By Mr. HAGAN of Georgia:

H.R. 13223. A bill for the relief of Ioannis G. Assimakopoulos; to the Committee on the Judiciary.

H.R. 13224. A bill for the relief of Penagiotis A. Skountzos; to the Committee on the Judiciary.

By Mr. LINDSAY:

H.R. 13225. A bill for the relief of Elena Corallo; to the Committee on the Judiciary.

By Mr. MONTOYA:

H.R. 13226. A bill for the relief of Mrs. Esther Hernando-Perez de Lucero; to the Committee on the Judiciary.

By Mr. RUTHERFORD:

H.R. 13227. A bill for the relief of Chau Po-Cheuck; to the Committee on the Judiciary.

By Mr. SIBAL:

H.R. 13228. A bill for the relief of Christos (Yonclas) Giannouklas; to the Committee on the Judiciary.

By Mr. UTT:

H.R. 13229. A bill for the relief of Heydar Nadjafinia; to the Committee on the Judiciary.

H.R. 13230. A bill for the relief of Juanita Cereguine De Burgh; to the Committee on the Judiciary.

# SENATE

TUESDAY, SEPTEMBER 25, 1962

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

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

God, our Father, unchanging amid the changing years, we come to this daily fellowship of prayer, not so much to seek Thee as to keep open our faltering lives in penitence and a sense of dire need of Thy waiting strength.

Thou art the God of hope. In a world filled with sights that sadden and thorny problems that bewilder and perplex, may our hearts be lifted up by the realization that ours is also a time arched with the promise of a better tomorrow.

Following the gleam of the hope that sends a shining ray along the future's broadening way, give us, we pray, sagacity, spaciousness of mind and a transparent purity of heart, that even surrounded by hatred and pride and greed, we may see God and the godlike as we walk humbly the ascending path of a climbing faith that has a better air to breathe than the smog of cynicism and doubt and denial.

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

## THE JOURNAL

On request of Mr. MANSFIELD and by unanimous consent, the reading of the Journal of the proceedings of Monday, September 24, 1962, was dispensed with.

## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

## EXECUTIVE MESSAGE REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate a message from the President of the United States submitting the nomination of Capt. Mary J. Wettle for appointment in the Regular Air Force, which was referred to the Committee on Armed Services, and withdrawing the nomination of Ella E. Johnson, to be postmaster at Bovill, Idaho.

## COMMITTEE MEETINGS DURING SENATE SESSION

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

The Committee on Interior and Insular Affairs, in executive session.

The Judiciary Committee.

The Committee on Post Office and Civil Service.

## COMMITTEE MEETING DURING SENATE SESSION TOMORROW

On request of Mr. HUMPHREY, and by unanimous consent, the Intergovernmental Relations Subcommittee of the Committee on Government Operations was authorized to meet during the session of the Senate tomorrow.

## ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Montana will state it.

Mr. MANSFIELD. Under the unanimous-consent agreement which has been entered into, has provision been made for a morning hour today, or does the time limitation begin immediately?

The VICE PRESIDENT. Under the agreement, no provision for a morning hour has been made.

## FOOD AND AGRICULTURE ACT OF 1962—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, what is the pending business?

The VICE PRESIDENT. Under the order of the 20th instant, the Senate will proceed to the consideration of the conference report on H.R. 12391, the so-called farm bill, to be presented by the Senator from Louisiana [Mr. ELLENDER], with the time until 3 p.m. to be divided equally and controlled, respectively, by the chairman of the Committee on Agriculture and Forestry [Mr. ELLENDER] and the ranking minority member [Mr. AIKEN]; and at the hour of 3 p.m. the Senate will proceed to vote, without further debate, on the question of agreeing to the report.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time required for it be charged equally to both sides.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana? Without objection, it is so ordered; and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that further proceedings under the quorum call may be dispensed with.

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

Mr. ELLENDER. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 12391, to improve and protect farm income, to reduce costs of farm programs to the Federal Government, to reduce the Federal Government's excessive stocks of agricultural commodities, to maintain reasonable and stable prices of agricultural commodities and products to consumers, to provide adequate supplies of agricultural commodities for domestic and foreign needs, to conserve natural resources, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. HOLLAND in the chair). The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Sept. 20, 1962, pp. 20094–20105, 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 Chair announces that under the unanimous-consent agreement which has been entered into it was ordered that the conference report become the business of the Senate following the reading of the Journal today and that the final vote be taken at 3 o'clock, the time in the meanwhile to be equally divided.

The question is on agreeing to the conference report.

Mr. ELLENDER. Mr. President, I yield myself 20 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 20 minutes.

Mr. ELLENDER. Mr. President, there were a number of differences between the House farm bill and the Senate amendment to H.R. 12391. However, the greatest interest has been centered on the feed grain and wheat provisions. Although the details were different, both versions extended again for 1963 the so-called emergency feed grain program. In addition, both versions also departed, beginning in 1964, from the permanent price-support provisions which were enacted in 1958.

### THE 1963 FEED GRAIN PROGRAM

For 1963, the House bill provided for a single program for corn, sorghum, and barley, and contained a number of other changes from the 1962 program. The Senate 1963 feed grain provisions were basically the same as those for the 1962 program, as they existed at the time S. 3225 was reported to the Senate in April.

The conference substitute, in general, follows the House 1963 feed grain provisions. Neither bill contained any mandatory control features for feed grains. Neither does the conference substitute.

I emphasize that insofar as the feed grain provisions of this bill are concerned, there are to be no acreage controls whatever, and none in contemplation.

Price supports for corn would not be less than 65 percent of parity with other feed grains at comparable levels. However, the Secretary of Agriculture has indicated that price supports for corn would be set at a national average of $1.20 per bushel.

As a condition of eligibility for price supports, producers would be required to divert at least 20 percent, and could divert to conserving uses up to 50 percent, of their 1959–60 feed grain base acreage. The base acreage would be the combined acreages of corn, grain sorghum, and barley.

Producers who chose to divert feed grain acreage would receive payments in cash or in kind on the first 20 percent and payments in kind only on the additional 30 percent permitted by the bill.

The rate of payment in both cases would be not in excess of 50 percent of the support price for the normal production of the acreage diverted from the commodity on the farm, based on its adjusted average yield per acre for the 1959 and 1960 crop acreage.

The Secretary may make adjustments in acreage and yields for the 1959 and 1960 crop years to correct for abnormal factors affecting production, including—in the case of the first 20-percent reduction—adjustments to reflect increases in yields due to the adoption or improvements of irrigation systems prior to passage of the bill. In addition, actual yields must be used if proved by the producer.

The Secretary of Agriculture could exempt, but would not be required to exempt, malting barley producers meeting conditions similar to those of the 1962 program from participating in the 1963 program as a condition of barley price supports. Exempt malting barley producers would still be required to participate in the program as a condition for price support for corn and sorghum, but their participation would be limited to corn and sorghum.

The Secretary could permit diversion to be made to guar, sesame, safflower, sunflower, castor beans, and flax, with payments at up to 50 percent of the regular diversion payment rate. Any producer would be permitted to put up to 25 acres in the program and a single payment rate of not to exceed 50 percent of the normal production of the diverted acreage would be provided.

The producers participating in the program might divert as little as 20 percent of their 1959 or 1960 acreage, or as much as 50 percent.

The amendment of the Senator from South Dakota, requiring producers to take appropriate erosion control measures on diverted acres, was included in both the feed grain and wheat provisions of the conference substitute.

Price supports on 1963 feed grains to participants in the program will be the same as in 1962, based on a national average of $1.20 per bushel for corn. However, the support program will be carried out partially by payments in kind and partially by the usual loans and purchase agreements. Price support payments in kind at 18 cents per bushel on corn, and at comparable rates on grain sorghums and barley, would be made on the normal production of the 1963 acreage. The balance of the support price would be made available in the usual manner on actual production. In determining the normal production of the 1963 acreage for the purpose of price support payments it is anticipated that the same yield figures would be used as in determining payments on the first 20 percent acreage diversion. If 1959–60 yields were adjusted to reflect the adoption of irrigation for the purpose of the first 20-percent diversion, they would also be adjusted for the purpose of price support payments.

All payment-in-kind certificates would be redeemed in feed grains valued at the loan rate. Payment-in-kind certificates would be handled in the same manner as under the 1961 and 1962 feed grain programs, except that the minimum resale price of feed grains represented by such certificates could not be less than the loan rate. Cooperating farmers receiving such certificates have three choices: (A) to exchange them for actual grain from CCC stocks; (B) to sell the certificates; (C) to request CCC to market the certificates for them, in which event the CCC would advance the producer the face value of the certificates.

This procedure is substantially the same as in effect in 1962, except that it would give assurance to the grain trade of a stable feed grain market at about the loan level of $1.02, whereas in 1962 the Commodity Credit Corporation could sell certificate grain at the market price.

THE 1964 AND SUBSEQUENT FEED GRAIN CROPS

Both the House bill and the Senate amendment departed from the provisions of the Agricultural Act of 1958, dealing with price supports for feed grains after 1963.

The House bill provided for support for corn at 80 percent of the 3-year average price instead of 90 percent of the 3-year average price or 65 percent of parity, whichever was lower. The Senate amendment provided for price supports at such level not exceeding 90 percent of parity as would not result in increasing Commodity Credit Corporation stocks. The Senate also struck out the provisions of the 1958 law providing mandatory support of the other feed grains and increased the minimum Commodity Credit Corporation retail price for feed grains to 65 percent of parity plus reasonable carrying charges.

The conference substitute provided for support for corn at such level from 50 to 90 percent of parity as would not increase Commodity Credit Corporation stocks, left mandatory support for the other feed grains as provided by the 1958 law, and left the Commodity Credit Corporation minimum resale price for unrestricted use at 105 percent of the current support price plus reasonable carrying charges.

Provisions of the Senate amendment directing the Secretary to make recommendations for further legislation next year were omitted as unnecessary since the Secretary is expected to submit recommendations for any legislation that he believes appropriate.

THE 1963 WHEAT PROGRAM

When the Senate passed H.R. 12391, it was realized that it was then too late to revise the marketing quota law for wheat and put a marketing certificate program into effect for 1963. The conference substitute, therefore, provides for a voluntary program for 1963, somewhat along the lines of the House provision but with no mandatory allotment reductions and with a number of improvements.

Producers would be given the opportunity to divert from 20 to 50 percent of their allotments to conserving uses or named oilseed crops. For participating in this diversion program they would receive, first, payments-in-kind of up to 50 percent of the normal yield of the diverted acreage multiplied by the county loan level—based on a national level of $1.82—and, second, additional payments-in-kind of 18 cents per bushel on the normal yield of their planted acreage. The normal yield for computing both of these payments would be based on 1959 to 1960 yields.

Producers with a small-farm exemption would divert from the average acreage planted by them in 1950, 1960, and 1961 or 15 acres, whichever was less.

The conference substitute also contains a provision, somewhat similar to that in effect for 1962, making the small-farm exemption for 1963 the highest acreage planted in 1959, 1960, or 1961, but not more than 15 acres.

THE 1964 WHEAT PROGRAM

The wheat marketing certificate program and the other Senate provisions relating to wheat are contained in the conference substitute with minor changes, except that they would be made effective in 1964 instead of 1963. As a result of this change, and in view of the voluntary 1963 diversion payment program provided by the conference substitute, diversion payments under the Senate provisions would be limited to 1964 and 1965. The only other changes, other than merely technical ones are as follows:

First. If a feed grain diversion program should be provided after 1963, substitution of feed grain and wheat acreage would be permitted to such extent as would not adversely affect the feed grain and wheat programs.

Second. The small farm base would be based on a 3-year adjusted average acreage, instead of a more complicated base involving the 3 years of highest acreage out of a 5-year period. Also the year 1963 would be excluded from the base years.

Third. The crops to which acreage might be diverted without losing the full diversion payment would be limited to the same oilseeds provided for in the 1962 wheat and feed grain programs.

Fourth. The provision of the Senate amendment permitting the Secretary to provide equitable treatment to producers who rendered performance in good faith in reliance upon the advice of the Department under the 1962 and subsequent wheat programs would be extended to apply to the 1961 and subsequent feed grain programs. The Senate previously passed such a provision in S. 3225; and the Senators from Missouri [Mr. SYMINGTON and Mr. LONG] have introduced S. 3667 to accomplish this purpose.

DAIRY

The conference substitute does not contain any provisions relating to dairy products. The House bill contained provisions for a voluntary diversion program for milk, but this has been omitted from the conference substitute.

There is pending now before the Committee on Agriculture and Forestry a dairy bill which I have introduced. I hope that during the fall or early in January, the committee may see fit to hold hearings on the subject of dairying, not only in Washington, but also at the grassroots. I am particularly eager to have some hearings held in New York, Vermont, Ohio, Minnesota, probably some Western State, and in Louisiana.

INDUSTRIAL USES

The House bill had no provisions relating to industrial uses research, and the House conferees were unwilling to accept the Senate provisions on this subject. The conference substitute therefore does not contain them.

LAND UTILIZATION

The remaining provisions of the bill were not as controversial as the feed grain and wheat provisions.

Both Houses provided for long-term diversion contracts with farmers under the Soil Conservation and Domestic Allotment Act, but differed in details. The conference substitute provides for contracts covering up to 10 years and for diversion to recreation but not to nonagricultural purposes. Payments for tree cover could not be made for more than 5 years, and contracts could not be entered into with new owners, except in specified cases. Acreage history could be preserved or surrendered as provided in the Senate amendment. Payments would be limited to $10 million in any years as provided by the Senate amendment, except that for 1963 an additional $15 million might be paid on lands previously covered by conservation reserve contracts. The committee anticipates receiving recommendations from the Department of Agriculture, and holding hearings next year, to determine what ought to be done after 1963 for land coming out of the conservation reserve program.

The conference substitute adopts the House language amending the policy provisions of section 31 of the Bankhead-Jones Farm Tenant Act. This would prohibit the building of private industrial parks, and omit the Senate language with respect to providing public recreation.

The Senate provisions repealing the authority for Federal land acquisition under the Bankhead-Jones Farm Tenant Act, and providing for loans to State and local public agencies to carry out land utilization plans are retained in the conference substitute.

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair). The time the Senator has allotted to himself has expired.

Mr. ELLENDER. I yield myself 14 additional minutes.

The Senate provision amending the Watershed Protection and Flood Prevention Act are retained with an amendment limiting Federal participation in recreational development to not more than one such development in each 75,000 acres.

The House provisions amending the Watershed Act to provide for deferred repayment for storage capacity to meet anticipated municipal and industrial water supply needs and clarifying sections 5 and 7 of the act are also included in the conference substitute. The provision for anticipated municipal and industrial water needs corresponds to provisions of the Water Supply Act of 1958 and gives the Secretary of Agriculture the same authority with respect to watershed projects that the Secretary of the Army and the Secretary of the Interior have with respect to flood control and reclamation projects. The amendment to section 5 is purely a clarifying revision of that section without substantive change, while the amendment to section 7 makes it clear that past and future amendments of section 4 of the act, which sets out the conditions upon which assistance may be given, would be applicable to additional works of improvement prosecuted in connection with the 11 watershed programs authorized by the Flood Control Act of 1944. Section 4 is already applicable to such additional works, so that this provision of the House bill appears to represent the exercise of an overabundance of caution, and the Senate conferees therefore did not object to its inclusion in the conference substitute.

The House bill did have a provision increasing the maximum flood detention capacity for any structure in a project to 12,500 acre-feet, from the present maximum of 5,000 acre-feet. This provision is not in the conference substitute.

The present provisions in title I of the conference report relating to land use adjustment severely limit the scope and the size of the program from that envisioned in the original bill.

For example, long-term agreements with producers authorized under the Soil Conservation and Domestic Allotment Act, as amended, are limited to $10 million, whereas both the original bill and the House provisions of H.R. 12391 contained no such limitation. In effect, this would authorize only a so-called pilot program. As a matter of fact, the Secretary of Agriculture in his testimony befor the committee indicated that only a pilot program was intended under the authority requested.

Further, while the amendments to the Bankhead-Jones Farm Tenant Act, as proposed originally, authorized unlimited acquisition of lands, the conference report actually repeals this authority, and additionally limits any program under section 32 of the act to one of loans to local public organizations to carry out land utilization plans.

TITLE II—PUBLIC LAW 480

The conference substitute on Public Law 480 amendments provides for:

First. Sales of surplus agricultural commodities for dollars through the extension of long-term credit under agreements either with friendly nations or with the private trade.

The House bill did not limit agreements with the private trade to the sale of surplus commodities for shipment to underdeveloped countries, although the Senate bill did. The conference substitute follows the House bill in this respect.

In accepting this House provision the Senate conferees understood that sales under title IV are to be carried out in conformity with the provisions of section 404 of the act, which directs the Secretary to maximize the sale of U.S. agricultural commodities, taking such reasonable precautions as he deems necessary to avoid replacing any sales which would otherwise be made for cash dollars. The objective of this provision is to maximize dollar sales and not to replace sales which would otherwise be made for cash. Agreements under this provision would, of course, be limited to agricultural commodities and products thereof which are surplus at the time of their exportation.

Second. The furnishing of credit security by the private trade under any agreement entered into.

The House accepted this Senate provision. In addition to reasonable security the conferees agreed that the required security would be adequate as well as reasonable.

Third. Donations to school lunch programs abroad.

The Senate conferees accepted this House amendment after requiring that commodities made available under section 416 of the Agricultural Act of 1949 would be accordance with the priorities established in that section. The Secretary would receive assurances that there would be student participation in the financing of the program on the basis of ability to pay.

LOANS AND MISCELLANEOUS

Title V of the substitute contains loan and miscellaneous provisions.

Both the House and Senate provided for Farmers Home Administration loans for recreational facilities, but the Senate version would have permitted real estate loans for such purposes to be made to noncitizens, who had no previous farming experience, and owned or operated larger than family-size farms. The substitute adopts the citizenship, experience, and farm size qualifications of the House bill.

Provisions of the Senate amendment for sewer loans, an REA direct loan account, and congressional policy in the use of farmer cooperatives were objected

to by the House conferees and have been omitted from the substitute.

The conference substitute retains the amendment of the Senator from Arkansas [Mr. FULBRIGHT] providing for loans to fish farmers; the amendment of the Senator from Minnesota [Mr. HUMPHREY] with respect to congressional policy on the use of normal trade channels by CCC; the amendment of the Senator from Michigan [Mr. HART] providing for advertising under cherry marketing orders; and the amendment of the Senator from Wisconsin [Mr. PROXMIRE] providing for making CCC feed available to milk producers to assure an adequate supply free from radioactive fallout contamination. This last provision, however, was limited in the conference substitute to the period prior to December 31, 1963.

Madam President, I have given an outline of what the conferees did. I am very hopeful that the Senate will vote in favor of the conference report.

Mr. AIKEN. Madam President, I yield myself up to 10 minutes.

I assume that the presence of six Senators in the Chamber and seven members of the press and radio in the gallery is indicative of the intense public interest in devising a new farm program. I recall that when I first came to the Senate, and for many years thereafter, up to about 1953, the presence of proposed farm legislation in this body would bring out about three-fourths of the Members of the Senate and 40 or 50 reporters of the news media, and there would be hardly an empty seat in the galleries. I interpret the situation today to be a testimonial to the great improvement that has been made in agriculture in the United States from 1953 to 1961, and an indication that the people are fairly well satisfied with the condition of our agricultural economy at the present time.

However, there are those who believe it is necessary to have a new farm program. They could not let well enough alone; they would not be content merely to amend or to correct the weak spots or to make the changes needed in existing programs as time went on. We have before us now pretty much the prelude to a complete revolution in farm programs in the United States.

The bill before the Senate is not all bad. I did not sign the conference report; neither did any of the other Members of the Senate on my side of the aisle, but the bill is not all bad. I believe that title I and title IV have much potential good in them. These are the titles which would authorize the Federal Government to make loans and grants to municipalities and public bodies and to farmers for the establishment of recreational areas.

I think title I would go far toward resolving the social conflict which still exists in some areas of the country, because it should be thoroughly understood that no loans or grants may be made to any community or any public body if that community or public body discriminates against any person because of his race, color, or creed.

Title IV provides that the Farmers Home Administration may make loans to farmers for converting their land into recreational facilities. I believe these two titles are very good.

Title II relates to exports. I am not sure how that title will work. It will probably depend on the manner in which it is administered.

Title III, which changes the program for feed grains and wheat, is, in my opinion, very bad. I think that if it were not for the public apathy toward any farm program at all, title III would be ousted completely from the bill because of the public attitude. However, apparently the public is not aware of or is indifferent to the terms of title III. Ostensibly, the purpose of title III is to reduce the production of feed grains and wheat in the United States. It should be obvious by now that the real purpose of title III is to control the food supply of the United States; and the control of the food supply is the first step toward controlling the people, particularly the people of our great cities.

The excuse for controlling the food production of the United States and the supply of food is the contention that a burdensome surplus of feed grains and wheat exists in this country. In answer to that contention, I maintain that there is no burdensome surplus of feed grains and wheat in the United States. This answer is fully substantiated by the facts.

There has been a rather sharp decline in the production and supply of oats and barley during the past 2 years, and also a decrease in the production of sorghum.

Corn is easily the most important of the feed grains, so an analysis of the corn situation will give us a pretty good birdseye view of the feed grain position as a whole.

Last year we consumed in this country and sold for export 3,983 million bushels of corn. Last year we produced 3,624 million bushels of corn, thus reducing the available supply by about 350 million bushels. The New Frontier claims much credit for reducing the corn carryover by 350 million bushels in 1 year. What they neglect to tell us is that only 100 million bushels of this decrease was due to the almost $1 billion emergency feed grain program of 1961, while 250 million bushels of the reduction was due to increased feeding and exports of corn; and the corn we exported was exported for dollars, not for foreign currency.

This year—1962—it is estimated that the marketing and feeding of corn will be far in excess of what they were in 1961. The latest reports show that 4 percent more cattle are being fed this year than were being fed last year, and that the rate of feeding is 10 percent greater than it was 5 years ago.

The estimated carryover for October 1 of this year is 1,650 million bushels, or only about a 4- to 5-month supply at this year's increased rate of feeding.

Feed grains are now being used in this country at a rate in excess of our total production for the record years of 1959 and 1960. No one who exercises sound judgment can claim that a 4-month reserve supply of feed is a burdensome surplus.

I shall not discuss the wheat situation at length, except to say that a 10 or 11 months' supply of wheat exists in this country over and above the actual need. This supply is expected to be reduced for the coming year by reason of this year's reduced acreage.

I maintain that with the world situation as it is today, we ought not to permit our reserve supply of wheat to drop much below a year's supply. Our wheat supply has kept the countries of Asia and elsewhere in the world from "going over the hill" and joining the camp of the enemy. Wheat and our other surplus foods have been our most potent weapon in the cold war. So there is no burdensome supply of wheat and feed grains today in this country.

The next question is: If there were a big surplus, would the bill be effective in reducing it? The answer is that it would not be, because it would best pay the producer to reduce his planting the minimum of 20 percent rather than 45 percent, as many of them have done during the last year; for if he made a 20-percent reduction in planting, he would receive larger benefits upon his entire crop than he would if he reduced his production by 30 or 40 percent.

So if there were excess production and a burdensome surplus, the bill would not be the way to correct such a condition.

The next question is: Would the bill relieve any of the burden of the taxpayer? The answer is that the bill would probably double the cost to the taxpayer for feed grains during the coming year and increase the cost of the wheat program.

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

Mr. AIKEN. Madam President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 5 additional minutes.

Mr. AIKEN. Madam President, the House of Representatives which the other day approved the conference report by a vote of 202 to 197, had been furnished false estimates of the cost of the present program, as compared with the cost of the program provided for in this report. I shall not go into that matter now, because I think other Senators will present those figures. But there would be a drastic increase in the cost. The last cost estimate I have seen for this year is $1,100 million for feed grains alone. The highest estimate I have seen comes to nearly $3 billion for feed grains and wheat. Somewhere between those two is probably the actual cost of the program for next year if the conference report is adopted; it all depends on whose pencil is used in arriving at the figures.

