privilege of going through some of the lumber mills. I spent a day in a logging camp. I contemplated the manner in which a great timber crop is produced. As a consequence I have had continued correspondence with that company on the very subject we are discussing—namely, competition from outside the United States. They advised me in one report:

> The Pacific Lumber Bureau in January 1962 reports waterborne lumber shipments to the Atlantic seaboard from British Columbia in Canada, and west coast mills reveal that Canadians set a new alltime high by taking 71.4 percent of the market which until 1961 always had been held by west coast mills.

That letter of February 28 pointed out that British Columbia shipped to the Atlantic seaboard market 101 million-plus board feet, while Washington and Oregon shipped only 40 million-plus board feet of lumber. The portion shipped by British Columbia was 71.4 percent and the percentage shipped by Washington and Oregon, 26.6. Further, Mr. President, the American lumber industry has conscientiously persisted in attempts to win attention and action by responsible public officials to alleviate these serious threats to the continued existence of the industry which has been basic to the economic well-being of our Nation throughout its existence.

In seeking reasonable solutions to unemployment and operating problems imposed on the lumber industry by the unchecked flood of Canadian softwood lumber into American markets in competition with that which we produce, the industry leaders of the lumber industry have solicited the interest and action of the Secretary of Agriculture, the Secretary of Commerce, the Secretary of State, and the White House.

In each instance the overtures which have been made have been met with little interest or have not been taken seriously. I have been happy to note that just recently the White House has indicated that a survey will be made to determine whether negotiations should take place for some type of protection for our industry.

In my opinion, this is long overdue, since 200,000 workers formerly employed in the forest industries are now jobless, and can no longer be ignored. Three million Americans are employed in forest products manufacturing and occupations directly related to the distribution of forest products. We cannot in any way, through permitting the continued importation of lumber, in competition with that produced in America, take a chance on jeopardizing the futures and the jobs of those employed Americans.

In 1961 our country imported over 4 billion board feet of lumber. By the end of 1961, 1 out of every 7 board feet of lumber consumed in the United States came from Canada. Seven out of every ten board feet of softwood lumber shipped into the Atlantic coast markets by water came from Canada. Reports on the shipment of lumber during the first 5 months of 1962 indicate a steady upward trend of shipments from Canadian lumber producers into U.S. markets. At the present rate, we anticipate that Canadians will take 20 percent of the U.S. lumber markets over the next 18 months. This compares with the Canadian share of the U.S. softwood lumber market to the extent of 5.2 percent, as recently as 1949.

In April of this year the Department of Labor, through its Bureau of Labor Statistics, reported that over 200,000 men and women, formerly employed in the lumber and wood products industry, were drawing unemployment compensation; and that figure did not include unemployment in the retail and wholesale trade in these products. The American lumber industry has always been able to compete successfully with competition unless the conditions were inequitable. I hope we continue to keep that industry strong and progressive.

During the debate on the Senate floor on my amendment to House bill 10788, the Senator from Washington [Mr. MAGNUSON] also pointed out one other difficulty which the lumber industry finds in trying to meet the Canadian competition; namely, the fact that the Canadian Government has again reduced the par value of its dollar. This time the arbitrary rate of 92.5 cents, as compared to the U.S. dollar, or approximately 2.5 cents below its previous par value, has had the immediate effect of reducing the price to U.S. purchasers of Canadian lumber an additional 2½ percent, or a new total reduction of 7½ percent. Stated differently, this increased the advantage which Canadians have in the U.S. market from 5 to 7½ percent. This not only increased the cost to American producers in their own markets, but also placed them at a further disadvantage in competing for international markets.

Despite the fact that American lumbermen have for many months protested the manipulation of Canadian currency as a decisive factor in placing them at a competitive disadvantage, the Canadian Government took this step. Also the Canadian Government gives to its lumber industry other cost advantages which we in the United States do not enjoy, and which add dollars to the cost burden on those engaged in this industry, which must meet the competition from our neighbor to the north. There are the low stumpage rates enjoyed by the Canadian industry; there is the Government-granted transportation advantage enjoyed by the Canadian lumber producers; there is the tariff differential which favors Canadian lumbermen; and their Government assistance in trademission and export-development activities in the lumber industry is, of course, a major aid to the Canadian producers.

For many years, we have had on the books, of course, the provisions in regard to the Tariff Commission, which has been set up as a group of experts in the field for the protection of local industries which are in trouble from imports. This Commission has, since 1948, taken formal action on 133 escape-clause cases, under the provisions of the Trade Agreements Act.

I regret exceedingly that the Trade Expansion Act, which the Senate passed this week, did not include the same kind of peril-point procedure provisions and escape-clause provisions which have served our industries well in the past. That was one of the major reasons why I voted against that bill.

The Tariff Commission has recommended against relief in 92 such cases; and in the 41 cases sent to the President, relief was denied by the President in 26, and was granted in only 15. In nearly all the cases in which the President has accepted the Commission's findings of injury, he has modified the recommendations for relief and has diluted the Tariff Commission's recommendations for assistance. I think the best evidence of why the American lumber industry has not pursued the escape-clause route is to be found in the experience of one of its important segments—the hardwood plywood industry. A spokesman for that industry last year reported on the lack of progress made in pursuing the escape-clause route. In 1955 the industry filed an escape-clause application, relying on the statements on the administration then in office that no injury would be permitted to American industry, and that an injured industry would have relief under the escape clause. An investigation was made. Hearings were held, and in June 1955, the Tariff Commission issued its report. The Commission denied relief, found that imported hardwood was like and directly competitive with the domestic hardwood plywood, but that the injury had not existed for a sufficient length of time to determine a trend.

That decision by the Tariff Commission in 1955 was a blanket invitation for foreign producers to increase their production for shipment to the United States. Imports soared from 425 million square feet in 1954 to over 800 million square feet in 1958, and thus absorbed in 1958, 50 percent of the domestic sales. Prices of the domestic hardwood plywood in the interval between 1954 and 1955 had been steadily forced down by the low-price imports, and many of the companies were operating "in the red." In 1959, the hardwood plywood producers, believing that their continued injury had clearly established a trend sufficient to satisfy the Tariff Commission, filed a second application for relief under the escape-clause; and investigations and hearings were held. The Commission, on the basis of a 4-to-1 decision, again denied relief to the hardwood plywood industry, and made what appeared to be a finding that imported hardwood plywood was not like or directly competitive with domestic hardwood. This was, of course, in direct conflict with the unanimous finding of the Commission on this issue in 1955. This, of course, places businessmen in a confused state.

I ask unanimous consent to have printed at this point in the RECORD an

article in regard to the matter I have been discussing.

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

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

COTTON GOODS DUTY RISE REJECTED BY COMMISSION

(By Steven Gerstel)

The Tariff Commission, incurring the displeasure of President Kennedy, rejected yesterday a proposed increase in duties on foreign-made cotton textiles.

The President immediately issued a statement that he would seek congressional action next year to clear up inequities in the Nation's cotton program. Under the program, American producers pay more for cotton than their oversea competitors.

On a 3 to 2 vote, the Commission turned down the Agriculture Department's proposal to increase the levy on imported cotton textiles by 8½ cents a pound. This would have exactly offset the price break that oversea manufacturers now get on cotton purchased from the United States.

The U.S. Government pays the 8½-cent subsidy to foreign mills under a program designed to encourage sales of American cotton abroad.

The majority of the Tariff Commission held that the cotton textile imports were not hurting operations of the Agriculture Department program for cotton and cotton products. It held that it would be inappropriate to consider the effect on domestic textile producers.

"The application of an import fee would necessarily operate not only to restrict the volume of imports of cotton articles," the majority said, "but also to raise the sales prices of both the imported and the domestic cotton articles that compete with one another."

The three commissioners said this would certainly result in reduced sales of both domestic and imported articles.

The action brought quick criticism from textile producers—one of the industries the administration has promised to protect from damaging foreign competition that might result from its liberal trade plan.

The White House said the President, while disagreeing with the Commission's findings, had no authority under the Agricultural Adjustment Act to overrule it.

In his statement, the President said he was instructing the Agriculture Department to start drafting a plan to correct the situation. He noted that this would require new legislation.

Between now and January, he said, administration officials would confer with congressional leaders and representatives of the cotton industry. The President said he would then recommend corrective legislation early in the next session of Congress.

Commerce Secretary Luther H. Hodges also issued a statement expressing disappointment with the Commission's decision and praising the President's stand.

Other criticism came from some members of Congress. Senator RICHARD B. RUSSELL, Democrat, of Georgia, called the ruling incomprehensible. He said the Commission showed a callous disregard for the well-being and future health of the textile industry.

Mrs. NEUBERGER. Mr. President, will the Senator from South Dakota yield?

Mr. MUNDT. I am happy to yield.

Mrs. NEUBERGER. I have listened with a great deal of interest to the remarks of the Senator from South Dakota, who represents one of the great wheat-producing States of the Nation. When he speaks of the lumber industry, of course I am vitally interested, because ever since I became a Senator, the plight of the lumber industry has been one of the prime things with which I have been concerned. So I was rather surprised to hear the Senator from South Dakota speak of an interest so vital to my State.

Mr. MUNDT. Let me say that although South Dakota is a great agricultural State, in terms of the production of cattle, small grains, and wheat, South Dakota also has a very large lumber industry in the western part of the State, where the great Black Hills of South Dakota, through their very rich soil, have given birth to a great growth of timber. If course I realize that, dollarwise, Oregon produces more lumber than does South Dakota.

Mrs. NEUBERGER. I do not mean to imply that a Senator from one State is not interested in the problems of another State; but I rise to bring the Senator from South Dakota a little more up to date than his remarks seem to imply he is, regarding what the Federal Government has done for the lumber industry.

Last week the Secretary of Agriculture, Mr. Freeman, spoke to the Western Pine Association, in Portland. The newspaper headlines there have been very interesting. I remember that one of them was: "Secretary Pleases Lumber People."

The articles stated that the lumber people gathered there, prepared to find themselves in disagreement with the Secretary of Agriculture and to challenge his handling of the forest-products industry. They went there expecting to criticize him; but they came away applauding him, because he gave them assurance of a change in the policy of the Forest Service which will allow more cutting and will shorten the cycle.

When the industry and the National Lumber Manufacturers' Association and the Western Pine Association and all the other representatives of the lumber industry applaud the Secretary of Agriculture, I think that indicates that great progress is being made.

I should like to comment especially on the Senator's remarks about competition between the U.S. lumber industry and the Canadian lumber industry. I shall offer a solution which I believe would help with one phase of this competition. I have had before the Senate Commerce Committee a bill to repeal the Jones Act, which has been the greatest hazard to our ability to compete with Canada in the shipment of lumber.

As Senators know, the maritime bill will again be before the Senate next week; and perhaps the Senator from South Dakota would like to join me in offering to that bill an amendment to repeal the Jones Act. That would help our lumbermen compete with Canada, in the shipment of lumber to the east coast market. I did not support the Senator's amendment, to which he has referred so explicitly today, and which I suspect was for the purpose of doing little more than help the beef industry, rather than the lumber industry. I did not support it, for the reason that I wholeheartedly support the trade bill, which Congress has passed. I do not understand how we can have an effective trade bill if we are to nibble away at it, product by product. Even though to take such a stand might seem to be in opposition to a major industry in my State, I think there is a better way to compete with Canada than, one by one, to impose quotas on imports from Canada.

I believe our country can compete with Canada on the basis of out-and-out production, provided some of the handicaps, such as the Jones Act, are removed.

There is now before the Tariff Commission a petition seeking relief in this connection. Of course, we shall have to await the decision of the Tariff Commission. But I really think we must consider the products of an industry or the investment of an industry in terms of the overall effect, as we deal with Canada—one of our good neighbors, who purchases a great deal from us. Even though it may be hazardous for me, in my own State, to take this approach, I really think I have tried to consider this matter from the overall effect standpoint.

I appreciate this opportunity to discuss the lumber problem with the Senator from South Dakota.

Mr. MUNDT. The Senator from Oregon has made her position quite clear. While I cannot agree with her, I am glad she has placed her position squarely on the record while we are discussing this basic industry. I cannot agree with her reaction as to the speech the Secretary of Agriculture made in Portland, when he brought the timber producers out there together and said he had plans to meet the problem. I am glad that, so far as the timber producers of the Northwest are concerned, they are satisfied. The timber people of the State of South Dakota are not satisfied. Perhaps we in South Dakota are harder to satisfy than are the people of the Northwest, or perhaps it was because our timbermen were denied the opportunity of listening to the Secretary personally, and so they were not persuaded.

Nevertheless, if the timber people of the Northwest are satisfied, I will leave out reference to the Northwest and relate my remarks to the timber industry which I know best, that of western South Dakota.

I wish, however, to make one correction of the Senator's interpretation of my amendment to the House bill. It did not place any more emphasis on pork than it did on timber. They were on the same basis. Reasonable persons can disagree, as the Senator from Oregon disagrees with the Senator from South Dakota, as to whether or not our great country should exercise any control over ruinous imports from Canada. I believe we should, and the Senator from Oregon believes we should not. So we disagree. But when Canada devalues her currency to the point where trying to compete with her imports is futile, I think it is incumbent upon our Government to give protection to the lumber producers of the United States.

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

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). Does the Senator yield?

Mr. MUNDT. I yield to the Senator from Alabama.

Mr. SPARKMAN. I call attention to the fact that the Southeast is a great timber producer. Southern pine is one of the great segments of the timber industry.

Mr. MUNDT. We are all having the benefit of a geography lesson. The Senator from Oregon thought of my State mostly as a wheat producer. I thought of the State of Alabama mostly as a cotton producer.

Mr. SPARKMAN. The Senator from South Dakota may be surprised to learn that Alabama leads in pine production and is near the top in overall timber production. My people have expressed great interest in the very problem that the Senators from South Dakota and Oregon have been discussing. I have given considerable thought to the procedures we ought to take.

First of all, I should like to make a suggestion. I make it, not as an answer to the present problem, but for the future. The time is coming, before this century is over, when there will not be enough timber available to take care of the housing and general construction requirements throughout the country.

The distinguished junior Senator from Oregon [Mrs. NEUBERGER] is a member of the Banking and Currency Committee, and she knows that studies have been made by the Housing Subcommittee. In future years it will be a problem to have a sufficient lumber production to supply the needs. Of course, that is no solution to the present problem.

Mr. MUNDT. I interpolate at that point to say that I do not believe the future is quite as optimistic as the Senator from Alabama states. In the Northwest, in western South Dakota, and I presume in Alabama, there has been put into practice a program of tree cropping or planting, so that the stock is restored when it is cut. It is not like the old days of the timber barons who left nothing but naked earth behind.

Mr. SPARKMAN. The Senator is correct. One reason why Alabama has such a commanding position in the industry is that it was one of the earliest in the country to adopt such a policy. However, I call attention to the testimony of some of the leaders of the industry from the Northwest before our committee on this very problem. I make the suggestion with a clear understanding that it is in no sense a palliative for the present conditions.

Mr. MUNDT. Obviously, it does not help now.

Mr. SPARKMAN. I feel that in the trade bill which was passed late last week or the first part of this week there are provisions that give ample room for the handling of this situation. I believe it can be done through negotiations. I certainly hope it will be, and I am rather confident it will be.

In the course of the debate on the trade bill, the senior Senator from Oregon [Mr. MORSE] called attention to the fact that the present administration had shown a great deal of sympathy in regard to this problem, and particularly the problem as it affected the Pacific Northwest. I am confident that sympathetic understanding will continue. I believe we can look for adequate safeguards to be provided under the trade bill.

Mr. MUNDT. I appreciate the contribution of the Senator from Alabama. I hope his rosy predictions will come true. However, the record of inaction thus far does not augur very eloquently for the prospect of action in the future.

I agree that under the terms of the trade bill vast power is concentrated in the hands of whoever may be in the White House which give him the right, in effect, to reduce, increase, or negotiate tariffs. I hope that such powers will be utilized to protect an industry which is in serious economic straits, at least insofar as western South Dakota and the timber producers of my State are concerned. Why people should write to me from other timber areas saying they are in trouble is difficult for me to understand if they are not in trouble; but I know, from personal inspection, something about the economic problems in my area.

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

Mr. MUNDT. I yield.

Mr. SPARKMAN. I do not want to be understood as saying that they do not have their troubles, because they have. My people has consulted me, as have the people of the Pacific Northwest. I assume that both Senators from Oregon have dealt with this problem on many different occasions. We have had problems, and still have them, but I believe there is room for solution. I look forward with a great deal of hope and confidence to the proper handling of the problem.

Mr. MUNDT. I am glad to have those reassuring words, because in South Dakota for a long while we have been living in hopes and expectations and on the basis of promises, but the situation is growing desperate. I cannot even express our situation in the happy phraseology of the Senator from Alabama, who says, "We have had our problems." We have them now. They are serious, and are becoming worse. I chose this particular occasion, the week in which we passed the trade bill, to talk about it because it will be a problem which will be aggravated if the Trade Expansion Act is not properly administered. The problem can be alleviated if it is promptly acted upon, but as time marches on, serious economic consequences are catching up with the timber producers of the area I represent.

Over the past year, no Government action has been taken which has brought concrete assistance to the lumber producer. The administration has proposed a study.

We have heard encouraging statements. I shall read with diligence what the Secretary of Agriculture said in Portland. I made a futile attempt on the floor to do something about it when we were taking care of the textile industry, but we were argued down, because Senators said—and we understood their reason—that they did not want to muddy the textile bill with a lumber solution. We were voted down.

The industry and its employees have, on the other hand, proposed that immediate necessary action be taken pending the outcome of the study of the problem to keep lumbermen in business. Incidentally, we have one lumber mill in South Dakota in the Black Hills which has ceased to exist because it could not meet the competition of the day. Until such time as it would take to complete a study by the Government it is urged that a temporary quarterly quota be established for the softwood imports, based on 10 percent of the U.S. domestic softwood consumption. Over 95 percent of our total lumber imports come from our neighbor to the north—Canada. The lumber industry has expended much effort in recent months, seeking relief from the excessive and detrimental softwood lumber imports. Regrettably, the solution to his problem does not lie in the hands of the lumber industry or its employees or the communities dependent on it. To control the unchecked flood of Canadian softwood lumber it has become necessary to ask that our Government take action. Yes, that Congress itself take action. A temporary quarterly quota as proposed by the industry is the only solution that will meet the immediate needs. Decisive action by our Government to resolve the problem of excessive lumber imports is long overdue. I sincerely hope that immediate measures will be taken and that action will be taken when the Trade Expansion Act is finally approved to utilize its provision to protect this industry.

Why is immediate action needed? I think these figures very well tell the story. U.S. imports of Canadian softwood were up 29.3 in April of 1962 over April of 1961. I submit that that kind of increase cannot be permitted without destroying the lumber industry of America—at least so far as the Midwest is concerned. They were up 18.4 percent for the first quarter of 1962 over the first quarter of 1961, and were up 21.5 percent for the first 4 months of 1962 over the related period for 1961.

That gives us some sense of the dimensions of the immediate problem—the reason why the solution cannot wait, the reason why pretty phrases and pious speeches will not provide a solution. We need action. We need the kind of action which will bring some kind of economic protection to the timber producers of America.

I hope that in passing the trade expansion legislation we have taken a step which will give the corrective results which are obtainable provided the President injects himself into the solution of the problem. He has the power. At least, it can now be said that the President of the United States has no place to duck, because the problem is on his footstool. We have given him more power than I think Congress should delegate to any executive official, but the bill has been passed, and now we must face up to the situation.

Thus, it is significant that the discussion of the import problem of the American lumber industry occurs at a time when our Nation is embarked on a new foreign-trade policy. Because of my interest in this subject, I proposed the amendment to H.R. 10788 last May, which many Senators from cotton and cotton-textile areas expressed an interest in, but at that time said they could not support because they did not feel that they should upset those negotiations which they had achieved by the benefit of their own cotton industry.

Mr. President, I presume that all of us have noted in the newspapers for September 7 that the Tariff Commission had rejected a proposed increase in duties on foreign-made cotton textiles and at that time the President indicated that he was going to request legislation to correct this situation. I was disappointed that the White House, when it made its statement, said that while disagreeing with the Commission's finding, it had no authority under the Agriculture Adjustment Act to overrule it, but that the White House was instructing the Agriculture Department to start drafting a plan to correct the situation. The statement further went on that between September 7 and January the administration officials would confer with congressional leaders and representatives of the cotton industry. The President said that he would then recommend corrective legislation "in the next session of Congress."

Mr. President, I hope that in passing the trade-expansion-agreements legislation that we have taken the necessary corrective action to give to the President the needed tools to provide protection not only for the cotton industry, which is in a depressed state because of imports from other countries, but that we have also given him the tools and the incentive to take action to protect other segments of the great agriculture industry which are in similar depressed conditions, and I speak specifically of the timber industry. If we have, I certainly hope these tools are used both vigorously and immediately.

I do not believe that it is a wise policy that Congress should ever enact legislation for one segment of the agriculture society. I hope that the corrective legislation to which the President refers in the tariff area is provided in the trade agreements expansion legislation. Certainly it must contain provisions which permit him to impose the same protective mantle around cotton, timber, and any other products. In my opinion, we must have uniformity in our tariff program or it will break down. Congress has followed a wise policy over the years in not pyramiding privileges enjoyed by one segment of the agriculture industry over the other. The President should now take action for the lumber industry which he proposes for the cotton industry. No President, and no act of Congress in my opinion, should recommend protection for cotton and tell the other segments of the agriculture industry "you wait outside" until that product's problems have been met.

I do not believe that it is a wise policy for Congress ever to enact legislation for one segment of the agricultural society. That is why I said, in connection with H.R. 10788, "since we are dealing with the cotton textile segment we should deal also with the livestock industry and with timber."

I hope that the corrective legislation to which the President refers in the tariff area will be provided in the action which will be forthcoming from the White House. The President should now take this action for the timber industry. He should at least do as much as that which has been proposed for the cotton and textile industry. In my opinion, the President should recommend protection for cotton and deal with the other segments of the agricultural industry by saying, "You will be protected under the same umbrella, treated under the same rule, given the same protection as the cotton industry."

I think we should treat all segments of agriculture alike in this regard.

One of the difficulties which has confronted the lumber industry in the past years has been that it has not had a sympathetic ear from Government bureaucrats relative to their problems not only in the import area but in the sale of timber from Government forests to the individual entrepreneurs. I hope that when the Trade Expansion Act becomes law that the administration will investigate the dilemma in which the timber industry finds itself, that it will have a sympathetic ear, and that steps will be taken to improve the economic status of the timber industry which has done so much for the growth of America in the years past and will continue to do so in the years ahead.

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

Mr. MUNDT. I yield.

Mr. MANSFIELD. Mr. President, I was interested in the speech made by the Senator from South Dakota, and the implication, at least, that he made, that lumber was not being given the consideration that other agricultural products are being given.

Mr. MUNDT. Only the cotton and textile industries.

Mr. MANSFIELD. I think the Senator used the term "agricultural products."

Mr. MUNDT. I want them all to be treated alike.

Mr. MANSFIELD. I invite the attention of the Senator to the fact that the able senior Senator from Oregon, in the last day of full debate on the bill, brought out that under the pertinent section of the bill the term "agricultural products" applied not only to poultry, but also to lumber. It is my belief, so far as the Trade Expansion Act which was passed by the Senate earlier this week is concerned—which is now in conference or shortly will be in conference—that the Congress, and especially the Senate, has done as much as it possibly can do to see to it that under the new trade organization, which will be the responsibility of the President, this protection will be given to lumber, and that lumber will be given a far better deal under the Trade Expansion Act than it has been given up to this time.

Mr. MUNDT. There have been many discussions in the Senate Committee on Agriculture and Forestry, where the subject comes up repeatedly, as to whether or not timber is in reality an agricultural product. I share the conviction of the Senator from Montana that it is.

Mr. MANSFIELD. That it is.

Mr. MUNDT. That it is. We have had disputes and we have had arguments. I would feel much more comfortable if it were spelled out in the bill, so that we might know exactly what we are talking about.

What I was discussing earlier did not relate to the Trade Expansion Act so much as the Cotton Textile Relief Act which was passed by the Senate, and to which I attempted to add my amendment, which attempt was unsuccessful.

Mr. President, I yield the floor.

NOMINATION OF ARTHUR J. GOLDBERG TO BE A JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

Mr. DOUGLAS. Mr. President, about 3 weeks ago the President of the United States transmitted to the Senate the nomination of Arthur J. Goldberg to be a member of the Supreme Court of the United States. I think that never in the history of the country has any appointment been so universally and widely approved.

I have collected favorable editorials from a wide variety of newspapers from all sections of the country, of all shades of political opinion. I now ask unanimous consent that 110 of these editorials and articles be printed in the body of the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Is there objection to the request by the Senator from Illinois? The Chair hears none, and it is so ordered.

(See exhibit 1.)

Mr. DOUGLAS. Mr. President, it is interesting to note that these 110 articles come from 30 different States and the District of Columbia.

There are 2 from Alabama, 4 from California, 1 from Colorado, 3 from Connecticut, 1 from Delaware, 6 from Illinois, 5 from Indiana, 3 from Iowa, 2 from Kansas, 4 from Kentucky, 2 from Maine, 2 from Maryland, 5 from Massachusetts, 1 from Michigan, 4 from Minnesota, 4 from Missouri, 2 from Nebraska, 2 from New Jersey, 10 from New York, 6 from North Carolina, 3 from Ohio, 3 from Oregon, 9 from Pennsylvania, 1 from Rhode Island, 1 from South Carolina, 1 from Tennessee, 8 from Texas, 1 from Washington, 2 from West Virginia, 2 from Wisconsin, and 7 from the District of Columbia; plus 2 from national weeklies.

These editorials were published in the first few days—generally the second or third day—following the announcement of the nomination, and by no means represent a complete count. If we were to take into consideration all newspapers of the country, the total number of favorable editorials and articles undoubtedly would be much larger.

I think this should furnish convincing evidence to the Committee on the Ju-

diciary of the wide public approval which this appointment has called forth.

EXHIBIT 1

[From the Washington Post, Aug. 30, 1962]

MR. JUSTICE GOLDBERG

The most surprising fact about the President's nomination of Secretary of Labor Arthur J. Goldberg to succeed Justice Felix Frankfurter on the Supreme Court of the United States is the willingness of the President to lose Mr. Goldberg as a member of the Cabinet. As head of the Department of Labor, Mr. Goldberg has been a dynamo of enormous usefulness to the President and to the country. Many of his efforts to settle labor-management disputes have been successful. While he has functioned as a champion of labor in the Cabinet, he has done his job with a keen sense of obligation to the country as a whole.

For many years Mr. Goldberg was counsel for the United Steelworkers and the CIO. He came to be recognized as one of the country's ablest lawyers. In 1959 he represented the Steelworkers in their fight against the Taft-Hartley injunction which ended the 116-day steel strike. Though he lost the case, his oral argument before the Supreme Court earned him high respect from its members and a sincere compliment from the Justices for his efforts.

Mr. Goldberg has made a practice of knowing everything about any case with which he has associated himself, and he has an extraordinary capacity to convey his views to others in an impressive way. On the Supreme Bench it may be taken for granted that he will be one of its most energetic and conscientious members. Mr. Goldberg has also shown a remarkable capacity for adjustment to new situations. When he became Secretary of Labor, for example, he considered his career as a labor lawyer to be closed forever. He addressed himself to his new job with a measure of objectivity that was greatly to his credit. Instead of acting as a partisan of organized labor, he has functioned as a dedicated public servant with a keen interest in the success of industry and government in general as well as in the welfare of labor.

Another index to his type of public service may be found in his renunciation of a $25,000 steel union pension when he became Secretary of Labor. He did not want anyone to suppose that his judgment might be swayed by a pension in his favor. On the Bench we surmise that he will perform in the traditional spirit of objectivity, without any relinquishment of his keen interest in human problems.

From the long-range viewpoint, therefore, the appointment of Mr. Goldberg will doubtless merit high praise. From the short-range view, the loss of his dynamism in the Department of Labor will be keenly regretted. But this is the way of government. It is especially important that the successor to Justice Frankfurter be a man of great energy, capacity in the law and force of personality, for the retiring Justice has been for many years a powerful influence on American law. We shall devote a later editorial to his notable career on the Bench. At the moment it is sufficient to say that if Mr. Goldberg succeeds in following the Frankfurter footsteps, his name will be written large in the future legal annals of the United States.

[From the Baltimore (Md.) Sun, Aug. 30, 1962]

TWO JUSTICES

Felix Frankfurter's service to his country can be measured in many ways. As he leaves the Supreme Court we are reminded that as long ago as the early thirties he could be, and was, described as "the most influential individual in the United States." Whether he was quite that or not, he powerfully influenced the course of our affairs during those revolutionary days of the great depression. His weight in the drafting of legislation, and no less in the suggesting of appointments, was tremendous. And the pervasive extent to which he affected the tone of Washington through the young men he sent down from Harvard Law School is part of the story of the American Government in our time.

As a member of the Supreme Court, Frankfurter drew so straight and strict a line that he was impossible to categorize. Early called—and attacked as—a "liberal," he had in later years been oftener called "conservative." It is not that he has been neither, or that he has been first one and then the other. He has consistently been both, in the best sense of each term, believing on the one hand that the Supreme Court should confine itself as much as possible to minimum, specific questions, yet at the same time seeing in the Constitution "not a literary composition but a way of ordering society, adequate for imaginative statesmanship, if judges have imagination for statesmanship." If this seems a subtle and complex position, Frankfurter has a subtle and complex—and a comprehensive—mind. He will be remembered among the Court's finest figures.

To fill the vacancy left by Frankfurter's retirement the President has named Arthur J. Goldberg, who leaves the post of Secretary of Labor. Mr. Goldberg, already highly respected for his legal abilities before he entered the Cabinet, has grown steadily in public esteem. Early fears that as a former lawyer for labor he would in high office act as an advocate of labor above other interests have been dispelled. He has proved his statement that as a Cabinet member he considered himself "counsel for the public interest." As a Justice of the Supreme Court the public interest, within the terms of the Constitution, will be his sole concern.

[From the New York Times, Aug. 30, 1962]

MR. JUSTICE GOLDBERG

The appointment of Arthur J. Goldberg brings to the Supreme Court a strong believer in the necessity for expanding Government activities to meet the complex requirements of our industrial society. His record as Secretary of Labor has demonstrated the astonishing diversity of his talents. He was by all odds the most activist head that the Labor Department ever had; yet he found time to counsel the President on Federal aid for the arts, mental illness, juvenile delinquency, psychological warfare, race relations, African affairs and even a plan to beautify Federal buildings.

Despite fears that his long association with organized labor might make him too prounion, he stood unflinchingly for the primacy of the national interest in labor-management relations. Indeed, his vigor on this score has been so intense that leaders in both camps have voiced concern lest Government become excessively powerful in the economy.

Perhaps his most difficult adjustment now will be to chain his restless energy to the reflective life of a judge exercising the fateful and timeless responsibilities of the high Court. Undoubtedly the President could have found a legal scholar of greater distinction, but scholarly attainment is not always the measure of a great judge. We must add that we do not like the implication in Mr. Goldberg's appointment to succeed Mr. Frankfurter that some kind of religious "balance" has to be maintained on the Court.

But Mr. Goldberg is possessed of intellect, compassion, and a capacity for articulating abstract and abstruse issues in terms of human understanding. If he can add to these qualities the detachment and restraint a jurist must have, he will have vindicated the President's choice.

[From the Philadelphia (Pa.) News, Aug. 31, 1962]

CHANGE IN THE COURT

Retiring Associate Justice Felix Frankfurter has left his mark on the Supreme Court.

Now almost 80, he has seen, during his 23 years of service, sweeping changes in the public's opinion.

When appointed by F.D.R., he was considered a dangerous radical. There were sneering jokes about "Frankfurter's hotdogs." Then he was accused of being a crusty old conservative. His final ruling, on the question of the imbalance between city and rural representation in State legislatures, found him in the recently familiar role of dissent.

As his successor, President Kennedy has named Arthur J. Goldberg. Like Justice Frankfurter, he is a scholar and was a nationally known lawyer before being named Secretary of Labor.

He proved to be the most active and probably the most effective Secretary of Labor in recent times.

We hope he brings to the Supreme Court the abilities he has shown in other fields. Whether he will be listed as a conservative or liberal is anybody's guess. Men often change after being named to the High Court.

Goldberg's successor as Secretary of Labor, W. Willard Wirtz, was his right-hand man in many negotiations.

The changes in Washington look promising.

[From the Baltimore (Md.) Sun, Aug. 30, 1962]

SUPREME COURT CHANGES

With Justice Frankfurter's retirement and Secretary Goldberg's appointment to succeed him, the Supreme Court loses one good man and gains another. Justice Frankfurter was an ornament to the Court. He was cantankerous at times and not always easy in his relations with his colleagues. But he was an ornament of the Court. He was learned in the law, he had a cultural background far wider than most members of that tribunal, he had enjoyed an intimate contact with public affairs and public men from the time of Theodore Roosevelt, with whom he was on terms of friendship, on down through Franklin D. Roosevelt, who appointed him a Justice in 1939.

In addition to these obvious advantages, Justice Frankfurter could write, a qualification which not all judges possess. His opinions were not always concise but they were clear. Although he had been an advocate of progressive measures throughout his career as a member of the Harvard Law School faculty, he became during his service on the bench rather conservative. His conservatism was not, however, of the standpat variety but was rather the result of a reasoned philosophy of the law in which a central principle was that courts should be cautious about intruding themselves into areas primarily reserved by the Constitution for the executive or legislative arms of the Government.

Secretary Goldberg is a man of different temperament and different experience. He is not the accomplished writer Justice Frankfurter is, and he lacks the wide cultural background of the man he succeeds, but he has a far more intimate acquaintance with practical affairs. Mr. Frankfurter had little experience in the practice of law, while Mr. Goldberg has been arguing important labor cases before the courts almost from the beginning of his professional career. He has appeared in some of these cases before the U.S. Supreme Court and has won them. Yet his record since he became Secretary of Labor under President Kennedy shows that he can be impartial. One of his chief accomplishments as the head of his Department has been in the negotiation of stubborn labor disputes which threaten to affect the economy in an adverse way or that impeded the

production of needed articles for defense. Among others he helped to negotiate the steel wage settlement earlier this year which prevented a strike and which was generally noninflationary.

Indeed, the only regret about Mr. Goldberg's elevation to the Supreme Court is the fact that his talents in dealing with labor controversies will no longer be at the disposal of the administration. The President will have difficulty in finding for the Labor Department a new head as likable and as effective in his dealings with the public as the man whose nomination to the Supreme Court will soon go to the Senate.

[From the Chicago Sun-Times, Aug. 31, 1962]

A MAN GROWS IN CHICAGO—GOLDBERG, A GOOD APPOINTMENT

President Kennedy's nomination of Labor Secretary Arthur J. Goldberg to succeed Justice Felix Frankfurter on the U.S. Supreme Court will meet with widespread approval. As a member of the Cabinet, Goldberg, a Chicago attorney who specialized in the labor field, achieved a stature few who have headed the Labor Department ever reached.

Predictions as to the course a new Justice will take are usually meaningless. Justice Frankfurter, widely regarded as an ultra-conservative for the past decade, was known as a New Dealer when Franklin D. Roosevelt put him on the bench. Justice Hugo L. Black was widely assailed for his one-time Ku Klux Klan membership. Today, he is widely assailed—even more so—for his liberal decisions, especially in the area of civil rights.

As a member of the court, Goldberg, at the outset, will probably reflect the philosophy of the New Frontier, adding, in so doing, to the Court's liberal viewpoint.

His outstanding characteristic is that of a pragmatist, however. Anyone who attempts to categorize Goldberg philosophically today is apt to be wrong tomorrow, as were those who labeled Justice Frankfurter a New Dealer in his early days.

Goldberg's career as Labor Secretary has been distinguished by the impartiality with which he served. When he was first appointed some thought he would be a spokesman for organized labor only. For he was then attorney for the United Steelworkers of the AFL–CIO. He quickly dispelled that notion, however. His Cabinet career has been characterized by impartiality in conflicts between labor and management. He has served the public well.

His understanding of organized labor, coupled with his proper appreciation of his role as Secretary, made him exceedingly effective in resolving labor controversies. Undoubtedly, he will take to the Court the same fine sense of objectivity he displayed in the post he is now leaving.

Typically, the Secretary was engaged in efforts to settle a labor dispute at the moment the President announced his Court appointment. This able Chicagoan has a fine legal mind and a high sense of public duty.

He has the opportunity in the many years ahead—he is 54 years old—to be one of the really great judges of the land.

A native of Chicago—the son of immigrant parents—and a graduate of Northwestern University, Goldberg's career should be an inspiration to American youth. For it illustrates that this is still a land of opportunity.

Justice Frankfurter has had an illustrious career, as Mr. Kennedy said in announcing the retirement. Few Justices, the President said, have made as great or lasting impact upon the law as has he.

[From the New York Times, Aug. 30, 1962]

MR. FRANKFURTER RETIRES

"It would be impossible," said the great Learned Hand a few years ago, "for me to think of any other judge whose continuance in his duties I welcome more unreservedly." He was speaking of Felix Frankfurter, whose retirement as Associate Justice of the Supreme Court of the United States was regretfully announced yesterday by President Kennedy.

It is, in fact, difficult to think of the Supreme Court without Felix Frankfurter, who has served on it with extraordinary vitality, perception and effectiveness for nearly a quarter of a century. Now almost 80 years old, Justice Frankfurter has felt it necessary to retire for reasons of health. He will be acutely missed, this former law professor with the sharply inquiring eyes, the unquenchable curiosity, boundless energy and profound devotion to the sanctity of the Court as a cornerstone of American liberty. Assailed in this earlier days as a dangerous radical—his appointment by President Roosevelt aroused a furor from the right—and criticized in his latter days as an encrusted conservative, Felix Frankfurter's own philosophy rejects such labels as irrelevant in the formulation of his judicial opinions.

Justice Frankfurter has been called "a man of contradictions," and indeed in many ways he is; but he has been consistent in his belief that the Court is a court and not a legislature. In one of his most famous opinions he wrote: "As judges we are neither Jew nor gentile, neither Catholic nor agnostic. * * * As a member of this Court I am not justified in writing my private notions of policy into the Constitution, no matter how deeply I may cherish them or how mischievous I may deem their disregard."

Justice Frankfurter's view of the role of the Court is, of course, not universally accepted, and many serious students of constitutional law believe it to be too restrictive. But no one would dispute the keenness and vigor of his mind, and, whether or not one agreed with him, no one could fail to appreciate, right up to the last day he sat on the Bench, the high intellect and complete integrity that permeated his opinions.

[From the New York Times, August 30, 1962]

MR. JUSTICE GOLDBERG

The appointment of Arthur J. Goldberg brings to the Supreme Court a strong believer in the necessity for expanding Government activities to meet the complex requirements of our industrial society. His record as Secretary of Labor has demonstrated the astonishing diversity of his talents. He was by all odds the most activist head that the Labor Department ever had; yet he found time to counsel the President on Federal aid for the arts, mental illness, juvenile delinquency, psychological warfare, race relations, African affairs and even a plan to beautify Federal buildings.

Despite fears that his long association with organized labor might make him too pro-union, he stood unflinchingly for the primacy of the national interest in labor-management relations. Indeed, his vigor on this score has been so intense that leaders in both camps have voiced concern lest Government become excessively powerful in the economy.

Perhaps his most difficult adjustment now will be to chain his restless energy to the reflective life of a judge exercising the fateful and timeless responsibilities of the High Court. Undoubtedly the President could have found a legal scholar of greater distinction, but scholarly attainment is not always the measure of a great judge. We must add that we do not like the implication in Mr. Goldberg's appointment to succeed Mr. Frankfurter that some kind of religious "balance" has to be maintained on the Court.

But Mr. Goldberg is possessed of intellect, compassion and a capacity for articulating abstract and abstruse issues in terms of human understanding. If he can add to these qualities the detachment and restraint a jurist must have, he will have vindicated the President's choice.

[From the Denver (Colo.) Post, Aug. 30, 1962]

FRANKFURTER HARD TO REPLACE

The departure of Felix Frankfurter from the Supreme Court of the United States is a major event in the history of the American judiciary, comparable, in its way, to the departures of Holmes, Cardozo and Brandeis.

For 22 years, this small, spry man with a massive and lively intellect has helped to shape the constitutional philosophy of the Nation with a dedication, diligence and scholarship that have rarely been equaled on the Bench.

More than any of his contemporaries, he has elevated and championed the principle of judicial restraint, the doctrine that courts should use their powers sparingly and hesitate to overturn the democratic decisions of popularly elected legislatures.

As a law professor during the 1930's, Frankfurter argued in the law journals that the Court should use judicial restraint in dealing with the social legislation of the New Deal.

Later, as a member of the Court, he used judicial restraint himself to uphold more conservative legislation which conflicted with his own political philosophy.

In the first period, he was called a liberal, in the second, a conservative. But in both periods he was true to his conviction that judges should not set their private judgments above the judgments of lawmakers, in the absence of clear constitutional violation.

In close constitutional questions, he believed in giving the lawmakers the benefit of the doubt.

Frankfurter also brought to the Bench a high sense of judicial ethics. He believed that judges should deliver their opinions from the Bench, and not in public speeches or at cocktail parties.

Even in private discussions, he invariably refused to take up topics that might come to his attention officially later on in cases brought before the Court.

His Court opinions—majority, concurring, and dissenting—constitute a major contribution to the structure of American constitutional law. Wrong or right, Frankfurter always shed valuable light on the issue before the Bench and always wrote with vigor and good style.

Arthur J. Goldberg, the man President Kennedy has chosen to fill Frankfurter's place, will have a difficult time measuring up to Frankfurter's standards of excellence.

Goldberg is a bright and fairminded lawyer who has been an active and effective Secretary of Labor. In his busy and partisan life as a champion of labor, he has not had occasion to display the judicious temperament and extensive legal scholarship that are sometimes associated with the High Bench.

But no one can predict how a Justice will behave until he is tested. When called on to perform the high task of interpreting the Constitution, Justices often manage to transcend their political and economic predilections and the commitments of their pre-judicial lives. Many Justices have surprised both their critics and their friends by their development on the Bench.

Goldberg is a man of intelligence and integrity. He is capable of bringing new wisdom and honor to the highest Court in the land.

[From the Kansas City (Kans.) Kansan, Sept. 4, 1962]

IMMIGRANTS' BOY

President Kennedy has proved to be ready to fill vacancies when they occur. So he was quick to announce a successor on the

Supreme Court for retiring Felix Frankfurter. He was ready with the name of Secretary of Labor Arthur Joseph Goldberg. The appointment has been widely approved.

The Republican leader, Senator EVERETT DIRKSEN, said he "measures up to every standard required for a place on the Supreme Court."

His wife Dorothy said: "He has a judicial temperament if anyone has."

After this it was a foregone conclusion that the Senate would ratify his appointment.

What caused some raised eyebrows was the selection of a lawyer whose identification had been chiefly with labor. It is significant, however, that he was not a labor leader but a specialist in labor law, with unions as his clients.

Goldberg has been an indefatigable settler of strikes during his tenure as Secretary of Labor. This ability to seek and arrange compromise will not be lost in the High Court.

Goldberg is the son of immigrant parents, one of 11 children who worked his way through law school to get his start in life. The story of Arthur Goldberg is truly an American saga.

[From the Washington (D.C.) Evening Star, Sept. 8, 1962]

AMERICA SINGS IN GOLDBERG STORY—RISE OF IMMIGRANT'S SON TO HIGH COURT MIRRORS U.S. PRINCIPLE OF OPPORTUNITY

(By Ralph McGill)

A newspaper reader looked up from the story of Arthur Joseph Goldberg's appointment to the U.S. Supreme Court and said: "You can hear America singing in this."

One can. There is the singing of America in the story of the son of devout immigrant Russian Jews whose life story mirrors the deep and abiding principles of this country—of opportunity. We too often forget (and, indeed, some no longer know) that there is written on the base of our Statue of Liberty:

"Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tossed to me!
I lift my lamp beside the golden door!"