The next question is whether the present Secretary of Agriculture and his theoretical advisers have demonstrated their qualifications to control the farms of the United States. The answer is that last year in a period of 8 months they demoralized the milk situation in the country and made it necessary for the Federal Government to change its position from holding no butter and cheese at all to holding up to several hundred million pounds of each of those commodities. They have nearly destroyed the cotton exports of the country, which, following enactment of the

1958 act, increased to 7 million bales the first year and almost that amount the second. But under the first year of the new management, cotton exports dropped to a little less than 5 million bales; and for the first 2 months of this year, cotton exports are running only about 40 percent of what they were last year. Although we have recovered our cotton export market, with a great deal of difficulty, I feel that we are virtually going to lose our entire cotton export market within the next 2 years unless those in the Department of Agriculture change their administrative tactics.

The President has been speaking on the television and radio and also has been pleading through the press and by means of all other media of communication for Congress to restore the cut the House made in the foreign-aid appropriations. The President asks us to restore the full $4,750 million of foreign-aid appropriations, yet he also asks us to authorize the expenditure of up to $3 billion to destroy the most potent weapon we possess in fighting the cold war today, which is our bountiful agricultural production and the fact that the United States has some agricultural commodity surpluses. It is hypocrisy compounded to insist that we increase the foreign-aid appropriation at the same time that the President is asking for authority to destroy the most potent weapon available to us in fighting the cold war. Unless we are planning to end the cold war against the Communist bloc, we should not accept the so-called compromise conference report which we are asked to adopt today.

Mr. ELLENDER. Madam President, will the Senator from Vermont yield for a slight correction? I am sure he did not intend to make an error.

Mr. AIKEN. I yield.

Mr. ELLENDER. The record shows that the emergency program in 1961 made it possible for the production of corn and sorghums to be 421 million bushels less than the year before, in 1960. The present emergency program for 1962 will, *it is estimated*, result in reducing the production of corn, sorghums, and barley 528 million bushels. But I contend that these emergency programs are entirely too expensive.

Mr. AIKEN. Madam President, I maintain that with the use and disappearance of corn and feed grains in this country increasing at the rate of approximately 300 million to 350 million bushels more a year, it is dangerous to continue any program which results in a reduction of the supply of feed grains to the extent of 300 million or 400 million bushels a year. That is the basis of my argument. We do not have a surplus; and it is dangerous to our national security and to the national economy to continue to reduce the production of food and feed grains.

Mr. ELLENDER. Madam President, will the Senator from Vermont yield again?

Mr. AIKEN. I yield.

Mr. ELLENDER. The Senator from Vermont is in favor of continuing the emergency program, is he not?

Mr. AIKEN. No. I voted aganst continuing the present program.

Mr. ELLENDER. Does the Senator from Vermont advocate no program at all for corn?

Mr. AIKEN. I am advocating the program we had, which we adopted in 1958 and which was working successfully, because today we are consuming more grain than was produced under the 1958 law.

Mr. ELLENDER. Then why does not the Senator from Vermont make a comparison with the figures for 1950? In that way he would make a better case.

The point is that in 1959 the production of corn, alone, was 3,824 million bushels. In 1960 it increased to 3,908 million bushels; and it is because of that increased production and a lack of consumption of the corn and other feed grains that the emergency programs were adopted.

Mr. AIKEN. But this country will consume or sell overseas more than 4 billion bushels of corn in the marketing year beginning this October 1.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. HOLLAND. Madam President, I suggest the absence of a quorum.

Mr. ELLENDER. Madam President, I ask unanimous consent that the time required for the quorum call be charged equally to both sides.

Mr. AIKEN. Very well.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLAND. Madam President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

Mr. ELLENDER. Madam President, I yield 20 minutes to the Senator from Minnesota [Mr. HUMPHREY].

Mr. HUMPHREY. Madam President, the conference report before the Senate is one of the most important legislative proposals considered in this session of Congress. It represents a basic revision of agricultural legislation and agricultural policy.

I commend the chairman of the Committee on Agriculture and Forestry, Senator ELLENDER, for his excellent work, not only in connection with the legislative program, but also in connection with this conference report. The Senator from Louisiana [Mr. ELLENDER] has led the fight not only once, but three times this year, in an effort to obtain a more constructive agricultural policy for our Government.

Because there has been so much confusion and emotionalism and, I regret to say, so much misinformation, either deliberately or innocently generated concerning the Agricultural Act of 1962, I should like to take a few moments to state factually what is and what is not in the bill, and what it will and will not do.

First of all, expressing a personal opinion, this is a good farm bill. It is constructive legislation. It is not perfect, by any means. But the conference report represents a reasonable, sensible, and constructive compromise. It is a giant step forward from what we would have had if the Congress had passed no farm bill at all, and permitted the present legislative policy to continue.

It is this background and this sharply defined alternative that we must consider when we vote on whether we want this program or want to return to the 1958 Farm Act, which has aggravated the farm problem rather than eased it.

The farm problem has begged solution for many years. This administration is committed to trying to solve it, if that is possible. But the solution is possible only if there is cooperation among us, only if there is a conscientious desire among us to solve it, and only if our judgment and vote are based on facts.

Emotionalism, partisan whip cracking, name calling, and blind obstruction will get us nowhere. The only ones who will really suffer from this kind of activity are the farmers themselves, rural America, and ultimately the entire Nation.

What about the bill itself? The bill has been explained in detail by the chairman of the committee, the Senator from Louisiana [Mr. ELLENDER] in his report to the Senate today.

Let me start with title III of the bill, which seems to be the most misunderstood section.

Title III provides for a 1-year extension of the voluntary feed grain and wheat programs which have been successful in reducing surpluses, raising farm income, and reducing the tax burden. This section also provides for a long-range wheat program—which I shall explain a little later—and an end to the feed grain program in the Agricultural Act of 1958.

I am sure I do not have to remind Senators that the voluntary wheat and feed grain programs have exceeded our highest expectations. The record shows it. Indeed, the support of so many Members of the Senate, and Members of the other body, on both sides of the aisle, shows it. Enthusiasm for the voluntary feed grain program seemed to grow week by week as we discussed proposed agricultural legislation. I heard resounding praise of the feed grain program from Senators on both sides of the aisle.

The 1961 feed grain program alone reduced Government stocks of corn by 400 million bushels—instead of adding to the surplus as would have been inevitable without the program. Taxpayers saved over $213 million in storage and interest charges. Net farm income rose more than $1 billion. This was the first rise in farm income since 1953. There is no doubt about it. That is a statistical fact reported by the Department of Agriculture, by the Federal Reserve Board, and by a number of other responsible bodies.

The long-range wheat program provided for in title III of this bill is the result of 6 years of effort to improve the wheat program.

A provision of the 1964 wheat program in the conference report would authorize the Secretary to permit wheat to be produced as a feed grain. The bill also provides price support at a level related to the world and the feed price of wheat for that part of the crop

not accompanied by wheat marketing certificates.

Use of the authority to produce wheat on feed grain acreage would be limited to years in which an acreage diversion program is in effect for feed grains. When such an acreage diversion program is in effect, it is expected the price support for corn and other feed grains would be approximately at the 1961 and 1962 levels—$1.20 per bushel for corn, for example. The appropriate price support level for wheat not accompanied by marketing certificates would be around $1.30 per bushel, when corn was at $1.20 per bushel. The figure of $1.30 can be looked upon as a practical minimum price support level for wheat not accompanied by marketing certificates.

If there is no acreage diversion program for feed grains in effect in 1964, and if the price support level for feed grains were to be set near the minimum of 50 percent of parity, the price support level for wheat not accompanied by marketing certificates would have to be related primarily to the world price of wheat, not to the level of price support for feed grains.

I think this point needs to be emphasized, because an attempt has been made throughout this country—my office is filled with letters of misrepresentation—to claim that the wheat price would be related to the 50 percent of parity price on feed grains in 1964 if there were no diversion program, rather than related to the world price for wheat.

The minimum price support for wheat not accompanied by marketing certificates would be $1.30 to $1.40. I would like to ask the Senator from Louisiana [Mr. ELLENDER], the chairman of the Agriculture and Forestry Committee, if I am not correct in this statement.

Mr. ELLENDER. The Senator is correct, particularly in respect to the world price. That must be given weight by the Secretary in fixing the price of wheat.

Mr. HUMPHREY. I thank the chairman. I might add, Madam President, that to make the assertion, in the first place, that the support level for feed grains would be set at or near 50 percent of parity is entirely unrealistic.

Mr. COOPER. Madam President, will the Senator yield at that point?

Mr. HUMPHREY. I yield.

Mr. COOPER. I should like to have this information for the RECORD, and for my enlightenment. I should like to have the judgment of the chairman of the committee on this also.

The conference report, on page 34, referring to price-support levels for corn after 1963, states:

> Conference agreed to—
>
> (1) Price support for corn at such level between 50 and 90 percent of parity as will not result in increasing Commodity Credit Corporation stocks;

My question is, With the limitation, "as will not result in increasing Commodity Credit Corporation stocks," would the provision mean, in practice, that there could be no price support?

Mr. HUMPHREY. The language is quite clear, of course, that if the Congress of the United States should abdicate its responsibilities, if the Congress had no regard whatsoever for the producers of foodstuffs, the minimum price support of 50 percent of parity would be theoretically possible.

However, I expect that next year, as the chairman of the committee has made so clear in his presentation, and as has been made clear repeatedly in the debate, one of the first items of business of the Senate Committee on Agriculture and Forestry will be the feed-grain program.

Mr. COOPER. I understand.

Mr. HUMPHREY. Moreover, the Secretary of Agriculture says he will present a new feed grain program to the Congress.

Mr. COOPER. The basis for the provision is the surplus of corn today. Let us assume that in 1964 there is a surplus. Would it be possible for the Secretary to take any corn at all? To do so the Commodity Credit Corporation stocks would increase.

Mr. HUMPHREY. In 1964?

Mr. COOPER. Yes.

Mr. HUMPHREY. If there were a surplus?

Mr. COOPER. Yes. Then they could not take any corn.

Mr. HUMPHREY. I would say they could take corn, but would have to take it at the minimum.

Mr. COOPER. Suppose the price supports were to be set at 50 percent of parity, but that taking any corn would increase the stocks of the Commodity Credit Corporation. How could it be taken?

Mr. HUMPHREY. It cannot be less than 50 percent.

Mr. COOPER. I know, but there is another limitation.

Mr. HUMPHREY. Yes.

Mr. COOPER. It is that, at whatever figure corn is supported, it must be at such level as will not increase Commodity Credit Corporation stocks.

Mr. HUMPHREY. It was the view, I am sure, of those who prepared the report, in the light of the history of the debate on the whole question of price support levels, that the low support level would not result in increased surplus stocks.

More realistically, the whole purpose behind the repeal of the 1958 provision was to compel the Congress to come to its senses on a feed grain program. We cannot justify the 1958 provision, which permits the accumulation of untold amounts of goods in the Commodity Credit Corporation, and threatens the entire program.

I come from a corn producing State. I come from a rather substantial agricultural State. I have a goodly number of friends in the rural communities of Minnesota. They vote for me and support me because they trust me. They do not want an open-end support program. Our farm people are not asking for a "gravy train." They want a support program which is sensible, which is related to a balance of production. They are willing to take controls if there is a support program.

Mr. COOPER. Will the Senator yield for one moment?

Mr. HUMPHREY. I should like to complete this thought.

What we hope to do, what we plan to do, and what the Secretary said he will do, is present another feed grain program to the Congress, so there can be a realistic feed grain program and not one which accumulates surpluses. The purpose of the 50 to 90 percent support level is simply to bring Congress to its senses.

Mr. COOPER. I think the Senator has answered the question. The Senator will remember that in 1958 I supported him on his feed-grain amendment.

Mr. HUMPHREY. I agree. The Senator surely did.

Mr. COOPER. I think it was a proper amendment. If it had been adopted, we would not have had a program which led to lower prices and the unlimited production of corn.

The problem I see in regard to this proposal is that it could have the same effect. If in 1964 there should be a surplus, and if the Secretary could not accept corn, because doing so would increase CCC stocks, the support price would have no effect; unlimited production of corn would be dumped on the market. The basis for price-support program is the ability of the Commodity Credit Corporation to take over and store corn. With this provision in the law, and the Secretary not able to accept corn, there would be no program. That is one point which I think ought to be understood.

I think the Senator has properly stated the purpose of the proposal, which really is to finally coerce the Congress into adopting a program which the Secretary of Agriculture has insisted is the only proper program.

I do not like the idea of coercion.

Mr. HUMPHREY. I say most respectfully it is not the purpose of this provision to coerce the Congress to adopt any program the Secretary may send to the Congress. It is the purpose of the provision to cause the Congress to face up to the problem of feed grain production, rather than to provide not a free ride, but the expensive ride of 1958.

The Secretary will present a program. To be frank with Senators, I hope the Secretary will present a somewhat different program than he did with relation to feed grains earlier this year. That is no secret. I do not think that program was the last word in the feed grains programs. I have said privately to the distinguished Senator from Kentucky [Mr. COOPER], for whom I have the greatest regard and respect, that I was not fully happy with the feed grain program. But it is the duty of the Congress to face the program rather than constantly talk about the costs of the farm program, many of which are built into the action that was taken in 1958. I wish to bring that kind of program to a halt. I do not want to see a program which provides an 80-cent price support for corn.

If the Lord is willing, I shall be here next year. I intend to do what I can to see a more reasonable and sensible feed grain program developed.

I am not at all sure the so-called compulsory program is the kind of a program we ought to have. Frankly, I have been quite satisfied with the voluntary

program we have had. It has worked pretty well.

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

Mr. HUMPHREY. I yield.

Mr. AIKEN. The Senator stated that the bill being acted upon today is a first step toward something. The administration will ask for another bill next January?

Mr. HUMPHREY. In relation to the feed grain section.

Mr. AIKEN. Will the Senator tell us what the ultimate objective of the program is? It seems a bit ominous to me. I hope that it is not as ominous as it appears to be.

Mr. HUMPHREY. May I say to the able Senator from Vermont, whose word on agriculture policy as well as on other subjects means a great deal, that the objective which the administration seeks, as I understand, and the objective which I shall try to help it seek if it is not their objective—and I think it is—is a better balance between production on the one hand and consumption of available supplies on the other. By that I mean we must have a carryover. We must have some reserve. We must plan for the unhappy day of a drought or weather conditions that might jeopardize our supply of feed grains. But we do not have to see whether or not we can accumulate everything people produce. What Mr. Freeman has suggested is a managed abundance. He has suggested a better balance between the supply of feed grains, on the one hand, and utilization on the other. I think this is his objective.

Mr. AIKEN. Will the Senator explain why it is necessary to reduce our abundance to what I consider to be an unsafe level before starting to operate under a managed abundance? What is the idea of reducing our production at this time when our consumption and exports are increasing so rapidly?

Mr. HUMPHREY. I say most respectfully that if the consumption and exports of our feed grains increase as much as the Senator from Vermont and the Senator from Minnesota would like them to increase, we will not cut back on our feed grain production.

Being realistic, what the Secretary has sought to do is, first, to say, "We have too much corn and wheat that qualifies as a feed grain and not as a wheat for purposes of baking or cereal purposes."

The Secretary has said, "We must see to it that those stocks are brought into better balance with world and domestic needs, the availability of commercial exports, and the availability of what we call soft currency exports."

That is what the Secretary of Agriculture is seeking to do. I do not say he has evolved the perfect solution to the problem. But he has faced the fact about which every Member of the Congress, with few exceptions, has complained for years—that the program has gotten out of hand. We have accumulated too much. Costs are outrunning the willingness of the public to pay them. And the condition does not help the farmer or the public.

I believe that now we must review the program, and do so continuously. Not only that, but we ought to have the kind of legislative program that will permit the Secretary and the farm producers to have a better balance in terms of production and utilization. I think we can.

I have thought that the voluntary feed grain program has been a good one. I think it is a good one. I do not say it is necessarily the final answer, because it is quite obvious we would like to review the program in terms of its cost and what it produces in results.

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

Mr. HUMPHREY. Madam President, will the Senator yield an additional 10 minutes?

Mr. ELLENDER. I yield 10 more minutes to the Senator from Minnesota.

Mr. HUMPHREY. Madam President, I have said in the past, and I repeat, that Secretary of Agriculture Freeman will not permit a return to the previous costly programs of guaranteed price supports and unlimited production. That is why the 1958 law is being amended. He will not permit programs which would place our farmers in a position worse than they are in now. He has stated he will come to the Congress next year and present a permanent feed grains program.

I wish to make clear that I am not endorsing ahead of time any particular type of program. I think that would be a mistake.

It is a mistake for farm organizations willingly to endorse some general suggestion of a program before they see its details. The Senator from Minnesota has so stated to some of the leaders of our farm organizations. He has said, "Let us examine the suggestion carefully. Let us not talk merely in terms of 'referendum,' 'mandatory,' and 'permanent' without knowing what those terms mean and what they ultimately would reflect in terms of legislative detail."

I assure Senators I shall approach the problem of proposed feed grains legislation with no previous commitments, no doctrinaire or dogmatic attitude, but on a very pragmatic basis, on the basis of whether or not a program will work and whether or not it will serve the interests of farmers in terms of price and the farmers' fair share of income, and will be of benefit to the taxpayer and the Federal Treasury.

Perhaps the 1963 feed grains program in the bill now before the Senate would provide a solid foundation for permanent voluntary feed grains legislation for the 1964 and subsequent crops. Whatever program the Secretary presents, I assure Senators it will be thoroughly discussed and refined in the Agriculture and Forestry Committee. I have never known that committee to be a rubber stamp for any Secretary or for any particular program. I served on the committee long enough to know that. The only thing that becomes rubbery about the committee is that one can be bounced around a great deal whenever he makes a presentation, because every member of the committee is as independent as he can be.

I am confident the Congress will look forward to receiving suggestions from the Department of Agriculture, from farm organizations, and from individual Senators, and then will refine and develop a program worthy of our consideration.

Questions have been raised with respect to the resale policies for wheat and feed grains under the conference report. In this connection I would like to quote from a letter to me from Secretary of Agriculture Freeman dated September 19, 1962. I inquired of the Secretary, after reading the conference report and after hearing about it, as to what the resale policies of the Department of Agriculture would be.

I ask unanimous consent to have printed at this point in the RECORD the full text of the letter dated September 19, 1962, addressed to me and signed by the Secretary of Agriculture.

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

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
*Washington, D.C., September 19, 1962.*

Hon. HUBERT H. HUMPHREY,
*U.S. Senate.*

DEAR SENATOR HUMPHREY: In response to your inquiry concerning the resale policies for wheat and feed grains under the conference report on farm legislation, the legislation would provide the following:

The provisions of section 407 of the Agricultural Adjustment Act of 1949 providing for sales for unrestricted use from CCC stocks at 105 percent of the current price support, plus appropriate carrying charges, would apply to all noncertificated sales of wheat and feed grains. This would mean a sales price at a level 5 percent, plus carrying charges, above the applicable support level as provided for in the conference report.

The proposed legislation provides for redemption of the payment-in-kind certificates on both wheat and feed grains at not less than the loan rate—$1.02 per bushel national average for corn and $1.82 per bushel national average for wheat. This would apply when farmers or others ask for delivery of physical grain against the certificates as well as when they request the CCC to market the certificates in their behalf. It is anticipated that the certificated grain sales price would be determined regularly during the marketing year so as to provide for appropriate adjustments, taking into account reasonable carrying charges and normal seasonal price trends.

We trust this will clarify this matter for you and your constituents.

Sincerely yours,

ORVILLE L. FREEMAN.

Mr. HUMPHREY. In the second paragraph of his letter the Secretary said:

It is anticipated that the certificated grain sales price would be determined regularly during the marketing year so as to provide for appropriate adjustments, taking into account reasonable carrying charges and normal seasonal price trends.

The letter states the CCC sales price will not only be 100 percent of the support level, but also that reasonable carrying charges will be included in the resale price. This is important, because we do not wish the Commodity Credit Corporation under the direction of the Secretary of Agriculture to dump supplies into the market and break what would be the normal market price in or-

der to coerce, compel, or in some other way enforce its regulations.

We are going to have the same type of practice that has been included in legislation throughout the years.

Questions also have been raised concerning the price of wheat in 1964 under the marketing certificate program and the relationship of the price of wheat to the price of flour and bread. The argument was made that the bill puts a bread tax "on consumers" and that it would cost American consumers an additional $150 million to $200 million each year, compared with the present system.

This is an old argument. One would have to eat a great deal of bread to be affected, in the first place. But, at any rate, the argument is absolutely fictitious and in error.

These statements are not true, and are based upon a misunderstanding of the wheat provisions. This has been recognized by the millers and bakers of this country. Through their responsible organizations they have stated there is no cause for concern that the price of flour or bread would be increased as a result of the wheat marketing certificate program.

The Southwestern Miller of April 17 stated:

> The concern of the baking industry over the imposition of a bread tax through the certificate plan for wheat has been dispelled by action in both the House Committee on Agriculture and through assurances from the office of Secretary of Agriculture Freeman, it is indicated in a bulletin issued by the American Bakers Association.

The Secretary of Agriculture also has sent a letter to the chairman of the Wheat Subcommittee of the House Committee on Agriculture restating his assurance that the price support level under the marketing certificate program would be about the same level as for 1962—$2 per bushel.

Members of Congress ought to be aware also of the very distant relationship of the price of bread to the price of wheat. From 1947 to 1959 the retail price of a 1 pound loaf of bread rose from 12.5 to 21 cents. In that time the farm value of wheat in that loaf of bread declined from 3 to 2.4 cents.

In other words, as the price of wheat went down, the price of bread went up. So there does not seem to be any reason for believing that if the support price for wheat is $2 a bushel, the price of bread will go up.

The claim has been made that the proposed wheat program would add 1 cent to the price of a 1-pound loaf of bread. The facts are that the farm price of wheat would have to be increased to approximately $3 per bushel before a 1-cent increase in the price of bread could be justified on the basis of higher wheat prices.

Since no increase in wheat prices is indicated next year under the certificate program, claims that bread prices will be raised by this farm bill are in error.

Madam President, one of the great disappointments of this farm bill is that it contains no section on dairy products. This is unfortunate because of the seriousness of the dairy situation and the extremely critical situation of the dairy price support program and drop in dairy income.

Neither the dairy industry nor the Congress were able to meet the dairy problem this year. I introduced legislation in this area and so did many of my colleagues but, regrettably, we in the Congress were not able to agree on a satisfactory program.

I am encouraged, however, that a dairy program will be a priority item in the consideration of farm legislation next year. The chairman of the Committee on Agriculture and Forestry, the Senator from Louisiana [Mr. ELLENDER], has indicated his intention to hold hearings on dairy legislation early next year. I know he shares my hope that we can provide much-needed help to our hard-working dairy farmers.

Dairy production is costly and demanding in time, resources, and managerial know-how. Dairy farmers need the sympathetic understanding and cooperation of their Government.

In 1960, the consumer expenditures for dairy products alone totaled $11.1 billion, and consumers paid about $3.8 billion for the meat produced from dairy cows and calves sold for meat. This adds up to total sales from dairying of approximately $14.9 billion. In other words, dairying is a $15 billion business—equal to or even surpassing steel.

There is no question that American farmers are the most productive and most efficient in the world. There is no question that American agriculture stands out in front of the rest of the American economy in improving its productive efficiency. Our farmers, during the past 10 years, increased their output per man-hour nearly three times as much as the average in our economy, and greatly improved the quality of that output at the same time they were stepping up the quantity.

But in spite of the fabulous job American farmers have done on their farms, their incomes have fallen while most other incomes have been rising. Dairy farmers are among the lowest paid of all. According to studies by Department of Agriculture specialists in farm management, typical dairy farmers in Minnesota with investments in their farming operations averaging $50,000 were able to earn only 49 cents per hour on their labor in 1960, when milk prices were about the same as today. This is characteristic of dairy farmers' returns in other sections also.

The blame for low farm income can be traced to what goes wrong with the farmer's business management after his product passes beyond the farmer's gate.

For one thing, the farmer, almost alone in our economy, has no bargaining power because he is unable, as an individual, to keep supply in reasonable balance with demand at a fair price. The result is that a tiny surplus of only 3 to 5 percent drives down the price of milk to unreasonable levels where the farmer cannot earn a decent living.