Arthur Goldberg, who will resign as Secretary of Labor to become an Associate Justice of the great tribunal, is an inspiration to all who know him. The story of his life is as American as Indian corn. Joseph and Rebecca Goldberg came from Russia's persecutions and ghettos to America. They landed at San Francisco. Joseph Goldberg worked his way, with his family, to Texas. He was a peddler, talking but a few words of English. A year and a half later he moved to Chicago. Out of his meager savings he acquired an old blind horse. He would go to the markets before dawn and buy fruit and vegetables. These he would sell to hotels and restaurants.

Arthur Goldberg was born August 8, 1908. The newly appointed Associate Justice of the U.S. Supreme Court remembers rides with his father in that wagon, behind the patient, blind horse. He recalls bringing home some of the unsalable, half-spoiled fruit and sharing it with other boys in the tenement slum where they lived. Those were the days when the Irish immigrants were also a despised, discriminated-against minority. They, too, were crowded in that slum. Now and then Arthur Goldberg meets with successful Irish-Americans out of the slums. They laugh together about the fights between the rival groups of Jewish and Irish boys. (We do ourselves an injustice if we forget how this Nation has been enriched by the products of the melting pot.)

The young Goldberg grew up with a passion for books and education. His father could never get over the wonders of America—a country that provided free books and schools for everyone. The boy had many jobs. He worked his way through Northwestern University Law School. He was at the top of his class that graduated in 1929. A law office hired him to write briefs. The pay was $20 a week. The depression came on. Another law firm hired the brilliant young man to work on mortgage foreclosures. He took it—but soon quit. The work was distasteful to him. Too many people were losing all they had in those cruel years. He opened a law office. His first clients were from labor. He became a specialist in labor law.

He is a profound student, a scholar and a lover of truth. His wife is a fine artist. The family shares a liking for art and music. He has enormous patience. He possesses unusual energy and he does not spare himself.

As Secretary of Labor he has labored hard to develop the philosophy wrapped up in a question which grows out of any head-on dispute—"What is the alternative?" He has insisted that, in all clashes between management and labor, the national interest be given priority.

The President's telephone call notifying him that his name would be placed in nomination for the highest judicial appointment, found him trying to prevent a railroad strike. One who was privy to the long, fruitless sessions, said the Secretary asked over and over, when there was no meeting of minds, "What alternative do you suggest?" There was none. This puzzles him—as it does many other men—that intelligent men can offer no alternative to a work stoppage which will adversely affect the national economy and welfare.

Quiet, positive, dedicated to the basic, mighty principles of this country, his appointment to the Supreme Court does cause us to hear America singing.

[From the St. Louis (Mo.) Globe-Democrat, Aug. 30, 1962]

GOLDBERG TO SUPREME COURT

The Nation's Supreme Court will lose one good member and get another. The President announced yesterday Justice Felix Frankfurter, 79, is retiring because of bad health and Labor Secretary Arthur Goldberg, 54 will be nominated to take his place.

Both are Jewish. It is bad precedent that influences a President to put men on the court or in his Cabinet because of religion, race or politics. Merit should be the sole criterion.

The fact that most administrations go along with the practice—including the Eisenhower regime—is no excuse. No doubt Mr. Kennedy deliberately replaced a Jew with a Jew.

But there was more to this decision than playing political chairs with minorities. Mr. Goldberg has a thoroughly sound reputation and should develop into as illustrious a member of the Supreme bench as Mr. Frankfurter.

The Labor Secretary is an excellent lawyer, a successful one. He has no judicial experience, which is unfortunate. But neither did Justice Frankfurter, or Chief Justice Earl Warren and many others.

Mr. Goldberg has been one of the more outstanding members of the Kennedy Cabinet, a tremendously hard worker, an official loyal to the administration and loyal to his public trust.

A certain amount of doubt greeted his selection for the Labor job. He had been general counsel for the CIO, then for the AFL–CIO. But when he became Secretary of Labor, he was no longer a professional advocate of labor. He was concerned with workers' welfare, as the position demanded. But his highest concern was with the overall welfare of the Nation. He proved this by hard work as mediator and tough criticism of evil labor policies.

There is every reason to expect Mr. Goldberg will prove an able Justice of the Supreme Court. The Senate should ratify this appointment.

[From the Pittsburgh (Pa.) Post-Gazette, Aug. 31, 1962]

JUSTICE GOLDBERG

In naming Arthur J. Goldberg to the Supreme Court vacancy caused by Justice Felix Frankfurter's resignation, President Kennedy has chosen a man who has in less than 3 years piled up a fine record as a public servant. To the secretaryship of Labor Mr. Goldberg brought a remarkable intelligence and a devotion to duty that made him one of the two or three outstanding members of the Cabinet.

It was a tribute to his intelligence and fair-mindedness that his appointment to the Cabinet, after his service as general counsel to the steelworkers, was generally accepted with favor even by those to whom his close affiliation with organized labor might have been disquieting.

In the Cabinet he has displayed unusual vigor along with great restraint. There have been no complaints that he was predisposed to judge every labor dispute from the viewpoint of a labor sympathizer. On the contrary, some labor elements have expressed the view that they found his judicial fairness a little trying.

Some of the comments on Mr. Goldberg's appointment to the High Court have mentioned his lack of experience as a judge but balancing that lack are his keen mind, his experience in fields affecting human interests and his vigor. Although he is reckoned a liberal, it would be well not to assign him to this or that category on the Bench. Supreme Court Justices have a way of sometimes developing unexpected habits of thought once they take a seat so far above the ordinary political concerns.

Mr. Goldberg takes the place of an illustrious predecessor. An ultra-New Dealer when he was appointed, Justice Frankfurter has been seen in recent years as a member of the more conservative group in the Court. We regret that the state of his health did not permit him to stay in his post and, indeed, Mr. Kennedy has indicated that he regrets that the appointment of Mr. Goldberg was necessary at this time. He had intended Mr. Goldberg for the Supreme Court all along, apparently, but might have preferred to make the appointment at a later date, to give his Secretary of Labor further scope for his abilities in the labor post.

In naming W. Willard Wirtz, Under Secretary of Labor, to Mr. Goldberg's vacated position, Mr. Kennedy clearly indicates his confidence in the training Mr. Wirtz has had under the former Secretary and in his ability to carry forward Mr. Goldberg's plans and program.

[From the Chicago Daily Tribune]

MR. JUSTICE GOLDBERG

The appointment of Arthur J. Goldberg to the Supreme Court has been received with general approval throughout the United States. It has been particularly well received in Chicago where Mr. Goldberg is known most intimately, for here he was born, went to school and college, studied law, and first distinguished himself as a practicing lawyer.

We are not among those who will undertake to predict how Mr. Goldberg will vote on the important cases that are about to come to the Court's attention. We will venture to predict that he is too good a lawyer to accept specious defenses even of causes which he favors, and he is too independent a man to allow former associations with clients or Government to dominate his thinking on the Bench.

Mr. Goldberg showed great promise when he was graduated from Northwestern University's Law School at the head of his class.

He has been an able, disinterested, and tireless public servant since he became Secretary of Labor. There is every reason to hope that as a Justice of the Supreme Court he will make an important contribution to the law of this country.

Those who think that Mr. Goldberg will be a radical judge because he represented great trade unions as a lawyer may be fooled as others were fooled when Justice Frankfurter was appointed to the Court. They were certain that Mr. Frankfurter would be the least conservative man on the Bench and that his agile mind would be at the service of every leftist cause that came to the Court's attention.

In fact, Mr. Justice Frankfurter retires from the Court amid the sighs of conservatives who have come to regard him as their strongest friend on the Bench. We doubt that this reputation is wholly deserved, but Mr. Frankfurter has been, indeed, the chief spokesman for judicial restraint, meaning that he doesn't want the Supreme Court to invade the territory that he thinks the Constitution gives to the various State legislatures, State courts and the State and Federal regulatory commissions. This attitude of his has made him a radical when these bodies have gone that way and a conservative when they have moved in the other direction.

Mr. Frankfurter will be missed from the Court. We may be sure that the new man will be very different but he, too, is a man of outstanding talents and in the long run may prove to be no less influential in setting the Court's direction.

[From the New Republic, Sept. 10, 1962]

MR. JUSTICE GOLDBERG

Not a dozen of the nearly 100 men who have been Justices of the Supreme Court have left a creative mark on our constitutional history. Among the moderns—excluding any still sitting—one counts Brandeis, Holmes, perhaps Hughes, perhaps Stone, possibly Cardozo, and certainly Mr. Justice Frankfurter. Such a retirement as his has its impact not merely on the balance of votes but on the entire judicial landscape. To use a more suggestive figure, it is the magnetic field within which the Justices operate that has been altered. The removal of a creative influence which has radiated powerfully for over 20 years necessarily implies a rearrangement of past patterns in what is a continuing process of action and reaction within the Court.

Some make the facile assumption that the contours of the new arrangement can be readily predicted. But if this will no doubt prove to be the case on many important issues (the new Justice would not have been likely to join the Frankfurter dissent in the Baker versus Carr reapportionment decision). Mr. Goldberg's legal thought, as it might affect the issues likely to face the Court in the near future, has not been so clearly delineated as one might imagine. He shares the very broad consensus on the relative weight of property and individual rights which Justice Frankfurter—with Justices Black and Douglas among those still living—established in the decade following the upheaval of the Courtpacking fight of 1937. But the issues currently before the Court arise within rather than about that consensus. Moreover, the history of the Court is replete with examples of a rather surprising intellectual sea change following appointment to the Court. Who would have expected that exprosecutor Earl Warren would make his notable about-face in criminal cases after several years on the bench and prove so consistently a partisan of defendants' rights? Or that Hugo Black, an Alabamian, would rub out all trace of his youthful political colors while Indiana New Dealer Sherman Minton was revealing himself as inhospitable to the claims of civil liberties.

It can be said in welcoming the appointment of the new Justice with the greatest satisfaction that he is a man of first-rate intellectual capacity, and that as an experienced practitioner before the Court he has a sophisticated understanding of its function and its ways. His contribution to the Kennedy administration has been notable for his forthright disregard of old ties with organized labor in shaping a new doctrine of the national interest in labor-management disputes. Mr. Kennedy is said to have felt a sense of obligation to Mr. Goldberg for his early support of the Kennedy candidacy and for his willingness to burn his bridges in the cause of the administration despite the fact that on such major matters as the tax cut his pleas have been overruled. The President is also reported to have remarked that the designation of a Jewish appointee in this instance need not forever doom the chances of the also-ran who was passed over in favor of Mr. Goldberg—Harvard Law School Professor Paul Freund.

[From the New York Mirror, Aug. 31, 1962]

MR. JUSTICE GOLDBERG

The Nation and the administration lose a good Secretary of Labor in the appointment of Arthur Goldberg to the Supreme Court. He succeeds retiring Justice Felix Frankfurter.

It is as futile to speculate on Goldberg's future place in the High Court as it might have been to speculate on Frankfurter's at the time of his appointment in 1939. Many considered him a wildeyed radical then. He retires a conservative, a bulwark of constitutional law.

Goldberg formerly was chief counsel of the AFL–CIO, but as Labor Secretary he was not a partisan.

A "let's-get-the-facts" man, he has worked diligently and often successfully to compromise opposing viewpoints. He has a keen legal mind, though no judicial experience. We wish him, on the Bench, a continuation of the success he has steadily achieved over the years.

[From the St. Louis Post-Dispatch, Aug. 30, 1962]

SHIFTING THE BALANCE?

President Kennedy's second appointment to the Supreme Court suggests the possibility of a change in the Court's attitude toward its own role and toward the Constitution.

Certainly Secretary of Labor Goldberg is well qualified to sit on the Bench in place of the veteran Justice Frankfurter, who is retiring on account of ill health as he approaches the age of 80. Mr. Goldberg is a veteran lawyer and is generally acknowledged to be one of the most effective men in the Kennedy administration.

Mr. Goldberg was known to be high on the list of potential court appointees, but some officials thought the President might not want to let him go from the Cabinet at a crucial time. As Secretary of Labor, Mr. Goldberg has the delicate task of mediating strikes and holding the line against wage inflation while maintaining the administration's relations with labor.

The fact that the President was nevertheless willing to nominate Mr. Goldberg indicates the importance which Mr. Kennedy now attaches to the third branch. His first appointment, that of Justice White last April, almost seemed designed to avoid a Senate conflict over confirmation or the Court or its ideas. In any event the White appointment brought almost automatic support from conservatives and liberals alike.

Mr. Goldberg offers a different prospect. His labor background and his long public record illustrate a commitment to liberalism, though not a doctrinaire one. Would he agree with Justice Frankfurter, for example, that the courts ought to keep hands off reapportionment issues? Would he agree with the thin majority led by his predecessor that individual rights should so often be governed by the powers and assumed requirements of the executive and legislative branches? Would he, in short, agree with Justice Frankfurter's long insistence on a narrow interpretation of judicial restraint?

If Mr. Goldberg did not agree on these matters, he would then find himself on the side of Chief Justice Warren and Justices Black, Douglas, and Brennan. His appointment would turn a minority into a majority. It would, in effect, remake the Court.

No one can predict, of course, exactly how a man will develop on the Nation's Highest Bench, when faced with complex issues of national substance. Indeed, this second appointment to the Court may not be Mr. Kennedy's last. But at this point the Goldberg nomination appears to represent a firm presidential effort to shift the balance on the Supreme Court.

[From the Louisville Courier-Journal, Aug. 31, 1962]

ARTHUR GOLDBERG, ABLE SUCCESSOR TO JUSTICE FELIX FRANKFURTER

Supreme Court Justice Felix Frankfurter is said to have taken the late Justice Oliver Wendell Holmes as his model. Justice Holmes, who had possessed one of the great legal minds of his time, persisted on the bench after he was 90 years old and he was too enfeebled to meet his responsibilities. At the request of other members of the Court, Chief Justice Charles Evans Hughes undertook the unpleasant duty of asking Justice Holmes to retire. Justice Holmes yielded gracefully.

Justice Frankfurter, at 79, had suffered a severe stroke and reached a point like that which dictated the retirement of Justice Holmes. We don't know, of course, whether anybody suggested to Justice Frankfurter that he ought to put his judicial robes aside. At any rate, he has done so with natural sorrow and also with dignity.

He was appointed to the bench by President Roosevelt in 1939. Since he had been one of the architects of the New Deal, it was feared by many conservatives that he would become a juristic radical. As the years passed, this fear became increasingly ridiculous. As a matter of fact, he came to be usually on the side opposite to that of another old New Dealer, Justice Hugo L. Black, when the Court divided on conservative-liberal lines.

President Hoover chose a good man, Benjamin Cardozo of New York, to succeed Justice Holmes. And President Kennedy is fortunate in having available another good man, Labor Secretary Arthur Goldberg, to succeed Justice Frankfurter, who, incidentally, was the successor of Justice Cardozo. It may be argued that Mr. Goldberg, having won his legal celebrity in labor cases, will be a biased judge. His high character argues against this.

We heartily agree with President Kennedy that Mr. Goldberg's "scholarly approach to the law, combined with his deep understanding of our economic and political systems, will make him a valuable member of the Court." Mr. Goldberg's ambition from his youth to become a Supreme Court Justice indicates a veneration for that office which would not tolerate prejudgment of cases.

To take Mr. Goldberg's place in the Department of Labor, the President has promoted Under Secretary W. Willard Wirtz, whose experience and integrity well suit him for the office.

[From the Boston (Mass.) Record American, Sept. 1, 1962]

THE SUPREME COURT

Virtually the entire spectrum of national opinion has welcomed President Kennedy's choice of Arthur S. Goldberg as a Supreme Court Judge. This in itself is a tribute to Mr. Goldberg, a man and lawyer of singular ability and intellect.

The former Secretary of Labor came to the Kennedy administration after a distinguished career as the country's leading labor lawyer. As such he was greeted in Washington with the expectation that he would be frankly partisan toward labor in his new post.

But Mr. Goldberg became Secretary of Labor for all the people, not for any particular interest. He proved this in his tireless application toward the settlement of industrial disputes, gaining the same respect from industry he had earned from labor. He pursued his duties with a single motivation: The national interest. As a Supreme Court Justice he can be expected to prove the same pillar of objectivity on the Bench as in the Cabinet.

The President's selection of Mr. Goldberg is to be applauded; the new Justice will no doubt continue the historic tradition of our highest Court.

He will be replacing one of the greatest Jurists in the history of the legislative branch, Felix Frankfurter. Brilliant, inquisitive, dedicated and controversial, Mr. Justice Frankfurter's departure from the Bench for reasons of health at an advanced age can only be viewed with deep regret. He made history during his tenure and enriched the heritage of his Nation.

[From the Washington Afro American, Sept. 8, 1962]

MR. JUSTICE GOLDBERG

Two days after Secretary of Labor Arthur J. Goldberg was appointed to the U.S. Supreme Court, a colored lady called our office and said: "I feel so good about his appointment, it's almost as if I had been appointed."

This exultant expression which swept most Americans fairly well sums up a universal reaction.

For if any one man in the Kennedy administration has become a symbol of all the good and the honesty in humanity, it has been Arthur J. Goldberg.

If there has been one man with whom large numbers of Americans, particularly 18 million colored citizens who must still travel the rocky road to equality can identify, it's Arthur J. Goldberg.

Last year, after the first 6 months of the Kennedy administration, the Washington Afro rated the 10 Cabinet Secretaries on the basis of performance and publicly expressed attitudes on civil rights.

Arthur J. Goldberg was a mighty "first." Nobody remotely touched him.

Six months later, we rated them again. He had outdistanced the other nine Cabinet Secretaries by greater lengths in accomplishment in a most sensitive field.

The most valuable and dramatic lesson of Mr. Goldberg's appointment—above and beyond the fact that he was the son of poor Jewish immigrants—is that an honest, dedicated liberal who feels his convictions in the pit of his stomach can succeed masterfully in public life.

While the overwhelming majority of officials in the Kennedy administration have been content to preserve the Eisenhower status quo on civil rights, Mr. Goldberg has moved forthrightly to alter a Federal pattern of bigotry.

Suffice it to say his appointment to the Supreme Court is one of the finest deeds in nearly 2 years of President Kennedy's administration.

The Washington Afro proudly congratulates the President and extends our warmest and fondest best wishes to Mr. and Mrs. Goldberg and their family on this very happy occasion. We know he will serve with highest judicial distinction.

[From the Washington Post, Sept. 5, 1962]

MR. JUSTICE GOLDBERG

(By George E. Sokolsky)

As President Kennedy had to appoint a successor to Justice Felix Frankfurter on the U.S. Supreme Court, it is only fitting that he should have found a moderate liberal, one who believes in a humanitarian capitalism and who respects the law. It is always to be presumed that when a President makes a principal appointment, he is likely to follow his own ideas and his own conscience. President Kennedy is developing into a moderate liberal.

When Justice Frankfurter was appointed to the Supreme Court, he was attacked as an excessive liberal, as a Socialist, as an enemy of our way of life. During the whole of his career, Frankfurter had been a Jeffersonian Democrat, a firm believer in our law, based on the Constitution. When his ideas conflicted with those of some of his colleagues, many conservatives took him to their hearts as the leader of the conservatives on the bench. Actually, Frankfurter was motivated neither by the excesses of doctrinaire liberalism nor by the excesses of doctrinaire conservatism.

He believed in the law—in the law as an instrument to safeguard the individual human being from the brutality of tyranny, any kind of tyranny. And there can be a tyranny of the majority, of minorities or of individuals. This is a Jeffersonian concept of Americanism and is incorporated in the Declaration of Independence as well as in the Constitution of the United States.

In Arthur Goldberg, Frankfurter's successor to the Supreme Court Bench, the country will find a jurist of the same cast of mind. Goldberg emerged to prominence out of the big labor unions just as Frankfurter reached prominence as a professor in the Harvard Law School who was deeply concerned with the problems of labor. But wherever Goldberg served labor, he was a stabilizing personality because he believed in the law and in the sanctity of a contract and in the need for establishing a system in industry which would keep up the productivity of the United States by a labor-management relationship based on binding contracts. The Communists want no contracts because, contracts in effect, are a limitation on revolutionary tactics.

Goldberg has undoubtedly been the most active and most effective Secretary of Labor in the history of that office. He brought to his work a new concept; namely, that in every industrial dispute a third party, the people of the United States, sits at the table. The people have rights, too. When the engineers strike on aircraft, depriving the people of an essential service and wasting capital investment, the people as customers, as investors, have rights which must be represented.

He has not taken the position that labor is always right or that management and the investor are always wrong. But he has taken the position that the welfare of the United States must come first. We cannot afford the luxury of labor laissez faire any more than we can afford the luxury of capitalist laissez faire. We are in trouble and we must face our troubles courageously. The time when the individual can sacrifice the general welfare and the survival of his country to satisfy personal whim or even personal purposes is gone and is not likely to return.

Arthur Goldberg will be a worthy successor to Felix Frankfurter as a moderate jurist who probably will oppose making the Supreme Court a third legislative body. Frankfurter opposed that because it is essentially unconstitutional. The Court has to do with interpreting law, not with making law. The temptation for a Supreme Court Justice or any justice to pursue obiter dicta rather than the law is not unusual. Enormous restraint is required to remember that even Solomon had to think twice before rendering a final decision. On the other hand, were it not for the courage of Chief Justice John Marshall we should not today be a Nation. His decisions bound the 13 sovereign States into one lasting United States.

It is sad to see Justice Frankfurter go. It is unfortunate that Goldberg will not be able to complete his term as Secretary of Labor. It is fortunate that President Kennedy resisted all the politics of any judicial appointment, the pulling and bargaining, the employment of powerful friends, and selected one who is by experience and temperament worthy to sit on the Supreme Court Bench in these trying times of transition.

[From the Kansas City Star]

FINE CHOICE TO SUCCEED A FINE JUSTICE

If Arthur Goldberg takes to the Supreme Court the great sense of public responsibility that he took to the Labor Department, he will be an excellent Justice.

Certainly we hate to see the brilliant Felix Frankfurter step down from the Nation's highest tribunal. What a quick-trigger mind he possesses. He has contributed greatly to the jurisprudence of our times and the United States will miss his voice from the Bench.

We recall that when President Franklin D. Roosevelt appointed Justice Frankfurter, he was labeled as the flaming liberal who would upset everything. He retires now as the bulwark of the Court's conservative wing.

When Arthur Goldberg, a labor lawyer, was appointed Secretary of Labor, many people were afraid that he would lead a militant labor crusade. But he proved to be a man who wore the hat of no single group. He was able to thrust behind him his long record as a servant of organized labor and become a servant of the public.

We have heard it said—by management and union men alike—that Goldberg has been the finest Secretary of Labor in history. We do not hesitate to suggest that, with the possible exception of Defense Secretary McNamara, Goldberg has been the outstanding member of President Kennedy's Cabinet.

To be sure, the new Justice is a liberal by reputation and certainly we don't accept intact the philosophy of Goldberg or anyone else. But, such labels as "conservatism" and "liberalism" in themselves are not accurate measurements of a man's capability as a jurist. No one can fully appraise a judge's fundamental thinking until it has been applied from the bench in many cases.

But we do know that Arthur Goldberg is skilled in the law, experienced in the courts and sharp and analytical in his thinking. We have seen, throughout his service in the Department of Labor, that he has a finely developed sense of public responsibility.

In all frankness, you have to recognize that a court which has lost a man of Justice Frankfurter's caliber has been weakened, at least temporarily. Similarly, you have to recognize that the new Secretary of Labor, W. Willard Wirtz, has a difficult job to fill. We are glad to see Goldberg move up. But we have mixed feelings about his departure from the highly important Cabinet post.

Without reservation, however, we join the many who recognize Justice Frankfurter's fine service to the law and to the Nation. We wish him well in his retirement. We are confident that in due time, Justice Goldberg will prove to be a worthy successor.

[From the St. Paul (Minn.) Dispatch, Aug. 30, 1962]

THE NEW JUSTICE

Retirement of Justice Felix Frankfurter from the Supreme Court and his replacement by Labor Secretary Arthur Goldberg seems sure to strengthen liberal, activist philosophies in the Court. However, Goldberg is a man of undoubted intellectual honesty and ability who by no means holds to a narrow, one-sided viewpoint. He is respected in the business world as well as in organized labor.

Conservatives who fear that the Supreme Court has not exercised sufficient caution in some of its decisions will regret the loss of Justice Frankfurter. When Franklin D. Roosevelt appointed him to the Bench in 1939 he was criticized in the Senate as a "New Deal radical." He was a firm supporter of the New Deal, but gradually became an outstanding advocate of the conservative approach in Court decisions.

Unable to carry on his duties since last April, and nearing the age of 80, Justice Frankfurter retired reluctantly but with the realization that his health would no longer permit him to give full service to the Court. Goldberg, at 54, will bring to the tribunal both physical and intellectual vigor. Judging by his past record, he will carry a heavy workload and will follow the independent dictates of his conscience in each case. His wide experience in law and government should make him a valuable member of the Court.

One field in which the replacement of Justice Frankfurter by Secretary Goldberg may make a particular difference in Court attitudes is that involving the constitutionality of legislative apportionments and representation. Frankfurter's last major opinion was his dissent from the six to two decision of last March which opened the apportionment practices of State legislatures to Federal court review. He felt this was too political a subject for the Supreme Court to judge.

There are numerous complicated questions arising from this decision which the Court will have to consider in future cases. It cannot be said in advance what attitude Goldberg will take in such decisions, but it is probable he will tend toward a more active role for the Court than Frankfurter would espouse.

[From the Brooklyn (N.Y.) Daily, Aug. 30, 1962]

A COMMENDABLE APPOINTMENT

We have just learned of the appointment of Labor Secretary Arthur Goldberg to the Bench of the Supreme Court. President Kennedy is certainly to be commended on his choice.

Mr. Goldberg has been one of the most active and efficient members of the New Frontier Cabinet. He has been instrumental in settling several strikes and preventing several others.

Previous to becoming a member of the Cabinet, Mr. Goldberg was a renowned lawyer for labor. His vast experience in this field and in the Cabinet fully qualifies him for the high position he will now occupy.

We have the utmost respect for Justice Felix Frankfurter. His loss will be a great one.

But his successor is as able a man as can be found. He will minimize the loss of Mr. Frankfurter to as great an extent as possible.

[From the Philadelphia Inquirer, Aug. 31, 1962]

APPOINTMENTS AT THE TOP

With the naming of Secretary of Labor Goldberg to the Supreme Court, replacing the retired Mr. Justice Frankfurter, and the appointment of Under Secretary Willard Wirtz to replace Mr. Goldberg in the Labor Department, both the Court and the Department have undergone perceptible changes.

Both Mr. Goldberg and Mr. Wirtz will, undoubtedly, be confirmed in their new posts by the Senate. Both are outstanding men, well qualified for their new work. President Kennedy has chosen wisely.

Yet, as Mr. Goldberg was prompt to note, Justice Frankfurter's unique place will be almost impossible to fill. He carried in his head and heart a burning ideal of what American justice should be and could be. The world changed around Frankfurter, but Frankfurter's ideal has remained steadfast. In his pre-Court years this made him a "dangerous radical" who daringly upheld the statutory rights of Sacco and Vanzetti.. In recent years this made him a "conservative" who time after time upheld the law as written, regardless of personal emotional reactions to it.

Through all his nearly 25 years on the Supreme Court, Justice Frankfurter clung to his concept that the function of the Bench is to interpret statutes, not write them.

While Mr. Goldberg may not be endowed with quite the same kind of objectivity as the jurist whose place he takes, he is no less alert, full-hearted and sincere as a private individual. It is a truism, proved often within our own times, that the Court changes the man; donning the somber robes of a Supreme Court Justice cannot fail to impress anyone with his responsibilities.

And so it may be with Mr. Goldberg, who did not fail to cite the most crucial words of the oath of office immediately upon being informed of his selection: "I shall do my best to carry on the Court's great tradition of supporting and defending the Constitution." This, we believe, is a good augury.

Mr. Wirtz will have a man-sized job running the Labor Department as it has been run in the last year and a half. Mr. Goldberg has been called the "most activist" Labor Secretary in history. But Wirtz has been thoroughly schooled in the "Goldberg method" and the Nation can expect continued active Government intervention in serious labor-management disputes.

We believe there is one aspect of the Supreme Court change which should get worldwide attention—both the retiring Justice and his successor are of immigrant origin. Mr. Frankfurter himself was a "greenhorn" from Austria, Mr. Goldberg the son of newcomer parents. Both advanced by hard work and sheer merit. This is the real story of America, lest detractors forget.

[From the Charleston (W. Va.) Gazette, Sept. 3, 1962]

GOLDBERG, WIRTZ BEST POSSIBLE SELECTIONS

Seldom has there been an appointment to the U.S. Supreme Court more logical and natural—or more conducive to widespread acceptance—than President Kennedy's selection of Arthur J. Goldberg to succeed the ailing Justice Felix Frankfurter.

If ever it could be said that a man earned the right to serve on the Nation's highest court, that attribute can be applied to Goldberg—a man who has proved himself by character, temperament, and training to be eminently qualified for the post.

Arthur Joseph Goldberg made a success of his life—and a contribution to his fellow man—in the finest American tradition. Born on Chicago's West Side, the youngest of eight children of Russian emigrant parents, the decision to make something of his life was his alone.

His father died when he was a child, and the easier course for him would have been to drift in mediocrity or worse. But he chose to work his own way through high school and college, and to win his law degree in Northwestern University.

In the course of it he gained character and an understanding of human nature to a degree that he probably could not have acquired through an education handed him on a silver platter. He developed a warmth of personality that, upon first meeting, gives one the impression that he is a friend and neighbor of long standing.

These characteristics, together with his knowledge and devotion to the law and his deep understanding of our economic and political systems, make Arthur Goldberg unusually fitted for the high position to which he has been appointed.

Also, his accomplishments in the face of adversity establish him as a living lesson to the youth of today, especially those in distressed areas such as exist in West Virginia where economic factors contribute so heavily to school dropouts. Who knows how many youngsters may be inspired to greatness by the example of what this son of a poor emigrant achieved out of hardship?

The mark of the man, and the quality of fairness and impartiality so necessary in a high judicial position, was perhaps best demonstrated by his service as Secretary of Labor in the Kennedy administration.

One might expect, considering his background as a leading Chicago labor lawyer and chief counsel for the CIO and the United Steelworkers, that Goldberg would have been prejudiced in favor of organized labor. But his record as Labor Secretary—his success in settling disputes and bringing about labor-management harmony—is one that could have been achieved only through fairness.

The one drawback to Goldberg's appointment to the Supreme Court is that it removes his capable services from the important fields covered by the Department of Labor.

However, this void seems to be well filled by President Kennedy's appointment of William W. Wirtz as Secretary of Labor. As Undersecretary of Labor, Wirtz worked closely with Goldberg and also is widely experienced in his own right in labor-management relations.

We like Wirtz' expressed philosophy * * * that "capitalism means today economic democracy, and the essential characteristic of democracy is voluntary respect for someone else's interests" * * * also that "Government's growing intervention in critical labor-management disputes * * * is not a movement toward centralization of decisionmaking * * * [but] is a movement toward the exercise of all responsibility in terms broader than the service of a particular set of interests."

We can feel fortunate that men of the caliber of Arthur Goldberg and William Wirtz were available when Justice Frankfurter's resignation necessitated shifts in governmental responsibility.

[From the Washington (D.C.) Star, Aug. 30, 1962]

SUPREME COURT CHANGE

While not unexpected, the retirement from the Supreme Court of Mr. Justice Frankfurter will be widely received with a mingled sense of regret and disappointment. It is disappointing because, despite the doubts, it had been hoped he would be able to resume his place on the Bench this fall. And it is an occasion for regret because the influence exerted by his intellect and his personality will be greatly missed. It is quite in keeping with the Frankfurter character, however, for him to write: "To retain my seat on the basis of a diminished work schedule would not comport with my own philosophy or with the demands of the business of the Court."

For what labels are worth, which is not much, Justice Frankfurter was the leader of the conservative wing of a closely divided Court. The Justices, of course, did not divide according to any fixed pattern in all or perhaps even in most cases. But on certain

fundamental principles, involving generally the proper role or function of the Court, a 5-to-4 division, with Justice Frankfurter in the majority, was reasonably predictable. He believed that the duty of the Court was to apply the law, not to make it. He felt strongly that the judiciary should not invade areas reserved by the Constitution to the legislative and executive branches. He deplored what he regarded as an excessive tendency of the Court to overturn precedent and to accept too many cases for review.

These statements, of course, are generalities. There is no pretense that they describe Justice Frankfurter's viewpoints comprehensively or with precision. They convey some indication, however, of what Judge Learned Hand meant when he said: "I regard him as the most important single figure in our whole judicial system." The Justice had his detractors, and they will dissent from this evaluation. But we have no doubt that his retirement is a serious loss to the Court and to the country.

Secretary Goldberg, the President's choice as a successor, comes to the Court with a background that is quite different from that of the retiring Justice. Most of Mr. Frankfurter's adult life was spent teaching law at Harvard, in various aspects of Government service, and, for the past 23 years, on the Supreme Court. Mr. Goldberg, until joining the Kennedy Cabinet, had been essentially a labor lawyer—an ardent, aggressive but always intelligent partisan. As counsel for the CIO and for the United Steel Workers, he has been in the thick of labor's battles—so much so that his capacity for detachment and objectivity after becoming Secretary of Labor was truly remarkable.

There will be those in the business and industrial community who probably will look with apprehension on Mr. Goldberg's accession to the High Court. But we suspect that they do not know their man. It is hazardous, perhaps even foolhardy, to try to predict the course a man will follow when he dons the robes of a Supreme Court Justice—when there no longer is any real restraint upon him except that which may be imposed by his conscience and his sense of duty. Our guess, however, is that Mr. Goldberg, as a member of the Court, will turn out to be a conservative in the true and meaningful sense of the word. For the benefit of those who may doubt this, we recall the dismay with which so many received the word of Justice Frankfurter's appointment back in 1939.

[From the Philadelphia Daily News, Aug. 31, 1962]

CHANGE IN THE COURT

Retiring Associate Justice Felix Frankfurter has left his mark on the Supreme Court.

Now almost 80, he has seen during his 23 years of service sweeping changes in the public's opinion.

When appointed by F.D.R., he was considered a dangerous radical. There were sneering jokes about "Frankfurter's hot dogs." Then he was accused of being a crusty old conservative. His final ruling, on the question of the imbalance between city and rural representation in State legislatures, found him in the recently familiar role of dissent.

As his successor, President Kennedy has named Arthur J. Goldberg. Like Justice Frankfurter, he is a scholar and was a nationally known lawyer before being named Secretary of Labor.

He proved to be the most active and probably the most effective Secretary of Labor in recent times.

We hope he brings to the Supreme Court the abilities he has shown in other fields. Whether he will be listed as a conservative or liberal is anybody's guess. Men often change after being named to the High Court.

Goldberg's successor as Secretary of Labor, W. Willard Wirtz, was his right-hand man in many negotiations.

The changes in Washington look promising.

[From the Houston (Tex.) Chronicle, Aug. 31, 1962]

GOLDBERG'S A GOOD CHOICE

Comment on the resignation of Felix Frankfurter and the appointment of Arthur Goldberg as Associate Justice of the U.S. Supreme Court might well begin with the words "fair exchange."

There are superficial similarities.

Both are Jewish; both extraordinarily learned in the law; both devoted to American traditions and ideals.

But we don't envy Mr. Goldberg. He has tremendously large shoes to fill.

Justice Frankfurter has one of the most acute legal minds ever to grace the Supreme Court. Yet he is more than a learned lawyer. He is a civilized man. His detractors were fond of picking holes in the detail of his learning—perhaps, for instance, he is not an economist. But he understands economics, and for a judge, this understanding is much more important than mere expertise.

At a time when many covet the distinction. Justice Frankfurter, by any standard, is a great man. Great men aren't replaced.

Mr. Goldberg may in time find his own path to greatness. He has many of the qualifications. Above all, he is a man of these times: Alert to the changes that tug at our society, aware of the Government's necessary role in guiding and promoting them, and intelligent enough to distinguish between the practical and the impossible.

A President can serve only 8 years. Then, he must trust his policies to others. Only in narrow areas—judicial appointments are a prime example—can a President's influence truly be felt after his time.

Measured this way, President Kennedy promises to do well. Byron White, his first appointment to the Supreme Court, was an excellent choice. So is Mr. Goldberg.

The present Supreme Court is a good one. Mr. Goldberg should feel at home with it, and it with him.

[From the Philadelphia (Pa.) Bulletin, Aug. 30, 1962]

THE CHANGING OF THE ROBES

Justice Felix Frankfurter enjoyed—and that is the exact word—the distinction of being revered and condemned as few Justices on the Supreme Court have ever been.

Through much of his 23 years on the Court he was damned by conservatives as a dangerous radical, "the Rasputin of the New Deal," a perverse ideologist. He now leaves the Court amid lamentations of the same conservatives—or their sons—who had come to think of him as one of their own.

Yet through all the excoriations and the lavish praise, first from one side, then from the other, Justice Frankfurter held the respect of both sides as a scholar par excellence and, among those who followed his opinions closely, was credited with a consistency in his philosophy which escaped those who are quick to affix superficial labels.

In two areas Justice Frankfurter's underlying thought did not vary. He was stanch in his support of civil rights, as guaranteed by the Constitution. And he was firm in his belief that Congress, not the Supreme Court, should write the laws of the Nation.

It was this principle that led him to cast his vote, through many of his years of service on the Court, on the side of New Deal legislation; and to support these votes with carefully written opinions that won him his first label as "a radical." The same principle led him, in more recent years, to reject attempts to legislate from the bench. His unique gifts of scholarship and penetrating analysis will be greatly missed.

Mr. Arthur Goldberg, his successor, brings to the Court great qualities. He, too, is a scholar and a lawyer of great ability. And he, like Justice Frankfurter, has confounded people who attempted to label him. As Secretary of Labor he has proved himself no blind partisan of the unions he used to represent. There is good reason to expect that he will make his presence felt in his new post.

[From the San Antonio (Tex.) Express, Aug. 31, 1962]

WHAT THE RECORD SHOWS GOLDBERG WILL DO AS SUPREME COURT JUDGE

In some circles, President Kennedy's selection of Arthur J. Goldberg to succeed retiring Felix Frankfurter as a Justice on the U.S. Supreme Court is likely to bring misgivings.

Goldberg is an admitted liberal. And for years he was organized labor's advocate before the bar. Does this, then, mean that the Court is to be more heavily weighted on the side of ultraliberalism?

That the President would fill any vacancy on the Court with a man who seemed to share his own liberal views was a certainty. It would be a betrayal of his own principles if he did not.

What citizens of all shades of political belief have a right to expect is that a Supreme Court appointee will not let his past allegiances prejudice his duty to uphold the Constitution, and to interpret the law in the light of its provisions.

Let us examine Goldberg's record on such a basis. He became a labor attorney in the thirties just out of law school. He became counsel for the CIO, and won in the courts the right for unions to include pensions in their collective bargaining. He represented the steelworkers in their negotiations with industry, and his legal counsel helped bring about merger of the CIO and the AFL.

When President Kennedy named him as his Labor Secretary, businessmen were apprehensive. They suspected that this vital Cabinet post now was held by an agent of labor.

Goldberg's character, judgment, and principles were subjected to severe tests in the labor problems which were to confront him. They ranged from the Metropolitan Opera musicians' strike threat, through the long and bitter steel wage negotiations to the recent airline flight engineer dispute.

In all of them, the Labor Secretary took an approach from which bias appeared to be absent. His intent was to attempt to bring about settlements which were in the public interest. His motives were seldom questioned, except by the extreme diehards on each side.

If Goldberg's appointment is ratified by the Senate, he will succeed a man who was himself regarded as an extreme liberal when he was named to the Bench. At the time he was selected by Franklin Roosevelt, Felix Frankfurter was identified as one of the guiding minds behind the New Deal. Yet now he is looked up as a member of the Court's conservative wing, often a dissenter against progressive interpretations of the Constitution.

Goldberg, when informed of his selection, promised that he would "devote myself with all humility to this high calling." We believe that this was the sincere pledge of a man who will strive to be a fair and impartial Justice.

[From the Portland Oregon Journal, Sept. 1, 1962]

GOLDBERG GOOD COURT CHOICE

Arthur J. Goldberg appears to be an excellent choice to fill the vacancy on the U.S. Supreme Court left by the retirement of Associate Justice Felix Frankfurter.

He has had 25 years of experience as a lawyer, including practice before the Supreme Court. Self-evident though it may seem that a Justice on the highest Court should be experienced in the law, this requirement has not always been closely observed by our Presidents when they made their choices for the Court.

Also, Goldberg has shown that he possesses a judicial temperment. In his 19 months as Secretary of Labor he has dealt impartially with both management and labor, despite his former deep involvement with the union movement as general counsel for the CIO and the United Steelworkers, and earlier as attorney for other unions.

He has shown particular skill in bringing about agreements between contesting parties who seemed far apart. This skill may well be useful within the Court, where the nine Justices have often displayed, by their split decisions, divisions of opinion as deep as any that appear at a labor-management bargaining table.

He has the appetite for hard work that any Supreme Court Justice needs. And his self-propelled rise from his humble beginning as the son of a poor immigrant family has given him a valuable understanding of life.

If his policy as Secretary of Labor can be taken as a guide, he probably will lean as a Justice toward favoring active intervention by the Federal Government in economic and political affairs when the public interest requires it.

The Journal believes that at times both the Supreme Court and the Kennedy administration have gone too far in this direction. But since President Kennedy himself favors a strong and active Central Government, he could hardly have been expected to appoint a Justice who held different views on such a fundamental question.

On balance, therefore, we believe Goldberg's nomination is a good one.

[From the Danville (Ill.) Commercial-News, Aug. 31, 1962]

EXCELLENT CHOICE

Appointment of Arthur Goldberg to the U.S. Supreme Court should meet with universal approval and commendation.

Most observers agree that the Secretary of Labor has been one of the ablest members of the Cabinet. He achieved international recognition as the legal brains of the AFL–CIO. Yet he put aside this partisanship when he entered the administration. His record shows that he has devoted himself conscientiously to the larger national interest.

Goldberg is no darling of fortune. He pulled himself up by his bootstraps. He has earned, and deserves, the rewards of his efforts.

And he succeeds one of the great judicial minds of our times, Justice Felix Frankfurter.

Our highest Court will continue strong and respected so long as it numbers among its members men of such caliber and patriotism.

[From the Washington (D.C.) Post and Times-Herald, Aug. 30, 1962]

MR. JUSTICE GOLDBERG

The most surprising fact about the President's nomination of Secretary of Labor Arthur J. Goldberg to succeed Justice Felix Frankfurter on the Supreme Court of the United States is the willingness of the President to lose Mr. Goldberg as a member of the Cabinet. As head of the Department of Labor, Mr. Goldberg has been a dynamo of enormous usefulness to the President and to the country. Many of his efforts to settle labor-management disputes have been successful. While he has functioned as a champion of labor in the Cabinet, he has done his job with a keen sense of obligation to the country as a whole.

For many years Mr. Goldberg was counsel for the United Steelworkers and the CIO. He came to be recognized as one of the country's ablest lawyers. In 1959 he represented the steelworkers in their fight against the Taft-Hartley injunction which ended the 116-day steel strike. Though he lost the case, his oral argument before the Supreme Court earned him high respect from its members and a sincere compliment from the Justices for his efforts.

Mr. Goldberg has made a practice of knowing everything about any case with which he has associated himself, and he has an extraordinary capacity to convey his views to others in an impressive way. On the Supreme Bench it may be taken for granted that he will be one of its most energetic and conscientious members. Mr. Goldberg has also shown a remarkable capacity for adjustment to new situations. When he became Secretary of Labor, for example, he considered his career as a labor lawyer to be closed forever. He addressed himself to his new job with a measure of objectivity that was greatly to his credit. Instead of acting as a partisan of organized labor, he has functioned as a dedicated public servant with a keen interest in the success of industry and government in general as well as in the welfare of labor.

Another index to his type of public service may be found in his renunciation of a $25,000 steel union pension when he became Secretary of Labor. He did not want anyone to suppose that his judgment might be swayed by a pension in his favor. On the Bench we surmise that he will perform in the traditional spirit of objectivity, without any relinquishment of his keen interest in human problems.

From the long-range viewpoint, therefore, the appointment of Mr. Goldberg will doubtless merit high praise. From the short-range view, the loss of his dynamism in the Department of Labor will be keenly regretted. But this is the way of government. It is especially important that the successor to Justice Frankfurter be a man of great energy, capacity in the law and force of personality, for the retiring Justice has been for many years a powerful influence on American law. We shall devote a later editorial to his notable career on the Bench. At the moment it is sufficient to say that if Mr. Goldberg succeeds in following the Frankfurter footsteps, his name will be written large in the future legal annals of the United States.

[From the Nashville Tennessean, Aug. 30, 1962]

FINE CHOICE FOR THE BENCH

President Kennedy's selection of Labor Secretary Arthur Goldberg to succeed Supreme Court Justice Felix Frankfurter is a fine choice although it is a matter of some regret that the abilities of Mr. Goldberg are lost to the Department of Labor.

Illness has forced Justice Frankfurter's retirement, and the Nation can only echo Mr. Kennedy's tribute to him for his long and distinguished service and wish him well. The former law professor at Harvard has made an indelible mark on history and the law, before and after his elevation to the High Bench.

A practicing attorney for more than three decades before he became Labor Secretary, Mr. Goldberg has also been a law professor. He is no stranger to the High Tribunal having argued many, many cases before it. More than once, the Justices have commented on his brilliant arguments.

Mr. Goldberg is one of the Nation's leading experts in labor-management relations and in labor law. His special knowledge in these areas will prove valuable to the Court. Assuredly he has the judicial qualities which the responsibility of the High Tribunal requires.

Most interesting will be speculation on whether and how much Mr. Goldberg will shift the delicate balance of the Court. One immediately presupposes a liberal viewpoint on the part of the Labor Secretary, but it is one of the ironies of history that a President does not always know the outcome when he names a man to the High Court.

President Eisenhower, a conservative, named men who have tipped the balance to the liberal side, while President Truman's four appointees have tended to be conservative.

Justice Frankfurter was an appointee of President Roosevelt, and was considered by many to be too liberal for the Court. Over the years, however, he has swung more to a center position in philosophy.

In any event, Mr. Goldberg's ability as counsel, professor, and Cabinet member has been outstanding. His patience as an arbitrator, and his grasp of the complexities and ramifications of legal issues has been remarkable.

President Kennedy will be lucky indeed to find as capable a successor to Mr. Goldberg as he found for Justice Frankfurter.

[From the Staten Island (N.Y.) Advance, Sept. 1, 1962]

GOOD MAN FOR KEY POST

President Kennedy has made two appointments that will have a far-reaching effect long after his administration has left the Washington scene.

On Wednesday, the President chose Secretary of Labor Arthur Goldberg to succeed the ailing and retiring Supreme Court Justice Felix Frankfurter. Earlier in his term he had selected Byron "Whizzer" White for another vacancy on the Nation's top Court.

Sometimes Presidential nominations for the Court are received somewhat gingerly in the Senate. Mr. Goldberg's isn't likely to face such a fate. The initial appraisal by Senators was described as generous. Confirmation is likely to be swift.

We, too, applaud Mr. Goldberg's selection. Before he entered Government service, he showed himself to be a man of intelligence who had an excellent knowledge of the law. As a leading member of the Cabinet, his charm and ability for settling disputes have been made clear to millions.

It's worth noting that both of Mr. Kennedy's selections have been young men. Mr. Goldberg is 54 and Mr. White is in his midforties. Both are likely to have long careers on the Bench.

Thus, the fate of proposals by Mr. Kennedy's successors in the White House may well hinge on the decisions by these two men. It is ever thus, except that the trend today is toward younger appointees who will serve longer.

[From the Racine (Wis.) Journal-Times, Aug. 31, 1962]

PRESIDENT CHOOSES WELL

Elevation of Arthur Goldberg to the U.S. Supreme Court is a credit to President Kennedy and could be an embellishment to the Court itself. Goldberg is a keen legal mind who comes from a background (unusual to Supreme Court Justices) of labor law, an important part of the three-way relationship between labor, management and government in our economy.

If the appointment of Goldberg is surprising, it is because it was not expected that the President would so quickly remove his Secretary of Labor from the firing line of American economic affairs to the quieter elevation of the Supreme Court. Indeed, while Kennedy was announcing Goldberg's appointment in Washington, Goldberg was in Chicago trying to head off a strike on the

Chicago & North Western Railway. His record, as a peacemaker respected by management and trusted by labor, has been outstanding during his short term as Labor Secretary.

President Kennedy's appointment technique in this case might well be followed by all governmental executives charged with making appointments to public office. The President announced Justice Felix Frankfurter's resignation from the Court (long expected) and announced Goldberg's appointment simultaneously, thus avoiding all the pull, haul and political pressure that is exerted when a period of time is allowed to elapse between vacating an office and filling it by appointment.

Finally, Justice Frankfurter cannot be permitted to leave public life without the expression of admiration and gratitude on the part of the American people. Frankfurter has been a man often misunderstood, possibly because he is a very complex person. His career, from long before he joined Franklin Roosevelt as one of the architects of the New Deal, has been that of an outstanding liberal. However, in his recent years on the Supreme Court, he has been considered the leader of its "conservative bloc."

Whatever this glib talk about "blocs" on the Supreme Court adds up to, we believe that this paradox in Frankfurter's career refutes most of it. If Frankfurter became "conservative," it was because times change, and his views of the scope of law and the Constitution remained steadfast.

Felix Frankfurter will be remembered for many aspects of his unique personality—his wit, his gift for words (and lots of them. In one opinion he wrote that he wished to say "one more word," and then wrote another 10,000), his razor-sharp questioning to the heart of the matter before the Court. But he should be remembered best as a great teacher, who influenced hundreds of young lawyers when he taught at Harvard Law, and continued to influence lawyers in the larger sense when he sat on the Supreme Court.

Felix Frankfurter is too big a man for labels like "liberal" or "conservative." As he leaves the Supreme Court, he wears only two, and proudly: American and lawyer.

[From the Quincy (Mass.) Patriot-Ledger]

MR. GOLDBERG

But in regretting the resignation of Justice Frankfurter, we must also look with great expectation to the work of his successor, Arthur J. Goldberg.

The new Justice has been a rising star on the national scene since his prominence in the steel negotiations of 1960. His familiarity with labor and labor laws made him the logical choice for President Kennedy as he named his Cabinet before his inauguration.

And so in less than 3 years, Mr. Goldberg has been a labor lawyer, a Cabinet member, and finally an Associate Justice of the Supreme Court.

As a Cabinet officer, Mr. Goldberg held the President's regard and the public's enthusiasm for his vigor in getting action on labor problem solutions. He received personal credit for settling swiftly and peacefully strikes in various industries throughout the country. Even as his appointment was announced he was seeking to find a solution to the railroad telegraphers' strike on the Chicago & North Western Railway.

But Mr. Goldberg has the trait admired in Justice Frankfurter: independence. Some saw in his appointment to the Labor Department post a complete capitulation to labor in the labor-management picture. The lament has not been justified.

[From the New York Times, Aug. 30, 1962]

MR. JUSTICE GOLDBERG

The appointment of Arthur J. Goldberg brings to the Supreme Court a strong believer in the necessity for expanding Government activities to meet the complex requirements of our industrial society. His record as Secretary of Labor has demonstrated the astonishing diversity of his talents. He was by all odds the most activist head that the Labor Department ever had; yet he found time to counsel the President on Federal aid for the arts, mental illness, juvenile delinquency, psychological warfare, race relations, African affairs and even a plan to beautify Federal buildings.

Despite fears that his long association with organized labor might make him too prounion, he stood unflinchingly for the primacy of the national interest in labor-management relations. Indeed, his vigor on this score has been so intense that leaders in both camps have voiced concern lest Government become excessively powerful in the economy.

Perhaps his most difficult adjustment now will be to chain his restless energy to the reflective life of a judge exercising the fateful and timeless responsibilities of the High Court. Undoubtedly the President could have found a legal scholar of greater distinction, but scholarly attainment is not always the measure of a great judge. We must add that we do not like the implication in Mr. Goldberg's appointment to succeed Mr. Frankfurter that some kind of religious balance has to be maintained on the Court.

But Mr. Goldberg is possessed of intellect, compassion and a capacity for articulating abstract and abstruse issues in terms of human understanding. If he can add to these qualities the detachment and restraint a jurist must have, he will have vindicated the President's choice.

[From the San Antonio (Tex.) Light, Sept. 2, 1962]

THE SUPREME COURT

Virtually the entire spectrum of national opinion has welcomed President Kennedy's choice of Arthur S. Goldberg as a Supreme Court Judge. This in itself is a tribute to Mr. Goldberg, a man and lawyer of singular ability and intellect.

The former Secretary of Labor came to the Kennedy administration after a distinguished career as the country's leading labor lawyer. As such he was greeted in Washington with the expectation that he would be frankly partisan toward labor in his new post.

But Mr. Goldberg became Secretary of Labor for all the people, not for any particular interest. He proved this in his tireless application toward the settlement of industrial disputes, gaining the same respect from industry he had earned from labor.

He pursued his duties with a single motivation: the national interest.

As a Supreme Court Justice he can be expected to prove the same pillar of objectivity on the bench as in the Cabinet. The President's selection of Mr. Goldberg is to be applauded; the new Justice will no doubt continue the historic tradition of our highest Court.

He will be replacing one of the greatest jurists in the history of the judicial branch, Felix Frankfurter. Brilliant, inquisitive, dedicated, and controversial, Mr. Justice Frankfurter's departure from the bench for reasons of health at an advanced age can only be viewed with deep regret. He made history during his tenure and enriched the heritage of his nation.

[From the Philadelphia (Pa.) Inquirer, Aug. 31, 1962]

APPOINTMENTS AT THE TOP

With the naming of Secretary of Labor Goldberg to the Supreme Court, replacing the retired Mr. Justice Frankfurter, and the appointment of Undersecretary Willard Wirtz to replace Mr. Goldberg in the Labor Department, both the Court and the Department have undergone perceptible changes.

Both Mr. Goldberg and Mr. Wirtz will, undoubtedly, be confirmed in their new posts by the Senate. Both are outstanding men, well qualified for their new work. President Kennedy has chosen wisely.

Yet, as Mr. Goldberg was prompt to note, Justice Frankfurter's unique place will be almost impossible to fill. He carried in his head and heart a burning ideal of what American justice should be and could be. The world changed around Frankfurter, but Frankfurter's ideal has remained steadfast. In his precourt years this made him a dangerous radical who daringly upheld the statutory rights of Sacco and Vanzetti. In recent years this made him a conservative who time after time upheld the law as written, regardless of personal emotional reactions to it.

Through all his nearly 25 years on the Supreme Court, Justice Frankfurter clung to his concept that the function of the bench is to interpret statutes, not write them.

While Mr. Goldberg may not be endowed with quite the same kind of objectivity as the jurist whose place he takes, he is no less alert, fullhearted, and sincere as a private individual. It is a truism, proved often within our own times, that the Court changes the man; donning the somber robes of a Supreme Court Justice cannot fail to impress anyone with his responsibilities.

And so it may be with Mr. Goldberg, who did not fail to cite the most crucial words of the oath of office immediately upon being informed of his selection: "I shall do my best * * * to carry on the Court's great tradition of supporting and defending the Constitution." This, we believe, is a good augury.

Mr. Wirtz will have a man-sized job running the Labor Department as it has been run in the last year and a half. Mr. Goldberg has been called the most activist Labor Secretary in history. But Wirtz has been thoroughly schooled in the Goldberg method and the Nation can expect continued active Government intervention in serious labor-management disputes.

We believe there is one aspect of the Supreme Court change which should get worldwide attention—both the retiring Justice and his successor are of immigrant origin. Mr. Frankfurter himself was a "greenhorn" from Austria, Mr. Goldberg the son of newcomer parents. Both advanced by hard work and sheer merit. This is the real story of America, lest detractors forget.

[From the Portland (Maine) Express, Sept. 1, 1962]

PARIAH AND PROPHET

No great risk is taken in predicting that Labor Secretary Arthur Goldberg will make a good Justice of the U.S. Supreme Court. Few men nominated to the bench of that Court possess qualifications of a nature to warrant any other expectation.

For a great many years of his career, which has not been undistinguished, Mr. Goldberg represented labor. Yet in the Labor post in President Kennedy's Cabinet he has shown no inclination toward partiality for the unions he once represented. A man of recognized ability as a lawyer, and like his predecessor, a scholar, his name will not be lost to public recognition in his new role.

But more than the Nation contemplates on the future of its highest Court with Mr. Goldberg as one of its helmsmen, it reflects sadly upon the ending of the long and brilliant Court career of Justice Felix Frankfurter. While his ill health was no secret and would have been regarded as automatic cause for retirement for most men of his age, Justice Frankfurter's zeal and dedication were such as to encourage the supposition that he somehow would return again to the bench.

Mr. Frankfurter was a prophet and a pariah without ever changing his basic philosophy. For many of his more than 20 years in the High Court he was roundly condemned by conservatives for his radicalism. Yet he remained to be hailed by the sons of those critics. And by both generations he was respected as a scholar.

However well Secretary Goldberg serves the Court, Justice Frankfurter will be missed.

[From the South Bend (Ind.) Tribune, Aug. 31, 1962]

UNPIGEONHOLED JUSTICE

We have not always agreed with Arthur Goldberg in the year and a half he has served as Secretary of Labor, but we have come to admire and respect him for his energy, integrity, and ability.

We are glad for him, therefore, because he has been selected to replace Felix Frankfurter in the Supreme Court. It is no secret that the appointment fulfills a long-cherished ambition of his.

We are sorry, as well, because he is leaving the Kennedy Cabinet. Along with the Defense Secretary McNamara, Mr. Goldberg has been one of the two standout members of that unspectacular group.

Already there is much speculation about how Mr. Goldberg's presence on the High Court Bench might alter the Court's complexion. The Labor Secretary is a liberal insofar as his political philosophy leans toward more rather than less government. He is also a man long identified with the cause of labor, a fact that disturbs those who feel that the scales of economic power in this country have tilted too far toward labor.

Yet Mr. Goldberg is also his own man and we, at least, would hesitate to try to force him into any pigeonhole, whether it's labeled "liberal" or "prolabor" or anything else.

As Labor Secretary, he made a lot of businessmen unhappy by injecting his Department into collective bargaining and strike situations. But he made many labor leaders unhappy at the same time.

Despite his pre-Cabinet labor connections, he has been outspoken against irresponsibility in the labor camp. He has disagreed noisily with organized labor's drive for a shorter workweek. He has asked for moderation in labor demands for higher pay.

No, Mr. Goldberg is not a man to be pigeonholed. We are content to wait and see how he will perform as a Supreme Court Justice.

Meanwhile, we salute Mr. Kennedy for the choice.

[From the Dayton (Ohio) News, Aug. 30, 1962]

GOLDBERG HAS DISCIPLINED MIND

Comparisons of Justice Felix Frankfurter's reputation when he went on the Supreme Court with the judicial opinions he uttered there suggests how dangerous it is to predict an appointee's course.

As a law professor, Judge Frankfurter held liberal economic and social views; so much so that his appointment was protested bitterly by many conservatives. As a Justice, however, he soon swung to a legalistic rigidity that, in effect, put him on the conservative side of the Court. He has been a meticulous legal scholar and a conscientious stickler for what he regarded as a faithful construction of the Constitution.

President Kennedy's nomination of Labor Secretary Arthur Goldberg to succeed the retiring Justice suggests that the balance of the Court may fall now on the liberal side. Secretary Goldberg, in position to be the swingman, holds progressive social views, but he has shown an ability to discipline his thinking in his present post. Once counsel for the United Steelworkers Union, he has served with rugged impartiality as Secretary of Labor. A man of this stamp is not likely to show a lack of judicial temperament or an unawareness of the nature of his new responsibilities.

On the Supreme Bench there is still a relative scarcity of men promoted through the lower ranks of the judiciary. From this point of view, the Goldberg nomination leaves something to be desired. However, Mr. Goldberg knows the law and has demonstrated a high order of integrity. He merits quick confirmation and holds the promise of years of effective service on the Court.

[From the San Jose (Calif.) News, Aug. 31, 1962]

FRANKFURTER OUT AND GOLDBERG IN

When illness forced the retirement of Justice Felix Frankfurter the Supreme Court probably lost the keenest mind in the small band that defends the legalistic as opposed to the activist approach to the U.S. Constitution.

A Harvard professor and intellectual force in the liberal movement at the time of his appointment to the Court 23 years ago, Frankfurter amazed both friends and critics with his meticulous concern for the letter of the law. Whatever his personal political convictions, Frankfurter soon found himself voting frequently with the more conservative members of the Court on interpreting the Constitution.

To replace the 79-year-old Justice, President Kennedy has selected his Secretary of Labor, Arthur Goldberg.

He is a brilliant lawyer and one of the more dynamic members of the administration. His appointment promptly drew praise from leaders of both parties in Congress.

[From the Quincy (Mass.) Patriot-Ledger, Aug. 31, 1962]

COURT APPOINTMENT

President Kennedy's choice of his Labor Secretary to replace Supreme Court Justice Felix Frankfurter is outstanding. The appointment illustrates the President's desire to name men to the Supreme Court who command the respect of the Nation.

The change of guard in the Court will be watched with more than routine interest by a country split more along liberal-conservative lines than by party lines.

Many commentators have already hailed the appointment of Arthur J. Goldberg to the High Court as a victory for liberal elements who see the Court as a force for leadership in social advance. They see in the resignation of Justice Frankfurter a chance for the Court to increase its role as a leading liberal force in such areas as civil rights, congressional districting, and the whole difficult question of States rights in the Federal system.

Such predictions seem premature. Justice Goldberg comes to the Bench without previous experience as a judge. There is no volume of his court decisions on which to base predictions of his future course. It may develop, as it did with Justice Frankfurter, the man he replaces, that a reverence for the laws he must interpret could lead him into conservative thought and action.

Justice Frankfurter steps down from a career spanning 23 years on the Supreme Court Bench, and public service totaling almost 60 years.

His adult life was spent in the service of the law, first as an assistant U.S. attorney in New York and later as a leading member of the faculty at Harvard's Law School.

As Associate Justice on the Nation's highest Court, he was a brilliant example of the judicial ideal: he was able to divorce his personal beliefs from the legal questions he was called upon to decide.

Because of this, he was something of a disappointment to many persons when President Franklin D. Roosevelt named him to the post. He was looked on as almost a flaming liberal and a supporter of the New Deal. But when he put on the robes of the Justice his decision reflected less of his personal liberalism than many had expected. He became the Court's most outspoken champion of judicial restraint. He asked caution in tampering with States rights and with the wishes of Congress.

He was a fiercely independent thinker. Few men on the Court have filed as many dissents or separate concurring opinions. Sometimes his dissent gained as much attention as the majority opinion.

In his letter of resignation, Justice Frankfurter sadly speaks of his reluctance to "leave the institution whose concern has been the absorbing interest of my life." We share his reluctance to see him go, but must find consolation in the solidity of his service to the law and the Constitution he loved.

[From the Durham (N.C.) Herald, Aug. 31, 1962]

GOLDBERG'S APPOINTMENT IS FITTING

Labor Secretary Arthur Goldberg went into the Kennedy Cabinet less than 2 years ago amid complaints that he was too close to labor to do a good job.

He comes out of the Cabinet now as President Kennedy's nominee to replace Justice Felix Frankfurter with fewer complaints over his performance than any other member. One of the most active Kennedy Cabinet members, Mr. Goldberg has long since discredited the notion he would simply be a mouthpiece for the national labor movement.

His active mediation efforts in work stoppages involving everything from the Metropolitan Opera to Eastern Air Lines earned him a reputation for fairness and ability. So far from being too close to labor, he has strongly opposed the national labor movement on key matters such as the proposal to cut the workweek back to 35 hours with no cut in pay.

The reputation earned by Mr. Goldberg during the Kennedy administration's first 20 months probably won't save him from opposition when his appointment goes to the Senate for confirmation. As a replacement for Justice Frankfurter, who has been figured as part of the Supreme Court's conservative bloc, Mr. Goldberg will be opposed by those who feel the High Court is already too liberal.

There will also be questions raised about his lack of judicial experience and the limited nature of his practice as a labor union lawyer. Mr. Goldberg is vulnerable on these counts.

But that vulnerability shouldn't delay his nomination long. He is neither so stridently liberal nor so lacking in experience to offset the fact he is a man of great ability and intelligence—a man who will serve as no one's errand boy.

Confirmation of his appointment, when it comes, will be fitting.

[From the Youngstown (Ohio) Vindicator, Aug. 30, 1962]

JUSTICE ARTHUR J. GOLDBERG

President Kennedy's appointment of Secretary of Labor Arthur J. Goldberg as a Justice of the U.S. Supreme Court to succeed ailing Felix Frankfurter apparently has produced little disagreement, if any, among either friends or foes of the administration, as to the fitness of the new appointee. The President's announcement was not really a surprise because Mr. Goldberg's name has frequently been mentioned in connection with a Supreme Court seat. To some observers the only surprising phase of the President's action involved his willingness to part with a Secretary of Labor who has distinguished himself in his role as

peacemaker between warring factions of labor and management.

Ordinarily it might appear that the addition of the former labor lawyer to the High Court Bench would strengthen the Tribunal's liberal wing. But this cannot be regarded as a foregone conclusion. In his days as a spokesman for labor, Mr. Goldberg undoubtedly exhibited many liberalist traits. It must be noted that at the time he was working as a $100,000-a-year labor lawyer although he won praise for his fairness.

It was a somewhat different Mr. Goldberg who took over the duties of the Secretary of Labor. Accepting that post, he announced that he would be guided only by the public interest as chief mediator for the country. He served notice that Government mediators would handle labor disputes with an eye to the public welfare and not concern themselves with immediate issues.

It can be recalled that Justice Frankfurter was regarded as something of a radical when he was named to the Supreme Court in 1939, yet his opinions as a jurist have been far from radical and by the time he had served on the High Court for 2 years he was adjudged the leader of the conservative group.

Probably more than any other living American, Justice Frankfurter had symbolized the New Deal whose policies he helped shape as a key adviser to former President Roosevelt. However, the "raging liberal," as many called him at first, changed into a traditionalist and conservative. He was not one to avoid a scrap and he dissented frequently with his associates. Like Holmes, he became known as "the Great Dissenter." His last notable opinion—in which he dissented—was delivered March 26 when he took issue with the majority giving Federal courts power over apportionment of State legislatures.

The Supreme Court has gained an able Justice but President Kennedy has lost a vigorous, capable labor mediator. The vacancy will be hard to fill.

[From the Los Angeles Herald Examiner, Sept. 1, 1962]

THE SUPREME COURT

Virtually the entire spectrum of national opinion has welcomed President Kennedy's choice of Arthur S. Goldberg as a Supreme Court judge. This, in itself, is a tribute to Mr. Goldberg, a man and lawyer of singular ability and intellect.

The former Secretary of Labor came to the Kennedy administration after a distinguished career as the country's leading labor lawyer. As such he was greeted in Washington with the expectation that he would be frankly partisan toward labor in his new post.

But Mr. Goldberg became Secretary of Labor for all the people, not for any particular interest. He proved this in his tireless application toward the settlement of industrial disputes, gaining the same respect from industry he had earned from labor.

He pursued his duties with a single motivation: the national interest.

As a Supreme Court Justice he can be expected to prove the same pillar of objectivity on the Bench as in the Cabinet. The President's selection of Mr. Goldberg is to be applauded; the new Justice will no doubt continue the historic tradition of our highest Court.

He will be replacing one of the greatest jurists in the history of the judicial branch, Felix Frankfurter. Brilliant, inquisitive, dedicated, and controversial, Mr. Justice Frankfurter's departure from the Bench for reasons of health at an advanced age can only be viewed with deep regret. He made history during his tenure and enriched the heritage of his Nation.

[From the Grand Rapids (Mich.) Press, Aug. 31, 1962]

GOLDBERG FOR FRANKFURTER

Of the many new figures President Kennedy has brought into Government the two that have impressed the public the most with their intelligence and effectiveness are Defense Secretary Robert S. McNamara and Labor Secretary Arthur J. Goldberg. And now Goldberg is moving up to the U.S. Supreme Court.

Goldberg had been known for years as a brilliant attorney, chiefly for the United Steelworkers, before he became Secretary. In fact his legal triumphs on behalf of organized labor led some to doubt his ability to function impartially as Secretary of Labor. But those doubts have been dispelled in the 18 months he has held the office. He has been an outstanding Secretary, one who, to the surprise of many, has been able to see management's as well as labor's side of a dispute. Although he never has served as a judge he has demonstrated that he has the judicial temperament. We expect him to exercise a real independence of mind and judgment on the High Court.

Whether Goldberg's appointment to replace the retiring Justice Felix Frankfurter will change the lineup on the Court materially only time will tell. But certainly Frankfurter will be missed. Although he joined the Court almost 24 years ago as something of a flaming liberal he remained to become the Court's most effective spokesman for the conservative viewpoint. He became, in fact, what used to be known by the old-fashioned term "constitutionalist." And it was almost with horror that Frankfurter regarded the Court's decision this year that Federal courts might interest themselves in such purely State problems as the apportioning of legislative seats. For Frankfurter this represented an unwarranted break with the worthy past.

Frankfurter was something of a terror when ill-prepared lawyers found themselves facing him; and he always was meticulous in bringing out fine details—a habit that perhaps harked back to his past as a professor of law at Harvard. But he was also a man of some humor, and the irony that often tinged his written opinions made them a delight to read.

Frankfurter is Jewish, and so is Goldberg; so the Jewish faith will continue to be represented on the Supreme Court. But we do not believe that Goldberg was selected for this reason. Justice William J. Brennan is a Catholic, but Mr. Eisenhower did not appoint him for that reason; he appointed Brennan because of his distinguished record as a jurist. Harry S. Truman routed the belief that men should be appointed to the Court on the basis of their religious beliefs when he refused to appoint a Catholic to succeed the deceased Justice Frank Murphy in 1949. Frankfurter never ruled as a Jew; he ruled as an American. We can expect the same detached viewpoint from Goldberg.

[From the Modesto (Calif.) Bee, Aug. 31, 1962]

GOLDBERG WILL SERVE U.S. COURT WITH DEDICATION

Secretary of Labor Arthur J. Goldberg characteristically said, "I will do my best" in accepting the appointment by President John F. Kennedy to the U.S. Supreme Court, replacing Associate Justice Felix Frankfurter.

His public service, his brilliant record in law, his simple devotion to precepts and principles advocating the case for free men recommend him highly. If he serves the Court as well as he served his office as a Cabinet member, and there is every reason to believe he will, he will strengthen the Court immeasurably.

The respect in which he is held in Washington is indicated by the approval voiced on both the Republican and Democratic sides of the aisles in Congress. So far as the public is concerned his reputation is something to behold, considering the sensitive character of his office.

The public should not confuse the Goldberg record. He is identified with labor and often has been referred to as the most knowledgeable man in American life on labor-management, but he is not, strictly speaking, a labor lawyer.

Let us go to his beginning to understand this better.

Born of Russian immigrant parents on Chicago's South Side, one of eight children, he knew bitter poverty as a child. With quiet determination he worked his way through high school, the City College of Chicago and Northwestern University Law School. His promise was so remarkable he won the cherished Charles B. Elder Award at Northwestern as the top student in his class and was editor of the Illinois Law Review during his final year. He passed his bar examination before he reached his 21st birthday. Illinois waiving the age requirement because of his exceptional record.

Then followed 19 years in private practice, with various firms and as head of his own firm. Before he accepted the invitation of the late Philip Murray in 1948 to become general counsel for the CIO, his reputation in general law already was established.

Sir Edward Coke said in his first institute that reason is the life of the law, that law is reason. Goldberg is blessed with great reason. We know from our history and our experiences that law demands compassion and fixed dedications. Goldberg has both. Law gives strength, substance to the lives of free men and order to their pursuits. The Goldberg record, and the man Goldberg, suggest we can safely trust him with this new and precious responsibility.

[From the Allentown (Pa.) Chronicle, Aug. 30, 1962]

GOLDBERG FOR FRANKFURTER

Felix Frankfurter has 23 years of service behind him as an Associate Justice of the Supreme Court.

Those 23 years have been important to him because nothing he ever did gave him more pride and satisfaction than this.

He loved the Court so much it was said of him when he was stricken ill "He'll be back—even if he has to crawl."

But Felix Frankfurter is not coming back. He has resigned his seat, recognizing his inability to cope physically with the job he has loved so much.

The departure of Justice Frankfurter will be met with mixed emotions on both sides of the High Court Bench.

Some of his associates have not been on the best of terms with him and lawyers frequently have been nettled by his penchant for long and thorough questioning.

Nevertheless he will be missed. He has been one of the great legal minds, devoted during his active years to teaching at Harvard Law School, whence he came to the Supreme Court, and during the past 23 years to the consideration of countless epochal legal issues.

Although some have said no one could really succeed Felix Frankfurter, the man selected to take his place on the Bench can probably come as close as any man could to doing that.

He is Arthur J. Goldberg, President Kennedy's Secretary of Labor and before that the legal brains behind the AFL–CIO and the United Steelworkers of America.

Although he has specialized in labor law, Goldberg is recognized as a major legal light.

He is considered to have the objectivity, the intelligence, and temperament required for Supreme Court service, where past loyalties and associations must be subordinated

to the greater task of interpreting the law and its intent within the framework of the Constitution, not in the special interest of a select group or individual.

Although some of the decisions reached by Felix Frankfurter aroused anger and created controversy, none could ever truthfully say he reached such decisions in anything but good faith.

And when Arthur Goldberg takes his place on the Bench his approach to the law and its application certainly will be on the same high plane.

[From the Boston Herald, Aug. 31, 1962]

MR. JUSTICE-DESIGNATE GOLDBERG

The appointment of Arthur Joseph Goldberg to the Supreme Court will stand as one of the great acts of this administration.

We say this because of the man's brilliant mind, the judicial quality of his thinking, and his far-ranging perceptiveness.

Yet (why must there always be a "yet" to every word of praise?) Mr. Goldberg is not a mind detached from 58 years of living. He cannot bring to the Supreme Court, any more than any other man could, a total impersonality, to work on the law and the Constitution with total objectivity. He will do far better than most, but the Constitution, which men made, must be interpreted by men. We have no disembodied intellects to call on.

Predictions about Supreme Court Justices have been notoriously inaccurate. But we expect that Justice Goldberg will occasionally disturb us by what we shall probably label adventurism in government—the disposition to concede to States and the United States the power to ride freely in all directions in promotion of the public welfare. We would guess that legislation setting up wage and price controls might win his constitutional consent. If we read his inclination aright—and probably, we don't—he will lean with the Court's majority, rather than with Justice Frankfurter's dissent, in supporting judicial interference with State legislative apportionments.

But in another field, that of civil liberties, we look most hopefully to Justice Goldberg to protect the little people, the poor people, the often obnoxious and dangerous people in those human rights which are at once the pride and the worry of this democracy. We believe that he will be bold and liberal in support of the Bill of Rights, and that not Congress or the clergy or the outraged sensibilities of the citizenry will drive him from his civil libertarianism. If he has to take a stand respecting an establishment of religion, he will do it with courage.

Justice Goldberg will bring luster and vitality to the Court. And for us he will be a joy, as much when we disagree as when we endorse.

[From the Wilmington (Del.) News, Aug. 31, 1962]

FILLING FRANKFURTER'S SHOES

The Supreme Court of the United States will not seem the same without Mr. Justice Frankfurter. The former dean of the Harvard Law School has been a steadying influence on the Court for the last 23 years. He now retires at 79 in consequence of a mild stroke he suffered in April.

During all this period he held steadily to the philosophy that the Court must keep its place, defer when possible to Congress, and avoid attempting too much. "There is not under our Constitution a judicial remedy for every political mischief," he wrote in a dissenting opinion this year.

It is a curious fact that on his appointment by President Roosevelt in 1939, most people saw him an ultraliberal jurist, and some went so far as to say that they suspected him of being a Communist. But just as Justice Black, a former klansman, became one of the Court's ultraliberals, so Mr. Frankfurter, who was decidedly a liberal, became its middle-of-the-road bastion.

We mention this because it suggests the virtual impossibility of pinpointing the political position of any new Supreme Court appointee. Liberal Attorney Arthur J. Goldberg, named by President Kennedy to fill the Frankfurter vacancy, is a former labor lawyer who gave up his $25,000-a-year pension rights with the United Steelworkers to avoid any suspicion of prolabor bias as Secretary of Labor. That fact is important, for a man's character changes less than his political orientation when he becomes a Supreme Court Justice.

Mr. Goldberg won't find it easy to fill Frankfurter's shoes—no man would. (And Under Secretary Wirtz, succeeding Goldberg, will have no easy time filling him.) But both are men of positive character and high integrity.

[From the Asbury Park (N.J.) Press, Sept. 1, 1962]

A NEW JUSTICE

When President Franklin D. Roosevelt appointed Felix Frankfurter to the U.S. Supreme Court 23 years ago there was widespread resentment. None questioned Mr. Frankfurter's legal attainments but his reputation as an ultraliberal provoked fear that as a Justice he would lean far to the left. Wednesday when President Kennedy regretfully announced his retirement for reasons of health, Justice Frankfurter was regarded as a conservative. In this contrast lies the measure of Justice Frankfurter as a jurist. Whatever his political philosophy may have been, he did not carry it to the bench. Invariably his opinions were grounded in detached devotion to the Constitution as he interpreted it. Thus he rose above whatever criticism greeted his appointment to the Supreme Court in 1939 and assumed a high place in the illustrious company that have sat on the Nation's highest Tribunal.

President Kennedy promptly appointed Secretary of Labor Arthur J. Goldberg to succeed Justice Frankfurter. Mr. Goldberg, too, had been criticized as being too liberal, presumably because he had served as attorney for labor organizations. But as a member of the Cabinet he has demonstrated a sense of fairness and a disposition to place the national interest above other considerations. This attribute combines with Mr. Goldberg's demonstrated ability as a lawyer and as a leader in diversified fields to confirm President Kennedy's estimate that he is "superbly" qualified for service on the Supreme Court. Indeed, Mr. Goldberg ascends the Bench under circumstances far more auspicious than those that greeted Justice Frankfurter's appointment. There is every hope that he will perform with similar distinction.

[From the Gary (Ind.) Post-Tribune, Aug. 31, 1962]

GOLDBERG TO THE TOP COURT

The American success story retains its essence despite changes in setting. It is currently typified in the elevation of Arthur J. Goldberg to the U.S. Supreme Court.

That Goldberg came from the ranks of relatively poor immigrant parents in a big city is not new though the more accepted formula was the rise from a poor farm home. That the route of his climb was through the field of labor law rather than through one of the more orthodox fields of commerce or industry is a departure. However, it is a departure primarily because only comparatively recently has there been any field of labor law.

If there should be any tendency to challenge his fitness for the Court—and there will be, whether it comes into the open or not—because of his association with the labor side of some of our most controversial legal questions, at least three counterbalancing factors should be considered.

First, one could cite several examples of corporation lawyers who have gone onto the Court and shown the ability to consider both sides of questions despite their previous experience. There is no reason why the same cannot be true of a man whose principal clients have been labor unions. As a matter of fact, unless we are to recruit our judiciary from the academic field, it is necessary to draw men whose experience has been primarily with one side or the other of controversy.

Second, it should be pointed out that in his 13 years as counsel for the United Steelworkers and 7 years as chief counsel for the Congress of Industrial Organizations he insisted on operating as a fee attorney rather than as a paid—even if a well-paid—employee. In other words, he showed a determination to maintain a certain freedom of thought and action.

Finally, it should be remarked that while Secretary of Labor, Goldberg did not always act in strict accord with the wishes of labor leaders, but rather sought to influence settlements designed to reduce open conflict and to serve the public interest as he saw it. His part in reading Communist elements and Jimmy Hoffa-type hoodlum elements out of the AFL–CIO can be cited to demonstrate his willingness to offend those labor leaders he believes deserve to be offended.

In passing, it should be noted that Felix Frankfurter, whom Goldberg will succeed, came to the bench from Harvard denounced by many as a radical, yet stayed on to be denounced by others as a conservative but to be praised by most as an impartial jurist. While Goldberg does not match Frankfurter's erudition, his own academic success in leading his Northwestern University class while working his way through school and graduating at 21, shows that he has the makings of a legal scholar.

Because of the life tenures of those appointed, one cannot be sure just what direction a Justice may turn after his appointment. It is impossible to know, therefore, in just what direction Kennedy appointments will influence the Court. The influence, however, should be relatively prolonged. Echoing his own youth, Kennedy's first appointee, Byron White, was only 45. His second, Arthur J. Goldberg, is a comparatively young 54.

[From the Lubbock (Tex.) Avalanche-Journal, Aug. 31, 1962]

GOLDBERG IS GOOD CHOICE

When President Kennedy announced that his Secretary of Labor would be Arthur J. Goldberg, we, along with many other citizens, took a dim view of future operations of the Department and the Government's part in them.

After all, Mr. Goldberg, a Chicago lawyer, had been a professional in the field of union labor. The feeling was widespread that making a man of his background the Secretary of Labor was comparable to sending a hungry bulldog to the butcher shop for a pound of steak.

However, our fears and those of others have been completely stilled during the 18 months or so of Mr. Goldberg's service in the Cabinet. Not only has he been extremely energetic and responsible to his duties, he also has been meticulously fair. He has been, consistently, on the side of the public in his official labors and has earned the confidence and admiration of fair-minded men, no matter how they may make their living. It is no exaggeration to say that Arthur Goldberg has been the most effective—or, perhaps better stated, the best—Secretary of Labor in the Nation's history.

Now, the President has nominated Mr. Goldberg to the U.S. Supreme Court, to replace Mr. Justice Felix Frankfurter, forced into retirement by ill health at age 79. Since the days of Woodrow Wilson, it has been public policy for the Supreme Court to include at least one member of the Jewish faith and while Mr. Goldberg long has been noted in Washington as the logical successor to his coreligionist Mr. Justice Frankfurter, there was some feeling—and accompanying regret—that he probably wouldn't get the appointment because he was too valuable where he was, in Labor. That this proved not to be the case unquestionably is a matter of satisfaction to many citizens in all walks of life and of all religious persuasions.

At times, Mr. Justice Frankfurter has been one of the more controversial figures ever on the High Court. He was considered a radical when appointed by President Roosevelt, back in the 1930's. Later, he became more and more conservative in his views. At the time of his retirement, he was looked upon as the leader of the "sound minority" group of the Court. On the record, he was a good judge.

Secretary Goldberg's actions since joining the Cabinet indicate that he is a middle-of-the-roader. He probably leans more to the liberal side than to the conservative, but certainly no one would call him a far left-winger. The fact that even conservative Republicans in the Senate are backing him for the judicial post attests to his personal popularity and to the respect in which he is held.

How Mr. Goldberg will stack up as a Supreme Court Justice, only time will tell. But he has a good record as a public official, is a man of keen mind and astute judgment. The American people have reasons to believe that he will perform equally as well as a member of the judiciary as he has as Secretary of Labor. If he does, he'll do all right.

[From the Cedar Rapids (Iowa) Gazette, Aug. 30, 1962]

GOLDBERG FOR FRANKFURTER

It is ironic that many citizens who had very little use for Justice Felix Frankfurter a generation ago probably will be sorry to see him leave the Supreme Court. Then he was regarded as one of the arch-liberals whose bright young Harvard proteges were infiltrating the Government at Washington and helping build up a head of steam behind the socialistic enterprises of the Roosevelt New Deal. Of late he has been looked upon, oftener than not, as the rallying force behind the conservative group on the Court which has served as a check on the kind of liberalism espoused by Chief Justice Warren.

From any viewpoint, President Kennedy undoubtedly is right in his opinion that "few persons have made so important a contribution to our legal traditions and literature" as Justice Frankfurter. And the impact of his views has been heavy also on the political philosophy and evolution of the Federal Government.

The nomination of Secretary of Labor Arthur Goldberg to succeed Justice Frankfurter doubtless will meet with general approval. Goldberg is widely respected as a lawyer and should have a broad understanding of some of the knottier problems with which the Supreme Court will be dealing in the next few years, if anybody does.

What will be watched with keen interest is the effect Goldberg's appointment has on the philosophical trend of the Court's decisions. He long was known as a labor lawyer, but as Secretary of Labor has not always performed exactly as it might have been expected a man with that background would. Although the assumption now is that he will tend to aline himself with the Warren wing of the Court, he may provide some surprises on that score, too. Like Mr. Frankfurter, Mr. Goldberg has a mind of his own.

[From the Portland Oregonian, Aug. 31, 1962]

NEW JUSTICE

With his appointment to the Court only hours old, there have already been public predictions that, as an Associate Justice, Arthur Goldberg will swing the balance more decisively to the liberal bloc on the U.S. Supreme Court. This is a natural, but superficial, view of the matter.

Arthur Goldberg, throughout his active life, has been associated with what might be styled liberal causes. As an advocate, he was an effective spokesman for organized labor before the Supreme Court. But, in his brief service as Secretary of Labor, he has demonstrated an ability to take a judicial stance, as distinguished from that of an advocate. He has earned the respect of management to add to that he already held in the eyes of labor.

If his Cabinet service is any guide to what may be expected to be his attitude on the Bench, he may very well become a conservative in Supreme Court terms. That was the case with the man he succeeds, Felix Frankfurter. When he was named to the Court in 1939, Mr. Frankfurter was generally classed at a liberal, by some as a radical. He had, extracurricularly, been involved in a number of public issues, including the Sacco-Vanzetti case, in which he wrote a widely discussed article charging that the two anarchists were being railroaded by public opinion in their trial for murder in a payroll robbery. But, in recent years, Justice Frankfurter has been recognized as the leader of the Court's conservative bloc.

Some of his associates say that he had never changed his approach to legal questions, that he always viewed a case from a sternly legal viewpoint dissociated from his personal views on the social, economic or political issues concerned.

It may help to abandon the overused liberal and conservative tags in this instance and substitute, respectively, subjective and objective or activist and literalist.

Justice Frankfurter earned his conservative label over a period of more than two decades in which his fussily written opinions, whether for the majority of the Court or in dissent, consistently upheld a literal and limited view of the Court's powers. A good example was his dissenting opinion on the occasion, in March of this year, when the activists on the Court, led by Justices Black and Douglas, reversed an earlier Frankfurter opinion and marched the Court into what Justice Frankfurter had called the political thicket of legislative reapportionment in the States.

If one is to view the split on the Court as suggested above, then it is very possible that Mr. Goldberg will not disturb the balance. But speculation on the point is not profitable. The prestige and security of the lifetime appointment to the Supreme Court has altered immeasurably the public image of many a man. An example: Justice Black, once a member of the Ku Klux Klan, is now the leader of that group among the Justices most avid to use the Court's authority in securing the civil rights of minorities.

What the Supreme Court needs is not more liberals or more conservatives but Justices who will hold the law, which they are sworn to sustain, above their own personal convictions and prejudices. There is reason to believe Arthur Goldberg has the capacity to meet that standard.

[From the Rochester (N.Y.) Democrat & Chronicle, Aug. 31, 1962]

GOLDBERG STEPS UP

It would not be fair to say that one known quantity is leaving the Supreme Court Bench and an unknown quantity is taking his place. Retiring Justice Felix Frankfurter was hardly a known quantity. Sometimes called the man of contradictions, he came to the Court to the tune of a fanfare from happy liberals (he had been F.D.R.'s adviser), and stayed to disappoint them by being a leader in many conservative opinions. But liberal or conservative, and always unpredictable, he dedicated his life to American constitutional and democratic processes, and his legacy includes such clear statements as:

"Civil liberties mean liberties for those we like and those we don't like, or even detest."