This administration believes farmers should have that power and the right to use it. We have worked ceaselessly with dairy farmers and their leaders in an effort to develop a satisfactory program whereby milk supply can be kept in balance with demand at reasonable prices. We still are trying and we shall continue to try.

There are few of us here who have any serious quarrel with titles I, II, and IV of this bill.

Title I broadens the conservation and lending authority of the Department of Agriculture to encourage diversion of lands—in other words, putting substance into the concept of land use rather than land idleness.

Title II expands our donations to school-lunch programs abroad and expands the program under title IV of Public Law 480 providing for long-term credit sales, while reaffirming the intent of Congress that these sales would not conflict with dollar sales. The purpose is to stimulate the sale of surplus agricultural commodities for dollars abroad.

Title IV of the bill provides for certain constructive changes in the lending authority of the Farmers Home Administration. It adds "recreational uses and facilities" to the purposes for which real estate loans may be made or insured to owner-operators of not larger than family farms. It increases from $10 million to $25 million the aggregate of real estate loans which the Secretary may make out of the insurance fund to be sold and insured, which are on hand and not disposed of at any one time.

I submit that this is a good bill—a workable bill. It will increase farm income. It will bring production in line with consumption. It will reduce our surplus stockpiles. It will reduce the tax burden.

I say that because the evidence of the emergency programs proves it. It will enhance and expand our foreign disposal and export program. It will provide for orderly transition of present programs to the new program. It will reverse a policy of land idleness to multiple land use. It will secure farm families on the land. It will provide new opportunities for rural America through the rural area development program.

Can any other program offer so much? I have seen no evidence from those who oppose this program that they have anything nearly as good. In fact, I have seen no farm program of theirs at all except to arbitrarily retire about 75 million acres of land, or a program that merely returns to the 1958 farm act which has been a sad failure. And I have heard that there are those who advocate no program whatsoever—a program based on the anarchy of the free market. Does anyone really want that?

I say we cannot, we must not abrogate our responsibilities to the farmers of this Nation by going home without passing this program.

All rural America will be affected by what we do or do not do with this bill. Not only farmers or small towns will be affected—the entire economy of the Nation will be helped or hurt if we pass or defeat this bill. Sixteen million off-farm jobs depend in large measure on what happens to agriculture; $200 billion is invested in agriculture—more than the entire assets of three-fourths of all our corporations. Agriculture is a sizable, major segment of our economy. Can we in all good faith go home and

have nothing about the farm problem? I, for one, hope we do not.

Madam President, before I yield the floor I would like to ask some questions of the chairman of the Committee on Agriculture and Forestry.

It is my understanding that it was the intention of the Senate Committee on Agriculture and Forestry and the Congress in the Agricultural Act of 1961 to broaden the provisions of the Agricultural Marketing Agreement Act to include all commodities except the basic commodities where other legislation and programs are in operation and in addition, certain other selected commodities. All of these the Congress specifically excluded in the legislation either in the committee or on the floor.

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

Mr. ELLENDER. I yield 3 more minutes to the Senator from Minnesota.

Mr. HUMPHREY. Is this not the understanding of the chairman of the intent of the committee and of the Senate?

Mr. ELLENDER. It is.

Mr. HUMPHREY. Therefore is it not the Chairman's understanding that in the Agricultural Act of 1961 it was the intent of the Committee on Agriculture and Forestry and the Congress to exclude from coverage under the Agricultural Agreement Act by specific provisions, under section (3) of subtitle D, all those agricultural commodities which we did not intend to include and make subject to the provisions and opportunities under the Agricultural Marketing Agreement Act?

Mr. ELLENDER. The Senator is correct.

Mr. HUMPHREY. Therefore is it not also the Senator's opinion that it was the intent of the committee and the Congress in last year's legislation to include all agricultural commodities which we did not specifically exclude and make them subject to the provisions of the Agricultural Marketing Agreement Act?

Mr. ELLENDER. The Senator is correct.

Mr. HUMPHREY. To clarify one more point I call attention to an amendment of mine which was adopted by the Senate on both occasions this year during consideration of agricultural legislation. This amendment states:

> It is hereby declared to be the sense of the Congress that the Secretary of Agriculture should, whenever he determines such action will result in more effective or more economical administration of this or any other act administered by him, utilize the services and facilities of farmer-owned, farmer-managed associations of producers, and accord such associations no less favorable treatment under any such act than that accorded individual producers or farmers.

I notice in the bill as reported by the conference committee that this amendment is not included. I take it this was not made a part of the bill because it presently is the sense of the Congress that the Secretary of Agriculture act in accordance with the language of this amendment and that, therefore, the amendment is repetitious and is not needed. Is that correct?

Mr. ELLENDER. That was one of the reasons given. The House conferees objected to it because of some rumors from cooperatives that it might affect them adversely. Since the Commodity Credit Corporation's charter contains language very similar to that which was contained in the Senator's amendment, the Senate conferees receded.

Mr. HUMPHREY. I understand that. I have studied this subject and it is my view that the charter of the Commodity Credit Corporation, along with the existing program, would make the amendment unnecessary, even though I like to see these provisions enacted into statutory law.

Mr. AIKEN. I interpret the conference report to mean that there will be no discrimination against farm cooperatives in carrying out this entire program.

Mr. HUMPHREY. That is my understanding.

Mr. AIKEN. I have heard rumors, but they came from the other side of the fence, from those who would like to see farm cooperatives weakened or put out of business. We ought to make it clear that this language is intended to mean that there shall be no discrimination against farm cooperatives in the handling of Government commodities or in carrying out Government programs. Is that the understanding of the Senator from Louisiana?

Mr. ELLENDER. I recall that the House conferees indicated in the conference that the opposition came from the cooperatives. Why, I do not know.

Mr. AIKEN. No.

Mr. HUMPHREY. No.

Mr. ELLENDER. That was my understanding. At any rate, as I said, because the conferees concluded that the language added by the Senator from Minnesota was already in the law and that the practices were already being carried out, it was decided that the Senate conferees would recede.

Mr. AIKEN. I am very sorry that the amendment of the Senator from Minnesota has been eliminated, because when an amendment is offered and is adopted, and then when the amendment is thrown out, even if the contention is made that the purpose of the amendment is already covered by the law and is therefore unnecessary, the impression is given that that is not the intention or the understanding. I wish to say here and now that I believe, so far as the Senate is concerned, it is definitely the intention that there shall be no discrimination against farm cooperatives or against farmer-owned operations.

Mr. HUMPHREY. That is my understanding. I gather from these remarks that the understanding is that there will be no discrimination.

Mr. ELLENDER. That contention is borne out by the fact that the Senate adopted the provision offered by the Senator from Minnesota. I am merely saying, by way of repetition, that it is not only in the law already, but the reason given by Mr. COOLEY was that the rumors came from the cooperatives. Whether or not that is true, I do not know.

Mr. HUMPHREY. If that is the case, they were in error. At any rate, the matter has been fully explained by the Senator from Vermont and by this discussion.

The Senate adopted it unanimously. It does not provide any favoritism; it merely provides that there shall be no discrimination.

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

Mr. ELLENDER. I yield the Senator 5 more minutes.

Mr. YOUNG of North Dakota. Madam President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. YOUNG of North Dakota. As one of the Senate conferees, it was my understanding that the only reason why the amendment was deleted was that it was felt that the same language was contained in the charter of the Commodity Credit Corporation. There was no intention whatsoever to discriminate against cooperatives; in fact, it was desired to protect them.

Mr. HUMPHREY. I thank the Senator from North Dakota.

Mr. ELLENDER. There is no doubt that that was the position of the Senate conferees. There is no question about it.

Mr. HUMPHREY. I thank the Senator from Louisiana and the Senator from North Dakota.

Mr. LAUSCHE. Madam President, will the Senator from Minnesota yield?

Mr. HUMPHREY. Of course.

Mr. LAUSCHE. The Senator described the good that will result from the bill. He said it would provide relief to the taxpayers; that it would reduce surpluses; that it would be helpful to the farmers and would be in the interest of the country generally.

The Senator also said that in 1963 the Secretary of Agriculture would submit to Congress a permanent program, one which probably ought to be adopted.

My question is: If the program provided in the bill is as good as the Senator from Minnesota has described it to be, why will a new program be needed in 1963?

Mr. HUMPHREY. At the beginning of my remarks, I said I did not consider this program to be anywhere nearly perfect. I said it was compromise legislation, but that I thought it was an improvement.

I said that although we are expanding the voluntary feed-grain program—which, by the way, makes a great deal of sense to me, and I wish to go on record as saying that I like it—and while we are expanding the wheat program, it was understood that in 1963 the Secretary would present additional recommendations for a feed-grain program. I did not say I would support those recommendations. I think the RECORD is clear that I said I would consider them objectively. I do not want to be committed. I said I would not take a dogmatic approach; that I have serious doubts about certain aspects of the feed-grain program that was presented earlier this year and that next year Congress would have to work its will on what would be not merely an emergency feed-grain program, but a permanent type of program. I hope it may be as good as the present voluntary program, and even better.

Mr. LAUSCHE. The Senator from Minnesota further said that a voluntary

program might be evolved in the 1963 program.

Mr. HUMPHREY. That is correct.

Mr. LAUSCHE. Does that mean that the Senator looks toward a voluntary program rather than a mandatory program having severe provisions, limiting the freedom of the farmer?

Mr. HUMPHREY. Speaking for the Senator from Minnesota, I should prefer that; but I do not know what will happen in determining the will of the Senate. I do not even know what the Secretary will present. But I have a feeling, in the light of some argument over the feed-grain programs, that he is giving the situation a second look.

Mr. AIKEN. Will that not depend on the will of the public on November 6?

Mr. HUMPHREY. The Senator from Vermont is correct. I thought I would like to keep that happy moment out of the discussion.

Mr. AIKEN. I thought I would try to interpret what was in the Senator's mind.

Mr. HUMPHREY. The Senator from Vermont is always helpful. I thank him.

Mr. JOHNSTON. Madam President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. JOHNSTON. Is it not true that having found ourselves in such a plight, with so large an amount of surplus on hand, it is impossible at this time to do what most of us would like to do?

Mr. HUMPHREY. The Senator is exactly correct.

Mr. JOHNSTON. That is where the trouble lies at this time. We must consider the farm situation from that standpoint in order to understand exactly what we are doing now.

Mr. HUMPHREY. I thank the Senator.

Madam President, I ask unanimous consent to have printed at this point in the RECORD a statement I have prepared relating to the effect of the 1963 feed-grain program on a midwestern farm.

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

THE 1963 FEED-GRAIN PROGRAM ON A MIDWESTERN FARM

This describes the situation of a 200-acre farm in the Midwest producing corn, soybeans, and livestock:

| | Non-cooperator | | Cooperator in 1963 | |
|---|---|---|---|---|
| Crop acres and yield: | *Acres* | *Bushels* | *Acres* | *Bushels* |
| Corn | 100 | 60 | 70 | 61 |
| Soybeans | 50 | 25 | 50 | 25 |
| Pasture | 50 | ------ | 50 | ------ |
| Diverted acreage | ------ | ------ | 30 | ------ |
| Production: | | | | |
| Corn | ------ | 6,000 | ------ | 4,270 |
| Soybeans | ------ | 1,250 | ------ | 1,250 |
| Returns: | | | | |
| Corn sales | ------ | $6,000 | ------ | $4,355 |
| Soybean sales | ------ | 2,812 | ------ | 2,812 |
| Price support in kind (18 cents per bushel on 4,200 bushels normal production on 70 acres) | ------ | ------ | ------ | 756 |
| Diversion payment (60 cents per bushel on 1,800 bushels normal production on 30 acres) | ------ | ------ | ------ | 1,080 |
| Total | ------ | 8,812 | ------ | 9,003 |

This farmer would have an advantage of about $200 from participating. In addition, of course, he would have lower production expenses. He would probably receive half his diversion payment when he agreed to participate early in 1963. The other half would be paid after harvest in the fall of 1963.

Price support to the cooperator would involve a loan on all or a part of the crop handled in the regular manner familiar to all farms, and a payment-in-kind on the normal production on 70 acres. It would be contingent on compliance, and would be made after compliance is checked. The farmer could accept grain from CCC; he could accept a certificate which he would sell; or he could receive cash and let CCC market the grain.

Mr. HUMPHREY. Madam President, I yield the floor.

Mr. ELLENDER. Madam President, I suggest the absence of a quorum; and I ask unanimous consent that the time consumed for the quorum call be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. AIKEN. Madam President, I yield 10 minutes to the senior Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 10 minutes.

Mr. HICKENLOOPER. Madam President, at the outset I wish to say that the major features of this measure which affect the agricultural program have their impact primarily on the feed grains sections and the wheat sections of this country; and I think it is one of the most ominous and dangerous measures for the overall, long-range good of agriculture and a sound agricultural program that I have ever seen proposed.

I wish to speak briefly about the pending measure, and I shall point out why I think it is dangerous.

In the spring of 1961 the Congress got its first look at the agricultural proposals of the Kennedy administration.

To those of us seeking to: First, strengthen the market system; second, reduce Government regulation of individual farming operations; third, preserve the opportunity of farmers to adjust to changing conditions; fourth, expand domestic and foreign markets; and fifth, increase per family net farm income, the Cochrane-Freeman plan came as a shocking disappointment.

In contrast to what I believe in and support, the administration's 1961 proposals called for a major extension of Government efforts to fix farm prices and restrict or ration the right to produce farm products in keeping with a theory described as supply-management. Worse still, these proposals by the executive branch of the Government called upon the Congress to abdicate its constitutional responsibility to determine governmental policy, and, instead, would have turned this responsibility as it relates to Government farm policy over to the Secretary of Agriculture and the controllers who surround him. Fortunately for farmers and ranchers, and for America, the Congress said no to this brazen bid for power to control American agriculture.

The basic difference between the administration's 1962 proposals and those presented last year is simply that this year's proposals spell out the details of certain commodity programs for which general enabling authority was requested last year. When the Congress understood what really was involved in what was being proposed in the way of Government controls on the producers of feed grains and dairy products, the Congress again flatly rejected the control schemes proposed.

I should like to interrupt the chronology of this statement by referring to a highly significant news story which appeared about a year ago. The article indicated that—

Kennedy administration planners are quietly abandoning hopes of bringing off a revolution in Government management of agriculture.

Instead, they're inclined to let time, fuzz, and mirrors slowly accomplish their basic objectives.

I read further from the same article:

So, for the present, these officials reason it's politically necessary to "fuzz things up." For several years, they'd settle for stopgap, compromise crop-by-crop production controls headed toward their long-range goals, and they'd disguise increased farm income assistance by doling out more money little by little in a variety of ways under a variety of titles.

"Maybe it'll have to be done with mirrors," remarks an aid to farm boss Freeman.

I call this to the attention of the Senate because this newspaper article of a year ago describes more accurately what has happened and what is happening today in this field than anything I have seen written in the intervening period.

Let us take a look at all three counts.

First, time has elapsed—1 year of it; and probably some have forgotten the shameful assault on constitutional government involved in the original Cochrane-Freeman proposal; however, I can assure you that Iowa farmers will not soon forget it.

Secondly, things are "fuzzed up"—that is for sure. In the spring of 1961 the supply and demand for soybeans were reasonably in balance. The market system was working. Soybean producers were content to leave "well enough" alone. But not Mr. Freeman. He raised the price support on soybeans from $1.85 to $2.30 per bushel. Soybean output increased from 555 million bushels in 1960 to a record crop of 703 million bushels scheduled for 1962 harvest.

But that is not the worst of it. Price supports on cottonseed and butter were raised, too—with the net result that the U.S. carryover of edible fats and oils this year will total 2.2 billion pounds, which is 50 percent more than last year, and is a new record.

Madam President, what do you suppose the next move will be? I doubt that

one needs a crystal ball to figure it out. The answer, of course, is "supply-management." Wrong Government policy creates a surplus problem that did not exist before; and then the controllers propose more Government intervention in order to deal with the difficulties which could have been avoided in the first place.

In nautical terms—which seem to have a certain currency these days—what the administration has done recently to many farmers is somewhat like shoving an innocent man overboard and then trying to get a hero badge for throwing the victim a lifeline. It is actually worse than that, because these Government control schemes actually are more akin to an anchor than a lifeline.

Third, mirrors are being used to delude American taxpayers into thinking they are getting their money's worth out of certain of these Government farm programs, when they are not. Mirrors have been used to juggle the statistics with respect to the cost of the emergency feed grain program, and they are now being used in efforts to mislead Members of the Senate into thinking that H.R. 12391 will cut the cost to taxpayers.

Some may wonder why a U.S. Senator from the No. 1 corn State should question these expenditures, since many of his constituents will be on the receiving end of these feed grain subsidies. Let me state a few of the reasons why the citizens of Iowa oppose H.R. 12391.

First. It will take more than "mirrors" to justify the expenditures provided for in the 1963 wheat and feed grain programs. All Iowans, including farmers, are taxpayers. They want to get a dollar return for every dollar they spend; and they know double payments for anything is wrong, especially when one of the payments is of the compensatory payment variety, which Iowa farmers have consistently opposed over the years.

Second. Iowa farmers are concerned about agriculture's public relations, and they know the proposed 1963 program will give farmers a "black eye" with the public. Who is going to defend spending $1.8 billion a year for not growing feed grains? Certainly such a figure is possible when one takes into account the double payments proposed and the full participation that would be expected.

Third. Iowa farmers are not easily fooled. Therefore, they understand that the double payment provided in 1963 is not the "wave of the future" but, instead, is merely the bait in the trap.

The trap in this instance has a double spring, the kind used when going for big game.

On the one hand, the provision of the 1958 law relating price supports on feed grains to the market is repealed, and in its place the Congress would authorize the Secretary of Agriculture to establish such supports between 50 and 90 percent of parity. The proponents of this provision apparently intend that it be used to lower price supports on corn, for example, to 80 cents per bushel, with the hope that the prospect of such a drop will scare midwestern farmers into the snare of compulsory controls and all that goes with them.

This is a ruthless and calloused political move. No wonder the administration wants to camouflage it with a lush looking program in 1963. After all, a condemned man gets at least one good meal before his execution.

Mr. AIKEN. Madam President, will the Senator from Iowa yield?

Mr. HICKENLOOPER. I yield.

Mr. AIKEN. The Senator from Iowa might point out that the price-support level within the 50 to 90 percent of parity support range would be applied to corn, so as to make it unnecessary for the Government to acquire any surplus which might be produced. That inevitably would mean that the support price would be 50 percent of parity, or 80 cents a bushel, because if it were 90 percent of parity, that would encourage overproduction of corn, and would be a level that would result in acquisition of more Government stocks. So the proposed program is a mess.

Mr. HICKENLOOPER. The Senator from Vermont is accurate and right, as he almost invariably is on agricultural matters.

Mr. AIKEN. They might as well have provided the 50-percent price support and left out the rest of the language.

Mr. HICKENLOOPER. Reading the law as it would be, as written in the conference report, I fail to see how they can put on 50-percent price supports if they honestly and conscientiously follow the law, because as it reads, they could not put on any supports at all if it would contribute to the CCC stocks.

Mr. AIKEN. And if they have to buy any of them.

Mr. HICKENLOOPER. If they have to buy any of them.

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

Mr. HICKENLOOPER. May I have 5 more minutes?

Mr. AIKEN. I yield another 5 minutes to the Senator from Iowa.

Mr. HICKENLOOPER. However, I am not persuaded that the law as it is written will be meticulously followed, political expediency will probably govern.

Mr. AIKEN. I point out that there has been no precedent in the past 2 years for doing so.

Mr. HICKENLOOPER. That is correct. There is no indication that the law will be meticulously followed.

Mr. LAUSCHE. Madam President, will the Senator yield?

Mr. HICKENLOOPER. I yield.

Mr. LAUSCHE. The Senator has stated that we might be wondering why he is opposing the bill in face of the fact that many corn producers in his State would be benefited by the first year of the operation of the law. Will the Senator point out how that would be so?

Mr. HICKENLOOPER. Because they have put bait on the trap for 1963 in order to encourage acceptance of the report, and the bait on the trap is an increase, in a substantial amount, of payment for retired acres. The way it will work, nobody knows, but there will be an increase. I think the increase will be out of all proportion to the real value, and in the long run it will injure agriculture and give agriculture a black eye and result even in some claims that the beneficiaries are Treasury looters.

Mr. LAUSCHE. What is the purpose of the 18 cents a bushel? Is that to induce producers to enter the program?

Mr. HICKENLOOPER. That is part of the bait on the trap. That applies to all the corn the complier grows——

Mr. ELLENDER. Madam President, if the Senator will yield, is it not a fact that the price support for corn is $1.20, the same for next year as this year?

Mr. HICKENLOOPER. No. It is $1.02 plus 18 cents——

Mr. ELLENDER. That is $1.20; is it not?

Mr. HICKENLOOPER. No. The 18 cents is to be paid in kind.

Mr. ELLENDER. The farmer will get the same next year as he gets this year. That is $1.20 a bushel, paid in two different ways.

Mr. HICKENLOOPER. It is a cleverly, and almost diabolically, conceived program to bait this trap for 1963, and the guillotine will fall on the farm program in 1964, when supports drop to 80 cents. See what happens to the plan then.

Mr. ELLENDER. I suggest that the Senator should have been one of the conferees. I was in the conference, and I tell the Senator there was no politics in it. The amount of support the farmer will be paid next year will be the same as he received this year. The only difference is that this year he got the price support of $1.20 by way of loan and purchase, and next year he will get a loan of $1.02 and 18 cents in kind.

Mr. HICKENLOOPER. Plus a great deal more "sugar on the plate" in the way of contributions, as we can bring out later.

Mr. ELLENDER. That suggestion was made by a Republican conferee from the House, and we accepted it.

Mr. HICKENLOOPER. I do not know who made it. I was not on the conference committee. I do not know who made it; I do not care who made it.

Mr. ELLENDER. It was Representative QUIE, from the State of Minnesota.

Mr. HICKENLOOPER. He did not sign the report.

Mr. ELLENDER. No; he did not. I did not expect him to do so.

Mr. HICKENLOOPER. I take the Senator's word. I am not doubting the Senator's word on anything he has told me. He has always been honest and honorable. I am not questioning the Senator's word. The only suggestion I make is that the Member of the House to whom the Senator has referred did not sign and approve the report.

I now continue with my statement.

On the other hand, the multiple-price "certificate" plan for wheat could jeopardize still further interests of the producers of feed grains, livestock, dairy and poultry.

This bill contains the latest and most unworkable version of the costly multiple-price plan for wheat. The proposed plan is by far the most objectionable

version of any multiple-price plan that has been considered by the Senate since I have been here.

There are many reasons why the multiple-price wheat plan in H.R. 12391 would be bad for farmers, consumers, taxpayers, and for our international relations. I will list and briefly discuss some of these reasons.

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

Mr. HICKENLOOPER. I ask for another 5 minutes.

Mr. AIKEN. I yield 5 more minutes to the Senator from Iowa.

Mr. HICKENLOOPER. This multiple-price wheat plan if enacted into law would:

First. Guarantee a shortage of needed types of wheat production for the future—because it proposes to cut back arbitrarily the acreage of all wheat producers the same percentage even though the type of wheat some producers grow may be in short supply. I realize the Secretary is given some administrative discretion, to try to avoid this pitfall; however, as a practical matter he could not and would not.

Second. Insure that growers of poor quality milling wheat will continue to produce in excess of market demand—because they, too, will get their certificates on a pro rata basis. Thus we will continue to pile up unwanted wheat.

Third. Permits all export wheat—including Public Law 480 and other giveaway wheat—to be included in the primary market, along with domestic food wheat. This is an insult to the intelligence of American taxpayers. This move is an inexcusable affront to those who would like to see an honest, fair, and reasonable program worked out for wheat that has some hope of solving the surplus problem.

Fourth. Be most unfair to feed grain growers and will lower returns to all livestock, dairy, and poultry producers—because of its Government-rigged pricing mechanism, authorizing a high price for all domestic food and export wheat (including giveaway wheat) and a feed price for all the surplus. It is unfair because it permits, by Government rigging of prices, a high net blend price for wheat and the consequent dumping of feed wheat on a subsidized basis, in an already glutted feed grain market. Feed grain growers have always been willing to compete with wheat growers on a basis of comparable rules, but never on a basis of a "stacked deck." This kind of a dumping operation would disrupt feed grain-livestock ratios and lower the returns to all livestock, dairy, and poultry producers.