This almost Olympian announcement is—and should be—crushing to those who constantly try to redefine civil liberties in such a way as to curtail liberties.

Arthur J. Goldberg, one of President Kennedy's successful appointments (as Secretary of Labor), now named to take Justice Frankfurter's place on the Bench, is not an unknown quantity.

Few men in the history of Presidential Cabinets won such respect in such a short time as Secretary Goldberg, the son of Russian immigrants, who began work at the age of 12 delivering shoes for $3.80 a week. He has masterminded most of the compromise labor-management agreements; his persuasiveness has become the talk of the business world; instead of bending over to please labor, as so many feared he would as a former labor lawyer, he became painfully fair as Secretary of Labor. He has spoken clearly when it could have built vast enmities. He played a major role in bouncing the Teamsters from the AFL–CIO, and he openly disputed labor's argument that shorter working hours would open up new jobs.

On the record of what he has said in occasional speeches, the Justice-designee believes in the expansion of governmental activities. But at the same time he speaks for an American economy which includes "a competitive posture that insures the success of American products in any markets; a sound currency of unquestioned integrity; a labor-management relationship that generates material progress in an atmosphere of responsibility."

At the moment, Mr. Goldberg looks like about as noncontroversial an appointee as any in recent history.

[From the Houston Chronicle, August 1962]

GOLDBERG'S A GOOD CHOICE

Comment on the resignation of Felix Frankfurter and the appointment of Arthur Goldberg as Associate Justice of the U.S. Supreme Court might well begin with the words "fair exchange."

There are superficial similarities.

Both are Jewish; both extraordinarily learned in the law; both devoted to American traditions and ideals.

But we don't envy Mr. Goldberg. He has tremendously large shoes to fill.

Justice Frankfurter has one of the most acute legal minds ever to grace the Supreme Court. Yet he is more than a learned lawyer. He is a civilized man. His detractors were fond of picking holes in the detail of his learning—perhaps, for instance, he is not an economist. But he understands economics, and for a judge, this understanding is much more important than mere expertise.

At a time when many covet the distinction, Justice Frankfurter, by any standard, is a great man. Great men aren't replaced.

Mr. Goldberg may in time find his own path to greatness. He has many of the qualifications. Above all, he is a man of these

times: Alert to the changes that tug at our society, aware of the Government's necessary role in guiding and promoting them, and intelligent enough to distinguish between the practical and the impossible.

A President can serve only 8 years. Then, he must trust his policies to others. Only in narrow areas—judicial appointments are a prime example—can a President's influence truly be felt after his time.

Measured this way, President Kennedy promises to do well. Byron White, his first appointment to the Supreme Court, was an excellent choice. So is Mr. Goldberg.

The present Supreme Court is a good one. Mr. Goldberg should feel at home with it, and it with him.

[From the Durham (N.C.) Sun, Aug. 31, 1962]

MR. JUSTICE GOLDBERG

Arthur Goldberg, 54, Secretary of Labor, has been nominated to the Supreme Court of the United States. If confirmed by the Senate, he will succeed Associate Justice Felix Frankfurter, 79 years old and ill, who has retired.

It is interesting to note that the immediate reaction among leading Senators is favorable. Complimentary observations came promptly from both the Republican and Democratic Senate membership.

There is every reason to believe, therefore, that confirmation will occur at once, Mr. Goldberg, as a public official, apparently having agreeably impressed top Americans regardless of party or of their individual attitudes on labor relations problems.

The degree of confidence already expressed by the Senate undoubtedly will lead most Americans to conclude that President Kennedy has chosen a man well qualified and competent.

[From the Portland (Maine) Express, Aug. 30, 1962]

GOLDBERG FOR FRANKFURTER

The Supreme Court has lost its chief conservative and will get a labor specialist whose judicial philosophy has yet to reveal itself. At 79, on the advice of his doctors, Felix Frankfurter is retiring after nearly 24 years on the High Court. President Kennedy named as his replacement, Labor Secretary Arthur Goldberg, a 54-year-old lawyer whose public service began on the New Frontier. Hardly a dissenting voice was raised in the political arena after the President announced the selection. It appeared the necessary Senate approval of Goldberg's nomination would be a matter of quick course.

[From the Fresno (Calif.) Bee, Aug. 31, 1962]

GOLDBERG WILL SERVE U.S. COURT WITH DEDICATION

Secretary of Labor Arthur J. Goldberg characteristically said "I will do my best" in accepting the appointment by President John F. Kennedy to the U.S. Supreme Court, replacing Associate Justice Felix Frankfurter.

His public service, his brilliant record in law, his simple devotion to precepts and principles advocating the case for freemen recommend him highly. If he serves the Court as well as he served his office as a Cabinet member, and there is every reason to believe he will, he will strengthen the Court immeasurably.

The respect in which he is held in Washington is indicated by the approval voiced on both the Republican and Democrat sides of the aisles in Congress. So far as the public is concerned his reputation is something to behold, considering the sensitive character of his office.

The public should not confuse the Goldberg record. He is identified with labor and often has been referred to as the most knowledgeable man in American life on labor-management, but he is not, strictly speaking, a "labor lawyer."

Let us go to his beginnings to understand this better.

Born of Russian immigrant parents on Chicago's South Side, one of eight children, he knew bitter poverty as a child. With quiet determination he worked his way through high school, the City College of Chicago and Northwestern University Law School. His promise was so remarkable he won the cherished Charles B. Elder award at Northwestern as the top student in his class and was editor of the Illinois Law Review during his final year. He passed his bar examination before he reached his 21st birthday, Illinois waving the age requirement because of his exceptional record.

Then followed 19 years in private law practice, with various firms and as head of his own firm. Before he accepted the invitation of the late Philip Murray in 1948 to become general counsel for the CIO, his reputation in general law already was established.

Sir Edward Coke said in his First Institute that reason is the life of the law, that law is reason. Goldberg is blessed with great reason. We know from our history and our experiences that law demands compassion and fixed dedications. Goldberg has both. Law gives strength, substance to the lives of freemen and order to their pursuits. The Goldberg record, and the man Goldberg, suggest we can safely trust him with this new and precious responsibility.

[From the Gastonia (N.C.) Gazette, Aug. 31, 1962]

TWO MEN DEDICATED TO PUBLIC SERVICE

Justice Felix Frankfurter would have to be classed with those rugged, fearless men who are called "individuals."

Always, his tireless pen put down his thoughts—whether he was voting with the majority or whether he was voting with the minority.

Especially did he write lengthy opinions when he was voting against the majority. These opinions often were tough to read and full of hairsplittings.

His entire life was dedicated to American constitutional and democratic processes.

But, how he could be painful.

Lawyer after lawyer, he lectured before the court, picking and pruning his way through their arguments.

When Justice Frankfurter was appointed to the high bench in 1939, the Senate Judiciary Committee held hearings on the nomination. Extreme rightwingers tried to pin a "red" label on him.

It didn't stick. Although he was considered somewhat "liberal" when he took the oath, his thoughts and actions took a conservative turn later in life.

Now, President Kennedy has appointed Arthur Goldberg as Frankfurter's successor.

This, no doubt, is an appointment which the President has given considerable thought.

The absence of Mr. Frankfurter from the Supreme Court will be quickly noticed. He leaves a tremendous void.

It is possible that Mr. Goldberg will fill this void well. We shall have to wait and see.

Certainly, he has performed well as Secretary of Labor in Mr. Kennedy's Cabinet. Although he had many years of close association with labor unions, he seemed to go the last mile in not showing favoritism.

Without a doubt, Goldberg is a man of great integrity, character, and courage. He has waded into the problems of labor with both sleeves rolled up, and he has solved many of them. He has done much good.

But, just as Mr. Frankfurter took his seat on the high bench with more liberal than conservative leanings, so it is also with Mr. Goldberg.

His appointment gives the Court a more liberal flavor.

We are convinced, however, that honesty and fairness shall ride with his opinions just as they have with the retiring Mr. Frankfurter.

The Gazette has nothing but thanks for a job well done by the one who steps down and nothing but confidence in the one who steps up.

[From the Newark News, Sept. 1, 1962]

HIS CREDENTIALS

Labor Secretary Goldberg brings to the Nation's highest court a first-rate mind, a reputation for objectivity, and more energy than is allocated most men. It would be folly to predict his philosophic course as a Supreme Court Justice, for history has shown that past professional ties seldom accompany a man to that High Bench.

In Mr. Goldberg's case one set of ties was demonstrably severed with his move from labor lawyer into the Cabinet post. Predictions that he would be labor's man proved incorrect.

Although the new Justice obviously shares President Kennedy's philosophy of what Government should do, so did his predecessor on the Court, Justice Felix Frankfurter, once share the New Deal philosophy of Franklin Roosevelt. Yet two decades later Mr. Frankfurter had swung to conservatism and become the High Court's chief advocate of judicial restraint. Justice Hugo Black, on the other hand, assailed as a former Ku Klux Klanner, has become a stanch advocate of civil liberties.

Mr. Goldberg, therefore, must for the time being remain a question mark so far as his future action on the Bench is concerned. But as a lawyer, executive, mediator, and self-made man, his credentials are very much in order.

And by his swift replacement of Labor Secretary Goldberg, President Kennedy saved a lot of wear and tear on the White House lawn. Mr. Kennedy cannot have forgotten the lineup of candidates for the labor Cabinet post first time around, and the grumbling when he finally settled on Mr. Goldberg instead of a union leader.

This time, even before labor's nominating committee could go into action, Mr. Kennedy promoted Mr. Goldberg's chief assistant, Labor Under Secretary W. Willard Wirtz to the vacancy created by Mr. Goldberg's move to the Supreme Court.

An able executive and articulate student of labor affairs, and a former law partner of Adlai Stevenson, Mr. Wirtz is the man who has been minding the store while Secretary Goldberg has been out troubleshooting all over the country. He will have plenty to keep him busy, for he moves into the secretaryship just as the administration enters its first conflict with organized labor. In defiance of the President and Mr. Goldberg, labor's chiefs have launched a drive for a 35-hour workweek. Also the President's labor-industry council appears to have bogged down. In short, the Labor Department is about the hottest seat around the Cabinet table.

[From the Lowell (Mass.) Sun, Aug. 31, 1962]

THE OLD AND NEW

As Mr. Justice Frankfurter leaves the Supreme Court of the United States after a quarter-century of service, the words of President Kennedy probably sum up the attitude and thinking of the bench, the bar, and the American people.

In his letter acknowledging the resignation that was forced by poor health, the Chief Executive said:

"For myself and all Americans, I should like to offer our respectful gratitude for the character, courage, learning, and judicial dedication with which you have served your country over the last 23 years."

Recognized as a liberal almost a quarter of a century ago when he was appointed by President Roosevelt, his philosophy and judicial thinking changed considerably as the years went by. Or possibly that is not true; it could well have been that the appointment of so many superliberals in the past two decades has made Judge Frankfurter seem moderate and almost conservative by comparison.

Although a controversial figure from time to time, Judge Frankfurter's service will be long remembered, and time may some day accord him the honor of having his name etched on the walls of the Supreme Court beside such distinguished names as Holmes and Brandeis.

It is expected the liberal wing of the Court will be reinforced by the addition of Labor Secretary Goldberg, who has been tabbed by the President for promotion. As a labor lawyer he won enough notice and prestige to qualify for the President's Cabinet.

As head of this very vital branch of the Government, he has demonstrated a capacity for work, a willingness to intervene in labor-management disputes with courage and fairness and a deep insight into the law.

His acceptance by both Democratic and Republican Members of the Senate indicates the high esteem in which he is held in the official circles in Washington.

[From the Williamsport (Pa.) Sun-Gazette, Sept. 4, 1962]

GOLDBERG'S OPPORTUNITY FOR SERVICE BROADENS

A generally favorable reaction has greeted the appointment of Labor Secretary Arthur Goldberg to the U.S. Supreme Court. Admittedly a capable man, he has shown abilities that promise to make him a good justice of our highest tribunal.

Without begrudging him his elevation, there are many persons who wish he could have remained in the Labor Department long enough to settle the crucial problems unsolved in his special field of labor-management relations. The handling of these are likely to be delayed while his successor gets acquainted with the job.

Couldn't the President have waited, some are asking, for a later vacancy to give Secretary Goldberg his reward?

The answer probably is that no future time would be any easier to part with him. If the Labor Department is destined to face one crisis after another during the Kennedy administration, there is no real profit in deferring judicial preferment due Mr. Goldberg.

However, we hope he grows in stature in his new and responsible position even as did the respected justice whom he is to succeed, Felix Frankfurter.

When President Franklin Roosevelt named Justice Frankfurter in 1939, the Harvard law professor was described as carrying a liberal torch. Yet his 23-year record on the bench has been broad and constructive.

Secretary Goldberg ascends to the highest tribunal in somewhat the same light. He has been Mr. Labor in the Kennedy Cabinet.

His lot has heretofore been cast with unionism—one segment of our national life. Now he gains an opportunity for broader service. On the Supreme Court, he will have a view of the whole pattern of American life; and a responsibility for the welfare of the whole American economy.

How he meets this challenge and discharges these larger obligations will in the end determine his stature as a Supreme Court Justice.

[From the Tyler (Tex.) Courier-Times, Aug. 31, 1962]

THE GOLDBERG APPOINTMENT

There was little surprise in President Kennedy's appointment of Secretary of Labor Arthur Goldberg to the U.S. Supreme Court to replace Justice Felix Frankfurter, whose retirement was announced simultaneously.

Justice Frankfurter, who will be 80 in November, has been ill and off the bench since he suffered a stroke in early April. A distinguished jurist and student of the law, he was named to the Court in 1939 by the late President Franklin D. Roosevelt as a rather extreme liberal. He retires as the outstanding conservative member of the present Court.

Mr. Goldberg's appointment has been rumored since talk of the possible retirement of Justice Frankfurter began earlier during his illness. The President's selection was hailed widely by both Democrats and Republicans.

Mr. Goldberg's experience as a jurist has been absolutely none, a fact which eminently qualifies him for the Supreme Court on the basis of selection criteria apparently employed in recent decades. It used to be that service as a judge was considered quite desirable for Supreme Court aspirants, but such has been the case in few instances since the thirties.

Mr. Goldberg as an attorney, though, leaves nothing to be desired in his qualifications.

His 30 years of law practice were spent almost entirely as a labor attorney, and he was instrumental in the merger of the American Federation of Labor and the Congress of Industrial Organizations.

But he has proved time and again since he took over as Secretary of Labor that he is quite unconcerned about disagreeing with his old labor friends when he feels them wrong.

His energy, his devotion to his duties, and his strict adherence to established law and principles plus a judicious temperament, have made him one of the outstanding members of the Kennedy Cabinet.

That is why praise for Mr. Goldberg and his selection as a Supreme Court Justice has come from all sides. What his judicial philosophy may be remains to be seen. But he is an outstanding lawyer and has proved his dedication to the public good.

[From the Providence (R.I.) Journal, Aug. 31, 1962]

AN ABLE SUCCESSOR TO A TRULY OUTSTANDING JUSTICE

The resignation of Justice Felix Frankfurter from the U.S. Supreme Court closes the public career of a man who served with distinction and honor for 23 years on the Nation's top court. Secretary of Labor Arthur Goldberg, his successor, will bring to the Court the same intellectual integrity which marked Justice Frankfurter.

As a teacher at the Harvard Law School, Justice Frankfurter inspired a generation of lawyers, many of whom went into public life. As a human being, the justice was known for the warmth of his personality, the range of his intellectual interests, and the vigor of his mind.

On the Bench, Justice Frankfurter demonstrated sharp wit, a questioning mind, and sternness of principle. Possessor of a record of liberalism before appointment to the Court, he became a conservative in his court opinions pleading for judicial restraint, caution, and deference to the wishes of Congress and the States.

Mr. Goldberg, named to succeed Justice Frankfurter by President Kennedy and apparently assured of speedy approval by the Senate, has had a long career as a labor lawyer. He became known for the skill of his presentations of briefs, his thorough knowledge of the law, and the force of his intellect.

His background as a lawyer for labor did not interfere with his duties as Secretary of Labor: he tempered his own liberal feelings on social and political issues with concern for the law and the practical issues swirling about the law. The same concern is expected to inform his work on the bench.

Seldom has a resignation from the High Court and the appointment of a successor been greeted so uniformly—with regret for the departure of a great figure in the Court's history and with pleasure at the accession of an able man of high integrity.

[From the Buffalo, (N.Y.) Courier-Express, Sept. 2, 1962]

FRANKFURTER STEPPING DOWN, GOLDBERG UP

When Felix Frankfurter suffered a mild stroke last April, it was, although he may not have known it at the time, the beginning of the end of his 23-year career as Associate Justice of the Supreme Court. Now 79, he has decided that his physical condition precludes any attempt to continue his duties at a normal pace and has chosen to resign. He wrote President Kennedy:

"To retain my seat on the basis of a diminished work schedule would not comport with my own philosophy or with the demands of the business of the Court. I am thus left with no choice but to regard my period of active service on the Court as having run its course."

It was characteristic of Justice Frankfurter that he refused to continue service on anything but a full work basis. If anybody believed in carrying out to the utmost his responsibilities as an Associate Justice, it was he. He wrote opinions, lengthy and detailed, on the slightest provocation. Even when he concurred in a majority decision, he often wrote an opinion stating his own particular reasons for concurrence. A former professor of law at Harvard, Justice Frankfurter took much of the classroom with him to the courtroom. Many a lawyer has had to bear up under his particular probing brand of questioning. Whether regarded as liberal by conservatives or as conservative by liberals, he contributed complete integrity and intellect of a high order to deliberations of the Court for nearly a quarter of a century.

President Kennedy's nomination of Secretary of Labor Arthur J. Goldberg to succeed Justice Frankfurter came as no surprise. The possibility of just such a development has been widely discussed. Secretary Goldberg has been a particularly active and go-getting member of the Kennedy Cabinet and even before joining the Government had been in close association with the present occupant of the White House. Although much of his experience has been in union-labor activities, his Cabinet record is one of scrupulous regard for the national interest above all other considerations. He has displayed great energy and brilliance as a lawyer. As a judge he has challenging shoes to fill. But to Arthur Goldberg challenges are nothing new.

[From the Quincy (Ill.) Herald-Whig, Aug. 31, 1962]

MR. JUSTICE GOLDBERG

Arthur Goldberg joins the highest court in the Nation with prospects for a brilliant career. At 54, he is one of the most energetic officials in the Capital. Appointed to the Supreme Court to replace ill and aged Mr. Justice Felix Frankfurter, he carries to the new job the good will of leaders in both political parties.

Arthur Goldberg has made a reputation as a good lawyer and a hard worker. He will have need for both qualities on the Bench.

He will take the seat of a legal giant. Felix Frankfurter, an immigrant, demonstrated how far a man can go in this country and how much he can contribute to his adopted land. For a quarter century Frankfurter was a Harvard Law School professor. But he served his country in many fields, dating back to World War I. Perhaps his greatest contribution was the training he gave hundreds of young lawyers.

Goldberg is strictly a product of Illinois. Much of his private legal career was spent as counsel for labor organizations, CIO, AFL–CIO and the Steelworkers Union. But as Secretary of Labor in the last 20 months, he has demonstrated fairness, understanding and ability. As a mediator, he has been especially effective.

Although generally regarded as a liberal, his role on the Bench cannot be accurately predicted. Frankfurther was labeled liberal at his appointment, yet he became the leader of the conservative group. The history of the Court has shown many times that good lawyers cannot be classified by political groups. Goldberg has been an earnest, capable lawyer, and the odds are that he will make his decisions in the light of law and justice, the needs of the times and the good of the country.

[From the Louisville (Ky.) Times, Aug. 31, 1962]

A NEW CHALLENGE FOR GOLDBERG

It is very dangerous to presume to predict on the basis of past performances what either racehorses or men will do in the future. Still, if the past is any guide at all to the future, Arthur J. Goldberg ought to make an effective and influential Supreme Court Justice.

That the past is no certain guide is amply demonstrated by the man Goldberg has been selected to replace, Felix Frankfurter. As every story commenting on his resignation has pointed out, Frankfurter went to the Court with the reputation of being an extreme liberal; when ill health forced him to resign this week, he had the reputation of being the spokesman for the conservatives on the Court. As one commentator has noted: "Conservatives will mourn his departure as fervently as they denounced his arrival."

But whether liberal or conservative, Frankfurter was an influential member of the Court. Without trying to be omniscient about whether Goldberg will always be liberal or conservative, we venture the prediction that he, too, will be influential.

For one thing, as all who know him agree, Goldberg is a man of great intellectual power and tireless energy. Although his legal background is restricted almost entirely to the labor field, his record is so brilliant it is conceded he would have been successful in any field.

Beyond these qualities of intellect and energy, however, Goldberg has a characteristic that should serve him well in the give and take of battle in and before the Supreme Court. He is pragmatic; he is not doctrinaire. Considering his long career as lawyer for various segments of organized labor, it might have been logical to assume that as Secretary of Labor he would be primarily an advocate for labor. He was not. He sought to compromise labor-management differences, not to solve disputes simply on labor's terms. And when organized labor came out with a program calling for a shorter workweek as a solution for unemployment, Goldberg flatly opposed it.

It may be objected that the law ought to be the law, immutable, so that a man could always know what it was and where he stood in relation to it. In theory, the kind of adaptability Goldberg has demonstrated might be interpreted as mere expediency, a bowing to transitory pressures. But society changes and law, if it is to have any relevancy, must change with it. The law is dynamic, not static. It adapts itself—or is adapted—to the needs of the people.

This quality of adaptability helped to make Goldberg extraordinarily useful as Secretary of Labor. He has been so useful—and busy, if not always successful—that Washington columnist Doris Fleeson writes "the only surprise attaching" to his selection as Frankfurter's successor is President Kennedy's "willingness to part with him."

W. Willard Wirtz, who has been named by Kennedy to take Goldberg's place as Secretary of Labor, clearly has some big and busy shoes to fill. He has many qualifications, not the least of which is the experience he gained working as Under Secretary with Goldberg. He has served as arbitrator in many labor disputes, he has taught and practiced law, and at one time was Chairman of the Wage Stabilization Board.

[From the Evansville (Ind.) Courier, Sept. 1, 1962]

GOLDBERG NOMINATION NONCONTROVERSIAL

Surprisingly, President Kennedy's second appointment to the Supreme Court seems less likely to cause adverse criticism than the first.

The appointments of Byron White and Arthur Goldberg have one weakness in common: Neither has prior judicial experience. But Goldberg is unlikely to suffer from other criticisms leveled at White, such as his relative youth, an Ivy League background, like many Kennedy appointees, and the fact that he was best known as a star football player. (One editor irreverently headlined news of his nomination "JFK Benches Whizzer.")

Nor are there likely to be any widespread objections to Goldberg's labor background. This is due in part to his own conduct in office, in part to the record of his predecessor, Felix Frankfurter.

As attorney for the United Steelworkers, author of the AFL–CIO constitution, and an architect of the supplementary unemployment benefit plan, Goldberg was expected to serve primarily as labor's spokesman in the Administration. Instead, he announced he would consider himself a "counsel for the public interest." He has devoted the major share of his attention to setting wage "guidelines" to halt inflation and to personal arbitration of major disputes. At one point he found himself embroiled in a wage disagreement involving the Nation's most temperamental labor-management combination, the Metropolitan Opera.

The originality of many Goldberg approaches combine with the record of his predecessor to allay fears that he will be biased in his Supreme Court judgments.

Anyone tempted to make the charge will have to recall how Frankfurter came to the Court after a controversial career as a lawyer, professor, and New Deal brain truster. He was embroiled in the Sacco-Vanzetti murder controversy of the 1920's. He brought many bright young men into Government service, among them one Alger Hiss. He is credited with doing most of the work on drafting the Securities and Exchange Act and the public utility law.

Yet Frankfurter became the spokesman for the Court's "conservative" faction, though he disliked the idea that judicial decisions had anything to do with liberalism or conservatism. He was always reluctant to enlarge the role of the Supreme Court by upsetting legislative acts. He was the man who asserted that the Court had no business in the "political thicket" of reapportionment.

This precedent of independent thinking is a powerful argument against the belief that Goldberg will be a Court advocate for the special interests with which he has been associated. On the other hand, his tremendous display of energy indicates a real capacity for applying American law and history to present-day disputes.

[From the Lincoln (Nebr.) Journal, Aug. 30, 1962]

GOLDBERG TO THE SUPREME COURT

First reaction to the appointment of Arthur J. Goldberg to the Supreme Court is that the administration suffers the loss of a strong Secretary of Labor. As Secretary, Goldberg has been successful in keeping labor-management disputes out of prolonged and bitter strikes.

Goldberg has not hesitated to throw his influence back of the President whenever there was disagreement between labor and the President. The 35-hour workweek is such a case.

There is little doubt that Goldberg takes to the Court a brilliant legal mind. He had a successful career as a lawyer before joining Kennedy's Cabinet. He was best known as counsel for the United Steelworkers and other labor groups. This experience should add to the broad representation on the Court.

Goldberg replaces Justice Felix Frankfurter who joined the Court in Franklin Roosevelt's time as a liberal but in later years has been one of the conservative members.

Goldberg is considered a liberal but his performance as Secretary of Labor has been objective. He has placed the national interest above other considerations. There is every reason to have confidence that he will take this same objectivity to the Supreme Court.

The resignation of Justice Frankfurter was to be expected. But the end of a brilliant and patriotic career is always accompanied by sadness. Frankfurter has left his stamp on the United States which has been made a better place in which to live because he has given of himself.

[From the Spokane (Wash.) Spokesman-Review, Aug. 31, 1962]

ABLE UNION LAWYER SELECTED FOR COURT

The appointment of Secretary of Labor Arthur J. Goldberg as an Associate Justice of the U.S. Supreme Court brings to the High Bench an able and energetic lawyer whose professional career has been devoted largely to the interests of American labor unions.

President Kennedy has sacrificed a competent and loyal Cabinet officer in this switch of responsibilities owing to the retirement of Justice Felix Frankfurter.

There is no question of Mr. Goldberg's confirmation by the Senate for he is respected as a man of integrity. There is some question as to what kind of judge he will develop into. But that is always a question in the case of any appointment to the Supreme Court.

In recent history there have been numerous examples of Justices who have maintained positions consistent with their earlier personal careers. And there have been others who have surprised the Nation by their shifts in philosophy in their interpretations of the Constitution in light of the cases brought before the Court.

Mr. Goldberg is young enough and experienced enough in our contemporary way of life to serve long and effectively on our highest tribunal. He seems to have a sense of public duty that should motivate his consideration of the complex issues that will confront him. He should have ample opportunity to prove that he has the judicial temperament that a position on the Supreme Court should always require.

[From the Asheville (N.C.) Times, Sept. 1, 1962]

A MAN DEFIES A LABEL

Those who are given to classifying members of the U.S. Supreme Court as liberals, conservatives, or swingmen are dropping

President Kennedy's latest appointee into the liberal slot.

Justice Felix Frankfurter, who is retiring because of ill health after a long and distinguished career, was considered by many as a dangerous radical when appointed to the Bench by President Franklin D. Roosevelt.

In his latter years he was criticized as an encrusted conservative, and the liberals grew disenchanted with this man who felt his private beliefs should not enter into his legal opinions.

Now, as Arthur Goldberg, a recognized liberal on political and social issues just as Justice Frankfurter is in his private views, approaches the Bench there is speculation that he will incline away from the Frankfurter position that the Court is a court and not a legislature, toward the philosophy of Justice Hugo L. Black, that it is the Court's duty to take a more assertive role in protecting individual liberties.

How Mr. Goldberg will behave once he is on the Bench is something that defies even the most erudite of the analysts. He has demonstrated as Secretary of Labor, however, that he is a man of many talents and that despite his long association with organized labor he puts the national interest first in labor-management relations as in other matters.

There is good evidence that Mr. Goldberg will bring to the Bench the same high intellect and unquestioned integrity that contributed to the stature of Justice Frankfurter. How he applies his legal philosophy to the cases at hand must wait his seating.

[From the Peoria (Ill.) Journal-Star, Sept. 2, 1962]

A BUSY WEEK IN NATION'S CAPITAL

"America is a country," a comedian said recently, "where anybody can be President—except Adlai Stevenson."

And it almost looked this week in Washington as if even that were possible. A son of a poor immigrant family was named to the U.S. Supreme Court. And if that wasn't enough, a former partner of Mr. Stevenson's was named to the President's Cabinet.

These two developments highlight a busy week in Washington. Secretary of Labor Arthur J. Goldberg was named to succeed retiring Supreme Court Justice Felix Frankfurter. W. Willard Wirtz, Labor Under Secretary and former Stevenson partner, was named to Goldberg's post.

Meanwhile Congress passed a public works program which would have a sizable impact on the Nation's economy. Also Congress came closer to agreement on a new tax bill.

It was indeed a busy week in Washington, one which taken all in all, from taxes to Goldberg, was a significant step forward.

[From the New York Journal American, Aug. 30, 1962]

WORTHY SUCCESSOR

With characteristic modesty, Labor Secretary Arthur Goldberg said that he could not hope completely to fill the place of Felix Frankfurter on the U.S. Supreme Court.

But he said he would do his best and that is all President Kennedy—who dramatically announced Mr. Goldberg's appointment yesterday—and the Nation can ask of a man.

For our part, we are confident that Mr. Goldberg has all the qualifications, plus the dedication, to make him a worthy successor to Mr. Justice Frankfurter.

Our chief concern is how the President will be able to fill the void in his Cabinet when Mr. Goldberg ascends to the highest Bench of the land.

We wish Mr. Goldberg every success in this vital post. To Mr. Justice Frankfurter we say "well done" and extend to him our hopes for many years of healthy, happy retirement.

[From the Davenport (Iowa) Democrat, Aug. 30, 1962]

GOLDBERG SUCCEEDS FRANKFURTER

President Kennedy made a second quick appointment to the U.S. Supreme Court Wednesday when he announced simultaneously the retirement of Justice Felix Frankfurter and the appointment of Secretary of Labor Arthur J. Goldberg as his successor.

The situation can be summed up briefly. One good man is succeeding another.

Frankfurter, a friend and adviser of President Franklin D. Roosevelt, drew many brainy young men into the Government in New Deal days. Most of them were liberals; some conservatives referred to a few of them as "radicals." They were known in Washington both as "braintrusters" and as "hot dogs," the latter name being a play on the name of their Harvard Law School sponsor.

While Frankfurter was a New Deal liberal he became more conservative with the passing years. In recent years his votes have mostly been with the conservative minority.

Age and ill health made it obvious for some time the retirement of Frankfurter was impending. While President Kennedy acted quickly in naming a successor—as in the case of Justice Byron "Whizzer" White—he had had time to mull the matter over thoroughly. In both appointments he had the matter thoroughly thought through and announced his choice of a new Justice immediately to head off fruitless speculation by Washington columnists.

Goldberg, a brilliant labor lawyer, showed as Labor Secretary he could see both sides of a question. His keen mind, his knowledge of labor problems and his willingness to work hours without end brought about settlement of many labor disputes for President Kennedy.

He would appear to be eminently well qualified for the High Court—and he'll be missed in the Cabinet, where he has been the hardest working member.

[From the Portland (Oreg.) Journal, Sept. 1, 1962]

GOLDBERG GOOD COURT CHOICE

Arthur J. Goldberg appears to be an excellent choice to fill the vacancy on the U.S. Supreme Court left by the retirement of Associate Justice Felix Frankfurter.

He has had 25 years of experience as a lawyer, including practice before the Supreme Court. Self-evident though it may seem that a Justice on the highest Court should be experienced in the law, this requirement has not always been closely observed by our Presidents when they made their choices for the Court.

Also, Goldberg has shown that he possesses a judicial temperament. In his 19 months as Secretary of Labor he has dealt impartially with both management and labor, despite his former deep involvement with the union movement as general counsel for the CIO and the United Steelworkers, and earlier as attorney for other unions.

He has shown particular skill in bringing about agreements between contesting parties who seemed far apart. This skill may well be useful within the Court, where the nine Justices have often displayed, by their split decisions, divisions of opinion as deep as any that appear at a labor-management bargaining table.

He has the appetite for hard work that any Supreme Court Justice needs. And his self-propelled rise from his humble beginning as the son of a poor immigrant family has given him a valuable understanding of life.

If his policy as Secretary of Labor can be taken as a guide, he probably will lean as a Justice toward favoring active intervention by the Federal Government in economic and political affairs when the "public interest" requires it.

The Journal believes that at times both the Supreme Court and the Kennedy administration have gone too far in this direction. But since President Kennedy himself favors a strong and active Central Government, he could hardly have been expected to appoint a Justice who held different views on such a fundamental question.

On balance, therefore, we believe Goldberg's nomination is a good one.

[From the Birmingham (Ala.) Post-Herald, Aug. 31, 1962]

GOLDBERG TO THE HIGH COURT

The new U.S. Secretary of Labor will have a man-sized job on his hands.

His predecessor, Arthur Goldberg, from his first day in office was personally active in trying to settle labor disputes, including the New York Harbor strike, steel, missiles, and as fairly steady work, airlines. Mr. Goldberg was in Chicago trying to avert a railroad strike when told of the President's announcement.

Our main reservation to the elevation of Mr. Goldberg to the Supreme Court has to do with his lack of judicial experience. Even his legal experience mainly has been limited to one type of client, the labor unions.

This labor background occasioned some doubts when he was appointed to the Cabinet, but he has administered that office impartially, vigorously and ably, largely holding the respect of employers as well as unions.

The lack of prior experience on the bench is a handicap to him—as it has been to too many others appointed to the Supreme Court without earlier service on a lower court.

However, he is a man of obviously superior intelligence and unquestioned integrity. He has our best wishes for a distinguished judicial career.

The difficulty in predicting the future conduct of a Supreme Court justice is well illustrated by the record of Felix Frankfurter, retiring after 23 years of service because of persistent trouble with his heart.

As a close associate of Franklin D. Roosevelt and reputed architect of much of the New Deal, he was feared as a radical. As he ends his career he is viewed a part of the Court's conservative wing, advocating severely limited interference by the Court with the acts of Congress and the State legislatures.

Though controversy often swirled around him, some of it invited by his own mannerisms, he rates, in our opinion, an honorable position among his distinguished predecessors.

[From the Florence (S.C.) News, Sept. 1, 1962]

GOLDBERG CHOICE

President Kennedy's appointment of Arthur J. Goldberg as U.S. Supreme Court Justice to succeed Justice Felix Frankfurter is in the Kennedy pattern. One could hardly expect him to appoint a practicing conservative. Neither could conservatives expect to be happy about the appointment.

Whether Mr. Goldberg will be able to deal objectively with cases brought before the High Court bench remains to be seen. We have been impressed with the degree of objectivity he has shown as Secretary of Labor despite his labor background.

As Secretary of Labor, Mr. Goldberg overcame at least partially, public fear that his 25-year career as a labor lawyer would render him incapable of perspective in labor-management negotiations.

If he follows the pattern of Justice Frankfurter, his decisions will be more conservative than his liberal philosophy. Like Mr. Frankfurter, whose original New Deal emphasis upon individual rights was never sacrificed despite his affiliation during recent years with the Court's conservative bloc, Mr. Gold-

berg will likely take a strong stand for individual liberties in the tradition of Justices Holmes and Brandeis.

[From the Winston-Salem (N.C.) Journal, Aug. 31, 1962]

EXIT JUSTICE FRANKFURTER

The Nation has known for some time now that Justice Felix Frankfurter's retirement from the U.S. Supreme Court was imminent. But it still comes as a shock to learn from Mr. Justice Frankfurter himself that his health no longer permits him to sit on the Bench which he distinguished by his presence for 23 years.

Justice Frankfurter, who had perhaps the most perceptive legal mind of any member of the Court in recent years, was regarded as a strong New Deal liberal when President Franklin D. Roosevelt appointed him during his second term. And he was a liberal throughout his career on matters relating specifically to the rights of the individual. Nevertheless on many questions of constitutional law that involved the Supreme Court's jurisdictional powers he became noted as an advocate of judicial restraint. As he said in one opinion: "Especially ought the Court not needlessly reenforce the instabilities of our day by giving fair ground for the belief that law is the expression of chance—for instance, of unexpected changes in the Court's composition and contingencies in the choice of successors."

Labor Secretary Arthur Goldberg, President Kennedy's choice as Justice Frankfurter's successor, has been identified with organized labor as a lawyer for 25 years. His appointment will be popular with labor groups. But his fairminded attitude in dealing with labor-management disputes as a Cabinet member, and his concern for the protection of the public interest in these disputes indicate that conservative elements in the Nation need not fear him as a wild radical who will lean farther to the left than Justice Frankfurter sometimes seemed to lean toward the right.

Mr. Goldberg will not be another Frankfurter. His background suggests that he will bring to the Court a viewpoint more akin to that of the more liberal—or broad construction—Justices Douglas and Black. At the same time, he will be, like Justice Frankfurter, a strong champion of individual liberties.

The same criticism that was directed against Chief Justice Warren and Byron White also can be raised against Mr. Goldberg—lack of judicial experience. But while it may be highly desirable, judicial experience has never been a prerequisite for service on the Supreme Court. In fact, John Marshall, the man still regarded by many lawyers and laymen as our greatest Chief Justice, had no judicial experience before he went on the High Court Bench. And Justice Frankfurter, who lacked such experience, came to the Bench from the Harvard Law School.

Mr. Goldberg (upon confirmation, which seems quite likely), will become the fourth eminent Jew to serve as a member of the Supreme Court in this century, the others being Justices Frankfurter, Louis D. Brandeis, and Benjamin N. Cardozo. The brilliant records of these three predecessors should be for him an inspiration and a challenge. If so, Arthur Goldberg may become one of our finest Supreme Court Justices.

[From the Sharon (Pa.) Herald, Aug. 30, 1962]

THE GOLDBERG APPOINTMENT

The President's appointment of Labor Secretary Arthur J. Goldberg appears to meet the high standards which should be demanded of Justices. As a lawyer in private practice, as general counsel for the U.S.W. and as a key member of Mr. Kennedy's Cabinet, Mr. Goldberg has performed with singular competency and devotion to duty.

It is significant that the appointment, which caught much of official Washington by surprise, has been greeted by almost universal approbation, from Republicans as well as Democrats. We hope this means he will be speedily confirmed by the Senate. To leave the High Court with a vacancy in its ranks as the fall term nears would be unwise.

[From the Chicago Daily Tribune, Aug. 31, 1962]

MR. JUSTICE GOLDBERG

The appointment of Arthur J. Goldberg to the Supreme Court has been received with general approval throughout the United States. It has been particularly well received in Chicago where Mr. Goldberg is known most intimately, for here he was born, went to school and college, studied law, and first distinguished himself as a practicing lawyer.

We are not among those who will undertake to predict how Mr. Goldberg will vote on the important cases that are about to come to the Court's attention. We will venture to predict that he is too good a lawyer to accept specious defenses even of causes which he favors, and he is too independent a man to allow former associations with clients or Government to dominate his thinking on the bench.

Mr. Goldberg showed great promise when he was graduated from Northwestern University's law school at the head of his class. He has been an able, disinterested, and tireless public servant since he became Secretary of Labor. There is every reason to hope that as a Justice of the Supreme Court he will make an important contribution to the law of this country.

Those who think that Mr. Goldberg will be a radical judge because he represented great trade unions as a lawyer may be fooled as others were fooled when Justice Frankfurter was appointed to the Court. They were certain that Mr. Frankfurter would be the least conservative man on the Bench and that his agile mind would be at the service of every leftist cause that came to the Court's attention.

In fact, Mr. Justice Frankfurter retires from the Court amid the sighs of conservatives who have come to regard him as their strongest friend on the bench. We doubt that this reputation is wholly deserved, but Mr. Frankfurter has been indeed, the chief spokesman for judicial restraint, meaning that he doesn't want the Supreme Court to invade the territory that he thinks the Constitution gives to the various State legislatures, State courts and the State and Federal regulatory commissions. This attitude of his has made him a radical when these bodies have gone that way and a conservative when they have moved in the other direction.

Mr. Frankfurter will be missed from the Court. We may be sure that the new man will be very different but he, too, is a man of outstanding talents and in the long run may prove to be no less influential in setting the Court's direction.

[From the Des Moines Register, Aug. 31, 1962]

GOLDBERG ON THE COURT

Arthur Joseph Goldberg should be an asset to the Supreme Court of the United States, as he has been to President Kennedy's Cabinet and to the private practice of law.

Goldberg is a man of great energy and ability. He has never been a judge, but he has been a lawyer since 1930. From 1948 until he became Secretary of Labor in 1961, he was general counsel to the United Steelworkers of America and latterly to the industrial union department of the AFL–CIO. This should bring into the High Court a set of experiences and feelings not often represented there.

Yet Goldberg is far more than an advocate of a point of view. He surprised the unions by his vigor in the public interest as Secretary of Labor, and he surprised everybody with his skill at understanding opposing points of view as mediator in several vexed labor disputes.

The nomination is a political one in two senses. President Kennedy is rewarding a political henchman who served him well, as Kennedy did in his earlier appointment to the Supreme Court of Byron White, then his Deputy Attorney General. Kennedy is also naming to this key liftetime job a man who has demonstrated over the years a strong sympathy with Kennedy's own point of view: liberal, friendly toward honest labor organizations, activist in using the power of government to get all sorts of results, pragmatic in being willing to try new means and shift tactics according to circumstances.

When President Kennedy took office, the Supreme Court was often dividing 5–4, sometimes one way, sometimes the other, on questions pitting the power of Government against the rights of individuals. Justice Felix Frankfurter was more reluctant than several of his colleagues to declare governmental acts unconstitutional. Replacing Frankfurter with Goldberg is likely to shift the balance somewhat in some types of cases.

Yet predictions of this sort are most hazardous. Frankfurter, named to the Court as a flaming liberal, came to lead the conservative wing of the Justices. Hugo Black, whose confirmation was threatened by discovery he had once been a member of the Ku Klux Klan, proved to be a consistent libertarian on the Court. The law is much more complex than partisan or factional labels, and men appointed to the Federal judiciary tend to grow and change.

The things that count about Goldberg are not the opinions he has expressed in briefs prepared for clients or the acts he has performed for the administration, but the breadth and penetration of his mind and the integrity of his character. These are outstanding.

[From the Mankato (Minn.) Free Press, Aug. 31, 1962]

JUSTICE GOLDBERG

The appointment of Arthur Goldberg to the U.S. Supreme Court, replacing retiring Justice Felix Frankfurter has been hailed by representatives of both political parties as a wise choice. Mr. Goldberg is known as an intellectually superior student of law.

Yet there seems to be nobody who will say for sure whether he will be a liberal or a conservative when he takes up his duties on the Bench. The career of Justice Frankfurter himself is evidence that it is difficult to guess what the philosophy of a Justice will be once he gets to making decisions on the highest Court in the land. Frankfurter began as a flaming liberal but became more conservative as the years passed.

It is generally agreed that Goldberg is fair and impartial. His decisions are based on his personal philosophy. Whether this philosophy is that of a liberal or a conservative appears to be something of a question.

The only thing that can be said for sure at the present time, is that the new Justice will be his own man. Presumably this was a political appointment since Goldberg has associated with the Democratic Party. Yet the most important thing as far as justice is concerned is that he make his judgments with logic and impartiality. And there appears to be general agreement that he will do just that. For this reason his appointment stands as a good one and may become recognized as one of the best as the years pass.

[From the Allentown (Pa.) Call, Aug. 31, 1962]

NO PRIVATE NOTIONS

The resignation of a Justice of the Supreme Court of the United States and appointment of his successor are always events of major interest.