Fifth. Raise the price of flour and bread to consumers. The proponents of the bill say the increase in cost of a sack of flour or a loaf of bread will be small, whereas the users of flour, including the bakers, say it will be considerable. My judgment would be that the users of flour and bakers of bread are in a much better position to know what the effect on costs in their operations would be. I am confident that the consumers of flour and bread—many in the lower income brackets—will resent their Government's being a party to a rigged program that will increase their basic food costs through a flour or bread tax, even if it is only one cent on a loaf of bread.

Sixth. Permit unparalleled discretionary authority to be exercised by the Secretary. If Senators have any question about this, read the bill carefully and count the number of important areas where the Secretary is granted almost unlimited authority. No industry as important as the wheat industry is should be subject to the possibility of a Secretary of Agriculture making political decisions that might be unwise for the whole future of the industry.

Seventh. Cause serious international complications. I am greatly concerned about our international balance-of-payments problems and about potential Common Market restrictions on U.S. exports, particularly agricultural exports. But how can we expect to put into effect the discriminatory multiple-price plan for wheat and not have repercussions—not only in the Common Market countries, but also in other exporting competitor countries, such as Canada and Australia.

Eighth. Provide by means of so-called certificates a complicated and little understood plan. It really is a processing tax done up in a new sack. Farmers and others interested in wheat will resist this program because of its complications, uncertainties, and added costs. Bootlegging will be on its way back, not in bottles and jugs, but in sacks and bulk. Whenever the opportunity for a "quick buck" is available, we will always find some takers. As proof of the basis for my concern in this regard, just look at the penalty provisions the proponents have written into the bill. Even with these penalty provisions, the door would be wide open for Estes-type scandals when people start dealing in "certificates."

Ninth. Finally, and most important, this multiple-price wheat plan would not solve the wheat surplus problem. Furthermore, it would create many new areas of confusion in the entire wheat industry.

The one saving grace about this inequitous multiple-price plan is the probability that it would be rejected by producers in a referendum.

Most Members of the Senate realize that earlier in this session I introduced a bill, S. 2822, along with the Senator from Utah [Mr. BENNETT] and the Senator from Iowa [Mr. MILLER], known as the cropland retirement program. This bill, if enacted into law, would move further in the direction of freedom for individual farmers to make their own decisions in what they plant on their crop acres. It would relate support prices to recent average market prices and would help eliminate much of the cost of current farm programs. In my judgment, such action, together with an extension of the expiring conservation reserve contracts, would help us on our way to a solution of the feed grain and wheat surplus problem. Furthermore, in my opinion, it would go a long way toward solving our problems in the whole agricultural field.

Madam President, I ask unanimous consent to have printed in the RECORD at this point a table showing corn production and the amount placed under loan by States, 1959, 1960, and 1961. The statistics, I believe, are as of June 1. There may have been some alteration of the statistics between June 1 and September 1, but I do not have those with me at this time. These figures are subject to correction, as the official figures may be shown at a later date.

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

*Corn: Production [1] and amount placed under loan [2] by State, 1959–61*

[In thousands of bushels]

| | Corn, grain, 1959 | | Corn, grain, 1960 | | Corn, grain, 1961 | |
|---|---|---|---|---|---|---|
| | Production | Under loan | Production | Under loan | Production | Under loan [3] |
| Alabama | 46,982 | 173 | 44,330 | 125 | 48,335 | 62 |
| Alaska | | | | | | |
| Arizona | 385 | | 346 | | 360 | |
| Arkansas | 12,160 | 48 | 9,608 | 66 | 8,449 | 12 |
| California | 11,857 | 466 | 9,360 | 305 | 7,776 | 57 |
| Colorado | 15,606 | 669 | 12,926 | 686 | 12,204 | 894 |
| Connecticut | 198 | | 201 | | 132 | |
| Delaware | 7,650 | 81 | 9,362 | 120 | 7,378 | 89 |
| Florida | 8,502 | 9 | 8,903 | 139 | 9,636 | 180 |
| Georgia | 68,077 | 412 | 62,312 | 1,218 | 65,800 | 1,150 |
| Hawaii | | | | | | |
| Idaho | 1,888 | 40 | 1,533 | 73 | 1,817 | |
| Illinois | 655,863 | 80,188 | 678,980 | 90,308 | 638,176 | 135,167 |
| Indiana | 315,688 | 27,546 | 350,336 | 30,963 | 308,802 | 31,945 |
| Iowa | 789,035 | 168,267 | 772,541 | 180,364 | 747,252 | 171,566 |
| Kansas | 72,660 | 14,031 | 78,488 | 18,721 | 58,800 | 10,290 |
| Kentucky | 76,005 | 3,152 | 73,392 | 1,944 | 61,380 | 1,090 |
| Louisiana | 12,183 | 2,176 | 9,126 | 22 | 9,879 | 6 |
| Maine | | | | | | |
| Maryland | 22,508 | 232 | 25,500 | 272 | 22,140 | 118 |
| Massachusetts | 189 | | 128 | | 124 | |
| Michigan | 98,268 | 6,378 | 90,882 | 7,310 | 101,864 | 6,430 |
| Minnesota | 303,960 | 39,226 | 315,630 | 45,413 | 324,242 | 58,082 |
| Mississippi | 35,898 | 231 | 26,877 | 102 | 34,515 | 87 |
| Missouri | 214,438 | 24,770 | 210,132 | 25,147 | 175,398 | 20,156 |
| Montana | 192 | | 144 | | 174 | |
| Nebraska | 318,063 | 91,998 | 333,438 | 122,456 | 279,439 | 96,642 |
| Nevada | | | | | | |

See footnotes at end of table.

*Corn: Production [1] and amount placed under loan [2] by State 1959–61*—Continued

[In thousands of bushels]

| | Corn, grain, 1959 | | Corn, grain, 1960 | | Corn, grain, 1961 | | | Corn, grain, 1959 | | Corn, grain, 1960 | | Corn, grain, 1961 | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Production | Under loan | Production | Under loan | Production | Under loan [3] | | Production | Under loan | Production | Under loan | Production | Under loan [3] |
| New Hampshire | | | | | | | South Dakota | 62,200 | 6,586 | 119,910 | 17,245 | 100,046 | 14,124 |
| New Jersey | 7,770 | 103 | 7,668 | 103 | 5,772 | 74 | Tennessee | 55,068 | 261 | 52,806 | 125 | 45,408 | 132 |
| New Mexico | 660 | | 663 | | 525 | 11 | Texas | 40,068 | 137 | 27,522 | 77 | 31,890 | 842 |
| New York | 12,710 | 215 | 11,816 | 151 | 11,403 | 144 | Utah | 328 | 443 | 180 | | 192 | |
| North Carolina | 76,356 | 595 | 84,000 | 797 | 67,200 | 626 | Vermont | 63 | | 62 | | 60 | |
| North Dakota | 7,280 | 984 | 8,932 | 1,124 | 5,148 | 899 | Virginia | 30,038 | 95 | 30,723 | 128 | 28,885 | 80 |
| Ohio | 219,625 | 14,528 | 230,044 | 13,459 | 187,738 | 12,424 | Washington | 5,063 | 777 | 4,316 | 893 | 2,975 | 152 |
| Oklahoma | 6,592 | 62 | 6,901 | 95 | 5,390 | 10 | West Virginia | 5,437 | 12 | 5,096 | 19 | 4,240 | 8 |
| Oregon | 1,965 | 133 | 2,277 | 94 | 1,632 | 25 | Wisconsin | 137,385 | 2,796 | 108,500 | 1,928 | 120,377 | 2,058 |
| Pennsylvania | 57,120 | 173 | 58,149 | 137 | 59,965 | 78 | Wyoming | 1,243 | 18 | 1,020 | 9 | 1,340 | 15 |
| Rhode Island | | | | | | | | | | | | | |
| South Carolina | 19,370 | 293 | 23,010 | 591 | 20,055 | 232 | Total | 3,824,598 | 488,304 | 3,908,070 | 562,729 | 3,624,313 | 565,957 |

[1] Source: "Crop Production, Annual Summary," USDA.
[2] Source: "Report of Financial Condition and Operation, CCC," USDA.
[3] As of May 31, 1962.

Mr. ELLENDER. Madam President, I yield 5 minutes to the Senator from South Carolina [Mr. JOHNSTON].

The PRESIDING OFFICER. The Senator from South Carolina may proceed for 5 minutes.

Mr. JOHNSTON. Madam President, I think all Senators agree that the farm program has gotten into a terrible mess. I do not think anyone can dispute that fact today. Why it has gotten into that condition might be answered in a great many different ways by various people. Personally, I feel it has gotten into that condition because we have offered price supports and have provided very few controls. That being so, a tremendous surplus has been built up in the United States.

Madam President, it has been apparent for a good while that some action should be taken to reduce the excess Government stocks of wheat and feed grains, to reduce the costs of the Government programs for these products, and to put the producers of those commodities back in position of producing for the market at a fair price. Before the so-called feed grain and wheat program went into effect the Government had accumulated about 3 billion bushels of feed grains valued at $3½ billion and 1.4 billion bushels of wheat valued at $2.7 billion. These tremendous stocks of commodities, which were neither needed nor desirable, were accumulated under the programs which were in effect in the 1950's. Under these programs feed grain producers were guaranteed high Government price supports without any limitation whatsoever on production. That has gotten us into a great deal of trouble, in my estimation.

For some reason or other feed grain producers were not treated like the tobacco producers, or the cotton producers, or the peanut producers, who were required to cut their acreage in order to receive price supports.

It is a known fact today that the tobacco program does not cost the Government anything, though there are 90 percent of parity price supports. Cotton is not supported at such a high percentage, but with the controls provided the cotton program is costing very little today under the program in existence.

These facts show to me, and I think they should show to others, the controls are needed if we are to give high price supports for various commodities which the farmers grow.

In the case of wheat the one factor most responsible for accumulation of the excess stock in Government hands was the 55 million acre minimum national allotment which was placed in the law in 1958. At that time yields were about 13.2 bushels per acre. By 1961 yields had about doubled, but the minimum national allotment still remained in effect. The 1962 wheat program will make a small dent in the surplus stocks of wheat. The 1961 and 1962 feed grain programs, on a high cost emergency basis, have begun the downward movement in feed grain stocks, I am glad to say. But the supply situation for both of these commodities is still very burdensome.

This is burdensome for the Government and burdensome for the people, who must pay for the storage now being provided by the Government.

The conference substitute is designed to relieve both of these situations.

In the case of feed grains, it has not been possible to obtain legislation to control production. The only remaining alternative available to reduce the cost of the program is a reduction in the support price.

The PRESIDING OFFICER (Mr. METCALF in the chair). The time of the Senator from South Carolina has expired.

Mr. ELLENDER. Mr. President, I yield 3 more minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina may proceed for 3 additional minutes.

Mr. JOHNSTON. Mr. President, the conference substitute therefore provides for a support level which will not result in increasing Government stocks. The conference substitute provides a minimum support level of 50 percent of parity, far above the zero minimum provided by the Senate amendment but slightly below the 65 percent minimum of existing law.

In the case of wheat, the conference substitute provides for effective controls. In lieu of the present 55 million acre minimum national allotment, the substitute provides for a billion bushel minimum quota, and for its translation in a realistic way into an acreage allotment which is based on expected yields and is designed to result in production of the amount of the quota. In addition, the wheat marketing allocation program offers the Secretary a further opportunity to regulate the amount of wheat moving into primary and secondary uses.

Last, I want it clearly understood that under no conditions can controls be imposed upon feed growers under the conference substitute.

Feed grain producers will still be able to produce all they wish to produce. But the support prices have been reduced. I hope that by virtue of that program we will get rid of some of the surplus we have on hand today.

Mr. AIKEN. Mr. President, I yield 15 minutes to the Senator from North Dakota [Mr. YOUNG], and additional time if he wishes it.

Mr. YOUNG of North Dakota. Mr. President, it is with considerable reluctance that I must oppose the adoption of the conference report on the omnibus farm bill. This legislation represents a lot of hard work on the part of the Senate Agriculture Committee and its distinguished chairman, my good friend the Senator from Louisiana [Mr. ELLENDER]. He is a friend of agriculture and I know that he tried his best to get needed corrective farm legislation. He was faced with many problems, some of which I shall deal with in my brief remarks.

Mr. President, the omnibus farm bill now before the Senate has many bad features which far outweigh the good provisions of the bill.

However, I do not agree with charges made on the floor here that the bill would result in a higher cost of bread to consumers. That is not true. It would not mean higher wheat prices. It is also not true that corn would be placed in an unfair competitive position with wheat. That is not true. The bill is a compromise—though not a good one—of the two conflicting farm bills passed by the House and Senate.

Defeat of the conference report would mean that the House-Senate conferees would still have another opportunity to write a better bill. If it is defeated and no further action is taken, I believe it would be better than to approve the pending legislation.

We would still have in effect the 1958 Feed Grain Act and, for wheat, the Anderson Act of 1949 which is the program approved by farmers in this year's wheat referendum.

This omnibus farm bill has traveled a rocky road since it was first considered by Congress in January. The House of Representatives earlier this year defeated its own farm bill worked out by its Agriculture Committee, and then defeated the Senate's first omnibus farm bill.

Following this, the House passed a bill containing an extension of the present voluntary wheat and feed grain programs now in effect for 1962 with some modifications. It has some other very bad provisions. A particularly objectionable one was that which deals with price supports for feed grains.

Commencing with 1964 the bill provided price supports for feed grains at 80 percent of the cash price received during the previous 3-year period. This provision would have dropped price supports for corn, under this bill, from the present $1.20 a bushel to approximately 83 cents a bushel and lower in succeeding years. Since other feed grain price supports are based on their feed value equivalent with corn, this would mean a corresponding drop in price supports for all other feed grains.

About 2 months ago the Senate Agriculture Committee approved its second omnibus farm bill, but there was a long delay in its consideration by the Senate. At least a month of this costly delay was caused by the filibuster on the communications satellite legislation.

This farm bill contained some good provisions but many very bad ones. One of the most objectionable was the one that would have lowered the present mandatory price supports for corn from 65 to 90 percent of parity to 0 to 90 percent of parity.

The House-Senate conference committee in resolving the differences between the House- and Senate-passed bills made many changes, but on the whole I believe the compromise omnibus farm bill as now contained in the Senate-House conference report still has many very objectionable features. Briefly, the major objectionable provisions are—

First. The proposed legislation would mean the most severe production controls ever imposed upon wheat farmers.

Second. The 55-million-acre minimum national wheat allotment would be repealed.

Third. The wheat certificate plan, scheduled to go into effect for 1964, would mean nearly a 20-percent further cut in wheat acreage for farmers.

Fourth. Price supports for wheat would be reduced from the present 75 to 90 percent of parity to 65 to 90 percent of parity.

Fifth. It would reduce the present mandatory feed grain price support from 65 to 90 percent of parity to 50 to 90 percent of parity.

Sixth. It provides more discretionary authority to the Secretary of Agriculture and more flexibility in price supports than any farm legislation since the Agriculture Act of 1938.

Seventh. This would be the most complicated farm program ever imposed upon farmers.

The new wheat certificate program scheduled to go into effect for 1964 subjects farmers to both acreage allotments and bushel allotments. There would be the same stiff penalty for the violation of acreage allotments as contained in the present program.

Under this new wheat certificate program—along with these acreage allotments—each farmer would get a bushel allotment, at least for the first years of its operation, based on a national 1-billion-bushel quota. Farmers would be permitted to market only the wheat produced within their acreage allotment plus any additional they might be permitted under a so-called substitution clause.

Farmers would receive wheat certificates in addition to minimum price supports but the wheat produced under the substitution clause would not be eligible for certificates.

The value of these wheat certificates and the final blended price they would receive would be tied directly to the 65 to 90 percent price supports. For the first year of the plan there would be minimum price supports of $1.40 a bushel, with the wheat certificates valued at 60 cents a bushel. Thus, farmers would receive $2 a bushel for the 1-billion-bushel production.

I might say at this point that one of the good features of the bill is that farmers would receive this wheat certificate payment even though there was a crop failure.

The so-called substitution provision of the bill would permit a farmer to plant a portion of his feed grain base to wheat or a portion of his wheat base to feed grains.

The problem is that the wheat certificate plan is scheduled to go into effect in 1964 but there would be no possibility of a farmer using this substitution program unless a feed grain program were put into effect which established a feed grain base for each farm.

The compulsory feed grain proposal which was disapproved by Congress earlier this year contained a feed grain base. The present voluntary feed grain program has a feed grain base provision, but this program is not expected to be continued beyond 1963. Thus, this substitution provision, which would give farmers a few additional acres, would be ineffective unless new legislation were to be enacted another year. This is very doubtful.

Another complication: The planned $1.40 a bushel price support for wheat in 1964 is tied to its feed value equivalent with corn. Under the omnibus farm bill, corn price supports could well drop from the present $1.20 a bushel to 80 cents a bushel.

If this were the case, wheat price supports would have to drop to not more than $1.25 a bushel and perhaps even lower than $1 a bushel. This is only one of the many areas in this omnibus farm bill where the Secretary of Agriculture has great discretionary authority. This wheat certificate plan has more flexibility than any farm price-support program enacted during my 18 years in the Senate.

By a very narrow margin in the recent wheat referendum, farmers voted to approve wheat quotas under the Anderson Act of 1949. This provides for a national wheat allotment of 55 million acres. Under the omnibus farm bill wheat farmers would be encouraged to reduce their acreage in 1963 further by an incentive program. The price support for 1963 is $1.82 a bushel.

Farmers who would be willing to further decrease their acreage anywhere from 20 to 50 percent would be given an 18 cents a bushel payment in cash or in kind in addition to the $1.82 a bushel. Also, there would be a payment for diverted acres much the same as under the present program that is in effect for 1962.

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

Mr. YOUNG of North Dakota. I yield.

Mr. HOLLAND. Is it not true, in view of the fact that the referendum had already been held on the basis of existing law, the only way any reduction in wheat production could be accomplished for 1963 was through an incentive program?

Mr. YOUNG of North Dakota. That is correct. I have no objection to this part of the bill. In fact, I believe it is a good provision.

Mr. HOLLAND. I thank the Senator.

Mr. YOUNG of North Dakota. The feed grain program for 1963 under the omnibus farm bill will be much the same as the present program. It has some improvements. For 1963 all feed grain acreage will be lumped together to establish a total feed grain base for a farm. If a farmer wanted to participate he could make the required cut in any one of the feed grains which best suited his farming operations. It is still a voluntary program.

One of the worst features of the feed grain program is that it provides no exemption for corn for silage. This imposes a real hardship on the farmers of my State. There is not now and never has been a surplus of corn silage.

Price supports for corn would be at $1.02 a bushel with an 18 cents a bushel bonus paid in cash or in kind to those farmers who voluntarily reduced their acreage by 20 to 50 percent. There would be no price support in 1963 for feed grains for farmers who did not reduce their acreage by at least 20 percent.

Starting with 1964 and subsequent years price supports for feed grains would drop drastically. Present mandatory 65- to 90-percent supports for corn would be dropped to 50 to 90 percent of parity. All other feed grains are supported at their feed value equivalent with corn.

A tough yardstick in the bill which the Secretary of Agriculture would have to use in determining price supports for corn—with our present heavy surpluses—would hardly permit him to set price supports above 50 percent of parity. I quote this particular provision of the bill:

> Notwithstanding the provisions of section 101 of this act, beginning with the 1964 crop, price support shall be made available to producers for each crop of corn at such level, not less than 50 per centum or more than 90 per centum of the parity price therefor, as the Secretary determines will not result in increasing Commodity Credit Corporation stocks of corn.

This would mean that corn price supports would be dropped from the present $1.20 a bushel to 80 cents a bushel in 1964. Barley would be down to 62 cents, oats 41 cents, and rye 68 cents a bushel. This is just the kind of program that those who believe in low price supports or no price supports at all have been trying to get for years.

I am happy that several amendments of mine were included in the final draft of the bill. They include a provision permitting the Secretary of Agriculture to increase the acreage of any type of wheat in short supply. There is a similar provision for malting barley. Another amendment of mine repeals the present law which makes price supports for feed grains available only on a farmer's normal production rather than actual production. This year many farmers in North Dakota, as well as other States, because of better crops in some areas, found a considerable part of their production was not eligible for price supports.

Let me give an example. There was a severe drought over much of North Dakota last year. Thousands of farmers had no crop at all and received no price support. This year when they do have a good crop, they find that because price supports are based on normal yields, a considerable part of their crop was ineligible for price supports. My amendment would correct this.

Some of the most objectionable features of all in this farm bill are all of its complicated procedures. Farm programs in the last 2 or 3 years have become so complicated, both by way of provisions written into the laws and regulations promulgated by the USDA, that farmers have had a most difficult time trying to understand them. I am sure that very few, if any, Members of Congress, if placed in the farmers' position, could understand all of the regulations. This is one of the major reasons why there was a sharp decrease in the "yes" vote in the recent wheat referendum. Should this wheat certificate plan be presented to farmers in its present form in a future wheat referendum, it undoubtedly would not fare as well as the wheat program voted on in the recent referendum.

A simple two-price system for wheat more along the line of the original McNary-Haugen two-price system, or the two-price system sponsored by the former and most respected Member of Congress, Clifford R. Hope of Kansas, and our distinguished colleague, the senior Senator from Kansas [Mr. CARLSON], or that of the National Grange, would be much more workable and acceptable. I deeply regret that a more simple two-price system was not written into this bill rather than the present complicated wheat certificate plan.

I believe that a good price-support program is as necessary now as ever before. It does not make sense to drastically lower price supports at a time when everything a farmer has to buy keeps increasing. I believe that farmers would be willing to go it alone without price supports, if the rest of the economy were willing to go it alone, without many of the advantages they now enjoy. I shall not be a party to any program to pull the props out from under any protection farmers may have until other segments of our economy are willing to forego subsidies and advantages of all kinds that they now have.

I voted for both farm bills when they passed the Senate earlier this year in the hope that they could be improved in conference. I was severely criticized by many people for doing so. I voted for these bills because I wanted to go the last mile toward trying to write better farm legislation before it was too late. The action of the House-Senate conferees was a deep disappointment to me. If the present trend continues, I can see only more difficult times ahead for farmers.

May I say in closing that I refused to vote for lower and more flexible price supports for Secretary Benson, and I refuse now to do it for Secretary Freeman.

I yield 3 minutes to the Senator from Utah.

Mr. BENNETT. Mr. President, the conference report on the farm bill, H.R. 12391, should be decisively rejected. It would be far worse for America's farmers, consumers, and taxpayers than no bill at all. Significantly, the Senate and House conferees were sharply divided on the bill, and for good reason.

A RETURN TO THE DISCREDITED BRANNAN PLAN

Most people thought that the discredited Brannan plan with its compensatory payments to farmers had been buried over a decade ago. Yet, it has been resurrected by the conferees and adopted wholesale in the conference report. It is not only unsound, but would be extremely costly. In fact, this was why the Brannan plan was rejected in the first place, coupled with the realization by both farmers and Congress that should such a program be adopted, it would be inevitably followed by stringent limitations on payments to individual producers. The farmers then would be strapped with controls; inefficiency in production would result; the cost of producing food and fiber would increase; and this would lead to sharply higher food costs to consumers.

TAXPAYERS SUFFER

Not only will the bill be ineffective to assist farmers, but the additional cost to the taxpayers will be staggering. The bill will extend the so-called "emergency feed grain program" for another year. It is surprising how these "emergencies" continue eternally. But while extending the program, the conference bill will also double the $900 million cost for feed grains under the 1962 program. This would be accomplished by adding compensatory payments to the land retirement rental. This is political bribery. Through a combination of an 18-cent-per-bushel compensatory payment and a 60-cent-per-bushel land diversion payment, a typical corn farmer with an acreage allotment of 100 acres and a yield per acre of 75 bushels would receive a staggering subsidy of $99 per acre. In addition to this fabulous payment, he would be eligible to receive price support on his total production of corn on 80 of his 100 acres at $1.02 per bushel.