This is especially true when the resignee is a man of such stature as Justice Felix Frankfurter in a time when there has been such violent public reaction to some of the Court's decisions—the school desegregation and the school prayers decisions to mention only two.

Justice Frankfurter came to the Court with the reputation of being a liberal, if not actually a radical as many called him. He leaves his exalted position after 23 years of service at the age of 79 with the reputation of being a real conservative.

It is more than likely that the former description more adequately fits the retired Justice even now insofar as his personal feelings are concerned. Mr. Frankfurter is probably as dissatisfied with many things as he was a quarter of a century ago.

But during his term of office he was motivated not by personal opinion nearly so much as he was by his profound convictions as to what the duties of a Justice are.

These he once summed up like this: "As judges we are neither Jew nor gentile, neither Catholic nor agnostic. * * * As a member of this Court I am not justified in writing my private notions of policy into the Constitution, no matter how deeply I cherish them or how mischievous I may deem their disregard."

This philosophy accounts for the fact that he so often found himself in disagreement with his Court colleagues, many of whom often acted more like legislators than Justices. In so doing, the latter frequently have given the impression that they are trying to bend the Constitution to their personal notions rather than to interpret what it says.

Secretary of Labor Arthur Goldberg, who has been nominated by the President to succeed Justice Frankfurter, has a brilliant record as a lawyer. Comments on Mr. Kennedy's choice have been uniformly favorable. Like Justice Frankfurter he comes to his new office as a known liberal and one who has at times been extremely impatient with things as they are in the economic and social elements of our society.

It is natural to expect that a man with Mr. Goldberg's qualifications will bring a new outlook with him. But he will be well advised to remember his predecessor's creed which restrained him from writing his own personal notions into the Constitution. We have already had too much of that.

[From the Marion, (Ind.) Leader-Tribune, Sept. 1, 1962]

THE GOLDBERG APPOINTMENT

President Kennedy's selection of Arthur Goldberg to suceed Felix Frankfurter on the Supreme Court was somewhat surprising. However, in the absence of any hue and cry over Mr. Goldberg's labor background, we can only assume that most Republicans as well as Democrats are satisfied that the former Secretary of Labor will do a conscientious job on the High Court Bench.

Nevertheless, we welcome Mr. Goldberg's pronouncement that he will disqualify himself from any cases which might raise a possible conflict of interest with his former duties as union attorney and Labor Secretary. And we also welcome Mr. Goldberg's affirmation that he will seek to serve the tribunal "with fidelity to the principles of the Constitution and fidelity to the high tradition of the Court."

That, of course, is the way it should be. The Supreme Court has been subjected to considerable criticism in recent years and an attitude of lesser resolve than that expressed by Mr. Goldberg would only cause it further injury.

[From the St. Petersburg (Fla.) Times, Aug. 31, 1962]

TWO EXTRAORDINARY MEN

Conservatives will mourn the departure of Justice Felix Frankfurter from the Supreme Court as greatly as they deplored his appointment by Franklin D. Roosevelt 23 years ago.

In retrospect, considering the repute Mr. Justice Frankfurter has acquired in recent years, the savage attacks on the "happy hot dogs"—his New Deal proteges—seem almost incredible.

And yet, although less than 2 years ago Arthur J. Goldberg, named to succeed to the Frankfurter post, was anathema to the conservative community as the leading AFL–CIO lawyer, apparently there is going to be little protest against his appointment. Among the first to come out with a stout Goldberg endorsement was Senator EVERETT DIRKSEN, the articulate Republican leader in the Senate.

This is a real tribute to the quality and caliber of Secretary Goldberg. Upon entering the Cabinet, Mr. Goldberg instantly shed his partisanship and turned his fine mind and inexhaustible energy to full-time service to the whole Nation.

Moreover, while unquestionably Mr. Goldberg will swing the balance of the Court more firmly to the liberal side, by no means is this such a drastic change as when Justices Van Devanter, Sutherland, McReynolds and Butler were replaced by Roosevelt appointees.

If one were to add up all of Justice Frankfurter's opinions and votes in his years on the High Bench, the net would be on the progressive, if not liberal, side. Conspicuous was his leadership in the school desegragation opinion, commonly credited with being responsible for the unanimous decision in that case.

Probably there are more similarities than dissimilarities between Justice Frankfurter and his successor. Both are the sons of immigrant Jewish parents. Both started life in the most humble circumstances. Both are noted for an amazing capacity for hard work. And both are learned men, in the fullest sense of that word, not merely in the law.

Mr. Goldberg will be the fourth Jewish Justice of the Supreme Court. Besides Mr. Frankfurter, his predecessors were Justices Brandeis and Cardozo. It is an illustrious tradition the new Justice has to uphold. The Nation will pray that he does so well.

[From the Pensacola (Fla.) News-Journal, Sept. 2, 1962]

GOLDBERG WELL QUALIFIED FOR POST ON HIGH COURT

By appointing Arthur J. Goldberg, his Secretary of Labor, to the vacancy on the U.S. Supreme Court caused by the resignation of 79-year-old, ailing Justice Felix Frankfurter, President Kennedy has honored and promoted one of the most active and strongest members of his Cabinet, one well qualified for his new high post.

Relinquishing his legal work as special counsel for AFL–CIO and general counsel for the Steelworkers, Goldberg quickly put his knowledge of unions and their leaders to work in settling disputes and in heading off others. The result has been fewer strikes and less loss of man-hours. He also helped hold down pay increase demands of the President's program to halt the upward spiral.

Justice Frankfurter has a great legal mind, trained through years as a law professor at Harvard and 23 years on the Court. Goldberg has great talents also. Both are Jews.

Frankfurter once said: "* * * As judges we are neither Jew nor gentile, neither Catholic nor agnostic."

Goldberg once said: "We cannot be impartial. We can only be intellectually honest * * * aware of our own passions, on guard against them. Impartiality is a dream, and honesty, a duty."

The new justice was the top man in his 1929 law class at Northwestern, became doctor of jurisprudence in 1930. After practicing in Chicago, 1933–42, he went overseas with Office of Strategic Services, rose from captain to major, U.S. Army, returned to private practice in 1945. For 3 years he was professor of law at John Marshall Law School and lecturer at University of Chicago School of Industrial Relations. In 1948 he became general counsel of CIO and helped it to merge with AFL in 1955, writing the federation's constitution and code of ethical practices.

[From Business Week, Sept. 8, 1962]

TWO GOOD CHOICES

President Kennedy made two excellent appointments last week when he named Labor Secretary Arthur J. Goldberg to the Supreme Court and moved up Under Secretary W. Willard Wirtz to Cabinet rank.

In the past 18 months, Goldberg has emerged as one of the outstanding men of the Kennedy administration. Again and again, he has demonstrated a clear and incisive mind, and with it a truly judicial temperament. His long connection with the labor movement undoubtedly will arouse concern in some quarters, but in his term as Secretary of Labor he has proved that he is anything but the docile captive of the unions. He has demonstrated the capacity to see both sides of complex questions, and on such issues as the shorter workweek he has held out stanchly against much that labor wanted.

As second man in the Labor Department, Wirtz has made a record as a prodigious worker and a skillful administrator. He is thoroughly qualified, and by any standard he has earned the top job.

[From the Sheyboygan (Wis.) Press, Aug. 31, 1962]

AN EXCELLENT APPOINTMENT

While the enforced retirement of Associate Justice Felix Frankfurter because of illness and old age is a great loss to the U.S. Supreme Court, the appointment of Labor Secretary Arthur J. Goldberg to succeed him is an excellent one.

President Kennedy made the public announcement of the appointment at his Wednesday news conference. Secretary Goldberg, who was in Chicago meeting with representatives of the railroad and the union in an effort to avert a strike of the Chicago & North Western railroad, had previously learned the news in a telephone call from the President.

Mr. Goldberg, who became 54 years of age August 8, has had a wide working experience with the law, both in general practice and as a labor attorney. Before joining the Kennedy Cabinet in 1961, he was legal counsel to the United Steelworkrs and other labor groups.

A native of Chicago, Mr. Goldberg was graduated from Northwestern University at the top of his class. During World War II he served as chief of the Labor Division of the Office of Strategic Services with the rank of major.

When Mr. Goldberg was appointed Secretary of Labor there were fears expressed by some that, because of his previous union associations, Secretary Goldberg might be favorable to the unions and prejudiced against management. However, after he assumed his duties, his sense of fairmindedness was soon apparent, and he won the respect and admiration of Democrats and Republicans alike.

Among his early accomplishments as a Cabinet member were averting the steel strike and the communication workers' strike. He also was instrumental in settling several strikes that were already underway.

In announcing his appointment of Mr. Goldberg to the Supreme Court, President Kennedy said that he is "superbly qualified" for the position. The appointment drew immediate warm praise from members of both parties on Capitol Hill.

Senate Democratic Whip HUBERT H. HUMPHREY, describing Mr. Goldberg as "a man of reason and commonsense" predicted prompt Senate approval of the appointment.

[From the Wheeling (W. Va.) News-Register, Sept. 4, 1962]

POLITICAL PHILOSOPHY

News releases by the wire services announcing the appointment of Arthur J. Goldberg to the Supreme Court point out that this Nation's Highest Court has lost its chief conservative with the retirement of Felix Frankfurter and will be gaining a labor specialist whose judicial philosophy has yet to reveal itself.

Goldberg's fairness and impartiality has been more than demonstrated during his service as Labor Secretary as he won the respect of both labor and management.

What is puzzling to the layman is if the Supreme Court is to deal with the interpretation of the Constitution and various laws in relation to it, why a Judge's political philosophy should be of major concern or interest.

If the Supreme Court is considering matters of a technical nature, it is difficult to see why a man is conservative or liberal. Republican or Democratic, political leanings should not influence his decision.

Similarly two mathematicians should arrive at the same answer to a mathematical problem regardless of their political affiliation or leanings.

While unanimity may not be possible, the continued 5 to 4 votes recorded by the Supreme Court on specific matters of technical interpretation of various laws indicates that perhaps more is involved than simply a legal decision.

It is generally true that where there is smoke, fire will be found.

The concern about the political philosophy of our new Supreme Court Justice indicates that the layman's understanding of the Court may be mistaken and that political and economic philosophy plays a much greater role than we like to think should be the case in the Highest Court of the land.

[From the New Haven (Conn.) Register, Aug. 29, 1962]

MR. JUSTICE GOLDBERG FOR MR. JUSTICE FRANKFURTER

The retirement of Felix Frankfurter from the seat he has held since 1939 on the U.S. Supreme Court was anticipated many months ago.

His replacement by Labor Secretary Goldberg was an almost equally foregone conclusion.

Yet now that both actions have come it is clear that anticipation does not end and that far-reaching new processes have been set in motion through the shifting of balances on the High Court.

Justice Frankfurter retires wearing the laurels of a great Justice. He came to the Court under attack as a radical and leaves it as the Justice who has recently been most adamant and conservative in his interpretation of constitutional meanings.

His record is one of almost feverishly insistent, scholarly, and brilliantly expounded concern for the legal issues brought before the Supreme Court. He pretty firmly rejected the idea that changing social pressures might be a proper key to constitutional interpretation. He was scrupulous—in the face of opposing convictions among his colleagues—about encroaching upon the prerogatives of the Nation's lawmakers through the processes of judicial decision.

Justice Frankfurter functioned in the highest traditions of our highest tribunal—and his retirement is necessarily a loss to the Nation as well as to the Court itself.

Justice-designate Goldberg is, beyond question, a distinguished choice as successor to Justice Frankfurter. But he is, indeed, a different kind of man—and he is most likely to be a much different kind of jurist. Endlessly active, and articulate, constantly prepared to define, to defend, and to enforce his own viewpoint, he has been the most energetic Labor Secretary in our history.

Where his appointment gives pause is, first, in the genuinely narrow legal field, labor union activity, in which he has gained such expertise, and second—and more importantly—in his repeatedly stated conviction that the Federal Government must, and should, play a steadily larger role in the unfolding American society. This basic conviction, so vigorously upheld at every opportunity by Mr. Goldberg, is what establishes him as a likely new storm center for the Court—and as a protagonist of new problems as much as of new judicial solutions for the Nation.

It is proper, of course, that a new U.S. Supreme Court Justice should be most carefully appraised. Mr. Goldberg seems certain to be confirmed without great problems. Thereafter will come the test, for him and for us, of matching political fervor with judicial precision, of balancing a thirst for change against an understanding of national continuity. He faces a big challenge.

[From the Hartford (Conn.) Times, Aug. 31, 1962]

THE UNTOUCHABLES

An appointment to the Supreme Court of the United States can work mysterious chemistry in a man.

Nobody can tell in advance what kind of Justice an appointee will make. His attitudes, philosophy, creeds and principles have been well examined, for to attain to that level he must have been in public life for a long time. But will he change?

Take Justice Frankfurter, for instance, whose retirement has made room for Arthur J. Goldberg to leave the Cabinet and join the Court. Frankfurter was appointed by President Franklin D. Roosevelt in 1939. Nearly everybody thought of him as something of a radical—and that was a bad word in 1939. He had recently published a scholarly study of the Sacco-Vanzetti trial and called it "one of the most glaring cases of a prejudiced trial in American history."

But it turned out that Frankfurter was far from being radical. He was a nonconformist conservative. His acquaintances had confused his nonconformity with liberalism.

Another example is Justice Hugo L. Black, an Alabamian appointed in 1937. He had been a member of the Ku Klux Klan. To most liberals, that tagged him as an ultraconservative. It was feared that his appointment was a blow to the cause of civil rights and individual liberty.

But it didn't work out that way. Justice Black has had a fine record on the Nation's Highest Bench. His Ku Klux Klan membership was only an episode in the career of a southern politician.

Close friends of these two men might have predicted what their attitudes on the Bench would be. But it was the security of membership in the Court, where a man can have more intellectual freedom than in any other post of Government, that made the Justices expose their minds in the fierce glare of publicity that spotlights every decision of the Court.

A Supreme Court Justice is as nearly immune to pressure as it is possible for a civil servant to be. Unless he becomes insane or otherwise incompetent or commits a serious crime, he can stay on the Court as long as he wishes.

Even incompetency may not cause his removal. There are many examples of judges serving far beyond their useful years, long after senility robbed them of good judgment. The other Justices, in these cases, cooperate to protect the Nation and guard the reputation of the Court and of the Justice involved. This is true in State courts, too, where there is no provision for mandatory retirement because of age.

Being immune, a Supreme Court Justice can be dispassionate, objective, uninvolved. He is concerned not with individuals but with the law, which is another way of saying that all men in our country are his concern.

When the Constitution begins to creak at the seams, he must patch it up. Where it fails to cover something that needs covering, he must find a way to stretch it to meet the exigencies of the times. And because he is so secure, he can work for posterity, not feeling pushed or urged or influenced.

It will be interesting to watch Justice Goldberg's Court career. He is the first man to make his way to the Supreme Court through a career in labor organizations. While he was Secretary of Labor he proved many times that he considered the national good above the aims of labor and management. He wears nobody's badge; he is his own man.

As for Justice Frankfurter, there is no lack of expressions of appreciation for his long public career. The President has spoken for the people. But it was high time for him to step down. The several examples of friction with the Chief Justice and other Justices—some of which took place during open court—are considered to have been caused by an old man's stubborness and his impatience with the contrary opinions of others.

[From the Binghamton (N.Y.) Sun-Bulletin, Aug. 31, 1962]

JUSTICES OLD AND NEW

Justice Felix Frankfurter's retirement was not altogether unexpected. He suffered a stroke last spring, and at the age of 79 the chances of full recovery are not great. Everyone will wish for him a long and fruitful retirement.

Justice Frankfurter was a surprise to many who thought they knew him well before his appointment to the Supreme Court 23 years ago. From his sanctum at Harvard, he had been an intellectual busybody, disseminating his ideas in a steady stream of articles, letters, personal conversations, and lectures. His students included many young men who were later to achieve eminence themselves, and through them Mr. Frankfurter's influence continued to expand. He was articulate, witty, occasionally sharp tongued, sometimes profound, and always stimulating. He was regarded as an ardent liberal.

So President Roosevelt believed he was liberalizing the Supreme Court when he nominated Felix Frankfurter. But Justice Frankfurter turned out to be different from Professor Frankfurter. He was not the dogmatic liberal at all. He sought instead to follow the logic of the law and of his own mind, and let this logic lead him to his conclusions. In his case, this brought him toward a moderate conservatism as an interpreter of the Constitution. And he often found himself siding against such liberal Justices as Warren, Black, and Douglas.

Indeed, many of his admirers felt that he was too conservative as a judge, just as some

had felt he was too liberal as a law professor. But the Justice himself marched along his busy, provocative way, following his ideas wherever they led him.

His successor is also a man who, in his own way, has surprised everyone. Arthur J. Goldberg had earned a high reputation as a lawyer representing organized labor with a skill and persistence that won him universal respect. When President Kennedy chose him to be Secretary of Labor, Mr. Goldberg was expected by many to be, in effect, the unions' special pleader within the Cabinet. Instead, he revealed from the outset that he took his new responsibility very seriously and that his obligation was neither to labor nor to management but to the public interest.

Mr. Goldberg has raced from one labor-management crisis to another, wending his way skillfully through the morass of suspicion, antagonism, and conflicting interests. He devoted himself to the settling of major labor disputes before they got too far. And, throughout, he has retained the respect not only of the unions but of management as well. It is no exaggeration to say that Mr. Goldberg has been the best Secretary of Labor in history.

This record is what makes his appointment to the Supreme Court so acceptable. no one quite knows, ahead of time, what the cerebral climate of the Supreme Court will do to a man—any more than we can predict what accession to the Presidency will do to a man. But Mr. Goldberg's past record suggests that, in his own way, he too will follow the dictates of his mind and the demands of the public interest, rather than make his decisions on the basis of past loyalties or associations.

[From the Tyler (Tex.) Courier-Times, Aug. 31, 1962]

THE GOLDBERG APPOINTMENT

There was little surprise in President Kennedy's appointment of Secretary of Labor Arthur Goldberg to the U.S. Supreme Court to replace Justice Felix Frankfurter, whose retirement was announced simultaneously.

Justice Frankfurter, who will be 80 in November, has been ill and off the Bench since he suffered a stroke in early April. A distinguished jurist and student of the law, he was named to the Court in 1939 by the late President Franklin D. Roosevelt as a rather extreme liberal. He retires as the outstanding conservative member of the present Court.

Mr. Goldberg's appointment has been rumored since talk of the possible retirement of Justice Frankfurter began earlier during his illness. The President's selection was hailed widely by both Democrats and Republicans.

Mr. Goldberg's experience as a jurist has been absolutely none, a fact which eminently qualifies him for the Supreme Court on the basis of selection criteria apparently employed in recent decades. It used to be that service as a judge was considered quite desirable for Supreme Court aspirants, but such has been the case in few instances since the 1930's.

Mr. Goldberg as an attorney, though, leaves nothing to be desired in his qualifications.

His 30 years of law practice were spent almost entirely as a labor attorney, and he was instrumental in the merger of the American Federation of Labor and the Congress of Industrial Organizations.

But he has proved time and again since he took over as Secretary of Labor that he is quite unconcerned about disagreeing with his old labor friends when he feels them wrong.

His energy, his devotion to his duties, and his strict adherence to established law and principles plus a judicious tempermament, have made him one of the outstanding members of the Kennedy Cabinet.

That is why praise for Mr. Goldberg and his selection as a Supreme Court Justice has come from all sides. What his judicial philosophy may be remains to be seen. But he is an outstanding lawyer and has proved his dedication to the public good.

[From the Wilkes-Barre (Pa.) Record, Aug. 30, 1962]

HIGHEST COURT CHANGES

In giving consideration to the retirement of Justice Felix Frankfurter and the appointment of Secretary of Labor Arthur J. Goldberg as successor on the U.S. Supreme Court, there is ample material for extensive discussion. Both have had long careers, both are intellectually accomplished, and both are men of achievements sufficient for a broad gage of their abilities and in the turns their views are likely to take.

It is a striking commentary on American opportunity that both are sons of immigrants.

In his appraisal of retiring Justice Frankfurter, now nearing 80, Paul M. Yost, Associated Press writer said, "Felix Frankfurter in retirement remains an enigma among America's great public figures. To nervous lawyers who made fuzzy points in arguments before the Supreme Court, the retired Justice is remembered as the jurist whose iron legal grip left them quaking.

"To puzzled courtroom spectators who heard him rattle off 500-word questions that seemed to melt attorneys down to stupid law clerks, he is recalled as a fearsome but colorful character. To fellow Justices, he is known as that peppery little man who perched on the edge of his chair, always ready to throw a verbal dart to prove once again that Frankfurter is the great Harvard law professor."

As to the incoming Justice, another press dispatch carried a comment by Jerry T. Baulch, in part as follows: "Arthur J. Goldberg has ever been a man on the move—leaping into controversy as a peacemaker, a vigorous advocate of his convictions. Just as he did in nearly 30 years as a lawyer he depends on personal persuasion to get things done—the key facet of the administration's approach to labor-management problems.

"But his official way of life will be changed drastically if his nomination to succeed Justice Felix Frankfurter on the Supreme Court is confirmed by the Senate, as expected.

"Goldberg's past offers many clues as to his views on some of the issues he will face. But he has proved himself especially adaptable, changing with the times and assignments. And he has a favorite quotation from the Italian Historian Gaetano Salvemini: 'We cannot be impartial. We can only be intellectually honest * * * aware of our passions and on guard against them. Impartiality is a dream, and honesty, a duty.' "

The foregoing are but glimpses of these two jurists, but within the limitations of a few paragraphs they are revealing.

[From the Asheville (N.C.) Citizen, Aug. 31, 1962]

THE HIGH COURT LOSES A DISPUTANT

The retirement of Supreme Court Justice Felix Frankfurter has been expected so long and postponed so often it comes almost as a surprise.

It's hard to pin a label on this 79-year-old jurist who has been a sort of Peck's Bad Boy on the Bench since his appointment by Franklin D. Roosevelt in 1939. Regarded variously as a socialistic liberal and a constitutional conservative, Frankfurter, in his time, was probably both and possibly neither. He was strong on the preservation of individual liberties, but just as strong on the sanctity of constitutional principles and the binding force of congressional law.

He made a colorful, unpredictable, somewhat irascible judge, who refused to be swayed by the opinions of his colleagues.

His successor, Arthur J. Goldberg (whom he may have helped pick), is less well-known, more clearly liberal, more outwardly pragmatic. In his role as Secretary of Labor, he has performed with distinction. Like Frankfurter, this will be his first experience at the judicial level and, like several other members of the Court, he starts at the top.

This will be called a political appointment and will draw, we suspect, severe criticism. Yet Senator PAUL H. DOUGLAS, among others, calls it magnificent, adding, "it does the administration great credit."

Time will tell.

[From the East Liverpool (Ohio) Review, Aug. 31, 1962]

THE POTENTIAL OF JUSTICE GOLDBERG

The U.S. Senate is in a mood to rubberstamp the appointment of Arthur J. Goldberg to the U.S. Supreme Court.

It will be surprising if this coveted honor for the former union counsel who rose to Secretary of Labor in John F. Kennedy's Cabinet is tarnished by senatorial skepticism. The appointee has everything in his favor.

Even diehard Democrats of the Deep South, churlishly blocking appointment of Thurgood Marshall to the Federal bench, will not vent their spite against the minority symbolized by Arthur Goldberg. It wouldn't be worth the damage it would do.

But even more restraining than the political exigencies is the emergence in recent years of a staggering truth about Supreme Court appointees. There is no way to foretell their judicial inclination. It can't be done.

The ill Felix Frankfurter, whose resignation opened the way for the Goldberg appointment, was reviled and feared when Franklin D. Roosevelt appointed him. He was a sociological wild man whose ideas about constitutional law seemingly had been pieced together while the Harvardian professor was being wafted in the air over Cambridge. Justice Frankfurter turned out to be a high priest of rational conservatism when he put on his judicial robe.

Some claim it's the robe that sobers Supreme Court appointees. Some believe it's the stark, chill discipline of the law. And some feel sure it's the rational thought that members of the Highest Court strive to attain; that the inevitable consequence of rational thought is a cautious approach to the Nation's fundamental law.

How could it be otherwise? That's what a written constitution is—an attempt to preserve what is worth preserving by putting it in writing, safe from the brain flashes of legal pyrotechnicians.

Arthur Goldberg has the potentiality of a first-rate jurist. His countrymen will hope for the best. It's all they can do.

[From the Bardstown (Ky.) Standard, Sept. 6, 1962]

ANOTHER PROOF OF OUR GREATNESS

Another dramatization of this country's greatness:

Secretary of Labor Arthur Goldberg is soon to become a Supreme Court Justice.

He was the son of poor Jewish immigrants from Russia. His father drove a produce truck in Chicago. He has served in the Cabinet of a President of the United States and is now to sit on the Highest Court in the land. In no other nation of the world could this have happened.

[From the Omaha (Nebr.) World-Herald, Aug. 31, 1962]

JUSTICE GOLDBERG

President Kennedy's second appointment to the U.S. Supreme Court, like that of Byron White earlier this year, elevates a member of his administrative team.

Arthur Goldberg is a man of awesome energies, considerable skill as a negotiator, long experience as a union lawyer. He has been an articulate man of action for the Kennedy administration, and has surprised many observers by taking a pragmatic approach, rather than a doctrinaire liberal one, to labor disputes, to the administration's labor policies and to administration problems outside the labor field.

His overriding concern for getting things done, for finding solutions that work—or appear to work—has won him more public approval than seemed likely when he was appointed Labor Secretary 18 months ago. At the same time his zeal for settlements at any price—and by Government intervention—has bothered some who wondered whether Mr. Goldberg's actions always are guided by clearly defined principles.

Among Mr. Goldberg's surprising talents is his ability to get along with Congress, a fact which most observers believe will make his confirmation by the Senate a relatively easy matter.

If so, that will be a sharp contrast to the circumstances which accompanied the appointment of the man he is replacing, the colorful and controversial Justice Felix Frankfurter. President Roosevelt bulled Mr. Frankfurter's nomination through the Senate but feelings were high over the selection of an extreme New Dealer who had helped shape Roosevelt policies from behind the ivied walls of Harvard Law School.

Mr. Frankfurter went on to be one of the storm centers of the Supreme Court, as might have been predicted, and then to become the most conservative member of the not-so-conservative Court—a development few would have anticipated when he was named in 1939.

The fact that a Justice can change attitudes over the years—the possibility that he may do so merely by donning judicial robes—should inhibit those who may be tempted to speculate on what manner of Supreme Court Justice Mr. Goldberg will be.

Nevertheless, it is fair to say that Mr. Kennedy selected a man who shares his own liberal views, and whose eminence derives from his political activity.

In that connection we confess to some concern over the President's apparent bent for making political appointments to the Supreme Court. The last three Eisenhower appointees—Brennan, Whittaker, and Stewart—were men of judicial experience. Perhaps they were not the most talented judges in the land, but nevertheless, Mr. Eisenhower was on the right track. The ablest men on the Federal bench deserve promotion to the Supreme Court when opportunities present themselves. Mr. Kennedy could add luster to his name by choosing such men in the years to come.

[From the Lafayette (Ind.) Journal & Courier, Aug. 31, 1962]

MR. JUSTICE GOLDBERG

The appointment of Arthur Goldberg to the Supreme Court merits immediate applause. He is a gifted lawyer and he has been an excellent Secretary of Labor. With his education, his record, and his willingness to serve his country, he should be able to adorn the judicial branch with dignity and ability.

Moreover, Mr. Goldberg's personal life is the kind we automatically admire in America. A poor boy and a member of a minority group against which there were many prejudices in his youth, Goldberg fought his way up from obscurity to fame.

He joins a Supreme Court that has just lost its most distinguished member, Justice Frankfurter. Although it is too early to judge Justices Harlan, Stewart, and Brennan, the present Supreme Court appears to be one that is characterized by mediocrity and a preoccupation with stretching the words of the Constiution.

Of the present Court, only Harlan, Stewart, and Brennan had previous judicial experience. Chief Justice Warren and Justices Clark, White, and Black were blatant political appointments.

It seems a long time since we have had a Holmes or a Hughes or a Taft or a Cardozo or a Marshall or a Brandeis to grace our Highest Bench.

Mr. Goldberg has indicated considerable qualities of statesmanship and with his legal talent he has the opportunity to become a dominant judicial figure in this generation. Although he owes his appointment to the Kennedy administration, Mr. Justice Goldberg is now challenged to make it absolutely clear that this administration did not "buy a vote on the Highest Bench" or "take the judge to court." He is now free of all political obligations and immune from pressure. He can exercise his own best judgment and we dare to expect that his judgment will be good for America.

[From the Ashland (Ky.) Independent, Sept. 4, 1962]

SUPREME COURT SHIFT

An able old man has stepped down from the U.S. Supreme Court. An able man 25 years his junior has been appointed to take his place. The stature of the Court, though diminished by the departure of one of its great members, is thus maintained at a high level.

It will not be easy to become accustomed to Justice Frankfurter's absence from the deliberations of the Supreme Court. He has long been a familiar figure to the American people, first as a key adviser to President Roosevelt and during more than two decades as the writer of penetrating decisions on some of the great questions of the day. He will be missed.

Arthur J. Goldberg, taken from the Cabinet where he has served brilliantly as President Kennedy's Secretary of Labor, cannot be expected to fill Frankfurter's shoes immediately. Goldberg himself has modestly acknowledged that he cannot do that, and he is right. But his frequently demonstrated abilities are such that he can be expected to serve most ably, and perhaps in the end with great distinction.

As always when a new man is appointed to the Court, there is speculation as to how Goldberg's voice will weigh in its counsels. The common assumption is that he will be inclined to lean somewhat toward the liberal side of the spectrum.

Possibly so, but one cannot be sure. Justice Frankfurter, who played a key role in the shaping of the New Deal and yet became leader of the conservative wing of the Court, illustrates the point that one cannot confidently predict the course a man will take once he has ascended to the Bench. All that can be said now with certainty is that Goldberg is a most creditable addition to the Court.

[From the Durham (N.C.) Herald, Sept. 4, 1962]

NEW JUSTICE AND DECISION TREND

The appointment of a new Justice of the Supreme Court always stimulates speculation on what contribution he will make toward the trend of decisions by the Court. In recent years, a narrow and shifting balance between two factions of sharply differing views intensifies this speculation.

President Kennedy has in less than 2 years in the White House had the opportunity to name two Justices, Byron White to succeed Justice Charles E. Whittaker and Arthur J. Goldberg to succeed Justice Felix Frankfurter. Both the Justices who have retired from the Bench are labeled "conservatives," though Justice Frankfurter was regarded as a foremost liberal when President Roosevelt appointed him in 1939.

What the labels suggest as a shift in stand and viewpoint on the part of Justice Frankfurter adds zest to speculation on how any new Justice appointee may turn out. How much Justice Frankfurter shifted is another topic for speculation. As the Wall Street Journal commented, "part of the irony of the liberal Frankfurter becoming the conservative Frankfurter is that Felix Frankfurter himself stayed pretty well anchored." It then points out that the retiring Justice has held consistently to the point that "judges ought not to substitute their political view of the issues for that of the lawmaking bodies but confine themselves to the question whether the law is clear, consistent and a valid exercise of legislative power."

The natural expectation is that Mr. White and Mr. Goldberg, as Justices, will reflect the political philosophy of the New Frontier, which is essentially liberal. Mr. White's public career has been too brief to give clear indication of what may be expected of him. On the other hand, Mr. Goldberg as Secretary of Labor demonstrated that he was not, as some critics feared on his appointment to the post, labor's man.

Men of ability and integrity have a way of measuring up to the requirements of the office to which they are appointed. If that were not true, the republican form of government would long since have disappeared in this country.

[From the Waterbury (Conn.), American, Sept. 1, 1962]

MR. JUSTICE GOLDBERG

Arthur Joseph Goldberg, Secretary of Labor in the first Kennedy Cabinet, has had a reputation of being a hard-working, hard-driving individual since he took his first job in Chicago at the age of 12.

Member of a large family of poor Russian immigrants, he began to make his mark early in life. Graduating from Northwestern University Law School at the age of 20, he persuaded the Illinois Supreme Court to waive the regulations and permit him to take his bar exams a year before the legal age of 21.

From that point on his career was a soaring one, taking him to the Cabinet of the United States and now to the Bench of the U.S. Supreme Court.

As Secretary of Labor, he has established a reputation for impartiality and fairness in his dealings with both labor and management—although he was for many years a labor lawyer and fought labor's cause alone. There were many who decried his appointment to the Labor Department post on the premise that he would inevitably be biased. He shortly proved his detractors to be entirely wrong.

Now, however, Mr. Goldberg faces an entirely different situation than anything he has confronted in his long and meteoric career. It will be a distinct change and a challenge.

Furthermore, he will be stepping into a big pair of shoes in succeeding Justice Felix Frankfurter, for no man in modern history has so influenced the Nation's Highest Court as has Mr. Frankfurter.

There is no doubt that Mr. Goldberg's appointment will be quickly approved by the Senate. Initial reactions from both sides of the political fence on Capitol Hill have been favorable.

On the basis of Mr. Goldberg's past record as a man, a lawyer, a negotiator, and a Cabinet member, we believe that he will take his

new assignment in stride, with devotion to the ideals of democracy which he has always espoused. Mr. Kennedy, we think, has made a good choice.

[From the Parsons (Kans.) Sun, Aug. 30, 1962]

TO THE COURT

Secretary of Labor Arthur J. Goldberg becomes the newest member of the U.S. Supreme Court with his appointment to succeed the aging and ailing Felix Frankfurter, a Justice since the New Deal days.

Reaction to the choice of President Kennedy for the Highest Court should be excellent for in Goldberg he has selected an able man with a fine legal mind.

Goldberg has shown a devotion to the national interest as Secretary of Labor and has not permitted prior affiliations to sway either his actions or his judgment in compiling an unusually energetic and generally effective record.

Indeed the chief criticism, if any, of the Goldberg appointment is that it removes him from a sensitive position in Government at a critical period. Labor-management disputes have grown in number and seriousness, and Goldberg was the administration's key figure in seeking to resolve them in a satisfactory manner.

Frankfurter has had a long and colorful career on the Court. It is ironical that he was regarded as a flaming liberal, fresh from Harvard, when he was appointed in 1939 by Franklin D. Roosevelt and now, upon his retirement, is looked upon as one of the conservatives of the Court.

The source of the irony could arise either from a change in Frankfurter's views or a change in those of the Court. Possibly it is a combination of both, but bears out the old observation that today's liberal is often tomorrow's conservative.

Frankfurter had come to win universal respect as a justice who spoke clearly and forcefully. Goldberg is well equipped to follow in his steps in rendering similar service to the Court and the Nation.

[From the Birmingham (Ala.) News, Aug. 30, 1962]

CHANGE ON THE COURT

The obvious thing to say of President Kennedy's appointment of Arthur J. Goldberg to the Supreme Court is that here is another case of political reward. Mr. Goldberg has no previous juridical experience. He is known exclusively as an attorney dealing with labor union matters.

Yet if this yardstick is to be the major criterion in measuring capacities or promise of judges, one could conclude only that the American judicial system is rife with incompetency. The opposite is the case. Most men on Federal benches may have gone there with no previous experience as judges.

Presidents, of either party, do name on basis of politics. But they also have shown a considerable feeling for what lies within a man. There are exceptions, but agree or disagree with judicial histories or opinions, the overwhelming majority of Supreme Court Justices have been men who served well, thoughtfully, and contributed to creation of a spirit of justice.

It is essential that the citizen however disgruntled over Court rulings now, past, or future, keep in mind that out of the heritage of English common law the United States has developed a mass of judicial opinion which in many opinions is the finest example on earth of preservation of the individual's liberty, and application of justice to parties human, corporate, or government. It is a proud record. Those who slur do so pitiably.

Mr. Goldberg is son of a Russian immigrant. He worked from age 12. He put himself through college and won his law degree from Northwestern with high honors. If he has been since 1938 wholly involved with labor law, since elevation to Cabinet as Secretary of Labor he has shown a remarkable catholicity of interests. His skills are manifest; within 72 hours after taking office as Secretary he had to settle, and did settle, a strike. His subsequent negotiation of disputes has been admirable. As a CIO attorney, his record was constructive, in merging major unions, in early detecting Communist dangers and expelling contaminated unions. Before joining Government he was earning $100,000 a year. This is a man of varied capacity.

Losing Justice Felix Frankfurter will wrench. Early labeled liberal, he had come to be accepted as foremost conservative on the Bench. Some say times changed, not Frankfurter. He was at times professorially theatrical, but his incisiveness was pronounced. If it is said he will be but a footnote in history that is not the judgment here.

Mr. Goldberg is due America's congratulations. Do not count him automatically a liberal Justice. The High Court does things to people. Goldberg has the stuff of a competent Justice however limited his range heretofore.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House insisted upon its amendment to the bill (S. 3451) to provide relief for residential occupants of unpatented mining claims upon which valuable improvements have been placed, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mrs. PFOST, Mr. BARING, Mr. JOHNSON of California, Mr. SAYLOR, and Mr. CUNNINGHAM were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8134) to authorize the sale of the mineral estate in certain lands.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10566) to provide for the withdrawal and orderly disposition of mineral interests in certain public lands in Pima County, Ariz.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. ON MONDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations tonight it stand in adjournment to meet at 10 o'clock on Monday morning next.

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

UNOFFICIAL BOYCOTT OF CUBA

Mr. THURMOND. Mr. President, the Washington Daily News carried an article this afternoon entitled "U.S. Aid Pressing Italian Government To Force Striking Seamen To Sail Supply Ships to Castro, Is Report," written by Virginia Prewett.

The article reads as follows:

NEW YORK, September 21.—The U.S. labor attaché at Rome is encouraging the Italian Government to force Italian seamen to sail two struck supply ships to Fidel Castro, a National Maritime Union official charged here today.

The two ships, the *Aerone* and the *Nazzareno*, loaded with Russian and Italian supplies to Cuba, have been tied up at the Calabrian port of Reggio since September 15 because 12 Italian seamen refused to operate them.

"We have had a call for help from the Italian union who says that their Government is threatening to lift the seamen's cards if they don't sail the ships," said a spokesman for NMU, President Joseph Curran. "And they say that the U.S. labor attaché at Rome is into it."

The State Department lists Mr. John C. Fuess as American labor attaché in the Italian capital.

DETERMINED

"Last winter the State Department stopped the boycott against Castro shipping out of U.S. ports," said the NMU official. "But we don't mean to give in this time."

When the State Department stopped the boycott, he said, the union was told to "mind union business, and let the State Department run foreign policy."

The Italian strike, start of unofficial boycott tryouts against Castro shipping, has already been followed by action by U.S. union groups in New York and Texas. On September 19, NMU seamen began to picket a West German flagship, the SS *Olendorf* at Corpus Christi, Tex.

"The NMU protests ships of countries receiving American aid carrying cargoes to Cuba," says placards carried by the pickets. NMU officials charge that the ship, although it has the "paper destination" of West Germany, actually would carry grain to Fidel Castro.

REFUSAL

Yesterday, a New York International Longshoremen's Association union refused to load a Russia-bound Belgian freighter with drums of chemicals because they said it "might be used to make gunpowder for Fidel Castro."

When NMU Chief Joe Curran on September 12 called for a world boycott of Castro's supply line, labor circles expressed fears that U.S. officials might try to interfere with the strike.

This was true even though the U.S. Government is supposedly pressuring its NATO allies to stop their ships from carrying Russian supplies to Castro.

The NMU told the Washington Daily News on September 19 that Maritime Union leaders of the United States, Britain, West Germany, Italy and other countries have already unofficially agreed that, "something must be done" about Fidel Castro's regime. They expect the International Federation of Transport Workers, which has 6.5 million members in 100 countries, to declare an official boycott at a meeting to be held in London during the first week in October.

Mr. President, I just read this article in the afternoon edition of the Washington Daily News. I see the ranking member of the Committee on Foreign Relations, the distinguished Senator from Alabama [Mr. SPARKMAN] in the Chamber. I wonder if he has any information on this subject.

Mr. SPARKMAN. Mr. President, I have nothing more than what the Senator from South Carolina has. I read the

article with considerable misgiving. Certainly I would be very much concerned if the report should be true.

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

Mr THURMOND. I am pleased to yield to the distinguished Senator from South Dakota.

Mr. MUNDT. In the presentation of Secretary of State Dean Rusk before the Senate Committee on Appropriations, he confirmed the fact that the State Department is working with the NATO countries in trying to discourage participation in shipments to Cuba. Consequently, it was with real shocking astonishment that I also read the same story on the front page of the Washington Daily News today.

Obviously I have had no opportunity to confirm the situation portrayed in the story. But if the reports are factual, it seems to me that it becomes mandatory for someone in Government—presumably the State Department or the Department of Labor—to call home the American official who evidently is working at direct odds with the State Department in encouraging seamen abroad to do the very type of thing that the Secretary of State is discouraging countries from permitting.

I noticed in the article that a congressional committee was called upon for an immediate investigation. I hope that the Senator from South Carolina, with his customary diligence and energy, will follow through on this point, because it is one which we should know about with absolute definiteness before we start marking up the foreign aid bill. Senators may recall that the House has inserted in the foreign aid appropriation bill a great deal of prohibitory language, one paragraph of which is related to the fact that all economic aid would be suspended from any country which is participating in trade with Cuba. It was in relationship to the desire of the State Department to have that paragraph stricken, or at least modified, that the presentation was made that this was being done by negotiations through diplomatic channels instead of by some kind of coercive step.

I am sure that the State Department representatives spoke accurately about their plans and program. But if, while they are doing that and while we are considering in proposed legislation whether or not Congress must act by means of a coercive paragraph, other officials of the Government in Italy are literally thumbing their noses at the State Department policy, we had better find out about it before we vote on foreign aid, because we have the remedy available. We can insert prohibitions, if necessary. Certainly if the story is correct, we had better be sure we write in legislative language to insure that the Government will be able to control the attitudes and actions of its own employees abroad whenever they do definite violence to the announced policies of the Government at home.

I was very happy when Joe Curran and the NMU took this patriotic step to establish a sort of voluntary prohibition on themselves against loading shipments for Communist countries. I was glad when they induced associated unions abroad to join them. It was not a governmental policy. It involved the right of free men freely to decide not to help Communists conquer other free men. I salute the union for its salutary action. I hope the Senator from South Carolina can report to us on Monday that either the story is false—which seems dubious—or that the necessary corrective actions have been taken and the offending officer abroad called home.

Mr. THURMOND. Mr. President, I thank the able and distinguished Senator from South Dakota. If the news article is true, this is a shocking incident. It will be shocking to the American people to know that an official of our Government, the U.S. Labor Attaché at Rome, should be encouraging the Italian Government to force Italian seamen to sail two supply ships to Fidel Castro in Cuba.

Mr. President, it is well acknowledged now that Castro is a Communist. It is asknowledged that thousands of Russian and Chinese troops are now in Cuba.

It has been acknowledged that there are missiles in Cuba. It is well known that Cuba is being built up as a strong Communist military base. It is well known that Cuba is being used as a distribution point for literature and propaganda of the Communists throughout Central and South America.

It is my judgment that this matter should be looked into very carefully, and that action should be taken if the report is true.

I feel very deeply about this question because, as the distinguished Senator from South Dakota has said, according to our highest officials, our Government is now pressuring our NATO allies to stop their ships from carrying supplies to Castro.

The National Maritime Union does not want these supplies to go to Cuba. Yet this labor attaché, according to the news item, is encouraging the Italian Government to force Italian seamen to sail the two struck ships anyway. The only purpose would be to carry supplies to our enemy, international communism.

The only regret I had about the resolution that was passed yesterday, and which I supported, and was pleased to support, was that it did not go further than it did and say that Khrushchev should get out of Cuba, because we know full well that the Communists are in Cuba. I do not believe the resolution went far enough in the provisions it contained.

It seems to me that we must take a stronger stand than we are at the present time. Either we are going to enforce the Monroe Doctrine, or we are going to reinterpret the Monroe Doctrine and let it go by the board. We ought to enforce the Monroe Doctrine. This reported action, if it is true, by an official of our Government, is reprehensible, and I am sure will not meet with the approval of the American people. I believe it is a step which jeopardizes the security of this Nation and the entire free world.

Mr. MUNDT. Mr. President, will the Senator yield further?

Mr. THURMOND. I am pleased to yield to the Senator from South Dakota.

Mr. MUNDT. I read the story a few minutes ago in the cloakroom, before I addressed the Senate on the subject of timber. I do not recall whether it mentions the name of the labor attaché.

Mr. SPARKMAN. Yes.

Mr. MUNDT. Therefore it should be easy for us to verify the accuracy or inaccuracy of the story. Certainly Congress and the country have a right to expect summary action by bringing this attaché home if the story is correct. It will not take very long to determine the accuracy of it

Mr. THURMOND. The news item states:

> The State Department lists Mr. John C. Fuess as the American labor attaché in the Italian capital.

I do not know whether he is the gentleman who is serving in this post at this time.

Mr. MUNDT. I am sure, for example, that the Subcommittee on Appropriations now dealing with the foreign aid bill will welcome the opportunity to ask Mr. Fuess whether he was acting on his own initiative or whether someone higher up in the echelon of his superiors ordered him to do this, because it is about time to determine whether one branch of the Government knows what the other branch is doing toward Cuba and toward communism. If they are fighting each other, no wonder we are making such small progress in our resistance to communism abroad.

I congratulate the Italian seamen, who are working with Joe Curran and the International Maritime Union in this country, and who voluntarily have declined to load the ships which carry merchandise to Cuba.

I only wish that the statesmen of Europe would catch up with the seamen of Europe in their foresightedness and in their realism in recognizing the dangers which will occur to the whole free world if we continue to feed and arm and equip and provide troops for a great Red fortress a few miles from Florida.

I congratulate the Senator from South Carolina in bringing this matter to the attention of the country as emphatically and as promptly as he has.

Mr. THURMOND. I thank the distinguished Senator from South Dakota. Further, the article states, as I read a few moments ago:

> "Last winter the State Department stopped the boycott against Castro shipping out of U.S. ports," said the NMU official. "But we don't mean to give in this time."

I hope he will stand his ground. I hope he will have the fortitude and courage to stand on the statement he has made and not give in to the State Department in this instance, if the State Department should condone such an act by the labor attaché in Rome.

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

Mr. THURMOND. I yield.

Mr. MUNDT. I believe there is a better prospect now that the State Department will support this voluntary action by the union in this country headed by Joe Curran, and that they will take action against this official who has gone contrary to the expressed public policy of the State Department, because the State Department is now confronted by the situation, under the leadership of Mr. OTTO PASSMAN, a Representative from the State of Louisiana, that the House has written into the foreign aid bill a number of salutary amendments to the foreign aid bill. Some of them may be too severe. Some of them may need to be modified. Some may need to be strengthened.

The Secretary of State properly came before our committee to discuss the bill this morning, and among other things he said he wished we would modify what he considers to be a too summary action against NATO countries when the Department is now told under the act, under the leadership of OTTO PASSMAN and the Foreign Affairs Committee of the House and the vast majority of the Members of the House, when they passed the aid bill, "No more aid at all to any country which is shipping supplies and arms and guns to an enemy of the United States in Cuba, right off our very shores."

He said, "That is pretty rough. That is not very diplomatic language."

Let us be diplomatic about it. There may be merit to his request. Perhaps it can be done the diplomatic way. I express the hope, because the State Department now faces an undiplomatic manuever by the House, that it will be active in seeing if it can encourage rather than discourage the efforts of seamen around the world who voluntarily and freely refrain from supplying ships carrying arms to the Communist enemy in Cuba.

Mr. THURMOND. I read further from the article:

> When the State Department stopped the boycott, he said, the union was told to "mind union business, and let the State Department run foreign policy."

I hope that this time the State Department's eyes are being opened to some extent, and that they will not try to cast aside this incident and tell the union to mind its business and let the State Department conduct foreign policy.

Mr. MUNDT. I believe there is hope in the picture, because I believe the State Department has learned that when it conducts foreign policy in such a way that the House of Representatives, at least, is shocked by what is happening, the House demonstrates its capacity to indicate to the State Department how it should be conducted.

Obviously the State Department does not want to relinquish its diplomatic rates. The House of Representatives was within its rights when it wrote in that restriction. I hope the Senate will insist on having a concerted and consistent stand taken against communism in the Western Hemisphere, and not have our representative here saying one thing and our representative abroad saying something else.

Mr. THURMOND. If this incident is correctly reported, it is truly amazing. However, I would not be surprised if it turns out to be true, after having heard evidence about the muzzling of the military in our investigation during the past year, when we learned of the policy of the State Department, which I have characterized as the "no win" policy.

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

Mr. THURMOND. I yield to the Senator from Alabama.

Mr. SPARKMAN. I have had the staff director of the Foreign Relations Committee check this incident, with the State Department, and I am pleased to make this report. It is from the State Department. The Rome Embassy denies the story. The State Department says there is nothing to it. It is my information that the Washington Daily News killed the story in its later editions.

Mr. MUNDT. It is indeed gratifying news, if it is correct. As I said a few moments ago, since the name of the attaché has been mentioned, we now have the capacity freely to find out whether or not the story is correct.

Mr. SPARKMAN. I have had very little to say during this discussion, because I learned long ago that when rumors of this kind come out, the wise thing to do is to run them down as quickly as possible. If Senators will read the story carefully, they will see that it is really third or fourth-hand reporting. As I said a few moments ago, if it were true, I would be greatly concerned and greatly shocked. I am delighted to have this report, that the Rome Embassy promptly denied the story.

It is my information that our representatives in Rome, instead of asking the labor people to go ahead and load the ship, went to the ship owners—the shipping line—and inquired what they were doing, what the cargo was, and questions of that kind.

Mr. MUNDT. Did our representatives try to persuade the ship operators not to ship the supplies to Cuba?

Mr. SPARKMAN. I wish I knew; but in the short time that was available, that was all the information I could obtain.

Mr. THURMOND. I thank the distinguished Senator from Alabama. I hope the information which has been furnished by the staff, and which was furnished them by the Embassy in Rome, is true. I hope it is true, although I am not altogether convinced that it is, because I myself had a disgusting experience with the State Department only last year.

I delivered an address in Little Rock, Ark., last year, in which I charged that the State Department had prepared a document relating to disarmament. The Department categorically denied that statement and issued the denial to the press throughout the Nation.

Several days later I delivered an address in which I cited the number of the document, No. 7277, and the State Department never retracted its denial, although it knew, or should have known, when it made the statement that there was no such paper, it was telling an untruth.

In this instance, I am not convinced that the information we have received is the truth. I hope it is the truth. I expect to look further into the question, because, unless Miss Virginia Prewitt is completely incorrect, the statement is a direct quotation of President Joseph Curran, of the National Maritime Union.

ORDER OF BUSINESS

Mr. SPARKMAN. Mr. President, what is the pending business?

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair). The pending business is H.R. 11880.

Mr. DOUGLAS. Madam President, what was the motion?

Mr. SPARKMAN. I had not made a motion. I was about to ask that the pending business be temporarily laid aside and that the Senate proceed to the consideration of H.R. 13067.

Mr. DOUGLAS. Very well.

AMENDMENT OF NATIONAL HOUSING ACT RELATING TO PAYMENTS IN LIEU OF TAXES

Mr. SPARKMAN. Madam President, I move that the pending business be temporarily laid aside and that the Senate proceed to the consideration of H.R. 13067.

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

The bill (H.R. 13067) to amend title VIII of the National Housing Act with respect to the authority of the Federal Housing Commissioner to pay certain real property taxes and to make payments in lieu of real property taxes was read twice by its title.

Mr. SPARKMAN. Madam President, this is a House bill which came to the Senate. At the request of the chairman of the Committee on Banking and Currency, the distinguished Senator from Virginia [Mr. ROBERTSON], the bill was held at the desk and the entire committee polled. The bill was unanimously approved by the members of the Committee. The bill relates to an FHA project at Forest Hills, near Paducah, Ky. It was a Wherry housing project.

Unlike most Wherry projects, this one was located on property which was privately owned, and real property taxes were paid before foreclosure. The FHA foreclosed the property and for 3 years paid taxes, then ceased, believing that it had no authority to continue to pay taxes.

The purpose of the bill is to authorize the FHA to make such tax payments. The bill has the approval of the Housing and Home Finance Agency and has received clearance from the Bureau of the Budget. It was passed by the House and received unanimous approval by all members of the Senate Committee on Banking and Currency.

The PRESIDING OFFICER. The Chair is informed that the bill was not referred to committee.

Mr. SPARKMAN. That is correct. I move that the bill be taken from the desk for consideration.

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

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

Mr. SPARKMAN. Madam President, I ask unanimous consent to have printed at this point in the RECORD an excerpt from the House committee report (No. 2373) outlining the purpose of the bill.

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

PURPOSE OF THE BILL

This bill would give the Federal Housing Administration the same authority to pay taxes on certain acquired military housing projects which is provided in existing law for other FHA programs.

Property of the United States is not subject to taxation by a State or any subdivision thereof unless such taxation is specifically authorized by Federal law. In the case of the Federal Housing Administration's program of mortgage and loan insurance on residential real property, the Congress has provided express authority for the Federal Housing Commissioner, as a general rule, to make taxpayments with respect to property acquired by him after foreclosure or after transfers in lieu of foreclosures. In authorizing these taxpayments, the Congress recognized that the property acquired by FHA would normally be returned to private ownership through sale as soon as it was feasible for the FHA to do so, and that in the interim it was desirable that such property not be removed from the tax base of the local community by reason of its acquisition by the FHA.

This bill would authorize the Federal Housing Commissioner to make payments in lieu of taxes on any real property, title to which has been or is acquired by him in fee as a result of insurance operations conducted under the old section 803 (Wherry Act) on which taxes were being paid prior to acquisition. In addition, it would authorize the Federal Housing Commissioner to pay real property taxes on property which has been or is acquired and held by the Commissioner as a result of insurance operations under sections 809 and 810 of the National Housing Act.

This bill was considered in executive session by the Subcommittee on Housing on September 12 and by the full Committee on Banking and Currency on September 13 and was approved without a dissenting vote. The bill has the endorsement of the administration as shown in the following letter.

Mr. COOPER. Mr. President, H.R. 13067 was passed on the House Consent Calendar. The bill passed by the House was introduced by Congressman STUBBLEFIELD. I introduced the bill in the Senate, but it was modified to incorporate suggestions approved by the Housing and Home Finance Agency.

The problem concerns the Forest Hills housing project in Paducah, Ky., in Congressman STUBBLEFIELD'S district. This project, built in 1954 at the insistence of the Atomic Energy Commission as a Wherry project, was repossessed by the Federal Housing Administration in 1956. FHA paid property taxes to the city in 1957, 1958, and 1959, but discontinued these payments in 1960 on the advice of their counsel, although the city is still supplying services.

While most Wherry projects are military housing located on Government property, and the problem of payments in lieu of taxes does not arise therefor, this Wherry project is not located on Government property. And, while there is provision in law for payment of taxes, or payments in lieu of taxes, on property repossessed or acquired by the Commissioner of FHA under other programs, there is no specific provision for this type of payment on repossessed housing projects built under the Wherry program.

House bill 13067 would extend to the Wherry projects the same authority to pay local property taxes as is now authorized for repossessions under the other housing insurance programs if payments were made prior to repossession. Not aware of any objections to the bill, I have been working for several years with city officials, the Housing and Home Finance Agency, and local citizens who have been trying to obtain a solution of the Forest Hills problem. Difficult as it is, it is further complicated by the unpaid taxes. I urge that the bill be passed by the Senate.

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

The bill (H.R. 13067) was ordered to a third reading, read the third time, and passed.

OATH PRESCRIBED FOR INDIVIDUALS ENLISTED INTO THE ARMED FORCES OF THE UNITED STATES

Mr. SPARKMAN. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2029, H.R. 218.

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

The LEGISLATIVE CLERK. A bill (H.R. 218) to provide that individuals enlisted into the Armed Forces of the United States shall take an oath to support and defend the Constitution of the United States.

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

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

Mr. SPARKMAN. Madam President, before the bill is passed, I desire to propound certain questions to the distinguished Senator from South Carolina, who is handling the bill on behalf of the Committee on Armed Services.

Will the Senator from South Carolina give a brief explanation of the purpose of the bill?

Mr. THURMOND. The intention of the Armed Services Committee in favorably reporting this bill is to conform the oath which enlisted men take to that which is administered to persons appointed or elected to civil or military office. The oath which is prescribed in section 16 of title 5 of the United States Code for all persons elected or appointed to any office of honor or profit, either in the civil, military, or naval service, and this, of course, covers Senators, includes an obligation to support and defend the Constitution and has at the end the words, "so help me God." In contrast to this, the oath which is presently administered to enlisted personnel in the armed services which can be found in section 501 of title 10 of the United States Code, does not contain an obligation to support and defend the Constitution, nor does it have the words "so help me God," at the conclusion. The committee can find no valid reason for having this difference in the oaths and therefore has reported favorably this bill which, incidentally, has already been passed by the House of Representatives.

Mr. SPARKMAN. Does the bill in any way affect, alter, or amend either the law or the practice with regard to the choice which any individual now has to affirm or take an oath?

Mr. THURMOND. I should say it does not.

On pages 2 and 3 of the report under the heading "Constitutional Question" the Senator will find this point discussed. In the committee's opinion, the present status of the law amply provides for this choice. There was testimony before the subcommittee concerning the option to drop the words "so help me God" when a person chose, for valid reasons, to affirm rather than swear. The only logical distinction which can be drawn between "oath" and "affirmation" is that in an oath there is an imprecation. The Deity is called upon to witness the verity of the statement made, while in an affirmation a person does not call upon the Deity, but only upon his own conscience. Title 1 of section 1 of the United States Code, which says in part, "in determining the meaning of any act of Congress, unless the context indicates otherwise 'oath' includes affirmation and 'swear' includes affirmed." Also, the first section of the oath provided for in the bill is in the alternative, "swear" or "affirm." The report points out that a Federal circuit court decision has upheld the right of a person to drop the words "So help me God" when he chooses to affirm, rather than swear.

The committee is of the opinion that this adequately covers any problem which might exist in this area; but we further feel that should any change in the law be necessary, it should be accomplished uniformly as to all presently existing sections of law which prescribe oaths, rather than by making an exception in this one case.

Mr. SPARKMAN. I thank the Senator from South Carolina for giving that explanation.

Mr. THURMOND. I thank the distinguished Senator from Alabama.

I shall be glad to respond to any other questions which Senators may wish to ask.

The PRESIDING OFFICER (Mr. METCALF in the chair). The bill is open to amendment.

Mr. MORSE. Mr. President, I wish to ask a question.

I think the report to which the Senator from South Carolina has referred, in regard to the matter of dealing with military personnel who because of religious convictions refuse to swear, but prefer to affirm, is excellent. As one who believes in God, I find it difficult to appreciate fully the attitude of those who

might object to the reference, at the end of the oath, to the Almighty. But without having the affirmation set out in the bill, and with only the oath set out in the bill, are we not likely to find that some administrative difficulties will arise?

It has been my experience and observation that there are at least two groups of such persons. There are those who refuse to swear at all, and insist only on affirmation. Then there are those who refuse to swear at all, and insist upon affirmation, but also insist that the affirmation not contain any reference to the Deity.

The bill now provides for swearing or affirming, but the form set out in the bill, both in line 5, on page 2, and in line 2, on page 3, retains the words "so help me God." That is bound, it seems to me, in the administration of the bill to put such a person in a position in which he has to protest—which may cause him embarrassment. He should be allowed to make a choice as to the form; he should be allowed to say, "I choose the oath" or "I choose the affirmation, and I choose the affirmation form that does not contain the language 'so help me God.'"

I do not think the bill is clear on that point. As the Senator from South Carolina has pointed out, the report is clear on it; but the military personnel will not have the report before them.

So my question is this: What is wrong with adding to the bill, in addition to the oath with the reference to the Deity in it, and in addition to the affirmation with the reference to the Deity in it, also an affirmation without any reference to the Deity in it? After all, when dealing with such an individual—difficult to understand though he is, but nevertheless under our Constitution he certainly has the right of freedom of religion, and also the right to be free of belief in any religion at all, which is a precious constitutional right from his standpoint—why do we not put in the bill the three forms—the oath, the affirmation which makes reference to the Deity, and the affirmation which does not make reference to the Deity. Then the individual can choose the form he prefers.

Mr. THURMOND. If such a change is desired or deemed desirable by Congress, it could be made, of course; but it should be made to apply to all such oaths or affirmations uniformly. This could be accomplished best by amending section 1 of title 1 of the United States Code. The oath prescribed in section 16 of title V of the United States Code, applies to all persons elected or appointed to any office of honor or profit, either in the civil, the military, or the naval service. Of course this covers Senators. It includes an obligation to support and defend the Constitution, and has at the end the words "so help me God."

So what is being done here is merely to provide for enlisted personnel an oath similar to that now provided for officers, and the same oath that is provided for civilian officials as well.

An amendment could be adopted; but, if so, I believe it should apply to all, not only to those in one particular category.

Mr. MORSE. I have no objection to having it apply uniformly, if what the Senator says is true. I have no deep feeling about this matter. However, I think we should point out the administrative problems which I believe the bill in its present form would create.

For some reason—I do not know why—a strange attitude seems to be developing in certain parts of our society. For some reason, there seems to be an increasing number of persons who are very sensitive about being asked to take an oath which refers to the Deity or to participate in a situation in which they can claim that some form of governmental prayer is involved in the carrying on of the functions of a governmental agency. I do not understand them, for the life of me; but they have their rights.

So I wonder whether it is necessary in this bill to include an affirmation which makes no reference to the Deity.

Mr. THURMOND. We are merely trying to make the oath for enlisted men the same as the oath for officers and the same as the oath for civilian officials, including Senators and others. Then if it is desired by Congress to adopt an amendment which will apply it to all of them, such an amendment could be introduced and adopted later on. But in this bill we are merely trying to make the requirement uniform.

Mr. MORSE. Suppose that after the bill is passed, a constituent writes to me and informs me that he offered to enlist in the Air Force, and was accepted, and that when the time came for him to be fully recruited, he was asked to raise his right hand and swear; but he refused, and said, "I will affirm;" and then they allowed him to affirm, but the affirmation ended with the words "so help me God" and he said, "I can't accept that, because I don't believe in God."

My question is this: Will it then be possible to fall back on the committee report and to offer such a person a third form, namely, an affirmation which stops before reaching the words "so help me God"?

Mr. THURMOND. I would say that the policy in the armed services, as I understand it, has been not to require the addition of the words "so help me God"; and thus far there has been no difficulty. Of course, if difficulty were to arise, the matter could be tested in court. I would welcome a test case on this point.

I thank the Senator from Oregon for his questions, which have been very helpful.

Mr. MORSE. I wish to point out that the administrative problems I have raised have not been resolved by the Senator from South Carolina [Mr. THURMOND]. However he and I have succeeded in making a clean legislative history as to the content of the bill. I conclude from our exchange that if a person not believing in God refuses to take an oath using the phrase "so help me God" but is willing to take an affirmation without those words in it he still will be eligible for military service and qualified for being inducted into the military service.

The PRESIDING OFICER. The question is on the third reading of the bill.

The bill (H.R. 218) was ordered to a third reading, was read the third time, and passed.

Mr. THURMOND. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. DIRKSEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MORSE. Mr. President, a parliamentary inquiry. What are we voting on?

The PRESIDING OFFICER. A motion to table the motion to reconsider the vote by which the bill was passed.

Mr. MORSE. I thank the Chair. I did not hear the motion that was made.

Mr. SPARKMAN. Mr. President——

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SPARKMAN. I ask unanimous consent that I may yield to the Senator from Minnesota without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Minnesota is recognized.

THE 100TH ANNIVERSARY OF ESTABLISHMENT OF U.S. DEPARTMENT OF AGRICULTURE

Mr. HUMPHREY. Mr. President, this year the U.S. Department of Agriculture is celebrating its 100th anniversary. On May 15, 1862, President Abraham Lincoln signed into law the act establishing the Department, and I quote from that act:

> The general designs and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of that word.

In the 100 years intervening, American agriculture has come a long way. When President Lincoln signed the act creating the Department, one American farm worker was producing enough food and fiber for five people. Today, one farm worker grows enough food and fiber for 26 people and food costs are only one-fifth of our take-home pay.

In connection with the Department of Agriculture's century of service, I commend to the Senate two articles. The September 1962, edition of the Retail Clerks Advocate contains a story entitled "A Revolution in Progress: U.S. Department of Agriculture Celebrates 100th Anniversary." While pointing out the phenomenal success story of American agriculture, the article notes that, despite its efficiency, its productivity, its great assets, its fulfilments of a civilization's needs for food and fiber for a remarkably small share of consumer income, its vital role in the national economy and defense, agriculture has not achieved economic well-being generally for its own members.

I would add that as it enters its second 100 years, the Department of Agriculture has reshaped existing programs and has

new programs authorized by Congress to attack the problems of unmanaged price depressing supplies, low income, shortage of credit, under employment and under development of rural areas. Net farm income is already increasing and was about one billion dollars greater in 1961 than it was in 1960.

The August 20, 1962, edition of Chemical and Enginering News contains a review of the "1962 Yearbook of Agriculture" entitled "After a Hundred Years," by Francis Joseph Weiss, science specialist at the Library of Congress. Ten years ago, Dr. Weiss prepared for me a Senate document entitled "Manpower, Chemistry, and Agriculture," which was published as a public document.

It was really a remarkable publication, and we are deeply indebted to Dr. Weiss for his contribution.

In his review in the Chemical and Engineering News, Dr. Weiss very ably illustrates the important relationship between agriculture and chemistry, not only in a scientific, but in an economic sense. I point with pride to the fact that the editor of the "1962 Yearbook of Agriculture," Alfred Stefferud, is a Minnesotan.

Mr. President, I ask unanimous consent that both of these excellent articles be printed at this point in the RECORD.

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

A REVOLUTION IN PROGRESS: U.S. DEPARTMENT OF AGRICULTURE CELEBRATES 100TH ANNIVERSARY

The contrast between today's supermarkets and the country store of 100 years ago is the contrast between the farms of then and now. During this period a revolution in agriculture and in distribution has brought an unparalleled abundance to the American housewife. The transformation in farming has been largely the work of the U.S. Department of Agriculture, which celebrates its 100th anniversary this year.

Government interest in and assistance to farmers dates back to 1796 when George Washington asked for an agricultural board charged with collecting and diffusing information "drawing to a common center the results everywhere of individual skill and observation, and spreading them thence to the whole Nation."

But the Department was not born until 1862 when President Lincoln named a commissioner of agriculture. There were fewer than 32 million Americans then, and about 7 million farmers produced the food for themselves and the rest of the country, a ratio of less than 1 to 5. Now, a century later, the population has grown to more than 180 million, and the productivity of farmers has increased so much that one feeds 26 other persons in addition to himself.

When the Department of Agriculture was born, food was mostly grown and preserved at home. Much of the clothing was homespun. Homemade candles and the flicker of the fireplace provided light. Animals and men were the power that tilled the soil. Buildings were erected from home-sawn trees or from the sod of the prairie.

Today, American farm products are valued at about $5 billion annually, U.S. crops are sent around the globe, and are one of our largest export items.

To help achieve this record, the Department has worked to remove the hindrances afflicting farmers—pests, diseases, economic maladjustments, inadequate experimentation, or lack of communication of knowledge, or whatever. Many of our basic foods—wheat, corn, potatoes—have been almost remade. Better animals have been perfected, and fibers improved or made in the laboratory.

Mountains have been moved, mammoth artificial lakes made, water taken vast distances to make deserts bloom. Weather forecasting has been brought to a high degree of perfection, and a start has been made even in changing the weather.

Hand in hand with this the Department has developed an increasing responsibility toward the consumer. This has brought research in nutrition and home economics, pure food and drug laws, meat inspection and grading, the development of medicines and blood plasma extenders, and the elimination of both animal and human diseases.

Another of the Department's important functions is that of conservation, so that our farms and forests will continue to produce in the future and our precious soil and water resources will not be lost to the generations who follow us.

The achievements of the Department of Agriculture are almost too lengthy to list. Some idea of its accomplishments can be drawn by the transformation wrought with such everyday commodities as corn and chickens.

Corn is a New World plant that was introduced to the Pilgrims by the Indians. For 250 years farmers tried to improve their corn crops by keeping their best ears for seed. But it didn't seem to do much good. The seed never seemed to be better than the parent plants, and there was no substantial improvements in yields or quality. Then in 1906 a geneticist began experiments on inheritance in maize that provided the basis for our present hybrids. Many persons worked on perfecting the new plants, and the first commercial "double cross" hybrid was released in 1921. Farmers at first were reluctant to use the seed, but demonstration plantings and field observations proved their worth. The demand for hybrid seed in 1935 in the Corn Belt exceeded production and the hybrid seed industry developed rapidly.

About 95 percent of our corn acreage is now planted to hybrid seed. As a result, corn acreage has been reduced by 25 percent since 1930. But farmers produce 20 percent more corn than they did 30 years ago.

Besides an increase in production, other benefits have been achieved by the use of hybrid corn. Hybrids make more effective use of applied fertilizer, and are more resistant to some insects and diseases. The result is a product of higher quality and more stable yearly production. Because of their greater uniformity in maturity and stiffer stalks, the hybrids have helped make large-scale mechanization possible in farming.

"A chicken in the pot every Sunday" used to be a slogan symbolizing prosperity. But now assembly-line methods hatch millions of baby chicks, feeding and watering the growing flocks and speeding the broilers through the processing plants to the consumer. Chicken every day, as a result, has become a commonplace.

Just a few years ago the producer of broilers expected to take 13 weeks to grow a 3-pound bird. Now he can market his flock at 3.5 pounds in only 9 weeks, plus 2 or 3 days. Instead of requiring 4.5 pounds of feed per pound of broiler produced, less than 2.5 pounds is now needed. Many commercial flocks average more than 250 eggs per hen on little more than 4 pounds of feed per dozen eggs.

Making all this possible was the invention of the forced-draft incubator, the large models of which can incubate more than 50,000 eggs at a time. To these have been added electronic data-processing methods, made necessary by the size and complexity of today's breeding programs. Nearly all commercial chicken-producers take advantage of hybrid vigor, similar to its utilization in the production of hybrid corn.

Just one example will illustrate how soil conservation methods have brought into production lands that were hopelessly lost under old methods of cultivation. Fifteen years ago Smith County in the rolling hills of Tennessee was a gullied, washed-away countryside that had been corned to death. Farm income was barely at the subsistence level. Today this country has been transformed into a thriving and beautiful area of grassland and livestock, with farm homes 90 percent electrified and good farm equipment. Conservation practices have healed the eroded farms, and the area can support its new type of agriculture indefinitely.

In the important area of irrigation, the department has stimulated an investment that has exceeded $1 billion since 1945. Technicians of the Department have surveyed millions of acres and have provided the technical knowledge necessary to level the land to the proper grade and to design the irrigation systems to fit the land. Exclusive research has been conducted to reduce the loss of water through evaporation and seepage to conserve the life-giving liquid that is nearly as valuable as gold west of the 100th meridian.

After a century of progress and achievement agriculture still faces a major challenge. Despite its efficiency, its productivity, its great assets, its fulfillment of a civilization's needs for food and fiber for a remarkably small share of consumer income, and its vital role in the national economy and defense, agriculture has not achieved economic well-being generally for its own members.

This was the paradox of agriculture as it entered the 1960's—increasing efficiency, yet declining income. Net farm income dropped 26 percent from the 1947–49 average, while farm production per man-hour has soared 108 percent.

As the Department of Agriculture starts its second 100 years its attention is focused on these problems. Its success in finding solutions will affect farmers and consumers alike.

THE GIANT AGRICULTURE

(NOTE.—"After a Hundred Years," "The Yearbook of Agriculture, 1962," Alfred Stefferud, editor. U.S. Department of Agriculture, xiii plus 688 pages. Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C., 1962; $3. Reviewed by Dr. Francis Joseph Weiss. Dr. Weiss is science specialist at the Library of Congress.)

In the past 100 years American agriculture has become the country's largest industry, outranking with an annual production value of $35 billion such giants as the food, transportation, oil, and metal industries. It is basically a chemical industry in the sense that human resourcefulness and ingenuity control, with the help of numerous chemicals—fertilizers, growth promoters, weed killers, insecticides, etc.—untold autocatalytic processes. By these processes, plants and animals convert inorganic matter into organic substances serving as food and fibers as well as for other purposes, not the least of which is the supply of raw materials for the chemical manufacturing industry.

Since President Abraham Lincoln on May 15, 1962, signed the bill establishing the Department of Agriculture and Isaac Newton took the oath of office as the first Commissioner of Agriculture on July 1 of the same year, the efficiency of agricultural production has reached an overall increase of about 500 percent. While in 1862 the average farm worker could hardly support five persons, in 1962 he supplies the needs of about 26 people with more and better products than his predecessor of 100 years ago. This is an achievement of the American farmer, and

also the American chemist, since the driving force of this progress originated in his brain and in his laboratory.

Such development would not have been possible without the exploration of the biochemical processes involved in plant and animal growth and reproduction, without a better understanding of metabolism and a more rational supply of plants and animals with needed foodstuffs, or without the application of many chemical products for the control and eradication of weeds, insects, fungi, bacteria, and viruses. How this remarkable progress was achieved can be learned by perusal of the beautifully illustrated "63d Yearbook of Agriculture" which, in honor of the USDA Centenary, appears in a particularly festive form. It is written by 148 eminent contributors and splendidly edited by Alfred Stefferud, who has been the guiding spirit of the yearbooks since 1945.

Although the reading of the entire book is recommended, especially to those chemists who have not had much contact with agriculture, those who wish to concentrate only on matters purely chemical will find a wealth of information in chapters written by chemists and biochemists. The physiologically inclined chemist will be fascinated by Harry A. Borthwick's account of the discovery of minute but powerful chemical messengers which regulate the plant's response to the length of day; or they will find most intriguing the discussion by John W. Mitchell and Paul C. Marth of the process by which chemicals, many of which are produced synthetically, regulate the growth of plants and the ripening of fruits. We know already more than 1,000 chemical growth regulators, and many new ones are discovered every year.

The practically minded chemist will find food for thought in the chapters dealing with fertilizers, pest control, and processing of farm products. He will be amazed to learn that the chemical manufacturing industry uses more than $1 billion worth of all kinds of farm products in almost every line of chemical production, such as the manufacture of synthetic fibers, plastics, pigments, dyes, rubbers, explosives, refrigerants, pharmaceuticals, and photographic products. This shows that agriculture and chemistry are not only in a scientific but also in an economic sense closely interrelated. Thus further progress in agriculture and corresponding advances in chemical industry may depend on the measure of chemistry's contribution to the prevailing trend in agriculture in substituting human supervision by automatic production control through electric circuits and chemical mechanisms.

ORDER OF BUSINESS

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

Mr. HUMPHREY. I yield.

Mr. MORSE. Is the Senator from Minnesota at the present time the acting majority leader of the Senate?

Mr. HUMPHREY. It is rather difficult to know, sometimes.

Mr. MORSE. I wanted to know whether it was the Senator from Minnesota or the Senator from Alabama because I wished to know to whom I should address my question.

Mr. HUMPHREY. The Senator may take his choice. The Senator from Alabama is in charge of the Foreign Service buildings bill.

Mr. MORSE. I am a very impartial person. I like the Senators so much that I will make my choice.

With a flip of the coin, I make my choice—the Senator from Minnesota.

Mr. HUMPHREY. I thank the Senator. He is a man of good choice and good fortune.

Mr. MORSE. I ask the Senator from Minnesota if the leadership will look with favor upon postponing until Monday any further consideration of the so-called Embassy bill.

Mr. HUMPHREY. I will defer to the Senator in charge of that bill. I myself have a point of view on it, but I would first like to defer to the Senator from Alabama.

Mr. MORSE. I would like to hear from the acting majority leader.

Mr. SPARKMAN. Mr. President, I should like to say that just as soon as the Senator from Minnesota completes his statements for the RECORD it is my intention to ask that the bill be laid down as the pending business and then that the Senate adjourn under the order previously entered.

The acting majority leader [Mr. HUMPHREY] has promised me that he will attend to that chore, and that I may be on my way. If that is agreeable, Mr. President, I shall accept his kind offer.

Mr. HUMPHREY. The Senator can rest assured. May I say to my good friend from Oregon, who looks so sprightly and so full of vim and vigor, my casual observation of the situation indicates that it may not be a bad idea to discuss the bill on Monday.

Mr. MORSE. And Tuesday and Wednesday.

Mr. HUMPHREY. And possibly Tuesday, Wednesday, and Thursday, but the Senator can rest assured that no action will be taken on the bill at this time except to lay it down and make it the unfinished business.

FOREIGN AID REDUCTIONS

Mr. HUMPHREY. Mr. President, yesterday the cut of $1,124 million below the President's request for his foreign aid program was upheld in the other body. At the same time the President was addressing the annual meeting of the International Monetary Fund and International Bank for Reconstruction and Development to appeal directly to the finance ministers of 82 nations for greater assistance on foreign aid, defense, and international monetary problems.

The contrast between these two events is shocking and very revealing. We ask others to do what we are not prepared to do ourselves. At precisely the time the Nation should be demonstrating its determination to continue the long, difficult, and I will admit, often frustrating cold war against communism through a vigorous program of foreign aid, we find the program being destroyed by legislative action.

As the President forcefully stated yesterday, other prospering nations in the world are now in a financial position to bear an ever-increasing responsibility for assisting the less-developed areas of the world. The United States is making a determined effort to see that the newly prosperous nations of Western Europe and Japan recognize their responsibility and act decisively to meet it.

We are indebted to the President for his frank talk to the conference on yesterday.

Let me quote to the Senate the forceful words the President used yesterday in making this point before the International Monetary Fund and the International Bank for Reconstruction and Development:

> No other country or currency has borne so many burdens. But we cannot and should not bear them all alone. I know that other countries do not expect us to bear indefinitely both the responsibility of maintaining an international currency and, in addition, a disproportionate share of the costs of defending the free world and fostering social and economic progress in the less developed parts of the world. * * * In short, our balance-of-payments deficit is not the result of any monetary or economic mismanagement but the result of expenditures our people have made on behalf of the people of the free world.

The President then went on to specify the difficult and demanding—but I must emphasize, the only possible course of action for the United States and the free community of nations to follow:

> All of us here are determined to follow the only other feasible course—not the unacceptable course of restriction and isolation or deflation, but the course of true cooperation—of liberal payments and trade, of sharing the cost of our NATO and Pacific defenses, of sharing the cost of the free world's development aid, and of working together on steps to greater international stability, with other currencies in addition to the dollar bearing an increasing share of its central responsibilities.

Mr. President, it is completely obvious to me that a drastic reduction in our own contributions is just about the worst way to achieve this multilateral cooperation. These are the plain facts, and it is about time everyone in Washington recognized them.

Today the world needs greater contributions for economic assistance from the more prosperous and industrialized nations of Western Europe and other areas, and also needs the full measure of contributions from the United States.

Mr. President, there are times when I practically despair over this situation. How can we talk of "total victory over communism" out of one side of our mouths and attack the most effective weapon we have against communism out of the other? As the New York Times noted in a highly perceptive and hard-hitting editorial this morning, "Today Moscow is rejoicing." Of course the Russians are rejoicing. They are able to appreciate the great victory the cause of world communism sustained yesterday.

I do not believe many people have ever accused the Communists in Moscow of being stupid people. We know they are smart and they know it. We know they are crafty. We know they are skilled political operators.

Moscow has good reason to rejoice. The cuts made yesterday give Moscow real hope that the Alliance for Progress will flounder. The Russians rejoice with the possibility that the Peace Corps will have to cut back its operations. They see a major retrenchment in the long-term development loan program. They

see the possibility for continued independent U.S. initiative in Eastern Europe stifled. All of these possibilities are seen by Moscow and the Russians rejoice at the prospect. And well they might.

It is interesting to me, Mr. President, that, on the one hand, voices can be raised in the Congress to say, "we should get tough with Castro," or "we should call Khrushchev's bluff"; while, on the other hand, voices seek to reduce sharply and drastically a vital part of our total national security system; namely, the foreign-aid program, which includes military assistance to our allies, economic assistance to friendly countries, and technical assistance to underdeveloped countries.

We are told we cannot afford the foreign-aid program at the levels proposed by the President. What are these levels? How much are we asked to invest in foreign aid? We are asked to contribute less than 1 percent of the country's total annual production. We are asked to contribute less than one-tenth of the sum appropriated for strictly military spending. This amount is even less than the total quickly agreed upon by both Houses for the space program.

I am not proposing we should have appropriated less money for either military security or an adequate space program. But I am saying that we must recognize, on the basis of the most obvious criteria, that our foreign-aid program is part and parcel of the same great effort: the long and bitter struggle against the forces of Communist tyranny.

I am of the opinion, that too few of us seem to be willing to openly acknowledge that the struggle against the Communist forces and the other forces of disorder and chaos may last for many years. If we weary of this task, if we reduce our efforts, if we retreat from the responsibility, we will soon find that we have built a garrison America—pouring in billions and billions and billions of dollars' worth of our resources, building a huge military power in America—only to find the world a desert of Communist tyranny and Communist oppression. It seems that we ought to recognize that technical assistance, economic assistance, and military assistance are vital and integral parts of the total overall foreign policy, national defense policy, and national security policy.

Mr. President, much more will be said about the foreign-aid expenditures in the coming days. This is only my first statement. I personally will have much more to say. But I thought it was incumbent upon me to give clear notice that these foreign-aid reductions are not going to remain uncorrected, if I can have any influence or effect on them. We are not going to hand the world to Moscow in this fashion. We have been in this fight for 15 years and we intend to stay in its for 50 more, if that is what it takes to win.

For those who want a victory policy, may I suggest that victory oftentimes does not come readily, quickly, or easily. It comes to those with perseverance, patience, and courage; to those who are persistent, to those who do not relax or relent.

I appeal to my colleagues in the Congress to maintain the program we have initiated, and not to relax one bit. I appeal to my colleagues to show the kind of firmness and steadiness the world needs from a responsible leader, the kind which Mr. Khrushchev and other despots respect.

Mr. President, I ask unanimous consent that the full text of President Kennedy's remarks before the International Monetary Fund be printed in the RECORD at this point. I also ask that the New York Times editorial, deploring the reductions in foreign aid sustained by the other body, be printed in the RECORD at this point.

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

TEXT OF PRESIDENT KENNEDY'S SPEECH TO WORLD BANK AND FUND

This is my first opportunity to take part in your annual meetings and to welcome you here to Washington—and I do so with the greatest of pleasure. For you are concerned with the problems which have been among my primary concerns since the day I took office exactly 20 months ago; and in that time I have come to appreciate how vital a role is played by the International Monetary Fund and the International Bank for Reconstruction and Development and its affiliated institutions.

The work of the International Development Association is particularly important—and this country fully supports the proposal that the executive directors develop a program to increase its resources.

The pioneering practices of the Bank—which have set a standard for others to follow—will sorely miss the services of Eugene Black.

I hope he will permit us to call upon his wise counsel in the future—and that the rest of us, in pursuing the goals which he set, will increase our own efforts—including efforts in the industrialized countries to provide greater capital assistance to the less-developed areas—efforts also in the industrialized countries to maintain at home prosperous and easily accessible markets for the the products of the growing nations—efforts to reach commodity agreements and other arrangements which will help stabilize the export earnings of those nations—and, finally and most importantly, greater efforts in the developing nations themselves to mobilize effectively their own people and their financial resources, and to make certain that the benefits of increased output are shared by the many and not by the few.

In addition to these discussions on the role of the Bank, your meetings this year, as was true last year, are giving top attention to the state of the dollar—and that has been at or near the top of my own agenda for the last year and a half.

DOLLAR TERMED GLOBAL

We in the United States feel no need to be self-conscious in discussing the dollar. It is not only our national currency—it is an international currency. It plays a key role in the day-to-day functioning of the free world's financial framework. It is the most effective substitute for gold in the international payments system.

If the dollar did not exist, as a reserve currency, it would have to be "invented"—for a volume of foreign trade already reaching $130 billion a year and growing rapidly, accompanied by large international capital movements, cannot rest solely on a slowly growing stock of gold which now totals only $40 billion.

The security of the dollar, therefore, is and ought to be of major concern to every nation here. To undermine the strength of the dollar would undermine the strength of the free world. To compete for national financial security in its narrowest sense by taking individual actions inconsistent with our common goals would in the end only impair the security of us all.

I recognize that this Nation has special responsibilities—as one of the leaders of the free world, as its richest and most powerful nation, as possessor of its most important currency, and as the chief banker for international trade. We did not seek all of these burdens—but neither do we shrink from them. We are taking every prudent step to maintain the strength of the dollar, to improve our balance of payments, to back up the dollar, by expanding the growth of our economy.

We are pledged to keep the dollar fully convertible into gold—and to back that pledge with all our resources of gold and credit. We have not impaired the value of the dollar by imposing restrictions on its use. We have not imposed upon our citizens in peacetime any limitations on the amount of dollars they may wish to take or send abroad. We have followed a liberal policy on trade. And we have continued to supply our friends and allies with dollars and gold to rebuild their economies and defend their freedom.

WILLINGLY DONE

All this we have willingly done. No other country or currency has borne so many burdens. But we cannot and should not bear them all alone. I know that other countries do not expect us to bear indefinitely both the responsibilities of maintaining an international currency and, in addition, a disproportionate share of the costs of defending the free world and fostering social and economic progress in the less-developed parts of the world.

Concern over our imbalance of payments is not our concern alone—for it is not caused by our own narrow self-interest. Our deficit this year is expected to approximate $1,500 million, a considerable improvement over last year's $2,500 million and even higher deficits in the years before. But our total gross military expenditures abroad are $3 billion alone. Our dollar aid expenditures abroad are $1,300 million. The dollar itself is strong—and our commercial trade, excluding exports financed by aid, produces a surplus of nearly $3 billion.

In short, our balance-of-payments deficit is not the result or any monetary or economic mismanagement, but the result of expenditures our people have made on behalf of the people of the free world.

In 1946 the United States held over 60 percent of the world's supply of gold. Now we are down to 40 percent. And during that time we have spent some $88 billion overseas for the defense and the aid of others. The European nations alone received some $26 billion in economic aid. The United States as a result no longer has a disproportionate share of the free world's gold, economic strength—or economic responsibility.

That is why I emphasize once again: These are not American problems, they are free world problems. They are problems which cannot be met by one nation in isolation or by many nations in disarray. They are not the sole concern of either the rich or the poor, of either deficit or surplus nations alone. When burdens are shared, there is no undue burden on any nation. When risk is shared, there is less risk for all. And cooperative efforts to defend the international currency system based primarily on the dollar, and to share other responsibilities, are not, therefore, based on appeals to gratitude or even friendship, but on the hard and factual grounds of self-interest and commonsense.

EASY WAY OUT DEFINED

Of course, the United States could bring its international payments into balance overnight if that were the only goal we sought. We could withdraw our forces, reduce our aid, tie it wholly to purchases in this country, raise high tariff barriers and restrict the foreign investment or other use of American dollars. Such a policy, it is true, would give rise to a new era of dollar shortages, free world insecurity and American isolation—but we would have "solved" the balance-of-payments problem.

But the basic strength of the dollar makes such actions as unnecessary as they are unwise. They would not only be inconsistent with the responsibility and the role of the United States in the world today; they would—because of the crucial role of the dollar—be utterly self-defeating. All of us here are determined to follow the only other feasible course—not the unacceptable course of restriction and isolation or deflation, but the course of true cooperation—of liberal payments and trade, of sharing the cost of our NATO and Pacific defenses, of sharing the cost of the free world's development aid, and of working together on steps to greater international stability, with other currencies in addition to the dollar bearing an increasing share of its central responsibilities.