This potential bleeding of the taxpayers was well stated by Secretary of Agriculture Orville L. Freeman, in a letter to Representative KASTENMEIER which appeared in the CONGRESSIONAL RECORD for September 20. Secretary Freeman said, in part:

> On the other hand, the proposed 1963 program would enable each participating producer to obtain 18 cents a bushel for the normal production of his corn acreage, whether harvested for grain or otherwise. The total amount of payment the producers in your district would be eligible to receive would amount to almost $6 million on an estimated normal production of 33 million bushels. With full participation in the State of Wisconsin, payments would be as high as $30 million, on an estimated normal production of about 170 million bushels on the acreage remaining after the 20-percent reduction. In addition, diversion payments would be made on diverted acreage, as was the case under the 1961–62 programs.

COMPULSORY SUPPPLY MANAGEMENT

The bill is obviously a 1-year political bribe to a select group of feed grain and wheat farmers as a prelude to compulsory supply management for all agriculture later. It is the goal of the Kennedy administration to bring agriculture under the most strict production controls; which, in effect, would amount to complete nationalization of agriculture in America. The farmers would be mere puppets of the almighty Secretary of Agriculture who, with his horde of bureaucrats in Washington, would direct the farmer's life and control his livelihood.

WHEAT PROGRAM

The conference report also contains the so-called "voluntary" wheat program for 1963. Here, too, a double payment would be made to certain wheat growers who would receive both land retirement and compensatory payments in precisely the same fashion as under the "emergency feed grain program." It would be accompanied by the same bad results. The combination of these double payments to a typical middle western wheat farmer would result in a subsidy of $43 per acre.

If the program were of genuine lasting effectiveness for farmers, it might conceivably be justified. However, the bill is geared to obtain at best only a 20-percent reduction in production. Since the compensatory payment is made for the grain produced on the acres planted after complying with the minimum requirement for reduction, most farmers will plant all the acres they are allowed to plant and will reduce acreage only to the minimum extent—20 percent—necessary to qualify for the double payment. Quite obviously, this will be the poorest 20 percent of feed and grain land; so, in all likelihood production will not be materially reduced.

MULTIPLE PRICE PLAN FOR WHEAT—A BREAD TAX ON CONSUMERS

The conference report also adopts what is without doubt the most complicated version of the costly multiple price plan for wheat, commencing in 1964. It would authorize the Secretary of Agriculture to treat all wheat exports, including so-called giveaways, as "primary market" wheat. This would result in a

further increase in the costs of the wheat export program, which already exceeds $1 billion a year. Yet, we are told by the administration that it desires to reduce Government expenditures for wheat. Yet the net effect is that it would increase costs to the taxpayers and impose a bread tax on U.S. consumers, who would have to pay more for wheat products.

In Utah, we produce a high quality hard wheat for which there is a ready market. However, the conference bill raises the price of certificate wheat and completely ignores wheat quality and market demand in the allocation of certificates. The good wheat producer is paid the same as the poor wheat producer. This means that Utah producers are discriminated against under the bill. Moreover, the relatively high price guaranteed for certificate wheat would subsidize the dumping of noncertificate wheat on the domestic feed grain market, which would harm not only producers of feed grains but also livestock, dairy, and poultry producers.

EFFECT IN UTAH

The Brannan plan compensatory payment program embraced by the conference report is obviously intended as a first step toward imposition of the same program on Utah's dairy, poultry, livestock, and other producers. It is probable that the effect of the bill will be to raise feed costs to our livestock, poultry, and dairy producers while, at the same time, imposing a bread tax on Utah housewives. Moreover, Utah taxpayers would also suffer by the tremendous increase in costs required by this program. As already indicated, Utah wheatgrowers are discriminated against by the bill.

In short, this Kennedy administration farm bill would be a disaster for all concerned in Utah. Thus, for the sake of Utah's farmers, consumers, and taxpayers, as well as for the sake of their counterparts throughout the nation, the bill should be decisively rejected.

Mr. YOUNG of North Dakota. I yield 5 minutes to the Senator from Kansas.

Mr. CARLSON. Mr. President, I am opposed to the conference report on H.R. 12391. I voted for the bill when it was considered in the Senate with the expectation that it would be improved by the conference committee.

I have been a longtime supporter of a straightforward wheat certificate or domestic parity program for wheat. In each of the last several Congresses, I have introduced and supported bills which would have provided a separate market price structure for wheat used for food and allowed the additional production of wheat for nonfood uses. But the bills I introduced and supported were far removed from the involved, complicated, and confusing wheat provisions in the conference report in H.R. 12391.

This bill is a strange combination of tough production controls on the one hand and more flexible, much lower supports on the other. The wheat certificate plan included in this bill is one of the most complicated pieces of farm legislation ever written by Congress.

It subjects farmers to both acreage allotments and bushel allotments. There would be the same stiff penalty for violation of acreage controls as contained in the present program. Each farmer along with his acreage allotment, would get a bushel allotment, based on a national one billion bushel quota. Farmers still would be permitted to market only the wheat produced within their acreage allotments—plus any additional that might be permitted under a so-called substitution clause.

The so-called substitution provision in the bill permits a farmer to plant a portion of his feed grain base to wheat or a portion of his wheat base to feed grains.

The wheat certificate plan is scheduled to go into effect in 1964, however, with a marketing quota vote on it to be held in July 1963, and there is little possibility of having an agreed 1964 feed grain program by that time. The substitution clause can only be used if there is a voluntary or mandatory feed grain program involving feed grain base acreages in force.

The present voluntary feed grain program is extended only for 1963, however, in this legislation. It is doubtful that the new legislation will be passed and a 1964 feed grain program announced before the marketing quota referendum on the 1964 wheat program must be called. Without a feed grain program in effect, there would be no possibility of a farmer being permitted to produce wheat on feed grain base acres.

I know of no better way to illustrate how complicated the wheat provisions are than to quote the statement made by Representative PAGE BELCHER, of Oklahoma, when this conference report was before the House, he said:

> Mr. Speaker, if you are confused at this time, you are in no different position than the conferees were or members of the Committee on Agriculture. We had two members of the Department of Agriculture come into the conference room and try to explain to us how the wheat section of the bill would operate.
>
> After they thoroughly disagreed with each other and the House Members disagreed with each other, Senator ELLENDER disagreed with everybody. Finally Senator ELLENDER chased the Department officials out of the room and the question was never answered.

I regret very much that a basically sound two-price wheat plan was made so complicated that there is little possibility of getting it understood.

The opponents of this complicated plan will have almost unlimited opportunities to confuse the farmers and make them afraid to approve it in the 1963 marketing quota referendum. If its opponents should be successful and the marketing quota is not approved there would be no effective wheat price supports.

I voted for the voluntary feed grains program for 1961 and I voted for its extension in 1962. I also have gone on record in favor of an extension of the program to 1963.

The current feed grain program is popular in Kansas. Two-thirds of the corn and 70 percent of the grain sorghum base acreage are participating in the program this year. Most of the participating producers have diverted 40 percent of their base acreage since the current diversion payment rates are higher on the acreage diversion in excess of 20 percent of the base up to a maximum of 40 percent.

Small producers may be paid for diverting their entire acreage up to a maximum of 25 acres. As a result of these inducements 46 percent of the corn base acreage and 43 percent of the grain sorghum base acreage on participating farms was signed up for diversion this year.

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

Mr. CARLSON. I have but 2 minutes remaining.

Mr. ELLENDER. Will the Senator yield on my time?

Mr. CARLSON. I yield.

Mr. ELLENDER. The Senator is aware that the amount of price support per bushel that would be paid to the corn grower is the same next year as it was this year, and the diversion payment would be based on the same support rate?

Mr. CARLSON. I so understand.

Mr. ELLENDER. It is $1.20 a bushel.

Mr. CARLSON. That is correct.

Mr. ELLENDER. Therefore, the payments on the first 20-percent reduction would be the same as last year, which also provided a payment rate based on 50 percent of the support price.

Mr. CARLSON. Does the distinguished chairman of the committee disagree with my statement that there will not be much inducement for a farmer to increase acreage reductions more than 20 percent, and up to 40 percent? The base payment is on 20 percent.

Mr. ELLENDER. The payment rate for the next 30-percent reduction would be the same as for the first 20-percent reduction. It would not, however, be at a higher rate, as was the case last year.

Mr. CARLSON. Based on my figures, I cannot understand how taking 40 percent of the acreage out of production would provide any additional benefits.

Mr. ELLENDER. The farmer could reduce his acreage by a further 30 percent and be paid 50 percent of the support price. That is the same as he is paid for the first 20-percent reduction.

Mr. CARLSON. I have been trying to understand the bill. I know of the ability of the Senator from Louisiana to work on this particular program. As I understand the bill, I cannot see how there would be any great inducement for a farmer to take more than 20 percent of his acreage out of production.

I think he will take out 20 percent. For that, he is well paid, and should be. But we had been hopeful that farmers would be paid for more than 20 percent of acreage reduction. Our State has been participating in the program. We have participated in the feed grain program generally.

Mr. HRUSKA. Mr. President, will the Senator from Kansas yield for a brief question?

Mr. CARLSON. I yield for a very brief question. I have only about a minute remaining.

Mr. HRUSKA. Is it not true that if a farmer were to engage in a second 20-percent reduction and get a 50-percent price support, he would forgo, however, the 18 cents a bushel he would get for the corn that would be actually raised on the 20 percent?

Mr. CARLSON. That is how I figure it. That is why I contend it might be possible to take up to 20 percent, but there would be no benefit from going to 40 or 50 percent.

Mr. YOUNG of North Dakota. Mr. President, will the Senator from Kansas yield.

Mr. CARLSON. I yield briefly.

Mr. YOUNG of North Dakota. Under the program in effect for 1962, a farmer would get a bigger payment for an additional amount of reduced acreage. Starting at 50 percent it goes up to 60 percent. This year it would be 50 percent across the board.

Mr. CARLSON. As I mentioned earlier, our State has really participated in this program, and we have been very happy to do so. I am hopeful that the legislation which comes before us at this time will give to the farmer the same opportunity, in the wheat and corn area, as he had under the last bill.

If I correctly understand the feed grain provisions of the conference report, there is a much greater inducement to divert the first 20 percent of the feed grain base acreage than in 1962, but no economic inducement to divert more than 20 percent. If a feed grain producer diverts 20 percent of his corn acreage he gets a diversion payment equal to 50 percent of the CCC loan level for corn multiplied by his normal or proved yield on the acreage. He also gets a payment of 18 cents a bushel on the normal yield of all corn grown on the remaining 80 percent of his base acreage.

Mr. President, my calculations indicate that a Kansas feed grain producer who diverted 40 percent of his feed grain acreage in 1962 will get total payments almost as large in 1963 for diverting only 20 percent of his base acreage. There would be little inducement to divert more than 20 percent.

Undoubtedly some who did not participate in the 1962 program will participate in the 1963 program, in view of the much higher inducements to divert a minimum of 20 percent of the base acreage. However, although total payments may equal or exceed those made on the 1962 program in Kansas, the acreage diversion will almost certainly be much less than was obtained this year when a total of 2.4 million base corn and grain sorghum acres were diverted to conservation uses. This is a serious weakness in the 1963 feed grain program authorized in this conference report.

The provisions for feed grains after 1963 also are unsatisfactory. They are a far cry from what farmers were promised when this administration came into power. Price supports within a range of 50 to 90 percent of parity are authorized, but the Secretary of Agriculture must not set them at a level which will result in an increase in Commodity Credit Corporation stocks. This would result in price supports at 50 percent of parity or 80 cents a bushel.

This is the equivalent of no program at all and I shall do everything possible to assure that an acceptable feed grain price support program for 1964 and later years is given prompt consideration when the next Congress convenes.

Mr. ELLENDER. Mr. President, I yield 5 minutes to the distinguished Senator from Michigan.

Mr. HART. Mr. President, many times we who are privileged to represent States which grow soft wheat have pointed out the danger in attempting to legislate across the board on wheat. We have argued that soft wheat is not the contributor to the enormous wheat surplus and should not be subject to the same restrictions as hard wheat.

Many questions have been asked of me as to the effect upon producers of soft wheat of the proposed wheat program recommended by the agriculture conference committee. It seems to me that for the first time the problem of different types of wheat is recognized, and that the approach being taken by Congress is a sound one.

The Secretary of Agriculture is authorized to take into account the adequacy of supplies of various kinds of wheat and is authorized, if he determines that there is a shortage of a particular kind of wheat, to increase the acreage in those counties where this wheat has been historically grown. I was one of the authors of this proposal, and I believe that in the years ahead it will go far to overcome what may now seem to be less desirable features of the wheat certificate plan.

This, together with the provisions of H.R. 12391 which recognize problems of the small family farm, means that the wheat program in the Agriculture Act of 1962 will make good sense for more than 100,000 small farmers in Michigan and other Midwestern States who grow wheat under what has been known as the 15-acre exemption rule.

Many thousands of small farmers, most of them with diversified farming operations, have been planting up to 15 acres of wheat under an exemption from marketing quota provisions which has been in the wheat program since 1942.

While the 15-acre exemption permitted the small family farmer to grow some wheat, at the same time it excluded him for eligibility for price support if his acreage allotment was less than 15 acres and he exceeded his allotment. For example, if his allotment were only 5 acres and he actually planted 15, he would not be eligible for price support since he had exceeded his allotment. Nor would he incur a marketing quota penalty since he had stayed within the 15-acre exemption.

The provision included in H.R. 12391 would let cooperators in the 1963 wheat program treat these small wheat acreages—under 15 acres—as if they had been acreage allotments. In other words, they would be treated as acreage history.

Under the proposed bill the small producers of wheat would really have a base acreage equal to the average of their plantings in 1959, 1960, and 1961, provided they cooperate in the program by reducing this acreage in 1963 by at least 20 percent, with a maximum reduction of 10 acres.

They would be eligible for price support, for diversion payments on the acreage diverted, and for an 18-cent-a-bushel payment on the normal production of their planted acreage.

The provision is realistic and practical. It gives the small family farmer a stake in the program and a right to participate along with large producers in the benefits of the program.

I hope the experience under this procedure will be good, for it seems to be the best way, under a national wheat policy, of meeting the needs of smaller growers of a type of wheat which is not in great surplus.

In conclusion, the distinguished chairman of the Committee on Agriculture and Forestry [Mr. ELLENDER] and all other members of the committee have been deeply concerned over the problem presented by the grower of soft wheat, and most sympathetic toward him. The bill now pending is the first step toward establishing a formula under which those growers—if in truth there is a shortage in this type of wheat—may find adjustment available.

Mr. AIKEN. Mr. President, I yield 10 minutes to the distinguished Senator from New York.

Mr. KEATING. Mr. President, I suppose it would be accurate to say that I am not generally recognized as an expert on farm problems. However, I have been advised by persons whose judgment I respect and who are well versed in this field that the country could get along very well this year without any new farm legislation. In any event, no farm legislation this year would clearly be preferable to bad farm legislation.

I am opposed to the administration's multiple-price plan for wheat, on a ground which is very important to urban States which have large consumer populations. It would impose a bread tax on consumers. The bread tax would work as follows: The processors of wheat would be forced to acquire certificates at face value for every bushel of wheat they use; but because the certificates are to be issued to farmers on the basis of planting history, without any reference to grade or quality, processors might have to purchase one lot of wheat simply to get certificates. Then, they would have to use these certificates to purchase "noncertificate" wheat in order to get the particular type and grade of wheat they needed. This complicated process would be sure to increase the cost to the processors. In effect, this would be a tax on the bakers. It, in turn, would have to be passed on to the consumers.

This bread tax is characteristic of the history of across-the-board farm control programs. The taxpayers and the consumers are hit in the pocketbook, but the farm dilemma remains very much as it is. The bread tax hits the city dwellers. Farmers in New York oppose the stringent Government controls proposed in this farm bill. They are also consumers. They have an interest as poultry raisers, livestock producers, and dairy producers in not having their feed costs increased.

Since 1961 we have had to live with the unfortunate feed-grains program. In the first year of operation of this program, the Treasury paid nearly $750 million of subsidies for a comparatively small reduction in production. It seems to me that was a tremendous price to pay for such small results.

The same boondoggle was repeated in 1962; and the conference report calls for a 1-year extension for 1963. This "temporary" feed-grains program, as we heard it called so often, is about as "temporary" as an iceberg. It goes on and on. Federal funds continue to be paid out while the farm dilemma remains pretty much what it is, and perhaps is growing worse. In the interest of good sense, fiscal integrity, and consumer protection, I hope the conference report will be rejected.

In New York City there are 17 million people who eat bread. I say we should let them alone. According to the latest count this morning, there are also 2,087,000 cows in New York that eat feed grains. I say let us leave them alone, too.

This farm bill is a travesty to the farmer, a blackjack for the consumer, and a bad thing for the country. The cost will be very large.

If I may do so, I should like to ask whether the Senator from Louisiana, who is handling the conference report, can state the estimated cost for the first full year of operation under this measure.

Mr. ELLENDER. Does the Senator from New York mean for next year?

Mr. KEATING. Yes.

Mr. ELLENDER. This year, as I have already pointed out, the cost, insofar as feed grains is concerned, will be about $1,100 million. The 1963 feed grain program should be about the same. The bill does not include a mandatory emergency wheat program like the one we had this year and which has cost about $421 million, because we were too late to enact it. But we do provide for a voluntary program for 1963, and assuming that some take advantage of the voluntary program, that will cost an additional $150 million, let us say.

The program for the coming year, on feed grains alone, may cost as much as this year, which would be in excess of $1 billion. But from those costs, in order to reduce the production, one must subtract the storage charges that would have had to be paid if the emergency programs had not been in effect, and also the cost of handling the grains after they were produced and put into storage. That is a very expensive item, in that there are charges for transportation and interest and paperwork, as well as for storage, which ranges from 14 cents a bushel to as much as 18 cents a bushel. For example, storage and other carrying charges in fiscal 1961 for wheat and feed grains cost the Government $900 million.

Mr. KEATING. Do I correctly understand the Senator from Louisiana to indicate that in his judgment the program will not cost any more next year than it has this year?

Mr. ELLENDER. That is my belief. Let us remember that the emergency program will be continued for next year on almost the same terms and conditions as those which now prevail for the 1962 program.

Mr. KEATING. I have before me an analysis of a New York corn farm with an allotment of 50 acres and a yield per acre of 63 bushels, which is the State average in 1961—which I regret to say is somewhat less than the average for Iowa and some of the other States. Without going into detail now as to the method of computation, the compensatory payment to the corn farmer for taking his land out of production would be $83.16 an acre.

Mr. ELLENDER. But that is not a compensatory payment for taking land out of production, at all. The 18 cents at present is a part of the support price. Last year the support price was $1.20, and it was paid to the farmer by way of a loan or by purchase of the grain he produced. But this year it is to be paid in two parts—one, by a loan of $1.02; and, second, a payment in kind of 18 cents—which aggregates $1.20. As I said, the same program will prevail next year substantially as it was this year. The difference is mainly one of procedure.

Mr. KEATING. But, according to the figures I have, the two payments together amount to $83.16 an acre.

Mr. ELLENDER. Yes, if all the payments on the diverted acres and the planted acres are added together and attributed to the diverted acres; the Senator from New York may be correct as to that. I have a figure which shows that an Iowa farmer would receive as much as $100 an acre, but that is figured on the basis that all the benefits which accrue on the 80 acres planted to corn would be credited to the 20 acres which were diverted. So one can easily arrive at a total of $100 an acre. In fact, if the conservation payments were added on top of all of those, one could arrive at a figure of $105 an acre. It all depends on what pencil is used in doing the figuring.

Mr. KEATING. Would it not be cheaper for the farmer to sit back, take his land out of production, and do something else? Would he not make more money doing nothing at all than he would by farming?

Mr. ELLENDER. I do not think he would, because he would not then be paid on all his acres. He would have to plant to get the 18 cents per bushel payment with respect to planted acres.

Mr. KEATING. Eighty-three dollars an acre is a pretty fair net yield.

Mr. ELLENDER. That would be so, if it were paid only on diverted acres, but that figure is obtained by adding payments on diverted acres to payments on planted acres and dividing by diverted acres. The diverted acres are 20 percent of his base acres. He has to plant the remaining 80 percent to obtain the 18 cent payments per bushel on that remaining 80 percent. It is just the same as last year. The producer gets price support only on his planted acres.

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

Mr. KEATING. I will not consume further time of the Senator. I believe the Senator from Vermont has all his time allotted.

Mr. ELLENDER. Mr. President, on my time, I wish to say to the Senator from New York that I go back to what I said before—the $83 which he mentions includes the payment in kind of 18 cents as part of the support price received on the production on acres that are actually growing in corn.

Mr. KEATING. I assume he is going to take his poorest land out of production. Is not that the normal practice?

Mr. ELLENDER. No; I do not believe so. These programs have been in effect for some time, under the soil bank program and the conservation program. The land has been enriching itself, so there is very little of that kind of land remaining. What remains is still in some soil conservation program.

Mr. KEATING. Does the Senator think this program is going to work?

Mr. ELLENDER. If I did not think so, I would not be for it.

Mr. KEATING. The Senator is quoted in a radio address as saying that this program has not worked in the past and has only led to continued waste.

Mr. ELLENDER. That is, the emergency program. I would not be for a continuation of an emergency program unless there were a permanent program when the emergency program ended. That is exactly what we are doing by this bill. We are providing for a new wheat program. We are providing for price supports and for payments to the farmer until 1965, in order to get a new program, in order to get the two-price system. By the same token, with respect to corn, we are actually extending the emergency program for another year, in order to get a permanent program next year; so in 1964 we shall not have a program that has caused all this difficulty; namely, paying a farmer 65 percent of parity to produce all the corn he can, as well as other feed grains. The program that will start in 1964 will reduce price supports to the point where, I hope, it will not pay the farmer to plant corn in excess and sell it to the Government to store.

Mr. KEATING. I do not want to intrude on the Senator's time. I hope to hear the Senator from Vermont comment on his estimate of the cost of this program, which I think is considerably at variance with the views of the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana has 49 minutes remaining; the Senator from Vermont has 58 minutes remaining.

Mr. ELLENDER. I yield 5 minutes to the Senator from North Carolina [Mr. JORDAN].

Mr. JORDAN of North Carolina. Mr. President, I am by no means satisfied with many of the provisions of the farm bill which is before us. It has many weaknesses and, at best, it is only a stopgap measure to give us some additional time to reach agreement on permanent legislation.

Although it is weak and ineffective in many respects, I hope the Senate will approve the conference report, because at this point there is no choice other than disaster for our entire farm program. We must either approve this bill or go back to the old 1958 law which provided

price supports with unlimited production. This is the law under which we built up vast surpluses of wheat and feed grains, and I am convinced that if we went back to it both the farm program and the farmers themselves would be wrecked.

I had sincerely hoped that after many long months of work and deliberation we would be able to enact a more realistic farm bill that would deal fairly and effectively with our tremendous surplus problems. We made every effort to work out such a bill, but we could not reach agreement on it. As a result, the bill before us is the best the Senate and House conferees could produce.

I think there is no doubt that the time has come when we must put aside our self-interests and work out a realistic program for the crops that are now in trouble and are getting in worse trouble as each day passes. Agriculture is no longer a sectional problem, but it is a national problem, and it is imperative that all segments of our farm economy work together.

More than at any other time in our history, it is most important that farmers themselves reach agreement on production control and price support measures that will lift agriculture out of the depths of public disrepute and political discord.

This is not going to be easy to do, and it will not be painless. But it must be done, and the longer it is put off the more it will hurt.

Congress has a definite responsibility, but it has reached the point where it is almost impossible for Congress to exercise its responsibility unless farmers themselves are willing to join hands and work together.

I sincerely hope that the individual farmers and farm organizations will unite with Congress and help us work out a program that will protect the interests of our vast farm population and at the same time relieve the taxpayers of our burdensome farm surpluses.

While this bill leaves much to be desired and has many features which could be improved upon, I have no choice but to vote for it because if it is defeated we will have worse than nothing.

Mr. President, I yield the remainder of my time to the Senator from Pennsylvania [Mr. CLARK].

## INCREASED ANNUITIES FOR FEDERAL PENSIONERS

Mr. CLARK. Mr. President, yesterday the Senate Post Office and Civil Service Committee voted unanimously to couple the bill granting increased benefits to those on the retirement roll to the postal rate and pay bill. The retirement measure came from the Post Office and Civil Service Committee from the Subcommittee on Retirement, of which I am chairman.

I believe we have a good, sound retirement bill, which will do justice to the former Government workers whose annuities have fallen far behind in terms of what they can buy under the current cost of living as compared to the pay of Government employees still working.

It is interesting to note that within hours after this action occurred there appeared an editorial in the Washington Evening Star suggesting that Congress take steps to alleviate the plight of retirees. The editorial, I think, confirms the wisdom of the action taken by the committee. I ask unanimous consent that the Washington Star editorial entitled "Help for the Pensioner" appear in the RECORD at this point in my remarks.

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

HELP FOR THE PENSIONER

Congress has a chance to give a great many retired Government employees a better "pay day" if it acts favorably on bills indorsed by the Senate and House Civil Service Committees. There are some 600,000 of these pensioners or their survivors, perhaps 60,000 to 75,000 of them in the Washington area.

As presently proposed, the Senate bill would increase annuities by 5 percent, and the House version by 7½ percent, both becoming effective January 1. All civil service employees who retire before that date would benefit; those who retire later, to a lesser extent. A sensible feature of both bills provides for another 3-percent increase if and when the cost of living rises to that extent.

Congress last remembered the retirees with a raise in 1958. Between January 1 of that year and last July, the cost of living, according to the Bureau of Labor Statistics, rose 5.8 percent. Making ends meet with fixed incomes versus mounting prices has worked a hardship on a great many whose annuities are based on salaries smaller than today's. At present, retired employees receive an average of $165 a month. Survivors, such as widows, average only $60 a month.

We think Congress should give consideration to a raise equivalent to the cost of living increase since 1958. This would cost something like $56 million the first year, diminishing each year thereafter. This would involve a certain inequity. Retired people covered by social security have had the benefit of some increase in Social Security payments. There are others, however, who are not covered by social security, and who have been living on pensions, if any, since 1958 without any adjustment to meet higher living costs. But this is hardly a valid argument aaginst some relief for Government retirees.

## POSTAL CENSORSHIP

Mr. CLARK. Mr. President, on an allied subject, in the postal rate bill which may be considered tomorrow, a provision was adopted by a majority of the committee dealing with the censorship of mail which contains Communist propaganda coming into our country from foreign countries.

My own view has been in accordance with that of the Attorney General and other high officials in the executive arm of our Government, including representatives of the State Department and of the USIA, who appeared before our committee, namely, that this provision is unwise, unsound, and unconstitutional.

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

Mr. ELLENDER. I yield 2 more minutes to the Senator from Pennsylvania.

Mr. CLARK. I am happy to note that the New York Times, in an editorial appearing this morning, shares my view.

I ask unanimous consent that the editorial appear in the RECORD at this point in my remarks, and I recommend a reading of it to my colleagues. I hope the provision will be deleted. I thank the Senator for yielding to me.

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

NO POSTAL CENSORSHIP WANTED

Should Congress write into the statutes of this country a system of political censorship and screening of the mails? This is the real issue posed by one section of the new postal-rate and pay-raise bill reported out yesterday by the Senate Post Office and Civil Service Committee.

The Senate committee was seeking to meet the problem raised by the House-approved Cunningham amendment, which would go far toward preventing American citizens from receiving mail from the Soviet Union and other Communist countries. The Senate version is more reasonable, since it contains important exemptions. But it still declares, in effect, that there are two kinds of Americans: those who can be trusted to receive any kind of mail from the Communist world, and those who cannot. The Senate provision, like the Cunningham amendment, is probably unconstitutional, and certainly contrary to the most fundamental traditions of our country.

The Senate version of the postal bill provides, as expected, for higher postal rates and for a pay increase for postal and other Government workers. The rate increases are necessary; and fortunately the Senate committee's proposals do not echo the House's sharp threat to the future existence of some of the country's best periodicals.

Although the U.S. mail service can hardly go anywhere but up, it is not likely that the 1-cent increase in ordinary letter mail will produce any improvement, inasmuch as the increased postal revenues will be more than absorbed by the pay increase. As we have argued earlier, the pay issue and the rate issue should have been separated so that each could have been decided on its own merits. But that would be asking too much of a Congress this close to election day in an even-numbered year.

## FOOD AND AGRICULTURE ACT OF 1962—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12391) to improve and protect farm income, to reduce costs of farm programs to the Federal Government, to reduce the Federal Government's excessive stocks of agricultural commodities, to maintain reasonable and stable prices of agricultural commodities and products to consumers, to provide adequate supplies of agricultural commodities for domestic and foreign needs, to conserve natural resources, and for other purposes.

Mr. AIKEN. Mr. President, I yield myself 2 minutes. The Senator from New York asked about the cost of the bill for the next year. The Senator from Louisiana replied that the cost would be about $1,100 million.

The American Farm Bureau Federation has made an estimate of $1.8 billion for the cost for the first year on the feed grains alone. I have gone over the figures, and I cannot find any place in which they are incorrect. I would as-

sume that the figure of $1.1 billion perhaps left out the so-called compensatory payment provision. I am not sure of that. However, the cost would be between $1.1 and $2 billion.

The cost of the wheat program is estimated, I think, at about $1.2 billion. That includes all export subsidies as well.

The cost for wheat and corn together will be between $2½ and $3 billion for the next year. After the first year, of course, it is anticipated that the support price for corn would be cut down. As the bill is written, I think probably it would have to be cut down to 80 cents a bushel, which would result in a saving in the second year.

The whole thing reminds me of a fishhook with a few sharp barbs, and a few very juicy, sweet worms over the barbs. The bait, of course, is offered to the farmers for 1 year. The barbs would come in the second year, and from then on.

Mr. President, I am oversubscribed as to time. The Senator from New Mexico [Mr. ANDERSON] is in the Chamber. If the Senator from New Mexico is ready to proceed, I yield 10 minutes to him.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 10 minutes.

Mr. ANDERSON. Mr. President, I thank the Senator from Vermont.

I remind Senators that for a great many years I have refrained from entering into discussions with regard to agricultural bills. I have found myself in opposition to my Democratic colleagues on nearly all of the agricultural bills, so I thought it was easier, and perhaps better, merely to keep quiet at the time the bills came before the Senate for passage.

I think the present proposal is a particularly bad bill. It is probably the worst I have seen in my long experience with some of the past agricultural legislation. Only because of that I wish to say a few words about it.

At the outset I wish to say publicly what I said privately yesterday afternoon to the senior Senator from Louisiana [Mr. ELLENDER]. I think he has tried conscientiously and vigorously to obtain good agricultural legislation. I think he has supported it to the very best of his ability. Any word which I shall say today will not be in any way a criticism of him. I am happy to say he knows that, because I have great respect for him.

I am glad to have time yielded to me by my able friend, the Senator from Vermont [Mr. AIKEN]. Senators may remember that in 1948 the then President of the United States promised the people of this country a new and modernized program with modernized parity prices and various other things connected with the program. As the then Secretary of Agriculture, I submitted that proposed legislation to the Congress. It was introduced by the able Senator from Vermont. He and I worked so closely together that the newspapers at that time referred to the bill as the Aiken-Anderson legislation. I was complimented to be associated with the Senator from Vermont in that endeavor.

That bill was passed. I say to Senators today that if the principles of the Agricultural Act of 1948, as submitted by President Truman to the Congress and as introduced by the able Senator from Vermont, had been allowed to become effective, most of the troubles we have seen agriculturally in the past few years would not have occurred.

I am worried about the bill before the Senate, because of the price levels it would put upon supports. I think at some time we shall reach the point where price levels will be completely out of line and wholly unrealistic.

I take as examples two farms with respect to which I have had some experience.

I had to sell my farm in the eastern part of New Mexico this year, because I had reached the point where I could not get a tenant for it unless I participated in the wheat program, because it is in the wheat area, and I could not conscientiously participate in the wheat program because it would have paid me $44 an acre for the full amount I took out of production and $53 an acre above that to let land lie idle, when only a few years ago the land was selling for less than that per acre.

I had a farm. As I say, I sold it. I have been considering what would have happened with respect to that farm under this proposal.

The land to which I refer happens to be irrigated from wells. Wheat is grown on it. The average yield has been about 46 bushels to the acre.

Under the terms of this proposal, if I still owned that farm, I would be given $1 bushel for 46 bushels. I would start with $46 an acre. Since there are 250 acres, and one-fifth of the acreage would be taken out of production, to lie idle, I would get $2,300 for that operation. With respect to the support price of 18 cents a bushel, to be paid to me on the remainder, I would get $8.28 an acre, for 200 acres, or a total of $1,656.

In other words, I would get nearly $4,000 for taking 50 acres out of cultivation. That is about $80 an acre for wheat land, which was being bought very freely for less than that amount per acre only a short time ago. Even after improvement with wells and pumps, such land was selling for $150 or $160 an acre.

We are talking about $80 an acre, or 50 percent a year on capital investment. Then we wonder why people do not rush down to buy the E-bonds from the Federal Government, which bonds pay 3 percent interest.

I have a relative who was desirous of buying an Iowa farm. He was not able to make a satisfactory downpayment, and he had to appeal to me, to see if I could find some way to finance that farm. I had been somewhat more fortunate than he, perhaps, and therefore, I was able to help him with the financing. I know what he paid for his land per acre and what type of farm it is. I know what the average yield has been on the corn.

He has, let us say, 100 acres planted to corn. The average yield is about 75 to 78 bushels to the acre.

I find that under this proposal he will get the figure which was referred to a while ago, $99 an acre, to take a portion of that land devoted to corn production out of cultivation, and permit it to lie idle.

I say that is a wholly unrealistic program. There is no way in the world that the Treasury of the United States can continue to "shell out" to farmers $99 an acre for Iowa, Indiana, and Illinois cornland; nor to pay $80 an acre to a farmer in New Mexico to take irrigated wheatland out of production; nor to pay $43 or $45 an acre to the average Kansas farmer; and still expect to have any kind of a reasonable program.

Many things which the conferees did were very good. Far be it from me to say those things were not good. Some things in the bill are desirable. In some fashion the support prices have gone far too high.

About a year and a half ago when the new Secretary of Agriculture, Mr. Freeman, took office, he discussed with me the problem he had in respect to the price-support level for corn.

I am not one of Mr. Freeman's critics. I believe that Secretary Freeman is an honest, honorable man who is trying hard to do a good job. I think he receives an amazing amount of bad advice.

Probably he got bad advice from me, but I advised him not to raise the support price for corn from $1.06 to $1.20 a bushel. Subsequently he took other advice, and he did raise the support price.

He asked me why I was so sure that he should not do that. I said that there was one fact it was necessary to constantly bear in mind. I said, "You cannot suck and blow at the same time; and when you jump the price of corn in value from $1.06 to $1.20 and ask the farmer to reduce his acreage you are trying to suck and blow at the same time; you are trying to expand acreage by giving a stimulant to the price and you are trying to reduce acreage by offering a premium to the farmers."

I thought it was a bad thing to do. I believe that some of the problems we now experience result from that action.

I say to Senators today that we will not see an end to this program if we accept the conference report. We will see the farmers come back again in 1963 wanting more, not less.

As I read the language in the conference report, price supports could quite easily drop very substantially in 1964, but no Senator honestly believes that in a presidential election year price supports will be dropped. A way will be found to bolster them again. Eighty dollars an acre for irrigated wheatland in New Mexico will not be quite enough. It will be necessary to increase it.

This competition will continue until some day there will be a revolution against farm price supports, which will hurt not only those who are asking for these things, but also farmers who have been in what I regard to be an extremely sound and sensible program.

Mr. President, the tobacco program of our country does not really cost the country a penny. It is a sound and well-conducted program. It has been kept

within limits, and there has been no great trouble with it.

Some have said that if we do not pass the bill, we shall have to go back to the awful bill of 1958. The bill of 1958 was not too bad. I may be incorrect, but, as I remember, it would be improper to call that bill the so-called "Benson" bill of 1958. One of the great movers of the bill was the able Senator from Louisiana [Mr. ELLENDER], who recognized that a 40-percent cut in rice was too great. He said that such a cut would be disastrous and should not be undertaken by the Congress. He recognized also that the cuts in cotton were too high. He recognized that many other things of that nature were in the picture which should not be there. I know that he, as well as others, worked in an endeavor to obtain a good piece of legislation in 1958. That result was not quite obtained because controls on feed grains were left out of the bill. Had they been included, as I said to the Senator from Louisiana, a very, very good piece of legislation would have resulted. I have commended the Senator time after time for his unceasing work toward that end.

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

Mr. ANDERSON. I yield.

Mr. ELLENDER. The Senator remembers the efforts I put forth to try to obtain controls in corn. The best we could obtain was price support at 90 percent of the average for the last 3 years of the market value of corn, or 65 percent of parity, whichever was the higher.

Mr. ANDERSON. Yes.

Mr. ELLENDER. The price, which amounted to about $1.06, was provided for uncontrolled production.

Mr. ANDERSON. The Senator is correct. At least I remember the story as he remembers it. I remember that he tried hard to obtain some control on corn. We cannot have high price supports with uncontrolled production. The Senator from Louisiana recognized that fact.

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

Mr. AIKEN. Mr. President, I yield 2 additional minutes to the Senator from New Mexico.

Mr. ANDERSON. In closing, I point out that I am not trying to criticize the Senate conferees. I know something of what they have been up against. I have been a conferee with Members of the House of Representatives on agricultural subjects. I know how hard it is to put through a good program. But I believe that if the conference report were to be rejected and we were to try again to establish a decent level for certain farm prices, we would be better off.

In World War I I lived in the Dakotas. For a short time everyone was rich. Then nearly every bank closed. In my little farming community there were six banks. Five of them closed. One was kept open by brute strength. That crash resulted because prices had risen too high, and then the collapse came.

On coming into the Department of Agriculture, my first resolution was that such a calamity would not happen to farmers after World War II. We do not need to continue piling these things on.

Therefore, Mr. President, I shall vote for the rejection of the conference report in the hope that we may get a program more nearly in line with what the able Senator from Louisiana [Mr. ELLENDER] contended for in 1958, and which would be as sound now as it was when he submitted it then.

Mr. AIKEN. Mr. President, before the Senator from New Mexico takes his seat, I should like to say that the act of 1958, which decontrolled the planting of corn and fixed a support price, resulted in a decrease of 1 million acres in the planting of corn for grain the second year of operation, and if the program had been allowed to operate the third year, I believe the decrease would have been more than the one in the second year. In addition, we are now feeding and exporting as much corn in this country as was produced in those 2 decontrolled years.

Mr. ANDERSON. Yes. I ask the Senator from Vermont, if the 1958 bill was so awful, how could it have passed the Senate by a vote of 62 to 11? We thought the bill was pretty good. We thought the 1958 act was not bad at all. Yet now we find out that if we do not take the proposed action, something horrible will happen to us.

I say that we had better take time to try to pass a good measure and not vote to provide $100 an acre to an Iowa or an Indiana corn grower, $80 an acre to a farmer who produces on irrigated land in New Mexico, or $45 to a wheat farmer in Kansas.

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

Mr. ANDERSON. I yield.

Mr. HICKENLOOPER. The Senator from New Mexico, who has probably had a longer and more intimate connection with farm legislation than almost any other Senator, knows that, while it had certain shortcomings which I admit, on the whole the act of 1958 was a pretty good act, if the Secretary and the Department would properly use the discretionary powers contained in that act. Does the Senator believe that those powers could be used to better advantage than they may have been used in the past?

Mr. ANDERSON. I so believe. I am not trying to make that as a partisan statement, because I criticized Mr. Benson for raising the price supports as much as I criticized Mr. Freeman later.

Mr. HICKENLOOPER. The act could be used for good or bad.

Mr. ANDERSON. As I said a moment ago, a bill which passed in the Senate by a vote of 62 to 11 could not have been wholly a bad piece of legislation. I believe that, properly administered, it could have been a good piece of legislation. I commended then, as I do now, the Senator from Louisiana for working for that measure. If he had succeeded in bringing feed grains under some sort of control—if at least corn were brought under control—we would not have had the problem we have today. The quicker we start clearing the decks and trying once more to achieve a proper result the better off we shall be.

Mr. HICKENLOOPER. In my judgment, while on occasions the act of 1958 produced some unsatisfactory results, if the authority and discretion permitted under the act had been properly used, it could be a very effective act for the benefit of the agricultural economy of our country.

Mr. ANDERSON. I agree with the Senator from Iowa.

Mr. ELLENDER. Mr. President, I yield 10 minutes to the distinguished Senator from Florida [Mr. HOLLAND].

The PRESIDING OFFICER. The Senator from Florida is recognized for 10 minutes.

Mr. HOLLAND. Mr. President, the three men whom I admire most in connection with service to agriculture are present in the Chamber. They are the distinguished chairman of our committee, the Senator from Louisiana [Mr. ELLENDER], the distinguished former Secretary of Agriculture, the Senator from New Mexico [Mr. ANDERSON], and the distinguished Senator from Vermont [Mr. AIKEN], who in his time served as chairman of the committee.

We find those Senators not in accord. We find Senators who are equally devoted to the service of agriculture not in accord. The question is, What shall we do under the conditions that confront us?

First, in its major aspect, the bill is limited in its application to the two commodities which have been causing the most trouble, and which I believe will be dealt with helpfully if the bill is enacted. That is my only reason for voting for it.

There are many provisions in the bill which I do not like. Most Senators know that my own preference is for a much freer agricultural market, except as to tobacco, which was mentioned by the Senator from New Mexico [Mr. ANDERSON] a while ago as never having caused any trouble.

Let us remember that under the act of 1958 there was no quota system, no acreage system, no limitation of any kind upon corn and feed grains.

Under that act a large part of the immense surplus now on hand has been created. We are only putting our heads in the sand like the poor ostrich if we say it is a good thing to continue that bill in effect and expect that somehow, by some miracle, the problem as it affects feed grains will solve itself. It will not.

In connection with wheat, the 55-million-acre minimum was left unchanged by that 1958 bill. That has been the hurdle which we cannot cross and have not crossed up until now in connection with any general legislation applicable over a period of years to the production of that important crop. Wheat and corn and feed grains are the principal offenders. A vast investment has been made on the part of our Nation in those commodities. We have piled up huge surpluses of those commodities, and the existence of those surpluses is about to bring an end, in my judgment, to the whole program. Perhaps that action would be salutary. But they are the offenders, and they have remained the offenders under the 1958 act, which we have heard praised. They have con-

tinued to be the offenders under that act.

Mr. President, with reference to wheat, we are in a peculiar situation in that connection, because the referendum has already been had; the voters at that referendum have already approved the extension to the 1963 crop of the provisions of the present law. It is true that it was by a smaller vote than has been the case heretofore, but, nevertheless, they have taken that action. Therefore, both morally and, I suspect, legally, we are bound to accept the result of that referendum and to continue the operation of that law—except that we have an opportunity, by offering some inducement for the retirement of some of that acreage, to limit to some degree the amount of wheat produced and placed into surplus storage next year. This is what is attempted by that provision in the bill, which is applicable to wheat for the year 1963.

In the year 1964—and I call special reference to this point—there is the first effort made for the year 1964 and thereafter to come to grips with the overhanging problem that has resulted from the fact that 55 million acres has been and now is the minimum allowed for wheat production.

In the pending bill there is announced the principle—and if the bill is passed it will apply in 1964—that a bushel quota for the production of wheat shall be converted into a realistic acreage allotment designed to result in only the production of the quota and shall be applied to each wheat producer, and that such quota figures will be in accord with the needs of the Nation at that time, for our domestic need, for our foreign trade, and a reasonable holdover for the next year.

That is a step of the very greatest significance. It is a step that must be taken sometime if we are ever to deal with this problem. I am distressed to see that my friends who represent areas where wheat is produced—though they recognize that this 55 million acreage minimum has been one of the greatest troubles through the years—are not willing to approve this first real attempt to come to grips with the problem and to cut the amount of the production of wheat so as to meet the need for each year beginning with 1964. Because I believe both of these steps are necessary, a special inducement for next year to reduce production, and reduced production resulting from a new philosophy and a new apportionment for 1964, I am supporting the wheat proposal.

With reference to the corn and feed-grain proposal, we also have a troublesome situation.

The 1958 law did not impose any acreage limitation or any other sort of limitation upon the production of corn and feed grains. We all know what has happened under the 1958 law. Yet our friends say that we should keep that law in effect, and go back to it, because it is not too bad.

Perhaps it is not too bad, but it has brought the whole program into such disrepute that I believe that those who wish to be realistic must see that the whole house is about to fall down on their heads. The question, therefore, is whether it is reasonable to allow a situation which has brought about such a deplorable status to continue, or whether it is reasonable to try to move to a better program. It seems to me that it is very clear we should attempt to move to a better program.

Although the corn and feed grain provision is not all that I would like it to be, it does move toward a reduced production of corn and feed grain. It does move to solve the problem which overhangs the whole agricultural program of our Nation. That is the second reason why I support the conference report.

There have been those who have sought to show the high cost of this program in the field of corn and feed grain production. They have—as they have had a right to do—relied upon some of the heaviest production and some of the heaviest producing acreage in the Nation, in Iowa and Illinois. They have used the figure of 75 bushels per acre as the basis for their computation. That was justifiable. However, I believe it is necessary for use to look at the whole picture before we decide what are the implications so far as the cost of this particular program is concerned.

I have before me the report of the Crop Reporting Board of the U.S. Department of Agriculture, covering production for 1961 and several prior years in the field of corn and feed grains. Using only the corn production at this time, which shows for Iowa 74 bushels an acre—and our friends have used 75 bushels an acre in computing the cost of the program—it shows, at the same time, an average national production in 1961 of 61.8 bushels per acre, much the heaviest that it has ever been. The year before it was 54½ bushels, and the year before that, it was 44.1 bushels per acre.

It required unusually good crop and weather conditions to bring about that average. Yet our friends used 75 bushels per acre to compute the cost of this program, when the average for the Nation was 61.8, and when there is a very great area in our Nation where no such figure even remotely appears as representing the ability of the soils of that area to produce corn.

In the whole area which I represent, in part, beginning with Virginia and going down to Texas, these are the 1961 figures that are shown: In Virginia, the figure is 53 bushels per acre. In North Carolina, it is 48 bushels per acre. In South Carolina, it is 35 bushels per acre. In Georgia, it is 35, and in Florida it is 33. In Tennessee it is 43, and in Alabama it is 35. In Mississippi it is 39, and in Arkansas it is 35.5. In Louisiana it is 37 bushels per acre. In Oklahoma it is 35. In Texas, it is 30 bushels per acre. The average is about half of the 75-bushel-per-acre figure used by our ingenious friends to show what the cost of this program is likely to be.

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

Mr. ELLENDER. I yield 5 more minutes to the Senator from Florida.

Mr. HOLLAND. I believe we should be factual about these things. To be factual we must look at the whole production picture in this Nation. Looking at it factually, it is indicated rather conclusively that the figure for the production is not nearly as much, from the standpoint of bushelage per acre, as the figure used, which was 75 bushels per acre.

The cost of the program is nothing like what has been stated by our friends, because they have not used the average figure. An application of the facts shows that the cost is much less than anything that has been discussed on the floor.

As to wheat, I listened with the greatest respect—because I always listen with respect to the Senator from New Mexico—to his description of what the cost of the wheat production in New Mexico happens to be. This same document shows, at page 58, the figure for wheat production; and it shows, instead of 46 bushels per acre, which I am very sure was produced, as stated by the Senator from New Mexico, on his irrigated farm in New Mexico, a national average production of 23.9 bushels, or just a little bit more than half as much per acre as the figure used by my distinguished friend.

So far as New Mexico itself is concerned, the figure here shown for 1961 is only 29 bushels per acre average for production in that good State. In other words, the use of the figure as applied to an irrigated, fertile farm which happened to produce 46 bushels an acre is no more representative of the correct figure, either in New Mexico or generally as to the whole Nation, than was the case with respect to the corn figure.