We in the United States recognize that our own obligation in this regard includes, as a matter of first priority, taking action to eliminate the deficit in our balance of payments, and to do so without resorting to deflation or retreating to isolation.

I have spoken frankly at this meeting because these two successful institutions, the Bank and the Fund, have long flourished in a spirit of candor, and have consistently shown a reliable capacity to respond both flexibly and effectively to new needs and new challenges. This spirit of cooperation and candor and initiative will, I know, continue in the future. For only in this spirit can we hope to maintain a sturdy free-world financial system, with stable exchange rates, capable of supporting a growing flow of trade and foreign investment, free from discriminations and restrictions.

I HAVE SPOKEN FRANKLY

I have spoken frankly, moreover, because I believe the current strength of the dollar enables us to speak frankly and with confidence. Some sharing of responsibilities has already been achieved.

Considerable progress in the balance of our international accounts has been made.

A new agreement among 10 industrialized countries to supplement the resources of the Fund, with special borrowing arrangements of up to $6 billion, has been concluded, and implementing action will be completed by the U.S. Congress within the next few days or weeks.

Less formal arrangements between the major trading countries have also been evolved to cope with any potential strains or shocks that might arise from a sudden movement of capital. These arrangements, I should add, contain within themselves the possibility of wider and more general application—and this country will always be receptive to suggestions for expanding these arrangements or otherwise improving the operation and efficiency of the international payments system.

All of this is ground for confidence, for making it increasingly clear that no extreme or restrictive measures are needed, that speculation against the dollar is losing its allure and that the economy of the United States can continue to expand in a framework based on the maintenance of free exchange and the early achievement of equilibrium. The expansion in our domestic economy, while not all that we had hoped, has been substantial—and, of equal importance, it has been accompanied by price stability. Wholesale prices for industrial goods are actually lower today than they were during the recession months of 1961.

Nevertheless, I do not underestimate the continuing challenge which faces us all together. The very success of our efforts—the very prosperity of those who have prospered—imposes upon us special obligations and special burdens. Centuries ago the essayist, Burton referred with scorn to those who were "possessed by their money" rather than possessors of it. We who are meeting here today do not intend to be mastered by our money or by our monetary problems. We intend to master them, with unity and generosity—and we shall do so in the name of freedom.

[From the New York Times, Sept. 21, 1962]

THE BATTLE FOR FOREIGN AID

President Kennedy has properly declared that it makes no sense at all for Congressmen to oppose communism with oratory and then to approve crippling cuts in the foreign aid program, which is a central weapon in the fight to preserve freedom. But last night the House of Representatives ignored the President's good advice and approved the completely inadequate foreign aid funds recommended by its Appropriations Committee. Today Moscow is rejoicing; and we can only look to the Senate to prevent the damage which would result if this irresponsible action of the House were to be confirmed.

The chief argument advanced against the foreign aid program is usually some variant of the idea that we cannot afford it. The President's request for $4,752 million is, however, less than 1 percent of the country's total annual production. This is true even now when we have substantial unemployed human and material resources. The United States is spending more than 10 times as much money for military strength, and there has been congressional pressure for spending even more in this area than the administration believes is wise. President Kennedy pointed out last week that this year's space budget is $5,400 million, almost a billion dollars more than he asked for foreign aid.

But neither nuclear weapons nor spaceships affect the poverty which is the chief source of world instability and the chief breeding ground of communism. It is incomprehensible that this Nation can afford what it is spending for arms and for space research purposes and cannot afford the modest foreign aid request. In respect to the alleged drain of the foreign aid program on our balance of payments, the fact is that almost 80 percent of economic aid funds are spent in this country. The great outflow of American tourists abroad each year is a far larger burden on the U.S. balance-of-payments position than is foreign aid.

The United States alone cannot meet the entire problem posed by the underdeveloped nations, nor should it. Bilateral aid is actually in many ways less desirable than multilateral aid, and certainly the newly prosperous nations of Western Europe and Japan can and should contribute more to meeting the need. But a drastic reduction in our contributions to this purpose is not the way to persuade these nations to be more generous on their own account.

The President's statement on the cuts by the House Appropriations Committee was so much to the point that we reproduce it here:

"The drastic cut in foreign aid funds recommended by the House Appropriations Committee poses a threat to free world security.

It makes no sense at all to make speeches against the spread of Communism, to deplore instability in Latin America and Asia, to call for an increase in American prestige and an initiative in Eastern Europe—and then vote to cut back the Alliance for Progress, to hamper the Peace Corps, to cut off surplus food shipments to hungry Poles, to repudiate our long-term commitments of last year and to undermine the efforts of those who are seeking to stave off chaos and Communism in the most vital areas of the world. Foreign aid has increasingly meant trade, sales and jobs in this country, and reform, progress and new hope in the developing countries.

"The aid program is just as important as any military spending we do abroad. You cannot separate guns from roads and schools when it comes to resisting Communist subversion in underdeveloped countries. This is a lesson we have learned clearly in South Vietnam and elsewhere in southeast Asia. To mutilate the aid program in this massive fashion would be to damage the national security of the United States.

"I cannot believe that those in both parties who have consistently voted in the course of three Administrations to fulfill this Nation's obligations of leadership will permit this irresponsible action to go uncorrected."

PERSON-TO-PERSON FOREIGN AID

Mrs. NEUBERGER. Mr. President, I was interested in the remarks made by the Senator from Minnesota with respect to the foreign aid program, which the Congress is considering. It is apropos at this time that I comment on a letter I received recently, because it shows a form of foreign aid in which many of us can participate, not in the realm of billions of dollars.

A young man named Jay Jacobson, formerly on my office staff, became interested in working for the Government of Nyasaland. He and his wife Pat recently went to that emerging country, where Mr. Jacobson is helping to write a constitution. He and Pat saw the need for a real person-to-person aid for the people of Nyasaland, and, as an extracurricular activity, they have been teaching English to any who wanted to learn and were interested. He wrote me in desperation and said, "We have no teaching material. We have no books."

My office got busy. We went to the Library of Congress and got some of the books which that institution gives out every so often. We gathered books up from here and there, from near and far, and those books finally have arrived in Nyasaland.

I think it is of interest to all of us who are concerned about our brothers and sisters in other countries to read some remarks from this remarkable letter, as to what a little bit of foreign aid did in Nyasaland.

You could have pushed me over with the well-known feather when the messenger from the American consulate in Blantyre strolled through my door in Zomba on Friday with the package of books that you sent on the 5th of July. Other than the fact that it appears that diplomatic pouch crosses the Atlantic in much the same manner as Francis Chichester, the books were a splendid surprise. I took them down to the school that evening, and the students were ecstatic. Many of them had never seen a hard-cover book before, and the Agricultural Yearbooks that you and Walt must have found up in the attic were a particular curiosity and delight.

I add that when they were putting these old yearbooks in the packet I demurred somewhat, but this statement shows how desperate the people of Nyasaland were for reading material.

The school was disrupted for about half an hour while all the students came to see the books. They couldn't believe that the books were for them and I must have told them a dozen times that these were gifts from friends in the United States. Then, as they crowded around and flipped the pages of the books and pamphlets and maps, I was cross-examined on the contents and the meaning of many words that they didn't understand. Is Oregon like Nyasaland? Can people really read books like this whenever they want to in the United States?

Even after the classes finally did get underway, I would be teaching about participles, and a student would put up his hand and ask "Can one read these books for free?" There is currently a hot debate raging in the school as to whether the president of the school should thank you in one letter or whether each student should thank you in his own letter (trouble here is many can't afford the postage) or whether the president and the secretary of the school should write one letter and then all hundred-and-some-odd students should sign it. This particular protocol problem is one in which I have not the heart to interfere, but it may delay the letter of thanks that will shortly be issued.

Since receiving that letter, written in August, I have received another letter, and the interest in the books continues.

The point I wish to make by telling the story and reading the portion of the letter is that perhaps some of these simple things can be as effective as a great outlay of money.

I have encountered a very peculiar situation. Other people have heard this story and have wanted to send books to Nyasaland, Laos, or some other country. The difficulty we are having in arranging for the shipments of the books is beyond my understanding. I am now working on a project to try to get the Navy to carry over some of the books, or in some way to render a simple service in connection with a project which has met with such success in this instance.

PACIFIC-AMERICAN STEAMSHIP ASSOCIATION POSITION ON TRADING WITH CUBA

Mrs. NEUBERGER. Mr. President, a telegram to the President from the Pacific-American Steamship Association offers the provocative suggestion that the administration block the carriage of foreign aid or surplus cargo by vessels engaged in the Cuban traffic.

It is only reasonable that we demand that the privilege granted to foreign-flag vessels to carry our foreign aid cargoes not be abused.

I ask unanimous consent that the text of the association's telegram appear at the conclusion of my remarks.

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

PACIFIC AMERICAN
STEAMSHIP ASSOCIATION,
San Francisco, Calif., September 18, 1962.

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

Respectfully suggest an unprovocative method available to you to discipline foreign-flag merchant ships which persist in trading with Cuba.

Suggest Presidential instructions to responsible Government agencies to resume control over ocean transporation of Public Law 480 and other similar cargoes which are lifted on foreign-flag vessels for the purpose of stopping bookings on any foreign vessels which have recently traded with Cuba or Red China. No such authority or control new exists. Responsible agencies should be required to be furnished with names of vessels recently trading with Cuba and be given authority to disapprove charters or use of such vessels for carrying foreign aid or surplus cargoes.

This would at least bring to a halt our Government's aiding and abetting those shipowners abroad who refuse to stop their profiteering with our declared enemies.

We fully support efforts of State Department to seek voluntary prohibitions by negotiation with NATO countries. As constituent member of international chamber of shipping, we join with our east coast colleagues in trying to get voluntary withdrawal of free world shipowners from these nefarious trades. Also, we are asking American shipbrokers to stop acting as agents for vesseles which trade with countries such as Cuba and Red China.

But, we are skeptical of early voluntary results and the situation calls for use now of governmental authority already available.

Action your part to stop American largess to these profiteers will deter many foreign owners from further Cuba and Red China trade, since U.S. surplus cargoes too good to give up. It will also serve notice to all maritime nations that the 50 percent carriage of our foreign aid cargoes which foreign-flag vessels now enjoy by statute is a congressionally sanctioned privilege, not a vested international right. Also, this privilege has a price in terms of keeping the peace which is at least equal to that which American shipowners are paying.

It is paradox that Treasury ruling T–1 and T–2 of December 1950, should prohibit U.S.-flag vessels from ever again calling at U.S. ports if they trade with Red China and Cuba, and, at the same time, it permits foreign-flag vessels to call here under same circumstances. Would ask that T–1 and T–2 be amended to stop any vessels of a foreign owner who allows any of his ships to trade with Cuba and Red China from calling at U.S. ports to lift any cargo—commercial or governmental. At the very least, however, such vessels should not be allowed to carry Government-sponsored grain or other cargo.

When you were member of Senate Investigations Subcommittee, the records in the 1955 hearings on China trade showed several hundred European-flag vessels were concurrently enjoying both China trade and the lucrative U.S. aid cargoes. No success in calling halt then but the power to do so is now in your hands.

Am taking liberty of furnishing copies of this communication to Secretaries of State, Defense, Treasury, Commerce, and Agriculture.

RALPH B. DEWEY,
President.

CONGRESS, THE PUBLIC, AND THE STATE DEPARTMENT

Mr. HUMPHREY. Mr. President, every Member of this body is concerned about the need for public understanding and support of U.S. foreign policy. Among the many articles and studies on this subject, few have impressed me so favorably as did an article in the July 26 issue of the Wall Street Journal by Staff Reporter Alan L. Otten. Mr. Otten illuminates the difficulties of the State Department in winning the confidence of the American people in general and the U.S. Congress in particular. The article is both a record of progress and an index of the vast amount that remains to be done. I ask unanimous consent that Mr. Otten's feature article be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HUMPHREY. Mr. President, the State Department is making a determined effort, within the limits of its present resources, to improve its liaison with Congress and the public. Secretary of State Rusk, AID Administrator Fowler Hamilton, and Assistant Secretary of State for Congressional Relations Fred Dutton all are to be commended for trying to keep the Congress informed on critical and controversial issues in foreign policy, for improving the quality and responsiveness of State Department mail, for working hard for the adoption of President Kennedy's foreign policy legislation, and finally, for realizing after years of neglect that ordinary American citizens have just as great a stake in our foreign policy as does anyone else in this country or abroad. Alan Otten has performed a valuable service by pointing out the unfortunate gulf between the inbred, "elite" career diplomat and the Representative and Senator who face reelection at stated intervals. Deputy AID Administrator Frank Coffin, himself a former Representative, is quoted by the Wall Street Journal as saying to the AID executive staff:

> Congressmen are not boobs. They can tell if someone is being contemptuous, and they're going to hit back. Unless you have the attitude that these men are intelligent and responsible, you're going to be in deep trouble.

I always thought Frank Coffin was a wise and sensitive man; now I am convinced of it. Representatives are keenly attuned both to the concerns and anxieties of the American people as well as to the foreign policy requirements and objectives of the United States of America. If outside pressures sometimes cause Representatives to act recklessly, they at least avoid the pressures for conformity and inaction that so often paralyze the career bureaucrat. Congress may rock the boat from time to time—although a responsible Representative or Senator never opposes the administration for the sake of opposition—but Congress at least wants the ship of state to sail the high seas and not just stay tied at the wharf. I make these remarks with due respect for the traditions and accomplishments of those two great branches of our Government, the legislative and the executive.

Mr. President, we are fortunate that few Representatives seek the headlines that come from attacking the administration on each and every foreign policy issue. On several occasions in the past I have expressed concern about the difficulty of identifying the State Department with the aspirations of the American people. It is wrong, Mr. President, for those who formulate and execute our policies to be constantly warring either with the increasingly articulate public or with an increasingly cantankerous

and exasperated Congress. Not too long ago I spoke to separate audiences consisting of senior officials of the State Department, junior Foreign Service officers, and officials of the Agency for International Development. I told each of these groups, in effect, that it was imperative that they develop a better understanding of the legislative process, that they acquire a thorough command of their materials before testifying to congressional committees, that they never try to hoodwink the Congress as to their progress or lack of progress, and that they carry out to the best of their ability the sense of Congress as expressed in adopted legislation and legislative histories.

At the same time, I am keenly aware of the manifold pressures on every high administration official—pressures which make intolerable the burden of testifying for hours on end to different committees and subcommittees about basically similar pieces of legislation. Each committee has a natural desire to hear the views of the most authoritative Cabinet or sub-Cabinet officer concerning bills of immense complexity and importance. Yet in practice this means that Secretary of State Rusk, Secretary of Defense McNamara, Secretary of Commerce Hodges, and other outstanding Cabinet members in many instances have to give more time to Congress than they give to their own Departments.

As one means of improving this inefficient procedure, I have informally suggested that the Senate adopt the practice of inviting senior Cabinet officials to appear before it and answer questions from the floor concerning specific legislation, general problems of policy and administration, and the operation of their Departments. Such a "question period" would give the whole Senate an opportunity to direct questions at individual Cabinet members without haling them before one committee after another to the detriment to their health and efficiency. A question period—say, once a week during the session of Congress—would improve relations and mutual understanding between Congress and the executive branch. It would have a marked beneficial effect upon the conduct of our foreign relations.

Naturally any idea of this kind has to be investigated thoroughly. Cogent objections to a question period in the Senate have appeared in the daily press. Most objections center around the incompatibility of the parliamentary system with the Presidential system as we practice it here in the United States. The purpose of a question period would be not defeated even if it did not result in a substantial reduction of required committee appearances for Cabinet officers.

It could and would provide for the separate Houses of the Congress a vital and needed contact with the senior officers of the Government.

I am giving considerable thought to the mechanics of implementing this suggestion, however, and if certain problems can be resolved to my satisfaction, I shall introduce a resolution enabling members of the administration to appear before the Senate, which would sit as a Committee of the Whole for the purpose of interrogation.

A question period, however, only partially disposes of the problem of improving liaison between the State Department and the general public. Alan Otten puts his finger on the problem when he states that the State Department "lacks a readily identifiable, politically powerful constituency in the United States." Perhaps such a constituency cannot be created under existing conditions, but much more could be done to marshal the support of U.S. citizens for the basic objectives of our foreign policy. Much more should be done simply to inform the American public. Too many people honestly believe, I regret to say, that the President of the United States has shown weakness by submitting a plan for disarmament and arms control to an international conference. I wish that the American public had a change to see for themselves that U.S. foreign policy is deeply patriotic and is keyed to the ultimate interests of the United States.

To a heartening extent the State Department has recognized its responsibility to the American public. Its officials no longer hesitate to leave Foggy Bottom for speeches to regional foreign policy conferences, schools, civic groups, and other organizations. Editors, broadcasters, newsmen, and educators attend background seminars conducted by the Department in Washington and elsewhere. The Department has a lengthening mailing list of speeches and pamphlets to organizations and individuals around the country.

Progress of this sort is encouraging. It is limited, however, by lack of funds and by the resistance of certain powerful figures on Capitol Hill who are stubbornly opposed to activities designed to improve its image with the public and enhance its effectiveness in the Federal system.

Mr. President, I have had the privilege of corresponding with several prominent and respected members of this administration concerning the absence of grassroots support for the State Department. I wish to give full credit to Mr. Pierce Butler III, of St. Paul, Minn., for again stimulating my interest in this problem. Pierce Butler, incidentally a lifelong Republican, suggests that small towns and rural areas, as well as the larger urban centers, be given an opportunity for the broadest possible discussion of foreign policy problems. In these outlying areas there is undoubtedly much untapped interest in American foreign policy. What is needed is a concentrated effort to stimulate informed discussion of our country's role in the world of today. One excellent suggestion for better informing the American public would be to hold organized foreign affairs discussions—say, on the campus of State teachers' colleges or at a centrally located county seat—which would be attended by Washington officials at the highest possible level. The thought behind this suggestion is welcomed by the State Department and other key administration officials. It deserves the specific approval of Congress. One thing is clear; we need a "foreign affairs constituency" and we need to create it in the very areas which breed the most destructive criticism of our foreign policy. An initiative in this direction would help forge a new frontier of understanding and enlightenment for all Americans.

EXHIBIT 1

[From the Wall Street Journal]

WOOING CONGRESS—THE STATE DEPARTMENT DRIVES TO OVERCOME LAWMAKERS' HOSTILITY—OFFICIALS STEP UP CONTACTS TO EXPLAIN POLICIES, SEEK TO CURB DIPLOMATS' DISDAIN—CONGRESSMEN ARE NOT BOOBS

(By Alan L. Otten)

WASHINGTON.—The Kennedy State Department is out to woo an important but frequently hostile power: The U.S. Congress.

While other Federal Departments face occasional trouble on Capitol Hill, the State Department is in chronic difficulties; it's a perennial target, a favorite whipping boy. Of late, the relationship has seemed even icier than usual.

Half a dozen bitter battles had to be fought before the foreign aid authorization bill could become law; the actual appropriation, still to come, will certainly be cut deeply below the President's request. The United Nations bond purchase plan, after a stormy Senate passage, has House Democratic leaders worried and on edge. The State Department's own appropriations request has just been sliced better than 15 percent in the House, amid thunderous criticism. Almost daily the Senate and House Chambers resound with attacks on the Department's policies and actions in Berlin, Laos, Latin America, the Middle East, and other world trouble spots.

To repair the damage, Department officials from Secretary Rusk on down are resorting to an unlikely mixture of diplomatic wiles and domestic political techniques.

CHANGING STEREOTYPED THINKING

"Our problem," says a top State Department official, "is to change attitudes and stereotyped thinking on both sides of the relationship. We must make Congress think better of the Department, and we must make the Department think better of Congress."

Secretary Rusk, having devoted most of last year to getting better acquainted with his foreign counterparts, is now cultivating Congress. So far this year over 40 Senators and 100 House Members of both parties have come in groups of 8 or 9 for breakfast or lunch at the State Department; Mr. Rusk usually hits the high spots of U.S. foreign policy problems and then answers questions. Though the soft-spoken Secretary usually comes through poorly in formal speeches or TV appearances, Congressmen agree that he seems well-informed, frank, and firm in these private sessions.

About once a week, Mr. Rusk takes small groups of Congressmen out for an evening sail on the President's yacht, and here social small talk prevails unless some Congressman switches to a weightier topic. Under Secretaries Ball and McGhee have also done some mealtime proselyting at the State Department, while Fowler Hamilton, boss of the Agency for International Development (AID), has had key lawmakers at his home for small breakfast or dinner gatherings. Mr. Hamilton has personally called so far this session on about 150 House Members and 50 Senators in their Capitol Hill offices for 30- to 45-minute chats on his plans and problems in foreign aid; the day before the House voted on the foreign aid bill, Mr. Hamilton got around to chat with 26 Members.

MORE BRIEFING SESSIONS

In August the Department plans to resume once-a-week briefing sessions on Capitol Hill

for Members generally. In April, the Department tried to attract Congressmen each Wednesday at 5 p.m. to hear one or another assistant secretary discuss current problems in his geographic area—Averell Harriman on the Far East, G. Mennen Williams on Africa, Foy Kohler on Europe, and so on. But turnout was tiny, with absent Members citing the need to be on the floor or in their offices signing mail at that hour. The August series will be at 9 in the morning, and the Department hopes for a better response.

The Department has also held one general briefing session on the Hill for committee officials and administrative assistants of Senators and Congressmen, and hopes for another one or two before adjournment. Mass mailings now provide lawmakers with key speeches of State Department officials, background material on such topics as the "Sino-Soviet Rift" or "The U.N. Bond Issue," and even some secret administration studies in the foreign policy field.

State Department men are trying to give lawmakers faster and more informative answers to their written questions on foreign policy. Assistant Secretary of State Frederick Dutton, former White House aid now in charge of the Department's congressional liaison, reports he now sends back for better answers over one-third of all Department replies of congressional mail queries.

Officials are trying to make public many arguments previously advanced only in private. During the House foreign aid debate the Department did not rely just on its old line that aid to Communist Yugoslavia and Poland "encourages them to pursue their national interest." Instead, its friends in the House were permitted to point out that Poland and Yugoslavia do not jam Voice of America broadcasts, that American and West European papers and magazines are sold there, that English has replaced Russian as the most widely taught foreign language in Yugoslavia, that 72 percent of Yugoslav trade is now tied to the West. Before, the Department had tried to soft-pedal these ideas for fear public mention would provoke the Polish and Yugoslav Governments into reversing the situation.

DISSIPATING DISTRUST

Within the Department, officials are trying to dissipate career diplomats' longstanding distrust and even disdain for Congress, an attitude that causes or aggravates many of the Department's difficulties on Capitol Hill.

"The average Foreign Service officer regards us as the great unwashed, a bunch of clowns," says a Democratic Senator who strongly supports the Department on almost every issue. Partly this distrust seems to be almost inbred; partly it reflected the habits of speaking the indirect language of diplomacy. "We're taught from the beginning to keep things quiet while people can work on them behind the scenes," a Foreign Service officer explains.

President Kennedy, in a recent talk to Foreign Service officers, reminded them that "every Member of Congress who subjects you to abuse is being subjected himself, every 2 years, to the possibility that his career will come to an end * * * you have to remember that the hot breath is on him also."

CONGRESSMEN ARE NOT BOOBS

Deputy AID Administrator Frank Coffin, a former Democratic House Member, last week read a stern lecture to a private meeting of the AID executive staff. "Congressmen are not boobs," he declared. "They can tell if someone is being contemptuous, and they're going to hit back. Unless you have the attitude that these men are intelligent and responsible, you're going to be in deep trouble."

Mr. Dutton last month arranged to have Democratic Senators HUMPHREY, of Minnesota, and PELL, of Rhode Island, plus Republican Senator HICKENLOOPER, of Iowa, speak to senior Foreign Service officers on their complaints against the Department and suggestions for doing better; Mr. HICKENLOOPER, for example, complained that Department witnesses before Congress were frequently ill-informed and unable to explain policies in commonsense terms. Mr. Dutton has another session set up in August for junior Foreign Service officers, where Members of Congress and staff aids will try to convey some feeling of the political problems facing Congress in the foreign policy field.

Obviously some of the Department's most vexing vicissitudes stem from its policies, not its presentation of them. Lots of Congressmen and lots of citizens at large just don't like areas, and don't hesitate to say so. But the Department's whipping-boy role has persisted under Democrats and Republicans alike, under Secretaries reckoned "soft on communism" and under Secretaries reckoned "tough."

Other troubles are inherent in the department's position in the governmental scheme. It lacks a readily identifiable, politically powerful constituency in the United States. No large, vocal organizations take arms against its foes the way certain farm organizations battle for the Agriculture Department. The State Department lacks the patronage and other political favors other departments can muster to reward or penalize lawmakers. It has few jobs and contracts to hand out.

PLEADING FOREIGNERS' CAUSES

By its very function, the Department must advance the interests of foreigners. To maintain friends abroad, officials feel they must often speak out for the French business firm against the Illinois firm, for the Australian farmer against the Kansas farmer. "Considering how unpopular many of its positions are on the surface, it's amazing the Department ever gets anything at all through Congress," asserts a friendly Democratic Senator from the Midwest.

"When a Senator's mail is giving him hell for everything he's been doing, and he feels he's in trouble back home, he comes to the floor and lets fly at the State Department," an internationalist-minded Republican Senator observes. "It's the safest way to let off steam."

Declares a northern Democratic House Member who works for many department bills: "Every guy up here feels he owes himself one or two demogogic stands a year, for back-home consumption. The State Department just happens to be the safest thing to demagog against."

Mr. Rusk, his top lieutenants, and their congressional cohorts see only one way to overcome the most basic handicaps: Long-term and constant "education" of the public on the hows and whys of U.S. foreign policy. "The entire administration," says one southern Democratic Congressman, "must do more to sell foreign policy in general and particular bills, too, until Members no longer feel they have to prove their anticommunism by automatically voting against the State Department."

PRESIDENTIAL LEADERSHIP

Many believe the selling job must be led by the President himself, with frequent radio-television addresses, and with the support of other administration speakers and private organizations. "This year's tariff bill was a classic job of a long, careful education campaign paying off," a White House official asserts. "Many other foreign policy bills should be handled the same way." Declares a Democratic Senator from the Midwest: "The infantry up here can fight the battles on medicare and farm legislation and public works, the ones that have clear political impact back home. Where we need Presidential air cover is on those foreign policy votes—those are the ones we get flailed on."

Department officials already are making more and more speeches to schools, civic groups, and other organizations all across the land. They've held special "background" seminars for editors and broadcasters in Washington and for newsmen and educators in other cities. There's an ever-lengthening mailing list of organizations and individuals receiving copies of the Department's speeches and pamphlets.

Recently a daily "orientation" lecture was begun for out-of-town tourists in Washington. Top officials often make themselves available for interviews by lawmakers taping radio or TV shows for hometown consumption. Mr. Dutton's office now supplies close to 200 Congressmen with a monthly collection of "human interest" jottings that can be worked into newsletters going back home. The squibs range from a chatty report on Fourth of July festivities at oversea embassies to a rundown of stamps issued in honor of the World Health Organization's fight against malaria.

Press releases now emphasize the domestic business that will result from U.S. foreign aid. "Eighty-seven million will be spent by Pakistan for American industrial products under terms of two loans authorized today by the Agency for International Development," the AID recently announced.

But there are real limits on how much "education" the Department can do. While some of its friends on Capitol Hill urge more, many other lawmakers urge much less. The Department's public affairs division has been a favorite target of the House Appropriations Committee's economy ax.

"The job of the State Department is to carry on foreign relations, not to get in the newspapers," declares Representative ROONEY, the Brooklyn Democrat who heads the Appropriations Subcommittee handling State Department funds. Adds Representative BOW, of Ohio, top Republican on the subcommittee, "the way for the Department to improve its relations with Congress is to cut out all its propaganda and lobbying."

RESOLUTION TO ESTABLISH A CENTURY OF FREEDOM COMMISSION

Mr. HUMPHREY. Mr. President, if I am not mistaken, tomorrow is Emancipation Day. It is the 100th anniversary of the Emancipation Proclamation. On June 14 I introduced a Senate joint resolution (S.J. Res. 200) to establish a Century of Freedom Commission to develop plans for commemorating this coming year the 100th anniversary of the signing of one of the most significant documents of human progress in the annals of history.

That resolution provided for the establishment of a Century of Freedom Commission to be composed of 30 persons, including the President of the United States, the President of the Senate, and the Speaker of the House of Representatives, who shall all 3 serve as ex officio members of the Commission; 3 Members from the House of Representatives appointed by the Speaker of the House; 3 Members of the U.S. Senate appointed by the President of the Senate; 20 members to be appointed by the President of the United States; and 1 member from the Department of the Interior who shall be the Director of the National Park Service or his representative.

The functions of the Commission would be to develop and execute suitable plans for commemorating the 100th anniversary of the Emancipation Proclamation.

One of the darkest chapters in world history was the enslavement and forced deportation of Negro men, women, and children. As our Secretary of State Dean Rusk said only recently at a dinner in honor of the President of the Ivory Coast, Felix Houphouet-Boigny, the United States can take no pride in regard to the manner in which Africans came to this country, but we can be proud of the contributions which Africans and their descendants have made to the United States.

Certainly the Emancipation Proclamation of 1863 was one of the most noble acts of government in the history of mankind. And the faith which Abraham Lincoln had in the Negro people has been confirmed by the contribution which they have made, against great odds, to our country.

I would hope, Mr. President, that this Century of Freedom Commission would among other things direct its attention to acquainting the public with the impressive accomplishments that American Negroes have made these past 100 years. It is an impressive record. It is a record in which we can all take pride. It is a record of accomplishment which deserves more attention than has been given. The Commission could perform a most valuable and important public service by focusing public attention on these accomplishments of the Negro people of America.

What appears to me even more important is the fact that there are huge areas of the world today that are now once again enslaved. What our world needs more than anything else is a worldwide emancipation proclamation that can be as effective as the one that Abraham Lincoln gave to the American people emancipating the American Negro in 1863, a proclamation that was prepared and written in 1862.

Mr. President, I ask unanimous consent that the full text of the resolution be printed at this point in the RECORD.

There being no objection, the joint resolution (S.J. Res. 200) was ordered to be printed in the RECORD, as follows:

S. J. RES. 200

Joint resolution to establish a Century of Freedom Commission

Whereas the year 1963 will mark the one-hundredth anniversary of Emancipation Proclamation which gave freedom from slavery to four million men, women, and children; and

Whereas the number of Negroes now living in these United States is in excess of nineteen million; and

Whereas the Negro race has shaken off the intangible fetters of circumstance and contributed greatly to the growth of America and given prestige to its cultural customs and mores; and

Whereas the Negro has readily and unflinchingly taken up arms to defend American democracy in every war since Crispus Attucks died a martyr for freedom in the Boston Massacre; and

Whereas the Negro has constantly demonstrated his dedication to the American spirit of freedom by serving in key educational, military and governmental posts; and

Whereas it is appropriate that the ideals and accomplishments of the Negro race be reemphasized and given wider public knowledge on the occasion of the one hundredth anniversary of its freedom; and

Whereas it is incumbent upon us as a nation to provide for the proper observance of this American event which has been and continues to be a vital force in our history: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to provide for appropriate and nationwide observances and the coordination of ceremonies, there is hereby established a Commission to be known as the "Century of Freedom Commission" (hereafter in this joint resolution referred to as the "Commission") which shall be composed of thirty members as follows:

(1) The President of the United States, President of the Senate, and Speaker of the House of Representatives, who shall be ex officio members of the Commission;

(2) Three members who shall be Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives;

(3) Three members who shall be Members of the Senate, to be appointed by the President of the Senate;

(4) Twenty members to be appointed by the President of the United States; and

(5) One member from the Department of the Interior who shall be the Director of the National Park Service or his representative.

(b) The Director of the National Park Service shall call the first meeting for the purpose of electing a Chairman. The Commission, at its discretion, may appoint honorary members, and may establish an Advisory Council to assist in its work.

(c) Appointment provided for in this section, with the exception of honorary members, shall be made within a period of ninety days from the date of enactment of this joint resolution, except that vacancies may be filled after such period. Vacancies shall be filled in the same manner as the original appointments were made.

SEC. 2. The functions of the Commission shall be to develop and execute suitable plans for commemorating the one hundredth anniversary of the Emancipation Proclamation. In developing such plans, the Commission shall give due consideration to any similar and related plans advanced by State, civic, patriotic, hereditary, and historical bodies, and may designate special committees with representation from the above-mentioned bodies to plan and conduct specific ceremonies. The Commission may give suitable recognition by the award of medals and certificates or by any other appropriate means to persons and organizations for outstanding achievements in preserving the culture and ideals of the Negro, or historical locations connected with his life.

SEC. 3. The President of the United States is authorized and requested to issue a proclamation inviting all the people of the United States to participate in and observe the centennial anniversary of the historical event, the commemoration of which is provided for herein.

SEC. 4. (a) The Commission is authorized to accept donations of money, property, or personal services; to cooperate with State, civic, patriotic, hereditary, and historical groups and with institutions of learning; and to call upon other Federal departments or agencies for their advice.

(b) The Commission, to such extent as it finds to be necessary, may, without regard to the laws and procedures applicable to Federal agencies, procure supplies, services, and property and make contracts, expend in furtherance of this joint resolution funds donated or funds received in pursuance of contracts hereunder, and may exercise those powers that are necessary to enable it to carry out efficiently and in the public interest the purpose of this joint resolution.

(c) The National Park Service is designated to provide all general administrative services for the Commission.

SEC. 5. (a) The Commission may employ, without regard to civil service laws or the Classification Act of 1949, an executive director and such employees as may be necessary to carry out its functions. The annual rate of compensation of the executive director shall not exceed the scheduled rate of basic compensation provided for grade GS–18 in the Classification Act of 1949, as amended.

(b) Expenditures of the Commission shall be paid by the Executive Director of the Commission, who shall keep complete records of such expenditures and who shall account for all funds received by the Commission.

(c) The Commission shall submit to the President, not later than September 1, 1962, a report presenting the preliminary plans developed by it pursuant to this joint resolution. A final report of the activities of the Commission, including an accounting of funds received and expended, shall be made to the Congress and the President by the Commission not later than December 31, 1964, upon which date the Commission shall terminate.

(d) Any property acquired by the Commission remaining upon its termination may be used by the Secretary of the Interior for purposes of the national park system or may be disposed of as surplus property. The net revenues, after payment of Commission expenses, derived from Commission activities, shall be deposited in the Treasury of the United States as miscellaneous receipts.

SEC. 6. The members of the Commission and of the Advisory Council shall receive no compensation for their services, but shall be reimbursed for their actual and necessary traveling and subsistence expenses incurred by them in performing their duties.

SEC. 7. There are hereby authorized to be appropriated such funds as may be necessary to carry out the provisions of this joint resolution, including an appropriation of not to exceed $1,000,000 to prepare the preliminary and final plans and reports of the Commission described in section 5(c) of this joint resolution.

Mr. HUMPHREY. Mr. President, it is my intention on Monday, in the morning hour or shortly thereafter, to address the Senate on the subject of Emancipation Day and its full significance, because I wish to see this particular historical event properly commemorated and celebrated in light of the contributions that our Negro citizens have made to the American community, to this great Nation, and in the light of the need for a reiteration of the principle of emancipation in the 20th century.

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

Mr. HUMPHREY. I yield.

Mr. MORSE. I am glad that the Senator from Minnesota made the preliminary statements that he has made tonight in his discussion of the great subject of emancipation. I shall look forward to what I know will be a great speech by him on Monday.

I should like to associate myself with the Senator's remarks tonight. The

American Negro still has a long way to go before he is fully emancipated. It is true that the great Emancipation Proclamation of Abraham Lincoln symbolically gave the Negro his political emancipation. But the act was only symbolical, because tens upon tens upon tens of thousands of American Negroes today are not free. They do not have the precious right to exercise what I consider to be the essentiality of political freedom; namely, the precious right to vote.

Tens upon tens of thousands of them are not economically free because they still are being held down in a form of economic slavery because when they do not have equality of job opportunities, when there is economic discrimination against them because of the color of their skin—and who will deny that that is an ugly fact in our great democracy—it follows that they do not have economic freedom. They do not have educational freedom in the United States. As a result, tens of thousands of them are being denied their rights to a free education in the United States comparable to the free education the children of white parents enjoy. Until we are willing as a people, and until our Government is insistent, as a government, that the great decision of 1954 of the U.S. Supreme Court in respect to equality of educational rights in this country should be enforced, then thousands of American Negroes will not have educational freedom.

Thus I could go down the list of the deprivations and denials to Negroes in this country of various freedoms that white people enjoy, proving my point that Negroes have a long way to go, even after many decades since the Emancipation Proclamation, to enjoy the freedom that Abraham Lincoln contemplated for them when that great historic document was penned by the incomparable Emancipation and President Abraham Lincoln. I think it is well, then, with Emancipation Day coming on, to call the attention of the American people to their shortcomings on this moral and political issue. The responsibility for the shortcomings rests—true, upon the Congress in part—but really upon the American people. It is the American people who have failed to provide full freedom to the American Negro.

The American people now have an opportunity to write a great chapter of American history in our time and make clear that they wish their representatives in Congress and in the legislative halls of the States and in the municipalities and their spokesmen on the judicial benches of America and every executive officer who deals with this problem in this Government of ours to take every step within the power of their jurisdiction to see to it that the colored people of America are granted, without further delay, full freedom in all the phases of American life.

Mr. HUMPHREY. Mr. President, I thank the Senator from Oregon for his eloquent and factual and thoughtful remarks concerning one of the most serious problems that confronts this country and what I consider to be the main item of unfinished business in our democracy.

There is no doubt about the fact that we have a long way to go as a people and as a government in fulfilling the promise of equal opportunity. The Senator is eminently correct when he cites, among other deprivations, the depriving of the right to vote, the depriving of equal opportunity of education, the depriving of equal opportunity to employment. These are but a few of the discriminations.

I do not believe that any person in public life can feel he is really fulfilling his responsibility until these wrongs have been righted, and until these inequities have been eliminated by a sense of justice and a performance of social justice.

It is my intention to discuss this subject on Monday. I do not believe it is good enough merely to celebrate the Emancipation Proclamation at the beautiful Lincoln Memorial, with a fine address, which I know will be given by our distinguished U.S. representative to the United Nations, Adlai Stevenson, and with all the other fine programs that we will have tomorrow, and then feel that somehow or other we have satisfied the requirements of that great Proclamation to our people.

The Emancipation Proclamation not only meant the freeing of the slaves, but it was a charge to the American people and to the American Government to do their duty in terms of securing equal protection of laws and equal opportunity under law.

As far as I am concerned, the real test of government is not so much what it does for the majority as what it does in terms of protecting the rights of the minority, because how a minority is treated is the real measure of the conscience of the community or of a society or of a government.

The Senator from Oregon has championed the cause of equal rights and equal responsibilities and equal privileges, as well as the assignment of duties for all Americans. I believe in the days to come we will judge the accomplishment of this Nation more by what it has done in terms of providing equal opportunity than what it has done in terms of its industry, or finance or even its science.

I thank the Senator for his contribution.

Mr. President, I should like to inquire what the pending business is before the Senate, so that it may be clear on the RECORD.

The PRESIDING OFFICER. The pending business is H.R. 11880, to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 21, 1962, he presented to the President of the United States the following enrolled bills:

S. 273. An act for the relief of Hratch Samuel Arukian;

S. 2184. An act for the relief of Mrs. Heghine Tomassian;

S. 2208. An act for the relief of Su-Fen Chen;

S. 2760. An act for the relief of Yuj-Kan Cheuk;

S. 2768. An act to promote the foreign policy of the United States by authorizing a loan to the United Nations and the appropriation of funds thereof;

S. 3026. An act for the relief of Jeno Nagy;

S. 3475. An act to provide further for cooperation with States in administration and enforcement of certain Federal laws; and

S. 3529. An act to amend the Manpower Development and Training Act of 1962 with regard to reimbursement of the railroad unemployment insurance account.

ADJOURNMENT UNTIL 10 A.M. ON MONDAY

Mr. HUMPHREY. Mr. President, if there is no further business to come before the Senate, I move that the Senate stand in adjournment until 10 o'clock on Monday next.

The motion was agreed to; and (at 6 o'clock and 43 minutes p.m.) the Senate adjourned, under the previous order, until Monday, September 24, 1962, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate September 21, 1962:

PUBLIC HEALTH SERVICE

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

FOR PERMANENT PROMOTION

To be senior assistant sanitary engineers

Sandler H. Dickson — William T. Sayers
Richard E. Jaquish — Walter R. Wilson

To be senior assistant pharmacists

Linton F. Angle — Ronald D. Gilbert
Fred Angres — James L. Snowden
Clarence L. Fortner

To be senior assistant sanitarian

Dale J. Johnson

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

FOR APPOINTMENT

To be senior surgeons

Howard L. McMartin
Alice M. Waterhouse

To be senior assistant sanitarian

Lee W. Smith

FOR PERMANENT PROMOTION

To be assistant sanitary engineers

Ronald F. Coene — Charles H. Wentworth, III
Elwyn Holtrop
Maris Pubulis

IN THE ARMY

The following-named officer for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

To be major

Merrill, Samuel J., XXXXXX

The following-named persons for reappointment to the active list of the Regular Army of the United States, from the temporary disability retired list, under the

provisions of title 10, United States Code, section 1211:

To be lieutenant colonel

Benner, John G., xxxxxx.

To be major, Army Nurse Corps

Seroczynski, Helen M., xxxx.

The following-named persons for appointment in the Regular Army by transfer in the grades specified, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288, 3290, and 3292:

To be lieutenant colonel, Judge Advocate General's Corps

Benedict, Harold B. (OrdCorps), xxxxxx.

To be first lieutenant, Medical Service Corps

Bowes, Donald J., Jr. (SIGC), xxxxxx.

The following-named persons for appointment in the Regular Army of the United States, in the grades specified under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, and 3288:

To be major

Garza, Carlos M., xxxxxxx.

To be captains

Adair, Billy R., xxxxxxxx.
Brogi, David M., xxxxxxxx.
Cornwell, Michael C., xxxxxxxx.
Fitzpatrick, Thomas W., xxxxxxxx.
Heffner, Gary R., xxxxxxxx.
Huebner, Robert W., xxxxxxxx.
Hurst, Dale W., xxxxxxxx.
Missildine, William E., xxxxxxxx.
Ornstein, Alvin, xxxxxxxx.
Roberts, Rodney K., xxxxxxxx.
Stratton, Jerry R., xxxxxxxx.
Suso, Anthony, xxxxxxxx.
Walter, Eugene H., xxxxxxxx.
Watkins, Walter L., xxxxxxxx.
Wiethuechter, Donald W., xxxxxxxx.
Wuerz, Donald E., xxxxxxxx.

To be first lieutenants

Barnard, Roy S., xxxxxxxx.
Brewer, James A., xxxxxxxx.
Brown, Donn W., xxxxxxxx.
Campbell, Robert P., xxxxxxxx.
Clement, L. W., Jr., xxxxxxxx.
Drew, John B., xxxxxxxx.
Fink, Henry J., Jr., xxxxxxxx.
Finlay, John C., xxxxxxxx.
Garrity, Robert A., xxxxxxxx.
Gordon, John B., xxxxxxxx.
Hedrick, Miles C., xxxxxxxx.
Hunt, Wallace G., xxxxxxxx.
Kelly, Thomas A., Jr., xxxxxxxx.
Kirby, William D., Jr., xxxxxxxx.
Krausz, George M., xxxxxxxx.
Langbein, Edward E., Jr., xxxxxxxx.
Lemons, Robert L., xxxxxxxx.
Luck, Michael W., xxxxxxxx.
Miller, Billy F., xxxxxxxx.
Miller, Roger E., xxxxxxxx.
Qualtrough, Norman E., xxxxxxxx.
Rodriguez, Cesar A., xxxxxxxx.
Ryburn, Glenn O., Jr., xxxxxxxx.
Smith, Carl R., xxxxxxxx.
Ward, Fenton M., xxxxxxxx.
Wattelet, Ronald R., xxxxxxxx.
Williams, Paul E., xxxxxxxx.