Generally speaking, I think the President knows and Senators know that I do not like these programs. But I know where our trouble is coming from. I know that our trouble is coming from wheat, corn, and feed grains. When an effort is really made to cope with those two problems, I do not like to see the problem swept under the rug. We must not forget the fact that those are the principal commodities which are causing our trouble. We must have these two emergency programs for next year. Everyone knows that. Otherwise a banner crop next year would pretty well sink the whole program and start us over from the very beginning in the whole agricultural system.

As to what will follow after that, the problem as it concerns wheat involves cutting the volume of production and applying a quota system which will reduce the volume within reasonable figures. As to corn and feed grains, what is done is to change the support price from that of the present law to 50 to 90 percent.

I do not believe it will be easy for anybody to sweep aside the 50- to 90-percent support price next year. We have used a completely different approach from what has been used in late years, so far as price supports are concerned. Price supports ought to be a floor, as they were regarded in the Roosevelt days and up until the time when price supports were so greatly increased in order to increase agricultural production for World War II. Fifty percent is not too far off, so far as a floor support is concerned. It is a guarantee, like insurance, against disasters which necessarily occur in agriculture and agricultural production.

The Senator from Florida will not be looking forward eagerly to sweeping that provision from the books next year. To the contrary, he will be fighting to retain it if necessary.

So far as the whole act is concerned, there are many changes made in the conference report. I shall deal with only four of them. The first one I have just mentioned, namely, the reduction in the cost of feed grains in 1964 and thereafter from the present law's price support to a 50- to 90-percent parity support, although that will make the support price a floor instead of a ceiling. It has been a ceiling lately because very few producers of corn have received the support price figure unless they happened to be in exactly the right position to get it.

The second helpful change in the law is the striking of the provision for the FHA to make large loans to public units for the creation of recreational developments or industrial parks. Those two items are stricken from the conference report.

Third, the milk title has been eliminated.

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

Mr. ELLENDER. I yield the Senator from Florida 5 additional minutes.

Mr. HOLLAND. Mr. President, I think anyone who read the milk title or the various other proposals made in that field realizes that they were not realistic. I remember that distinguished Senators serving on our committee who represent the States having the largest milk production did not like the milk provisions—either those which were suggested by the Department of Agriculture or those which were in the bill as it came to us from the House.

Fourth, an effort was made to make the Small Watershed Act even more subject to abuse than it is now—and it is indeed being abused. An attempt was made to increase from 5,000 acre-feet to 12,500 acre-feet the size of a lake or a pond in which water could be impounded for flood prevention purposes. That provision was stricken, and the report has restored the 5,000 acre-feet limitation.

Those are only a few of the improvements. There are other improvements, such as those made in Public Law 480; in the conservation program; and in the school milk program. I could mention still others.

I think the good in the bill, especially the good which will come from the two critical fields of better control of wheat and better control of corn and feed grains, justifies the Senate in approving the bill. I say that with some reluctance, because, so far as I am concerned, I should like to have written a far different bill. My associates who sat with me on the conference know that that is the case. My other associates, who sat with me in the Committee on Agriculture and Forestry, know likewise. But the *fact* remains that we are accomplishing something by the bill. Those who wanted to do nothing but go back to the 1958 law, which brought on all of our trouble, or much of our trouble, are suggesting, in brief, that we allow the whole house fall on us, and they would not try to get out from under it by trying to strengthen it. I could never support that approach. It is for that reason that I support the conference report.

Mr. President. I yield the floor.

Mr. AIKEN. Mr. President, I yield 1 minute to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I do not think Congress will solve the farm problem until we recognize the excessively high support prices and the excessive production of feed grains which are engendered by the farm program. Payments running from $75 to $100 an acre for the retirement of land are never justified.

In that connection I ask unanimous consent to have printed at this point in the RECORD an analysis of the conference report on the farm bill, together with a statement of how it will operate and specific examples of how the payments will be distributed.

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

ANALYSIS OF THE CONFERENCE REPORT OF THE FARM BILL

The conference report to be considered by the Senate has two principal parts as applied to corn, other feed grains, and wheat: (1) a so-called emergency program for 1963, and (2) the program effective in 1964 and thereafter.

The emergency programs are not only costly but ineffective. The chairman of the Senate Committee on Agriculture and Forestry, Senator ELLENDER, summarized the inefficiency of the emergency wheat program during the debate on S. 3225 when he said:

"To authorize the temporary program for 2 more years would cost the taxpayers, according to the most recent estimate $333 million per year to reduce wheat production by about 100 million bushels. In other words, it would cost the Government $3.30 per bushel to curtail production of 100 million bushels of wheat per year."

Administration spokesmen have repeatedly recognized that the present emergency programs are too costly. Secretary Freeman has estimated that a 1-year extension of these programs would cost $2.4 billion.

In a letter dated June 8, 1962, to Congressman COOLEY, the Secretary of Agriculture summarized the situation by stating on page 2 under a table entitled "Government Cost of Alternative Programs for 1963 Crops":

| Extension of 1961–62 emergency programs: | *In millions* |
|---|---|
| Feed grains | $1,200 |
| Wheat | 1,217 |
| Feed grains and wheat | 2,417 |

The Secretary did not take account of the compensatory payments in cash or kind for all farmers who cooperate with this program (18 cents per bushel for wheat and corn).

Since the compensatory payment is made for the grain produced on the acres planted after complying with the minimum requirement for reduction, most farmers will plant all the acres they are allowed to plant and will reduce acreage only to the minimum extent (20 percent) necessary to qualify for the double payment.

The conference report provides that in 1964 and thereafter the provisions of the Agricultural Act of 1958 as applied to feed grains are repealed, and instead, the Secretary of Agriculture is given authority to support the price of corn and other feed grains at from 50 to 90 percent of parity at his discretion.

THE WHEAT CERTIFICATE PLAN

The proposed wheat certificate plan is not the domestic parity plan which has been widely discussed by wheat producers for a number of years. Under the domestic parity plan exports would have been treated as a secondary use of wheat and there would have been little or no need for export subsidies. The plan in this bill would authorize the Secretary of Agriculture to treat exports—including surplus disposals—as a primary use of wheat.

Secretary Freeman has estimated that this would require an expenditure of $430 million for export subsidies in the 1963 crop year on top of an expenditure of $608 million for the export of wheat under Public Law 480. A system whereby exporters would be required to buy wheat certificates and then go back to the CCC for offsetting export subsidies verges on the ridiculous.

The high price guarantee proposed for certificate wheat would subsidize the production of surplus wheat to be dumped in the domestic feed market. Thus, the certificate plan would mean unfair competition for the producers of feed grains and depress prices of livestock, dairy, and poultry products.

The certificate plan is, in effect, a "bread tax." Processors of wheat food products would be forced to acquire certificates at face value in proportion to their use of wheat. Since certificates would be issued on the basis of past planting history without regard to grade or quality, processors often would be forced to buy one lot of wheat to get certificates and then to buy noncertificate wheat to get the type or grade they need. In effect, the cost of acquiring certificates is really a tax on the processing of wheat into human food. This processing tax would be passed on to consumers as a tax on the consumption of bread and other wheat food products.

NO NEW FARM LEGISLATION

If no new legislation is enacted—

1. Expiration of the present programs will result in a saving of almost $1.3 billion in direct payments to farmers and additional administrative expenses as follows:

*Estimated direct cost of 1962 feed grain and wheat program payments to farmers*

[In millions of dollars]

| | |
|---|---|
| Corn and grain sorghums | 853.8 |
| Barley | 41.9 |
| Wheat | 333.6 |
| Total | 1,229.3 |
| Additional administrative expenses | 48.0 |
| Total, including administrative expenses | 1,277.3 |

2. Substantial additional savings would be realized by discontinuing the present policy of selling grain at market prices to finance land retirement payments and replacing it with new CCC takeovers at a higher price.

Under the 1961 feed grain program, the CCC sold 603 million bushels of corn at an average price of $1.02 per bushel. A total of 658 million bushels of 1961 corn was placed under price-support loans and purchase agreement. Thus, there is a good chance that all of the corn sold under the 1961 program will be replaced with new takeovers at a support price of $1.20 per bushel. If so, the direct cost of this manipulation to hold market prices below support will be $109 million. Additional losses were incurred by selling grain sorghums for less than the support price.

We are now consuming and exporting more corn than we have ever produced in a single year, including the years 1959 and 1960 in which corn was supported without any limitation on production under the 1958 act.

3. The wheat program would be based on the 1938 law on acreage and the 1949 law on

price supports. The support price would remain at 75 percent of parity ($1.82 per bushel) as already accepted by farmers in the August referendum on marketing quotas. In comparison with the support price of $2 per bushel now in effect under the emergency programs, this would mean a saving of 18 cents on every bushel of wheat exported. At the 1961–62 level of exports (710 million bushels) such a reduction in export subsidy costs would result in a saving of $128 million.

EXAMPLE OF PAYMENTS INVOLVED UNDER H.R. 12391, THE FARM BILL, AS REPORTED BY THE CONFEREES

*An example of a corn farm*

Acreage allotment, 100 acres; yield per acre, 75 bushels. The bill under consideration provides 18 cents per bushel for the normal yield times 80 percent of the acreage allotment, which would be calculated as follows: 75 bushels times 18 cents equals $13.50 per acre—times 80 acres equals $1,080.

In addition to this compensatory payment, this producer would be eligible to receive a land diversion payment calculated at 60 cents per bushel times his yield. Thus, the following results: 75 bushels times 60 cents equals $45—times 20 acres equals $900.

To recapitulate: $1,080 compensatory payment plus $900 land diversion payment equals $1,980 for a typical farm in Iowa reducing its corn acreage 20 percent below its allotment. On an acre basis, this is equal to $99 per acre. In addition to this fabulous payment, he would be eligible to receive price support on his total production of corn on the 80 acres at $1.02 per bushel.

*An example of a wheat farm*

Acre allotment, 100 acres; 25-bushel yield per acre. The calculation would be as follows: 18 cents times 25 bushels equals $4.50 per acre—times 80 acres equals $360.

Land diversion payments would be calculated on the basis of 50 percent of the target price support times the established yield, thus: 25 bushels per acre times $1 per bushel equals $25 per acre—times 20 acres equals $500. Adding the $500 to the $360 gives a total of $860, or a cost of $43 per acre.

Mr. AIKEN. Mr. President, I yield 5 minutes to the senior Senator from Ohio.

Mr. LAUSCHE. Mr. President, I shall vote against the report for six reasons.

First. The bill will increase the cost to consumers for the food they buy.

Second. The bill is estimated to be twice the cost of the subsidy for this year's program, thus lifting the subsidy expenditure approximately $900 million.

Third, the provisions of the bill give discretionary power to the Secretary of Agriculture far in excess of any power ever before granted to the Secretary.

Fourth. The provisions covering the 1964 agricultural program will impose Government regulation and controls on the farmer in such great measure as to be completely inconsistent with the freedom which should be the possession of every American.

Fifth. Admittedly the program created by the bill is not adequate, as is evidenced by the statement that in 1963 a new program will be submitted to Congress by the Secretary of Agriculture.

Sixth. There has been pending before Congress for the last several years a sound proposal to expand the conservation reserve under voluntary compliance by farmers of the United States to an acreage that will remove from production food and feed grains in a quantity to bring the production into some measure of conformity with consumption. The provisions of this foregoing pending bill, in my opinion, should be given at least a trial.

It is argued that although the bill in 1963 will cost at least $900 million more than the program for this year, it will have no ultimate impact on the price that the consumer must pay for the farm products he buys.

This increased expenditure demonstrates that the inevitable result must be an increased price to the consumer.

I have said that the conference report would give the Secretary of Agriculture discretionary power far in excess of any power heretofore granted him. On this point, I am becoming more and more apprehensive about the abdication of power by the Congress and the surrender of such power to the administration.

The PRESIDING OFFICER. The time yielded the Senator from Ohio has expired.

Mr. LAUSCHE. Mr. President, may I have 2 more minutes?

Mr. AIKEN. Mr. President, I yield 2 more minutes to the Senator from Ohio.

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

Mr. LAUSCHE. I thank the Senator from Vermont.

Mr. President, regardless of the goodness of the Secretary of Agriculture, regardless of how high minded he may be, I do not wish to give him powers so extensive that, if abused, they could result in violation of the very concepts of our system of government.

What about the cost of this program? The Ohio farmer produces about 75 bushels an acre. Let us assume he has 100 acres of corn-producing land, and let us assume that he takes 20 of them out of production. Twenty times 75 bushels would be 1,500 bushels; and for those 1,500 bushels he would receive 51 cents a bushel, which would be $765. Then he would receive an additional 18 cents a bushel on the production from the other 80 acres. I have calculated the total amount he would receive. For every acre that he would take out of production, he would receive approximately $93. I cannot afford to let the citizens of Ohio say that I subscribed to a program that told the farmer, "Take out of production one acre of your corn-producing land, and the Government will pay you $93 for it," therefore, Mr. President, I will vote against adoption of the conference report.

Mr. President, I yield the floor.

The PRESIDING OFFICER. What is the pleasure of the Senate? Does the Senator from Vermont desire to yield time?

Mr. AIKEN. Three Senators have asked me to yield time to them, but none of them is present at the moment. Of course, I could not possibly give all of them the last 10 minutes under my control. Furthermore, I do not know where they are now; and if I were to yield time to Senators who have not requested time, there would be none left for those who have requested time.

Mr. ELLENDER. Would the Senator from Vermont like to have a quorum call?

Mr. AIKEN. Yes, if the time required for it is charged to the time under the control of the Senator from Louisiana.

Mr. President, I suggest the absence of a quorum; and the time required for it will have to be taken from the time available for Senators who have not yet spoken and are not now in the Chamber.

Mr. ELLENDER. I have no objection.

The PRESIDING OFFICER. Without objection, the time required for the quorum call will be charged equally to both sides.

The absence of a quorum has been suggested, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ELLENDER. Mr. President, I ask unanimous consent to dispense with further proceedings under the quorum call.

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

Mr. AIKEN. Mr. President, I yield 15 minutes to the senior Senator from South Dakota [Mr. MUNDT].

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 15 minutes.

Mr. MUNDT. Mr. President, at the outset, let me say that I think the proper course for the Senate to follow with respect to the conference report is to reject it, and then for the Congress to pass a simple extension of existing farm legislation to cover the crop year of 1963. That would give Congress a year in which to continue to protect the farmers' interests, as was done during the current crop year. It would give us an opportunity in the Congress next year to give due consideration to constructive and enduring farm legislation.

By the device employed in the legislation as approved by the conference committee, however, we find the farmers confronted with the situation that the price they are asked to pay for a continuation of approximately the same program we had in 1962 for the crop year of 1963 is to buy a program for 1964 which begins to spell ruin for American agriculture so far as corn, small grains, and livestock areas are concerned.

So, by rejecting the conference report and passing a concurrent resolution, in joint action of the two Houses, extending the existing program for 12 months, we would be protecting the farm program of America, safeguarding the income of the American farmer, and making modest but important inroads on the problem of surpluses, without compelling the farmer to buy now a cat-in-the-bag program which will be triggered off with the crop year of 1964, and one which would provide him with a system of sharply reduced price supports, which would jeopardize not only the corn and feed grain industry, but also the livestock industry.

FREEMAN'S FLEXIBLE FARM FORMULA

In my opinion, the legislation now before the Senate should be known as Freeman's Flexible Farm Formula and one which is completely inadequate to meet our farm problems. I would call it a

four-F program. I would designate it such because, in the "F," it fails to meet the problems of the present. It does not in any way face the problem now confronting the farmer, who is actually receiving an average parity price for his crops less than he was getting a year ago or 2 years ago.

In the second place, it fails to provide for adequate net farm income.

In the third place, it fails to protect the taxpayers' interest, because even the advocates of the bill say that it will cost more, rather than less, so far as the general taxpayer is concerned.

In the fourth place, it fails to set up a program for putting farm income back into the supply-and-demand balance necessary for an enduring farm prosperity.

So, on all four counts, the program fails. That is why I say it is a four-F program.

This program would cost more and provide less for American agriculture than any single program I have seen presented by a legislative committee to the Congress of the United States. Not only does Freeman's Flexible Farm Formula out-Benson Benson by supplying a system of flexible price supports as a substitute for a system of firm price supports, which has served the American farmers well over a considerable period of time; but in addition to substituting flexible price supports for firm price supports, it ties flexible price supports to a downbeat by anchoring them to a formula which necessarily requires the Department of Agriculture to flex the price supports of American farmers downward, and never upward. By demanding that the Secretary of Agriculture fix his price support levels, under this new flexible formula which would be initiated with the 1964 crops, by making him attach that price support formula to the amount of the surplus which is stored in Commodity Credit storage, we necessarily mandate him to fix the price supports at a lower level. Thus in operation this proposal out-Bensons Benson by establishing a flexible price support formula which can move or flex farm prices only one way—downward.

With regard to corn, we are told that in 1964 the program would mean 80 cent corn. Since, under the basic agricultural law, price supports for all feed grains are related to the price support for corn, it means that all of them will be sharply decreased. The inevitable result would be an abundance, a surplus, of cheap feed for livestock. Every farmer, every student of agriculture, knows what would result from that type of formula. It would mean an artificial stimulant to the livestock production industry. It would mean the development of a surplus, an overproduction of livestock. It would mean a sharp reduction in the price the livestock producer receives for his livestock, and create a new problem by developing a livestock farm problem, in addition to failing to cure the old problem, which is the problem confronting the producer of wheat, corn, and feed grains.

Mr. President, this is indeed a sorry day for American farmers. We are told that, when we start out in the 1964 program, not only will corn prices drop to 80 cents, but that wheat in the open market will drop to 92 cents a bushel, because of its mandatory relationship to the corn price, except for that element of wheat which is sold under the certificate program at a guaranteed price. This provides us with a ruinous price for much of our wheat as well as for all of our corn.

Among my many other disappointments with this bill, I think the greatest is that the action of the House, with the concurrence of the conference committee, has stricken from the bill the single most important, constructive title as it passed the Senate. When the bill passed the Senate it contained title V. Title V was stricken from the bill in the conference, at the insistence of the House conferees.

What did title V provide? Title V provided, at long last, that the Congress of the United States would do something enduring, something permanent, something positive, something constructive and economically sound to face up to the farm problem, which grows solely out of the fact that supply and demand are out of balance.

Title V provided for a crash program to finally get America going on a program to utilize industrially its gigantic farm surpluses, which started with the war era and continue even to now. It provided for a crash program to use industrially the surpluses from American farms.

Ever since we have had a farm problem we have been tinkering with one little end of the supply-and-demand formula.

It is a pretty short formula. It has only two ends. It has only three words. We have looked at it with only one eye.

Still, though we have spent billions of dollars and nobody knows how many hundreds of thousands of man-hours in working up programs solely devoted to the supply end of the supply-and-demand formula, we have not achieved an answer.

The Senate Committee on Agriculture and Forestry, with the Senate concurring, by writing title V of the bill, said, "Let us pay a little attention to the other end of the formula. After all these years, after having spent billions of dollars, and after having failed to solve the farm problem by working on the supply end, let us open up the other eye and see what we can do with regard to the demand end of the formula. Let us see, if we devote a little more time and exercise perhaps a little ingenuity, if perhaps we can do something with regard to the demand end of the formula to provide a more sound economic base for American agriculture."

We wrote that title into the bill. It was the result of an amendment which I personally introduced. The Senate reinforced it by passing the appropriation bill for the Department of Agriculture—which we reaffirmed by an overwhelming yea-and-nay vote yesterday—and provided $25 million for an operation to try to do something specific in spinning out and operating an industrial utilization program for farm products. The House also rejected that.

I think the conference report should be rejected. I think we should insist upon a simple continuation of the present farm program, and I think we should insist that the Senate's constructive approach, attempting to do something with regard to the demand end of the supply-and-demand formula, should be incorporated into any final farm legislation, even if it postpones the adjournment of the Congress another week or another 2 weeks.

The studies which have been engaged in by commissions created by the Congress have developed evidence replete with information showing that the know-how is available to utilize farm products industrially, through synthetics, through commercial use, through fabrication of industrial products from the products raised on American farms.

If the Senate retreats from that sound economic position, as it would retreat if it approved the conference report, which would take title V out of the bill, it would not only destroy the single, permanent, positive, constructive, sound, realistic, economic solution to the farm problem, but also would accept instead a program of flexible price supports which cannot help but reduce American farm income.

Mr. President, Senators have received reports from the Committee for Economic Development. Those who come from the Farm Belt have looked aghast at such reports because they have called for the elimination of farm programs, for the elimination of price supports, for the creation of a purely free and open market for American agriculture, to work, as it would have to work, as a little island in a sea of fixed aspects of an economy, each of which, in its own way, contributes to extra cost required to be paid by a farmer in operating his farm.

Insofar as the corn program and the program for feed grains is concerned, if we approve the conference report there will indeed be rejoicing and blowing of trumpets and the sound of victorious laughter in the headquarters of the Committee for Economic Development because we will be accepting their program by our votes while condemning it with our voices.

Mr. President, insofar as the program of flexing farm prices downward is concerned, as would be provided starting with 1964 under the conference report, the Committee for Economic Development will have scored a tremendous victory. It will have sold an utterly uneconomic and unworkable concept of farm price supports, flexing only downward, such as the CED has recommended in its report.

I do not know of a single farm organization which is willing to endorse or embrace the recommendation made by the Committee for Economic Development. All have united in condemning what they have said in their booklet, but now we are asked to accept in a conference report the same proposals. If we pull farm price supports out from under farm products, if we say we are going to flex them down as low as 50 percent and then set in motion a formula requiring the farmers to flex downward further because of the tie to surpluses of the Commodity Credit Corporation,

we shall be driving a knife into the back of a sound, economic farm program in America.

The PRESIDING OFFICER. The time of the Senator from South Dakota has expired.

Mr. MUNDT. I predict that if the conference report is adopted, Senators who come from the South who may vote for it will rue the day, because the same demands will then be made in respect to cotton, tobacco, sugar, rice, and other products. By endangering a workable farm program for northern crops they will be jeopardizing a continuation of useful programs for the crops produced only in the South. I hope the conference report is rejected.

Mr. ELLENDER. Mr. President, I yield 2 minutes to the distinguished Senator from Washington [Mr. MAGNUSON].

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## INDEPENDENT OFFICES APPROPRIATION BILL, 1963—CONFERENCE REPORT

Mr. MAGNUSON. Mr. 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. 12711) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1963, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information to the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Sept. 18, 1962, pp. 19699–19703, CONGRESSIONAL RECORD.)

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

Mr. YOUNG of Ohio. Mr. President, reserving the right to object, may I ask something of the nature of the report?

Mr. MAGNUSON. I was about to explain it.

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. MAGNUSON. Mr. President, the controlling item in the further conference was amendment No. 7, the research item for civil defense in the Department of Defense. The House had provided $10 million for research, and the Senate had provided $93,800,000 for shelter, research and development, and construction.

The agreement reached by the conferees provides $38 million under the heading of "Research," with additional language to allow the surveying and marking program to continue.

I understand that there may be funds available for some stocking of the shelters, perhaps on a study or research basis.

The other amendments in disagreement, amendments Nos. 8 and 119, involved the modification of shelters, and the Senate conferees receded, in line with the previous denial of fallout shelters in the construction of Federal buildings.

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

Mr. MAGNUSON. I yield.

Mr. JAVITS. I have heard the Senator's explanation of the report. Would the amount allowed for marking and identification permit the program to be completed?

Mr. MAGNUSON. It would permit the program to be completed. Since we discussed the bill we have learned that there is a carryover of some $35 million. The total would add up to about what the Senate provided.

Mr. JAVITS. With the amount available, can the identification and marking be completed?

Mr. MAGNUSON. That can be completed. The Senate conferees insisted on that.

The PRESIDING OFFICER. The time yielded to the Senator from Washington has expired.

Mr. ELLENDER. Mr. President, I yield the Senator 1 more minute.

The PRESIDING OFFICER. The Senator may proceed for 1 additional minute.

Mr. JAVITS. The real cut comes in the fact that there cannot be much stocking of the marked and identified shelters.

Mr. MAGNUSON. No; but once the program is completed it will be possible for the agency to come to the Congress again, and we can discuss that question. This amount will permit the agency to proceed in the manner suggested.