To be second lieutenants

Ancell, Vaughn K., xxxxxxxx.
Atkins, George C., xxxxxxxx.
Bell, Edward F., Jr., xxxxxxxx.
Benson, Roger R., xxxxxxxx.
Brooks, Delbert R., xxxxxxxx.
Castro, John P., xxxxxxxx.
Cole, Warner B., xxxxxxxx.
Cote, Donald L., xxxxxxxx.
Crowell, Norman T., xxxxxxxx.
Devlin, Edward T., Jr., xxxxxxxx.
Callo, Anthony J., Jr., xxxxxxxx.
Harris, David H., xxxxxxxx.
Hayes, John H., xxxxxxxx.
Hudson, Richard L., xxxxxxxx.
Jackson, Robert R., xxxxxxxx.
Johnson, Ray T., xxxxxxxx.
Lindroth, George A., xxxxxxxx.
Mahr, Bruce C., xxxxxxxx.
Martin, Monte L., xxxxxxxx.
O'Connor, Thomas H., Jr., xxxxxxxx.
Perkins, Joseph L., xxxxxxxx.
Polich, Victor J., Jr., xxxxxxxx.
Ross, Richard H., xxxxxxxx.
Rossman, Jack, xxxxxxxx.
Rutledge, John B., Jr., xxxxxxxx.
Shinn, Frederick F., xxxxxxxx.
Snow, Edward F., xxxxxxxx.
Soderberg, Jerry P., xxxxxxxx.
Spiller, Winton, Jr., xxxxxxxx.
Stanfill, James H., xxxxxxxx.
Stewart, James M., xxxxxxxx.
Terry, William F., III, xxxxxxxx.
Wilson, Larry R., xxxxxxxx.

The following-named persons for appointment in the Regular Army of the United States, in the grades and corps specified, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3293, 3294 and 3311:

To be majors, Medical Corps

Lopez, Cesar A., xxxxxxxx.
McClure, Claude, Jr., xxxxxxxx.
Schroeder, Peter, xxxxxxxx.

To be major, Medical Service Corps

Bahr, Fred R., xxxxxxxx.

To be captains, Army Nurse Corps

Nagle, Lillian H., xxxxxxx.
O'Dell, Margaret L., xxxxxxx.

To be captain, Chaplain

Hawn, Robert H., xxxxxxxx.

To be captain, Judge Advocate General's Corps

Krashes, Harold D., xxxxxxxx.

To be captains, Medical Corps

Birk, Thomas C., Jr., xxxxxxxx.
Coolidge, William A., xxxxxxxx.
Hagen, Raoul O., xxxxxxxx.
Harrison, William E., Jr., xxxxxxxx.
Lloyd, Joseph D., xxxxxxxx.
Paulsrud, David G., xxxxxxxx.
Raborn, Charles P., xxxxxxxx.
Webber, Peter B., xxxxxxxx.

To be captains, Medical Service Corps

Dowdy, Fred, Jr., xxxxxxx.
Medford, William D., Jr., xxxxxxxx.

To be first lieutenant, Army Medical Specialist Corps

Boyd, Katie A., xxxxxxxx.

To be first lieutenant, Army Nurse Corps

Garfall, Gloria M., xxxxxxxx.

To be first lieutenants, Judge Advocate General's Corps

Alexander, Kerry D., xxxxxxxx.
Foell, Darrell W., xxxxxxxx.
Hougen, Howard M., xxxxxxxx.
Neuheisel, Richard G., xxxxxxxx.
Ryker, George C., xxxxxxxx.
Steffen, William E., xxxxxxxx.

To be first lieutenants, Medical Corps

Brougher, Robert H., xxxxxxxx.
Leary, John B., xxxxxxxx.
Lett, Charles R.,
Madison, David S., xxxxxxxx.
Perito, John E., xxxxxxxx.
Ralph, James W., xxxxxxxx.
Schaffner, Frederick, xxxxxxxx.
Sinclair, Eugene P., xxxxxxxx.
Veatch, William M., xxxxxxxx.

To be first lieutenants, Medical Service Corps

Helgeson, James G., xxxxxxxx.
Hoke, Mark L., xxxxxxxx.
Keller, Thomas E.
Roper, Rex S., xxxxxxxx.

To be first lieutenants, Veterinary Corps

Farris, Richard D., xxxxxxxx.
Liddle, Charles G., xxxxxxxx.

To be second lieutenant, Army Nurse Corps

Valora, Hope E., xxxxxxxx.

To be second lieutenants, Medical Service Corps

Burch, Vernon R., xxxxxxxx.
Frickey, Norman G., xxxxxxxx.
Glove, Francis L., xxxxxxxx.
Hennessy, Albert G., xxxxxxxx.
Hunt, Dan W., xxxxxxxx.
Kash, Steven N., xxxxxxxx.
Mueller, Hans J. W., xxxxxxxx.
Soberg, David A., xxxxxxxx.

To be second lieutenant, Women's Army Corps

Tilden, Carol J., xxxxxxxx.

The following-named distinguished military students for appointment in the Medical Service Corps, Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288, and 3290:

Dowdle, Archie B., Jr.
White, Joseph S.

The following-named distinguished military students for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, and 3288:

Bone, Barry F.
Bouton, David A.
Briggs, David M.
Flannery, William J., III
Ghivizzani, Vincent F.
Gibson, William M.
Hayes, Ralph L.
Kelly, Edward F.
Lamont, James M., xxxxxxxx
Leone, James F.
Murray, Paul D.
Nataluk, Francis M.
Olsen, Merlin J.
Patmon, Claude
Pope, Thomas I., III
Ranallo, James, Jr.
Shellabarger, Dan G.
Shurtleff, Billy K.
Sporl, Edward F.
Stack, Robert J.
Tinker, Andrew C.
Turbok, James M.
Vogel, Melvyn L.
White, Jack H., Jr.
Wilson, Eugene K., III

POSTMASTERS

The following-named persons to be postmasters:

ALABAMA

Guessna G. Harrell, Enterprise, Ala., in place of H. C. Heath, retired.

Hugh Moses, Hamilton, Ala., in place of B. M. Cooper, retired.

Percy O. Morris, Demopolis, Ala., in place of J. T. Monnier, deceased.

ARIZONA

Lorum E. Stratton, Snowflake, Ariz., in place of V. T. Denham, retired.

ARKANSAS

Thelma S. Butler, De Witt, Ark., in place of of F. E. Stephenson, retired.

CALIFORNIA

Clyde E. Avery, Blythe, Calif., in place of K. D. Rice, transferred.

George A. Newcomb, Laytonville, Calif., in place of G. O. Downie, deceased.

Robert H. Petty, Laton, Calif., in place of F. N. Blanchard, retired.

COLORADO

Elmer D. Vagher, Bristol, Colo., in place of H. L. Elmore, resigned.

CONNECTICUT

Merle E. Phelps, Staffordville, Conn., in place of Benjamin Phelps, retired.

FLORIDA

Elizabeth R. Steed, Lynn Haven, Fla., in place of V. L. Roberts, retired.

IDAHO

Maurice W. Drevlow, Craigmont, Idaho, in place of O. R. Acheson, retired.

ILLINOIS

Joel F. Parker, Divernon, Ill., in place of J. W. Rettberg, retired.

Elizabeth M. Schweizer, Elwood, Ill., in place of F. H. Blatt, Jr., transferred.

Harry H. Semrow, Chicago, Ill., in place of C. A. Schroeder, resigned.

INDIANA

Louis W. Ogden, Lawrenceburg, Ind., in place of B. H. McCann, retired.

Wayne E. Davis, Norman, Ind., in place of C. M. Bowman, retired.

Robert D. White, Patoka, Ind., in place of W. L. Alvis, retired.

Francis M. Rogers, Straughn, Ind., in place of R. J. Butler, retired.

IOWA

Cecil C. Ramsdell, Toledo, Iowa, in place of C. E. Brandt, retired.

KANSAS

Lawrence A. Baalman, Hoxie, Kans., in place of E. V. Hedge, retired.

Daryl E. Daniels, Johnson, Kans., in place of A. M. Nall, retired.

Lawrence Meidinger, Leona, Kans., in place of J. L. Dennis, retired.

KENTUCKY

Frank C. Dillon, Paint Lick, Ky., in place of K. L. Walker, retired.

Raymond Ison, Blaine, Ky., in place of Enoch Wheeler, retired.

Edith L. Cole, Columbus, Ky., in place of H. E. Davis, retired.

Mayme B. Moore, Dixon, Ky., in place of M. W. Blackwell, retired.

W. Ardel Fields, Hickman, Ky., in place of M. M. Stahr, retired.

John H. Carlberg, Muldraugh, Ky., in place of M. B. Withers, retired.

LOUISIANA

Joseph R. LeBlanc, Delcambre, La., in place of J. F. Landry, retired.

Charles E. Miller, Livingston, La., in place of H. C. Fontenot, resigned.

Toby Medlin, Marion, La., in place of A. H. Ferguson, transferred.

Joseph M. Accardo, Patterson, La., in place of S. J. Folse, retired.

Malcolm J. Donaldson, Reserve, La., in place of H. A. Duhe, deceased.

MAINE

Hector A. Lerette, Hallowell, Maine, in place of R. W. Fish, deceased.

MARYLAND

John L. Carlson, Annapolis, Md., in place of J. F. Stevens, retired.

Lenwood C. Moss, Brunswick, Md., in place of A. F. Hightman, deceased.

MASSACHUSETTS

Mary E. Baumann, Hinsdale, Mass., in place of T. F. Dehey, retired.

MICHIGAN

Wilfred F. Jacques, Paradise, Mich., in place of M. A. Monk, resigned.

Ida L. Orosz, Scotts, Mich., in place of Catherine Kline, resigned.

MINNESOTA

Mary J. Derito, Mountain Iron, Minn., in place of H. H. Schur, resigned.

Harry A. Grande, Ulen, Minn., in place of A. H. Auenson, retired.

Leonard J. Buelt, Waltham, Minn., in place of C. J. Newgard, transferred.

Herbert T. Peterson, Williams, Minn., in place of A. L. Dyrdahl, removed.

Enna A. Kallroos, Squaw Lake, Minn., in place of A. C. Anderson, retired.

MISSISSIPPI

Dell T. Frazier, Beulah, Miss., in place of B. L. Sisson, retired.

Mark Rayborn, Jr., Lumberton, Miss., in place of D. D. Hale, transferred.

MISSOURI

Dorothy A. Fritts, Amsterdam, Mo., in place of J. B. Gregory, transferred.

Glen J. Henry, New Cambria, Mo., in place of J. M. Baker, retired.

David E. Adams, Bellflower, Mo., in place of H. B. Schowengerdt, retired.

Joseph O. Greene, Bernie, Mo., in place of H. E. Roper, retired.

Gilbert Bradley, Creighton, Mo., in place of R. E. Gregg, transferred.

Maj. L. Sapp, Holts Summit, Mo., in place of R. A. McCleary, retired.

Dorothy L. Koenke, Syracuse, Mo., in place of M. F. Parsons, deceased.

MONTANA

Lucille E. Schumm, Edgar, Mont., in place of J. E. Patterson, retired.

James S. Torske, Hardin, Mont., in place of H. E. Wagner, retired.

Violet B. Wood, Joplin, Mont., in place of A. H. Sebastian, retired.

Thomas C. Martin, Hobson, Mont., in place of Lee Jellison, retired.

NEBRASKA

R. Daniel DeVries, Douglas, Nebr., in place of D. G. Hendricks, retired.

NEVADA

William G. Godecke, Minden, Nev., in place of E. S. Park, retired.

NEW HAMPSHIRE

John D. Fitzgerald, Plaistow, N.H., in place of A. J. Denault, retired.

Bernard S. Murphy, Alton Bay, N.H., in place of M. A. Lynch, retired.

NEW JERSEY

Paul J. Rudinsky, Wharton, N.J., in place of T. H. Heslin, retired.

Edward A. Struble, Butler, N.J., in place of F. G. McKeon, resigned.

Frank W. Howell III, Newton, N.J., in place of M. N. Strader, retired.

NEW MEXICO

Patsy A. Chavez, Navajo Dam, N. Mex. Office established January 10, 1959.

NEW YORK

Carol A. Lane, Chichester, N.Y., in place of Helen Bennett, retired.

Christene S. Myers, Eldred, N.Y., in place of E. C. Stevens, retired.

Thomas J. Taylor, Goldens Bridge, N.Y., in place of M. F. Grady, retired.

Joan C. Jendral, Mastic Beach, N.Y., in place of C. S. Jendral, deceased.

Victor W. Humel, Shirley, N.Y., in place of F. M. Landau, deceased.

Helen S. Hobart, Rushville, N.Y., in place of F. H. Stape, retired.

John M. Hull, Unadilla, N.Y., in place of L. S. Murphy, retired.

NORTH CAROLINA

Robert L. Lane, Butner, N.C., in place of N. B. Wilkins, deceased.

Henderson W. Haire, Garner, N.C., in place of J. G. Penny, retired.

Edward A. Griffin, Sanford, N.C., in place of A. L. Scott, retired.

William M. Carver, Durham, N.C., in place of J. C. Allen, retired.

D. Victor Meekins, Manteo, N.C., in place of B. F. Shannon, deceased.

Charlie J. Ussery, Norwood, N.C., in place of W. C. Vick, retired.

NORTH DAKOTA

Howard W. Pletan, Steele, N. Dak., in place of C. G. Foye, retired.

OHIO

Ellen L. Garner, Jerry City, Ohio, in place of H. A. DeLancy, retired.

Evelyn D. Piccin, Lansing, Ohio, in place of L. A. Franco, resigned.

Florence M. Pontious, Laurelville, Ohio, in place of F. M. Lappen, retired.

A. Cooper McCauslen, Steubenville, Ohio, in place of G. W. Conroy, retired.

Victor Videmsek, Willoughby, Ohio, in place of B. S. Daniels, retired.

Glenn A. Opfer, Lagrange, Ohio, in place of I. D. Bachtel, retired.

Jeanne D. Pyles, New Hampshire, Ohio, in place of L. O. Wale, deceased.

William C. Bolenbaugh, Ohio City, Ohio, in place of V. D. Spahr, Jr., resigned.

OKLAHOMA

Orville A. Linduff, Drumright, Okla., in place of E. C. Morris, retired.

OREGON

Sister Joseph Mary Basick, Marylhurst, Oreg., in place of Sister Rose Mercedes Armstrong, retired.

Phyllis Hill, Detroit, Oreg., in place of M. W. Moore, retired.

George B. McClure, Vale, Oreg., in place of G. A. Hart, removed.

Nathaniel L. Green, Yachats, Oreg., in place of R. H. Linville, retired.

PENNSYLVANIA

Allen G. Gombert, Jr., Parryville, Pa., in place of V. M. Arner, resigned.

Joseph W. Kudasik, Jr., Central City, Pa., in place of J. W. Kudasik, retired.

John A. Reph, Jr., Danielsville, Pa., in place of E. M. Reph, retired.

W. LeVerne Wolf, Geigertown, Pa., in place of J. E. Zerr, retired.

SOUTH CAROLINA

Mary E. Creech, Blackville, S.C., in place of J. M. Creech, deceased.

SOUTH DAKOTA

Irve C. Hanson, Pollock, S. Dak., in place of M. B. Tracy, retired.

Donald J. Stransky, Chamberlain, S. Dak., in place of A. R. Newman, retired.

TENNESSEE

Ernest M. Warmbrod, Belvidere, Tenn., in place of Clyde Zimmerman, transferred.

TEXAS

Anna L. Franklin, Fort Hancock, Tex., in place of M. E. Franklin, retired.

Louise W. McMullen, Keltys, Tex., in place of Kate Moses, retired.

June D. Moye, Donna, Tex., in place of S. L. Hooper, retired.

Ralph E. Archer, Lyford, Tex., in place of W. J. Box, resigned.

VIRGINIA

William E. Howerton, Stuarts Draft, Va., in place of A. D. Rader, deceased.

Shirley C. Carroll, Swoope, Va., in place of S. K. Burns, Jr., removed.

WASHINGTON

Carrie M. Milne, Thornton, Wash., in place of L. E. Willey, retired.

WEST VIRGINIA

Evelyn D. Lightner, Cass, W. Va., in place of F. C. Nickell, retired.

James W. Michael, Rivesville, W. Va., in place of Harry Kelley, retired.

Grady D. Owens, Summit Point, W. Va., in place of A. B. Colston, deceased.

Ronald B. Mills, Mount Storm, W. Va., in place of T. E. Schaeffer, retired.

Harold E. Starcher, Ripley, W. Va., in place of H. E. Starcher, removed.

WISCONSIN

Rudolph P. Anich, Ashland, Wis., in place of R. E. Carlston, resigned.

Joseph T. Kurylo, Hales Corner, Wis., in place of H. A. Rechlicz, resigned.

Robert K. Dusek, River Falls, Wis., in place of S. J. McCollow, retired.

WYOMING

Elmer M. Reibeling, Burns, Wyo., in place of G. E. Lyons, retired.

EXTENSIONS OF REMARKS

Winchell Columns Still Being Censored

EXTENSION OF REMARKS
OF
HON. BOB WILSON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, September 21, 1962

Mr. WILSON of California. Mr. Speaker, some time ago, I called the attention of this body to the censorship which was imposed on the columns written by Walter Winchell because of his criticism of the New Frontier. It has been brought to my attention that portions of his columns dealing with this subject are still being deleted. He still receives letters from readers who complain that their local newspapers frequently drop Winchell columns—because they have obviously become too hard hitting.

Despite the fact that the full content of his columns may not always see the light of day, I am pleased to say that this crusading writer has not softened his remarks, that he has not bowed to the pressure to lay off the New Frontier.

Mr. Winchell is not the only newspaper man of long standing who has felt the "heat" because he has had the courage to say what he thought.

Recently, Reporter Clark Mollenhoff, author of "Washington Coverup," a book which attacks administration efforts to suppress information unfavorable to it, was personally lectured by the President for some critical passages in the book about Mr. Kennedy. Knowing this gentleman of the press, I am sure the incident will not intimidate him.

I have nothing but admiration for these journalists who print the truth despite official pressure to do otherwise. Although I would not suggest that they cannot take care of themselves, or that they ask anyone's sympathy, I think a few examples of the kind of material that has been cut from Winchell's columns will help to show what is going on here in this land of freedom.

Referring to comments that the Kennedys play a hard political game, Winchell wrote: "Definitions of hard political game: Bribery, blackjacking and blackmail." This was stricken from his column.

Unfavorable references to Arthur Schlesinger, Jr., frequently are cut out.

The following by Winchell also was stricken:

> Unemployment is a growing problem. Business failures and mortgage foreclosures are increasing. And the cost of living is at an all-time high.

In the next sentence: "The economy is not healthy," the word "healthy" was changed to read "robust."

Mr. Speaker, why in heaven's name would anyone censor such a passage when the same facts have been published on the financial pages of every newspaper time and again? Members of this Congress have said the same things many times. The statements are backed by statistical data from the Government itself.

I will say again that newspaper people can take care of themselves. They do not ask for any help. But the issue here is not the problems of individuals in the newspaper profession. It is, of course, freedom of the press, free speech, and other guarantees that were in the Bill of Rights the last time I looked.

Has someone repealed them?

Independence Day of the Federal Republic of Germany

EXTENSION OF REMARKS
OF
HON. ADAM C. POWELL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, September 21, 1962

Mr. POWELL. Mr. Speaker, we take this opportunity to send warm felicitations to His Excellency, the President of the Federal Republic of Germany, Dr. Heinrich Luebke; and His Excellency, the Ambassador of the Federal Republic of Germany, Karl Heinrich Knaptstein, on the occasion of the 13th anniversary of the German Federal Republic's independence.

On September 21, 1949, the United States, Great Britain, and France recognized the establishment of the Federal Republic of Germany. During the summer of 1948 the three wartime Allies, acting as occupying powers, agreed that the French zone of occupation should join up with the British and American zones to form a single economic and political unit. A German Parliamentary Council, elected by the state parliaments, drew up a basic law—a provisional constitution to serve pending the unification of the divided country. The basic law was approved by the Allied Commanders in Chief, and the following August elections were held for the Bundestag, or Federal Assembly. Prof. Theodor Heuss was elected Federal President, a post which he held for 10 years, winning the respect and veneration of his own people and countless friends of Germany abroad. Dr. Konrad Adenauer, leader of the Christian Democratic Union, the largest party in the Bundestag, was elected Federal Chancellor. Chancellor Adenauer has provided strong leadership for the second German democracy for a period which almost equals the entire life of its predecessor, the Weimar Republic.

September 21, 1949 did not mark the complete independence of the Federal Republic. But while the actual return of sovereignty took place in 1954, the establishment of the new state was a milestone on the road which the German people chose, the road to democratic government and full and equal partnership in the Western alliance. On the same day that the Federal Republic was established, an occupation statute went into force which defined the powers to be reserved to the occupation authorities as long as the occupation lasted. But this document proved to be a relic of the past rather than an omen of the future; from the date of its promulgation the wartime Allies reduced as rapidly as possible the reserve powers retained by them, giving the Federal Republic increasing control over its own affairs. Germany's integration into the Western World proceeded rapidly, as the Bonn Government joined the European Coal and Steel Community, the Council of Europe, the North Atlantic Treaty Organization, and then in 1957 shared in the creation of the European Common Market.

Events have moved so rapidly during these last 13 years that it is appropriate to recall how much has changed. Americans have admired the recovery of Germany, which has been aptly labeled an "economic miracle." We have watched with satisfaction as Germany resumed its place among the freedom-loving nations of the world, and demonstrated its convictions with a major contribution to Western defense. Americans have recognized that their own freedom is at stake in the freedom of Berlin. We share the anguish of Berliners over Herr Ullbricht's monstrous wall. We have ignored national boundaries in committing our strength to the defense of Berlin, just as Germans have ignored national boundaries in espousing the cause of European unity. We salute the Federal Republic of Germany on the 13th anniversary of its establishment.

Nikola Petkov—15th Anniversary Observance of His Execution by Bulgarian Communists

EXTENSION OF REMARKS
OF
HON. EDNA F. KELLY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, September 21, 1962

Mrs. KELLY. Mr. Speaker, since the end of the last war many stouthearted and outspoken champions of freedom and democracy have been betrayed, blackmailed, and treacherously murdered or executed by Communist tyrants. Only by silencing and liquidating their actual and potential opponents have Communist leaders attained power, only through such foul and treacherous methods they have managed to stay in power in Communist-dominated countries in Europe.

Nikola Petkov, as a great popular and democratic leader in Bulgarian politics, had emerged as the bravest champion of democracy towards the end of the last war. He headed the powerful Agrarian Party and hoped to set up a democratic

government in postwar Bulgaria. Of course he had no illusions about the difficulties he was to encounter in this constructive task; he knew that Communists and their friends were his formidable and deadly opponents, but he felt that as long as he could count on the support of the majority of his countrymen in a fair and honestly conducted election, he was certain of success. For 2 years this gallant son of the Bulgarian people fought the forces of communism, showing his unshakable faith in free and democratic way of life. In June 1947, when the Communist regime was firmly established there, he was blackmailed, arrested, tried on trumped-up charges of treason, and then executed on September 27. In observing the 15th anniversary of Nikola Petkov's treacherous execution by Communists, we pay tribute to the memory of this gallant Bulgarian leader, a true fighter for the cause of freedom and democracy.

Hanford Powerplant: Several Questions Must Be Cleared Up Now

EXTENSION OF REMARKS
OF
HON. BEN F. JENSEN
OF IOWA
IN THE HOUSE OF REPRESENTATIVES
Friday, September 21, 1962

Mr. JENSEN. Mr. Speaker, on last Friday, September 14, the House approved the conference report on H.R. 11974 which included a section relative to the Hanford proposal. Under the act as passed, the Atomic Energy Commission is required to make certain determinations and report to the Joint Committee on Atomic Energy before it can execute a contract for sale of steam from the new production reactor at Hanford.

I am convinced that under this act AEC must make a complete reanalysis of the matter taking into consideration all the factors brought out in the discussion on this legislation. In this regard I insert a letter I have sent to the Chairman of the Atomic Energy Commission and one which I sent to the Bonneville Power Administrator.

If the Joint Committee on Atomic Energy keeps faith with its assurances to the House it will take no action on this matter until complete and honest reappraisal is made of the Hanford proposal.

Following letters speak for themselves:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 20, 1962.

Dr. GLENN T. SEABORG,
Chairman, Atomic Energy Commission, Washington, D.C.

DEAR DR. SEABORG: The action of the House in approving the conference report on H.R. 11974—the AEC Authorization Act for fiscal year 1963—places a responsibility on the Atomic Energy Commission to make certain determinations and reports before it enters into any contract for the sale of steam from the new production reactor at Hanford.

In my opinion the legislative history is such as to require that these determinations are to be new ones, based on a complete reanalysis of the entire matter. This is as it should be, as the record is quite clear that prior AEC determinations and statements on the economics of power generation at Hanford and on the payments to be made to the Federal Treasury for use of steam and/or lease of the new production reactor were based on highly questionable assumptions and methods of analysis.

In order that I may have up-to-date information on the Hanford matter, I hereby request that you furnish me with a copy of the data called for in section 112(g) of the act in question, as soon as such data has been completed and concurrent with its presentation to the Joint Committee on Atomic Energy.

It is to be noted that the legislative history on the requirement set forth in section 112(e) is somewhat conflicting. In certain instances in the hearings and on the floor of the House reference is made to offering 50 percent participation to "private utilities"; in other instances and in section 112(e) as written, the offer is to be made to "private organizations." I now ask whether in your interpretation of this section of the act you will rule that the requirement has been met, if Washington Public Power Supply System makes an offer of 50-percent participation to one or more private industrial organizations who then refuse such offer.

The requirement in section 112(b)(2) is that the Commission shall make a determination that "The sale of byproduct energy could provide a substantial financial return to the U.S. Treasury for the benefit of the taxpayers." The joker placed in this requirement by the Hanford proponents is the use of the word "could" instead of the word "shall." As I interpret the proposed Hanford contract as now written, Washington Public Power Supply System total payments into the Federal Treasury for the use of byproduct steam from Hanford could be a maximum of $100,000 if the plant were operated dual-purpose for 1 year only and for power only the balance of the 30-year contract. Is this not so? Do you consider that such a total payment for byproduct energy meets the "substantial financial return" criteria, when interest costs would be over $2 million annually on the convertibility features alone and nearly $8 million annually on the new production reactor as a whole?

Is it not also true that even under dual-purpose operation until 1970 (which is one of the dates previously given in some of the hearings as the probable end of dual-purpose operation) and power only thereafter, the total payments for steam from Hanford would be only $1,200,000? Would this $1,200,000 potential maximum payment, in your opinion, meet the "substantial financial return" criteria?

My point is that the taxpayers of the Nation through their representatives in Congress were sold a bill of goods by Hanford proponents that by making the new production reactor convertible, material savings would be made in the cost of producing plutonium as compared to the cost from a single-purpose production reactor. We now know, of course, that this is not the case, even in the unlikely event of continued dual-purpose operation over the entire 30-year contract period. Even then the present Hanford proposal would not return the capital and interest on the actual convertibility cost, let alone reduce the cost of plutonium. The taxpayers are entitled to receive a substantial financial return on their investment, and if the present proposal will not assure such a return this proposal should be abandoned.

It is to be noted that an AEC official during hearings on the matter admitted that during power-only periods "* * * there would be no substantial financial return to the Atomic Energy Commission."

It is my understanding that the Department of Defense is not willing to certify that there is any need for additional plutonium over and above that presently on hand or capable of being produced from existing facilities. In view of this, what is your opinion as to whether there will be any requirement for dual-purpose operation of the new production reactor after its completion? In other words, what is the probable extent of dual-purpose operation of Hanford, based on the need for plutonium over and above that which can be produced at existing production facilities?

It is noted that during power-only periods of operation a nominal $10 annual charge is to be made for the lease of a Federal project costing nearly $200 million. If this Hanford powerplant is as economically justified as AEC and other proponents would have us believe, why should there not be a more realistic annual charge for use of the new production reactor during power-only operation? What is your justification for this minimal charge?

It seems to me that the proposed contract between Washington Public Power Supply System and AEC as now written will not assure substantial financial return to the Federal Treasury. If your reanalysis of the matter substantiates this opinion, which it must do if the taxpayers' interest is given the proper consideration it deserves and all costs properly chargeable to Hanford power are included, will you then refuse to execute the presently proposed contract and propose substantial changes in the contract which will assure a proper return to the taxpayers?

Sincerely yours,

BEN F. JENSEN.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington D.C., September 21, 1962.

HON. CHARLES F. LUCE,
Bonneville Power Administrator, Portland, Oreg.

DEAR MR. LUCE: The passage by the Congress of H.R. 11974—the AEC authorization act for fiscal year 1963—giving provisional approval of the use of steam from the new production reactor at Hanford raises certain questions relative to Bonneville's participation in such use.

I believe the legislative history is such that a complete reanalysis of the Hanford proposal is mandatory in order for AEC to report on and justify the determinations required by the act prior to any action on the proposed contracts. Such a reevaluation must of necessity include a review of Bonneville's action and the effect thereof on the returns to the Federal Treasury.

I assume Bonneville intends to make a new study of future power supply and requirement conditions in the Pacific Northwest, together with a new economic evaluation of the Hanford proposal and a comparison with other potential sources of power such as new coal burning steam plants. Such a new study appears mandatory in view of the delay in the completion and operation date for the Hanford powerplant and in view of the various questions raised by opponents of the Hanford proposal. I for one am more convinced than ever that the Hanford proposal is completely uneconomic and that Bonneville's participation can not be justified. Any other conclusions can only be based on a failure to include all the proper charges against Hanford power and on highly questionable assumptions and methods of analysis.

During the hearings before the Joint Committee on Atomic Energy you were asked about a Bonneville staff report which purportedly showed that without Hanford there would be a $40 million or $50 million surplus at the end of 50 years, and that with Hanford you would show around a $200 million

or more deficit for the same period. Your answers appeared less than candid. I request that you supply me with a copy of the report in question.

I have a number of other questions relative to this Hanford matter which I believe need clearing up before final action is taken on the Hanford contract. I ask that you furnish complete and detailed answers at your earliest convenience. The questions follow:

1. What is Bonneville Power Administration's present average annual transmission cost per kilowatt of Bonneville Power Administration's power, using a 4-percent interest charge?

2. Will Washington Public Power Supply System be charged for transmitting the Hanford power at this rate? If not, why not?

3. What is the average annual cost per kilowatt of Federal hydro capacity on the Bonneville system?

4. At what point in the regional load growth of the Pacific Northwest will all existing Federal hydro, together with that under construction, become dependable on the load? At that time, would not this Federal hydro capacity have its greatest value in serving the peak of the load, while at the same time all potential energy production could be fully utilized for firm load and steam replacement?

5. In order to firm up Hanford power where 26 or more outages annually are expected, will not Bonneville Power Administration have to maintain 800,000 kilowatts of ready reserve? Is this not particularly so when Federal peaking capacity rather than energy production becomes the dominant value?

6. Will Washington Public Power Supply System be charged for reserve capacity at a unit rate equal to the cost shown in answer to question No. 3?

In your testimony before the Joint Committee on Atomic Energy, you stated that installation or generating capacity at Hanford would involve no structure in the river and its only effect on fish would be beneficial.

7. Is it not true that condenser intakes and discharges structure will have to be constructed in or adjacent to the river?

8. Is it not also true that over 80 percent of the heat generated by Hanford will be transmitted to the Columbia River during dual-purpose generation? And that 100 percent of the Hanford heat will have to be dissipated into the Columbia River whenever the Hanford generating units are out of service, which can happen at any time?

9. Inasmuch as you have testified that "The only effect of this plant on fish would be beneficial," I assume you are conversant with present conditions on the river. What is the present temperature of the Columbia River during the various stream flow periods with the existing Hanford plant in full operation, and what increase in such temperature would result from the heat transmitted to the river by the new production reactor and the Hanford generating plant during dual-purpose operation? During power-only periods?

The question was raised in hearings earlier this year relative to the excess energy which Bonneville must now waste during periods of high stream flow and the effect thereon if the Hanford generating plant was constructed. The answers given were not very clear. I now ask you these questions relative to the matter:

10. Is it not true that during periods of excess energy such as Bonneville estimated would occur under median water conditions in 1966 and 1971, with or without Canadian storage, there would be from 5 to 7 months of the year when no Hanford steam power could be utilized without wasting an additional amount of hydropower equivalent to the Hanford power production?

11. If Hanford power is used and an equivalent amount of potential hydroelectric generation is wasted, will this wasted hydroenergy be charged against the Hanford project?

In the House discussion on the conference report on H.R. 11974 we were assured that if Bonneville sustains any losses from the Hanford proposal that immediately this act would have to be brought into play and rates increased. In this regard I ask:

12. Could you, as Bonneville Administrator, act immediately to increase rates without regard to the present 5-year review requirement of present contracts?

13. If, as it appears extremely likely, only a minor part of Bonneville's customers will be involved in the Hanford deal, do you believe it is proper and just to raise the rates on all Bonneville customers in order to bail out losses on an exchange contract involving only a few of Bonneville customers?

In conclusion I again reiterate my belief that this Hanford proposal is completely uneconomic under the conditions that could and probably would occur and should be turned down under your assurance that you would do so if it was found to be uneconomical. In any event, a new study appears mandatory, which, if made on an honest and factual basis will surely disclose this lack of economic justification.

Sincerely yours,

BEN F. JENSEN.

Hartke Urges All Americans To Accept Personally the Vice President's Challenge

EXTENSION OF REMARKS

OF

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Friday, September 21, 1962

Mr. HARTKE. Mr. President, on September 18, 1962, Vice President LYNDON B. JOHNSON addressed the United Steelworkers convention in Miami, Fla. His remarks to the delegates and honored guests of the convention were more than inspirational. The Vice President offered a real challenge to America. Every American should accept this challenge personally.

I ask unanimous consent to have our Vice President's remarks printed in the CONGRESSIONAL RECORD, so that all may have the opportunity to read and understand the wisdom of our distinguished and able Vice President, LYNDON B. JOHNSON.

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

CHALLENGE TO AMERICA

(Remarks by Vice President LYNDON B. JOHNSON, United Steelworkers Convention, Miami, Fla., Tuesday, September 18, 1962)

President McDonald, delegates, honored guests, being here today is something of a surprise for me. As you know, Arthur Goldberg was supposed to fill this place that I occupy. But at virtually the last minute, Secretary Goldberg found that he had another appointment. I had hardly stepped off the plane that brought me back from the Middle East, when I encountered the Goldberg charm and the Goldberg persistency.

So I find myself here in Miami trying to fill the shoes of a man with whom you have been intimately associated for many years and whom I consider one of the great public servants of our time.

Arthur Goldberg insisted that out of my experiences in the Middle East could come a message that would be meaningful to you. I told him that I did not think you had traveled all the way to Miami to listen to a travelog. But he said that this was not the point. He said, and I agree, that we are living in a world where all who love freedom—regardless of the race, creed, color, or section of origin—are bound together in common interest. In this, he is right, and about this I want to talk today.

SHEPHERDS AND KINGS

Less than 2 weeks ago, I was in a region of the world crucial to the future of freedom—the Middle East. I walked the teeming streets of Ankara and Izmir—and through the bazaars of Teheran and Istanbul. I talked with shepherds in Greece and roadworkers in Lebanon; with shipwrights in Naples and factory workers in Nicosia.

I had specific missions from the President. These required me to discuss points of common interest to the whole free world with presidents and prime ministers and with two kings.

But American foreign policy does not interest itself solely in diplomatic negotiations. We are deeply aware that the opinions of people are ultimately controlling. Therefore, I tried to learn from both the high and the low—from royalty in Greece and from a boy peddling watermelons in Beirut.

CRUCIAL REGION

It is difficult to find an area of the world of greater importance to the long-range interest of the United States and of freedom. The Middle East represents the cradle of Western civilization. The Middle East is where we first drew the line against communism after World War II—and that line has yet to be dented. The Middle East represents a vital flank of the NATO shield against aggression.

The major Middle Eastern nations that I visited have dedicated themselves to preserving their independence at any cost and have backed their determination with men and resources. No sensible man would pretend that he had become an expert on this area of the world in a visit that lasted less less than 3 weeks. Nevertheless, there are certain impressions that I wish to share with you—because they have a direct bearing upon our problems.

THE BRIGHT HOPE

First, the so-called ugly American has made very little impression upon the people of the world—if he exists at all.

The throngs that turned out by hundreds of thousands to greet me in virtually every country certainly did not turn out to see LYNDON JOHNSON. They did turn out because I was there representing the United States which remains the bright hope of hundreds of millions throughout the world. Nothing in my travels has made me so proud as the deep reservoir of respect and affection for our country.

Second, communism has virtually no appeal to people in the Middle East or elsewhere in the world. The triumphs of communism do not arise out of Soviet success in capturing the hearts and the minds of men and women. Where the Communists have succeeded, they have done so only by taking advantage of confusion and division.

Third, and most important, the people of the world are no longer content to live in poverty, ignorance, and disease. They believe—quite rightly—that in the light of modern knowledge these ancient enemies no longer need be tolerated.

They are looking to our system to show them the way into the 20th century. And we must not fail because the alternative is

anarchy and through anarchy the enemies of freedom will triumph.

This means that our system must work. We cannot hold ourselves forth as the hope of the world unless our own house is in order. The most important objective of our foreign policy is to maintain freedom as a way of life and a crucial element in achieving our goals is our own economic strength and our own prosperity.

A ROSY PICTURE

By selecting certain facts—and turning our backs upon others—it is possible to paint a rosy picture of America. I am afraid that some have succumbed to that temptation. Personal income has set new records. The average worker took home $85.53 a week last July, 3 percent higher than a year ago. Employment in August was at an alltime high and the unemployment rate dropped from nearly 7 percent of the labor force to 5.8 percent.

But this is not the whole picture. Despite the high rate of employment, 3.9 million people remained jobless and many of our finest plants are producing at rates well below capacity. In your own industry, steel production is at less than 60 percent of its potential.

These facts need not give cause for despair. We are not in a depression nor are we close to one. But these facts do present us with a challenge. Can we—a nation which prides itself upon our humanitarian philosophy and our economic efficiency—continue to permit this waste of human and physical resources?

A CLEAR ANSWER

President Kennedy has given the answer loud and clear. He has affirmed unemployment as the major domestic challenge of the sixties. And he has pointed out that this administration has no intention of learning to live with unemployment. We will not be content until this enemy is licked and American workers can live in the security to which they are entitled by their brains, their brawn, and their willingness to work.

The first need when this administration took office was to come to the relief of those who were suffering from the long months of dreary joblessness.

The President put into action the food stamp plan. Unemployment compensation was extended to those who had exhausted their benefits. The Area Redevelopment Act became a cornerstone of policies to cushion the impact of automation. The U.S. Employment Service was strengthened. The minimum wage was increased and its coverage extended for the first time in 22 years. A great new Housing Act was passed.

The President established the Committee on Equal Employment Opportunity—and as Chairman of that Committee, I want to congratulate your leadership upon its unswerving devotion to the principles of that Executive order. These measures, however, represented only the beginning. Longer term programs must be put underway.

One of the most vital is the Manpower Development and Training Act. Already, 70 projects in 11 States have been approved. In a very short time, more than 8,000 people will be trained for 51 different jobs and this will soon grow into the hundreds of thousands.

Earlier this month, Congress passed the President's $900 million public works program. It also passed the tax credit bill, while the administration has developed new tax depreciation schedules.

Still before Congress is new employment insurance legislation; the youth employment opportunities bill; the college aid bill and the most significant trade measure since the early days of the New Deal.

I cannot predict the outcome of all of these measures. We live under government by consent—and we intend to keep it that way. But I can tell you that this administration will not rest until it has secured adequate measures to combat unemployment.

NOT A LONG JUMP

I started my remarks today by reminiscing on the streets of Ankara and the bazaars of Istanbul. This may seem like a long jump to a convention in Miami. But the jump is not as far as it seems.

Often during my visit to the Middle East, I was reminded of a statement by one of your great leaders—one of the greatest names in the American labor movement—Phil Murray. He said, in naming labor's objectives, that what the workingman wants is a rug on the floor, a picture on the wall, and music in the home. This is a modest statement of what we have achieved. But for millions of people it is literally what they aspire to. And their aspirations are tied—very directly—to the leadership that we can give the free world.

Leadership comes only from those who are strong—strong morally and strong physically.

TRIPARTITE DIVISION

We live in a world which is divided roughly into three parts. One-third is under Communist domination; one-third is committed to the institutions of freedom; one-third is groping its way toward the institutions of the 20th century.

These people of the latter third are hoping that they can achieve what we already have. We cannot afford to let them down. Our Nation, in its prime, must not falter or fail.

We shall not succeed, however, if we maintain an artificial division between our foreign and domestic policies. We must realize that our foreign policy is not a separate thing—to be held in the hands of a few skilled specialists and to be divorced from the total overall policies of our Nation.

The extent to which we ourselves are making full use of our productive resources has a direct bearing upon the example we offer the rest of the world. The extent to which we achieve physical stability is an immediate factor in our capacity to help others less fortunate to help themselves. Our capacity to govern ourselves through mutual agreement is the measure of our capacity to attract others to the institutions of freedom.

And in the last analysis, we must all remember that in everything we do—including labor-management relations—the public interest has become everyone's silent partner and the public interest calls upon us for the very highest form of responsibility.

TRENDS AT WORK

There are six trends at work in our land which calls for national unity of purpose as we have never had such national unity before. These trends are:

1. Our rate of economic growth has been inadequate to ward off long-term unemployment.

2. Since the end of the war we have experienced four recessions—and many of the jobs lost during those recessions have been lost for good.

3. Profound changes in our technology are leading ultimately to greater capacity and more abundance—but for the time being they are making obsolete the skills that formerly meant steady work for millions of American workers.

4. The geographical base of American industry is shifting—and thereby causing dislocations in our labor force.

5. The exhaustion of resources has economically isolated some towns and communities that once were prosperous and flourishing.

6. Our success in aiding foreign economies to recover after World War II has increased competition for world markets. We do not seek to eliminate competition but we do seek to meet it intelligently.

Never before in our economic history have the stakes been so great and the need for national unity so paramount. And it is to face the trends that I have cited already that this administration has presented its programs.

There is no one answer and no one solution. We must, as a nation, march forward in overall unity tackling our problems as a whole.

I would like to leave you today with a thought expressed by the man who was originally supposed to occupy this platform—Arthur Goldberg.

He said, "We all, in the end, have only one interest at heart, that this great and mighty Nation of ours continue in strength and vitality as the champion of human freedom."

I thank you.

SENATE

MONDAY, SEPTEMBER 24, 1962

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

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

Eternal God and Father of us all: Amid the maddening maze of things that fill our toiling days with fret and fever, we would tarry for this hallowed moment at another week's beginning in this sheltered pavilion of prayer. We bow before Thee in the creative faith that the very justice and social welfare which the public servants are here to preserve, promote, and protect are rooted and grounded in Thy sovereignty. Even as with the righteous sword of our national might lifted against the debasing idolatry of the police state, we know in our hearts that more vital than earthly armament, if we are to be the instruments of Thy purpose, is the putting on of the whole armor of God. Only as we fight in that shining mail can we be among the peacemakers who are called the children of God. In paths beyond our human eye to discover, lead us to the concord which will heal the divisions which shorten the arm of our national strength—a unity which is the fruit of righteousness—as we bring every thought and effort into captivity to the High and Holy One of whom it is declared, "And the government shall be upon His shoulders."

In His name we ask it. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Friday, September 21, 1962, was dispensed with.

MESSAGES FROM THE PRESIDENT

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