Mr. JAVITS. There is no understanding that they may not come in and request a supplemental amount?

Mr. MAGNUSON. No.

Mr. JAVITS. I thank the Senator.

Mr. YOUNG of Ohio. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. YOUNG of Ohio. I ask the distinguished Senator from Washington how much smaller is the amount presently contemplated than the amount which was in the Senate bill?

Mr. MAGNUSON. About $60 million.

Mr. YOUNG of Ohio. That is a substantial saving to the taxpayers.

Mr. MAGNUSON. The amount is more than $370 million below the budget estimate.

Mr. YOUNG of Ohio. That is correct.

Mr. MAGNUSON. Considerably more than $370 million below the budget estimate.

Mr. YOUNG of Ohio. Mr. President, I have no objection.

Mr. HUMPHREY subsequently said: Mr. President, earlier today the Senate took final action on the conference report on the independent offices appropriation bill. Just before the vote on that bill was taken, I had to leave the Chamber, to step to the telephone. I wish to state for the record, in connection with that measure, that the independent offices appropriation bill provides approximately $38 million for the civil defense program. I wish the record to show clearly that I have studied this program very carefully, as a member of the Appropriations Committee and as one interested in the civil defense program and I find this sum inadequate, even though it is the best we could obtain from the conference committee.

If the administration finds, after the first of the year, this sum to be inadequate, I hope the administration will not hesitate to appeal to Congress and to present to Congress any necessary supplemental request.

Next I wish the record to show that, although the conference report permits the agency to complete the survey aspects of the program on shelters, I think it should be made crystal clear that although 95 percent of the survey is complete, the stocking program for the shelters is only 60 percent complete at the present time. Surely we should not leave that program 40 percent incomplete and, therefore, ineffective. If 60 percent of the shelters are to be properly stocked, then the rest of the people of the country are entitled to have the same kind of protection.

I hope the agency will look upon this appropriation as a means of being able to continue not only its survey program, but also its stocking program.

Mr. JAVITS. Mr. President, will the Senator from Minnesota yield at this point?

Mr. HUMPHREY. I yield.

Mr. JAVITS. When the Senator from Minnesota was out of the Chamber, as he has said, the vote on conference report on this appropriation bill was taken. I should like to join the Senator from Minnesota in his statement. He has been one of the most ardent friends of an adequate civil defense program. When he was out of the Chamber, I tried to safeguard his rights.

Mr. HUMPHREY. I understand. But the vote came quickly on the question of agreeing to the conference report on the overall appropriation bill.

Mr. JAVITS. It certainly did.

Mr. HUMPHREY. I do not wish this occasion to pass without having the record show what we intended and what the appropriation really means in fact.

Mr. JAVITS. The Senator from Minnesota is the deputy majority leader; and, therefore, he can be very helpful in this connection. As a result of the statement by the Senator from Washington [Mr. MAGNUSON], the record is clear, that there is no commitment with respect to a supplemental request. So the door is open; and what happens now can be helped very much by the influence of the Senator from Minnesota.

The Senator from Washington [Mr. MAGNUSON] made clear that about all they can do is determine the location of the shelters, and that there is really little or no money for stocking them; and that with the funds now appropriated, about all they can do is mark and locate the shelters.

So the Senator from Minnesota can be of great help. I am a member of the Appropriations Committee, and I shall endeavor to do likewise. However, the Senator from Washington made very clear that there is no commitment in regard to a supplemental appropriation bill.

Mr. HUMPHREY. And there is no mandate that all the shelters are to be stocked. But I say that if 60 percent of them are to be stocked, then it would be almost inhumane and beyond reason to refuse to permit the other 40 percent to be stocked.

So we must depend on the administration—if it finds that the amount we have appropriated is inadequate—to send to Congress a supplemental request for funds with which to finish the job; and I shall be one who will push for such a supplemental appropriation.

Mr. JAVITS. I join the Senator from Minnesota, and identify myself with his views and with his request.

Mr. HUMPHREY. I thank the Senator from New York very much.

Mr. MAGNUSON. Mr. President, I move that the conference report be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement showing action on the bill.

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

*Comparative statement of appropriations for 1962 and estimates and action taken on items in the bill for 1963*

TITLE I

| Item | Appropriations, 1962 | Budget estimates, 1963 | House bill | Senate bill | Conference action |
|---|---|---|---|---|---|
| EXECUTIVE OFFICE OF THE PRESIDENT | | | | | |
| NATIONAL AERONAUTICS AND SPACE COUNCIL | | | | | |
| Salaries and expenses | $545,000 | $530,000 | $530,000 | $530,000 | $530,000 |
| OFFICE OF EMERGENCY PLANNING | | | | | |
| Salaries and expenses | 25,000,000 | 8,000,000 | 4,000,000 | 5,000,000 | 5,000,000 |
| Postattack planning | | 3,000,000 | | | |
| Civil defense and defense mobilization functions of Federal agencies | 5,000,000 | (6,876,000) | 5,000,000 | 4,000,000 | 5,000,000 |
| Federal contributions | 22,000,000 | | | | |
| Emergency supplies and equipment | 30,050,000 | | | | |
| Research and development | 2,000,000 | | | | |
| Construction of facilities | 2,500,000 | | | | |
| Total, Office of Emergency Planning | 86,550,000 | 11,000,000 | 9,000,000 | 9,000,000 | 10,000,000 |
| OFFICE OF SCIENCE AND TECHNOLOGY | | | | | |
| Salaries and expenses | | 850,000 | 700,000 | 850,000 | 750,000 |
| Total, Executive Office of the President | 87,095,000 | 12,380,000 | 10,230,000 | 10,380,000 | 11,280,000 |
| FUNDS APPROPRIATED TO THE PRESIDENT | | | | | |
| Disaster relief | 46,000,000 | | | | |
| DEPARTMENT OF DEFENSE | | | | | |
| Civil defense, Department of Defense: | | | | | |
| Operation and maintenance | | 126,245,000 | 65,000,000 | 91,200,000 | 75,000,000 |
| Research | | | 10,000,000 | | 38,000,000 |
| Shelter, research and development, and construction | | 568,755,000 | | 93,800,000 | |
| Civil defense, Department of Defense | 207,600,000 | | | | |
| Total, civil defense, Department of Defense | 207,600,000 | 695,000,000 | 75,000,000 | 185,000,000 | 113,000,000 |
| DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE | | | | | |
| Public Health Service: Civil defense medical stockpile activities | 13,000,000 | 41,445,000 | 5,500,000 | 8,500,000 | 7,000,000 |
| INDEPENDENT OFFICES | | | | | |
| CIVIL AERONAUTICS BOARD | | | | | |
| Salaries and expenses | 8,900,000 | 9,900,000 | 8,900,000 | 9,400,000 | 9,150,000 |
| Payments to air carriers (liquidation of contract authorization) | 78,250,000 | 84,578,000 | 71,900,000 | 87,228,000 | 79,564,000 |
| Total, Civil Aeronautics Board | 87,150,000 | 94,478,000 | 80,800,000 | 96,628,000 | 88,714,000 |
| CIVIL SERVICE COMMISSION | | | | | |
| Salaries and expenses | 21,349,000 | 18,915,000 | 21,349,000 | 18,196,000 | 21,349,000 |
| Trust funds | | (3,275,000) | | (3,153,000) | |
| Investigation of U.S. citizens for employment by international organizations | 430,000 | 512,000 | 430,000 | 430,000 | 430,000 |
| Annuities under special acts | 2,248,000 | 2,113,000 | 2,000,000 | 2,000,000 | 2,000,000 |
| Payment to civil service retirement and disability fund | 44,637,000 | | 41,959,000 | | |
| Government payment for annuitants, employees health benefits fund | 4,500,000 | 5,400,000 | 3,000,000 | 5,400,000 | 4,200,000 |
| Government contribution, Retired employees health benefits fund | 19,000,000 | 9,200,000 | 8,000,000 | 8,000,000 | 8,000,000 |
| Administrative expenses, Employees life insurance fund (limitation) | (260,000) | (265,000) | (255,000) | (255,000) | (255,000) |
| Total, Civil Service Commission | 92,164,000 | 36,140,000 | 76,738,000 | 34,026,000 | 35,979,000 |
| FEDERAL AVIATION AGENCY | | | | | |
| Operations | 434,300,000 | 492,500,000 | 463,400,000 | 488,400,000 | 480,000,000 |
| Facilities and equipment | 120,000,000 | 135,000,000 | 120,000,000 | 130,000,000 | 125,000,000 |
| Grants-in-aid for airport (liquidation of contract authorization) | 70,000,000 | 20,000,000 | 20,000,000 | 20,000,000 | 20,000,000 |
| Grants-in-aid for airports | 150,000,000 | 75,000,000 | 75,000,000 | 75,000,000 | 75,000,000 |
| Research and development | 60,000,000 | 50,000,000 | 35,000,000 | 35,000,000 | 35,000,000 |
| Operation and maintenance, Washington National Airport | 3,225,000 | 3,725,000 | 3,225,000 | 3,725,000 | 3,475,000 |
| Operation and maintenance, Dulles International Airport | 1,975,000 | 3,675,000 | 3,000,000 | 3,500,000 | 3,250,000 |
| Construction, Washington National Airport | 4,200,000 | 2,500,000 | 2,000,000 | 2,000,000 | 2,000,000 |
| Construction and development, additional Washington airport | 20,100,000 | 3,400,000 | 3,000,000 | 3,400,000 | 3,200,000 |
| Civil supersonic aircraft development | 11,000,000 | 25,000,000 | 15,000,000 | 25,000,000 | 20,000,000 |
| Total, Federal Aviation Agency | 874,800,000 | 810,800,000 | 739,625,000 | 786,025,000 | 766,925,000 |
| FEDERAL COMMUNICATIONS COMMISSION | | | | | |
| Salaries and expenses | 12,525,000 | 14,617,000 | 14,355,000 | 14,617,000 | 14,486,000 |
| FEDERAL POWER COMMISSION | | | | | |
| Salaries and expenses | 8,793,000 | 11,100,000 | 9,946,500 | 11,100,000 | 10,700,000 |
| FEDERAL TRADE COMMISSION | | | | | |
| Salaries and expenses | 10,345,000 | 11,845,000 | 10,720,000 | 11,845,000 | 11,282,500 |
| GENERAL ACCOUNTING OFFICE | | | | | |
| Salaries and expenses | 43,000,000 | 43,900,000 | 43,900,000 | 43,900,000 | 43,900,000 |
| GENERAL SERVICES ADMINISTRATION | | | | | |
| Operating expenses, Public Buildings Service | 175,120,000 | 187,400,000 | 175,000,000 | 187,400,000 | 181,200,000 |
| Repair and improvement of public buildings | 88,000,000 | 65,000,000 | 65,000,000 | 65,000,000 | 65,000,000 |
| Construction, public buildings projects | 188,946,500 | 190,687,000 | 155,325,000 | 193,066,000 | 180,955,600 |

*Comparative statement of appropriations for 1962 and estimates and action taken on items in the bill for 1963*—Continued

TITLE I—Continued

| Item | Appropriations, 1962 | Budget estimates, 1963 | House bill | Senate bill | Conference action |
|---|---|---|---|---|---|
| GENERAL SERVICE ADMINISTRATION—continued | | | | | |
| Sites and expenses, public buildings projects | $25,000,000 | $22,000,000 | $16,500,000 | $29,354,000 | $27,500,000 |
| Payments, public buildings purchase contracts | 5,200,000 | 5,440,000 | 5,440,000 | 5,440,000 | 5,440,000 |
| Additional court facilities | 4,500,000 | 9,000,000 | 8,500,000 | 8,500,000 | 8,500,000 |
| Operating expenses, Federal Supply Service | 4,493,500 | 42,683,000 | 40,000,000 | 41,000,000 | 40,500,000 |
| Proceeds of sales | (5,935,000) | | | | |
| Expenses, supply distribution | 30,374,500 | | | | |
| General supply fund | 13,500,000 | 17,000,000 | 10,000,000 | 17,000,000 | 13,500,000 |
| Operating expenses, Utilization and Disposal Service (proceeds of sales) | | (8,800,000) | (8,500,000) | (8,500,000) | (8,500,000) |
| Operating expenses, National Archives and Records Service | 14,000,000 | 14,500,000 | 14,050,000 | 14,000,000 | 14,000,000 |
| Operating expenses, Transportation and Communications Service | | 4,435,000 | 4,097,000 | 4,097,000 | 4,097,000 |
| Strategic and critical materials | 40,000,000 | 38,000,000 | | | |
| Proceeds of sales | | | (18,000,000) | (18,000,000) | (18,000,000) |
| Salaries and expenses, Office of Administrator | 290,000 | 1,350,000 | 1,350,000 | 1,350,000 | 1,350,000 |
| Allowances and office facilities for former Presidents | 300,000 | 320,000 | 320,000 | 320,000 | 320,000 |
| Administrative operations fund (limitation) | (14,566,450) | (12,131,000) | (11,100,000) | (12,000,000) | (11,400,000) |
| Construction, Federal Office Building No. 7, Washington, D.C | 23,700,000 | | | | |
| Acquisition of land and building, Chicago, Ill | 2,715,000 | | | | |
| Hospital facilities in the District of Columbia | 3,000,000 | | | | |
| Operating expenses, transportation and public utilities services | 2,400,000 | | | | |
| Expenses, Federal telecommunications system | 850,000 | | | | |
| Working capital fund | 100,000 | | | | |
| Total, General Services Administration | 592,489,500 | 597,815,000 | 495,582,000 | 566,527,000 | 542,362,600 |
| HOUSING AND HOME FINANCE AGENCY | | | | | |
| Office of the Administrator: | | | | | |
| Salaries and expenses | 13,050,000 | 15,720,000 | 14,500,000 | 14,500,000 | 14,500,000 |
| Urban planning grants | 17,100,000 | 20,000,000 | 18,000,000 | 18,000,000 | 18,000,000 |
| Urban studies and housing research | 375,000 | 1,450,000 | 375,000 | 375,000 | 375,000 |
| Mass transportation loans and grants: | | | | | |
| Appropriation | 42,500,000 | 100,000 | 32,500,000 | 32,500,000 | 32,500,000 |
| Contract authorization replaced in bill by appropriation | | (9,167,500) | | | |
| Borrowing authorization replaced in bill by appropriation | | (23,500,000) | | | |
| Open-space land grants | 35,000,000 | 15,430,000 | 15,000,000 | 15,000,000 | 15,000,000 |
| Low income housing demonstration grants: | | | | | |
| Appropriation | 2,000,000 | 1,250,000 | 3,000,000 | 3,000,000 | 3,000,000 |
| Contract authorization replaced in bill by appropriation | | (1,770,000) | | | |
| Public works planning fund | 8,000,000 | 13,000,000 | 12,000,000 | 12,000,000 | 12,000,000 |
| Urban renewal fund (liquidation of contract authorization) | 200,000,000 | 330,000,000 | 300,000,000 | 300,000,000 | 300,000,000 |
| Housing for the elderly fund | 60,000,000 | 100,000,000 | 45,000,000 | 45,000,000 | 45,000,000 |
| Total, Office of the Administrator | 378,025,000 | 496,950,000 | 440,375,000 | 440,375,000 | 440,375,000 |
| Public Housing Administration: | | | | | |
| Annual contributions | 165,000,000 | 185,000,000 | 180,000,000 | 180,000,000 | 180,000,000 |
| Administrative expenses | 13,968,000 | 14,750,000 | 14,359,000 | 14,359,000 | 14,359,000 |
| Total, Public Housing Administration | 178,968,000 | 199,750,000 | 194,359,000 | 194,359,000 | 194,359,000 |
| Total, Housing and Home Finance Agency | 556,993,000 | 696,700,000 | 634,734,000 | 634,734,000 | 634,734,000 |
| INTERSTATE COMMERCE COMMISSION | | | | | |
| Salaries and expenses | 22,075,000 | 23,200,000 | 22,187,500 | 23,025,000 | 22,606,000 |
| Payment of loan guaranties | 14,700,000 | | | | |
| Total, Interstate Commerce Commission | 36,775,000 | 23,200,000 | 22,187,500 | 23,025,000 | 22,606,000 |
| NATIONAL AERONAUTICS AND SPACE ADMINISTRATION | | | | | |
| Research, development, and operation | 1,302,500,000 | 2,968,278,000 | 2,877,878,000 | 2,917,878,000 | 2,897,878,000 |
| Construction of facilities | 316,000,000 | 818,998,000 | 766,237,000 | 786,237,000 | 776,237,000 |
| Salaries and expenses | 206,750,000 | | | | |
| Total, National Aeronautics and Space Administration | 1,825,250,000 | 3,787,276,000 | 3,644,115,000 | 3,704,115,000 | 3,674,115,000 |
| NATIONAL CAPITAL HOUSING AUTHORITY | | | | | |
| Operation and maintenance of properties | 40,000 | 40,000 | 40,000 | | 40,000 |
| NATIONAL SCIENCE FOUNDATION | | | | | |
| Salaries and expenses | 263,250,000 | 358,000,000 | 310,000,000 | 335,000,000 | 322,500,000 |
| RENEGOTIATION BOARD | | | | | |
| Salaries and expenses | 2,900,000 | 2,500,000 | 2,450,000 | 2,450,000 | 2,450,000 |
| SECURITIES AND EXCHANGE COMMISSION | | | | | |
| Salaries and expenses | 11,412,500 | 12,800,000 | 12,800,000 | 12,800,000 | 12,800,000 |
| SELECTIVE SERVICE SYSTEM | | | | | |
| Salaries and expenses | 37,085,000 | 38,173,000 | 37,085,000 | 37,585,000 | 37,585,000 |
| VETERANS' ADMINISTRATION | | | | | |
| General operating expenses | 161,773,000 | 157,669,000 | 157,669,000 | 157,669,000 | 157,669,000 |
| Medical administration and miscellaneous operating expenses | 43,876,500 | 13,772,000 | 13,772,000 | 13,772,000 | 13,772,000 |
| Medical and prosthetic research | | 28,000,000 | 28,000,000 | 33,000,000 | 30,500,000 |
| Medical care | 989,371,000 | 1,017,892,000 | 1,017,892,000 | 1,017,892,000 | 1,017,892,000 |
| Veterans direct benefits | | 3,923,500,000 | | | |
| Compensation and pensions | 3,500,000,000 | | 3,832,000,000 | 3,832,000,000 | 3,832,000,000 |
| Readjustment benefits | 80,000,000 | | 91,500,000 | 91,500,000 | 91,500,000 |
| Veterans insurance and indemnities | 39,200,000 | 32,000,000 | 32,000,000 | 32,000,000 | 32,000,000 |
| Grants to the Republic of the Philippines | 1,000,000 | 500,000 | 500,000 | 500,000 | 500,000 |
| Construction of hospital and domiciliary facilities | 76,250,000 | 75,500,000 | 75,500,000 | 78,500,000 | 77,000,000 |
| Loan guarantee revolving fund (limitation on obligations) | (235,871,000) | (220,545,000) | (220,545,000) | (220,545,000) | (220,545,000) |
| Total, Veterans' Administration | 4,891,470,500 | 5,248,833,000 | 5,248,833,000 | 5,256,833,000 | 5,252,833,000 |
| Total, definite appropriations | 9,700,137,500 | 12,537,042,000 | 11,474,641,000 | 11,775,090,000 | 11,605,292,100 |
| Total, proceeds of sales | 3,935,000 | 8,800,000 | 26,500,000 | 26,500,000 | 26,500,000 |
| Total, title I | 9,704,072,500 | 12,545,842,000 | 11,501,141,000 | 11,801,590,000 | 11,631,792,100 |

*Administrative and nonadministrative expenses*

TITLE II—CORPORATIONS

[Limitations on amounts of corporate funds to be expended]

| Corporation or agency | Appropriations, 1962 | Budget estimates, 1963 | House bill | Senate bill | Conference action |
|---|---|---|---|---|---|
| Federal Home Loan Bank Board: | | | | | |
| Administrative expenses | ($1,865,000) | ($2,075,000) | ($2,000,000) | ($2,075,000) | ($2,037,500) |
| Nonadministrative expenses | (10,366,000) | (11,800,000) | (11,500,000) | (11,500,000) | (11,500,000) |
| Federal Savings and Loan Insurance Corporation | (965,000) | (1,200,000) | (1,080,000) | (1,200,000) | (1,140,000) |
| General Services Administration: Reconstruction Finance Corporation liquidation fund | (42,500) | (25,000) | (25,000) | (25,000) | (25,000) |
| Housing and Home Finance Agency: | | | | | |
| College housing loans | (2,000,000) | (1,900,000) | (1,800,000) | (1,800,000) | (1,800,000) |
| Public facility loans | (1,050,000) | (1,350,000) | (1,100,000) | (1,200,000) | (1,150,000) |
| Housing for the elderly | (512,500) | (1,000,000) | (714,000) | (850,000) | (725,000) |
| Revolving fund (liquidating programs) | (145,000) | (145,000) | (145,000) | (145,000) | (145,000) |
| Federal National Mortgage Association | (8,000,000) | (8,750,000) | (8,250,000) | (8,250,000) | (8,250,000) |
| Federal Housing Administration: | | | | | |
| Administrative expenses | (9,800,000) | (10,800,000) | (9,500,000) | (10,800,000) | (10,400,000) |
| Nonadministrative expenses | (64,650,000) | (71,400,000) | (62,000,000) | (67,500,000) | (67,500,000) |
| Public Housing Administration: | | | | | |
| Administrative expenses | (13,968,000) | (14,750,000) | (14,359,000) | (14,359,000) | (14,359,000) |
| Nonadministrative expenses | (1,200,000) | (1,490,000) | (1,200,000) | (1,200,000) | (1,200,000) |
| Total, administrative expenses | (114,564,000) | (125,685,000) | (113,673,000) | (120,904,000) | (120,231,500) |

## FOOD AND AGRICULTURE ACT OF 1962—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12391), to improve and protect farm income, to reduce costs of farm programs to the Federal Government, to reduce the Federal Government's excessive stocks of agricultural commodities, to maintain reasonable and stable prices of agricultural commodities and products to consumers, to provide adequate supplies of agricultural commodities for domestic and foreign needs, to conserve natural resources, and for other purposes.

Mr. ELLENDER. Mr. President, I yield 10 minutes to the distinguished Senator from Montana [Mr. MANSFIELD].

The PRESIDING OFFICER. The Senator from Montana may proceed for 10 minutes.

Mr. MANSFIELD. Mr. President, I could not permit this occasion to go by without paying my respects to the distinguished Senator from Louisiana [Mr. ELLENDER], the chairman of the Committee on Agriculture and Forestry. This *is the third time* in this session that he has been before the Senate with a farm bill.

The first measure which the Senate passed, with not too great a majority, was, in my opinion, the best measure of all. Unfortunately, the House cut it down considerably. There was not much opportunity for a conference, and, in effect, what the Senate committee had to do was to write a new bill—not as good as the first one, but a good bill, nevertheless.

The bill then went to conference. The Senate conferees were able to maintain their position, by and large. The result is that the Senate now has before it a conference report which passed the House a few days ago and is now before the Senate for final consideration, to be acted upon one way or the other.

In my opinion a vote against the present conference report would bring about lower farm income. It would increase the cost to the taxpayer. It would increase surpluses and reverse the successes which the programs over the past 2 years have brought about in reducing surpluses.

In 1961 the feed grain program alone has reduced Government stocks by 400 million bushels of corn, and has saved the taxpayers over $213 million in storage and interest charges. These programs contributed to the most dramatic increase in farm incomes since 1953. Net farm income in 1961 was increased by more than $1 billion.

Mr. President, this conference report is the result of months of intensive work on the part of the Senate and the House of Representatives, the Department of Agriculture, and farm groups interested in a better farm program. It includes most of the provisions of the bill which the Senate approved on August 22, as well as a large part of S. 3225, passed by the Senate on May 25.

Passage of the conference report would be a major step forward in improving the legislation under which American farmers can be assured fair and stable prices without burdening the Government with the excessive cost associated with surplus production.

I wish to summarize the farm bill very briefly, and to comment on certain parts of it.

Title I: Provisions of this title relate primarily to long-range land-use adjustment, and to economic development related to land use. It will provide the Secretary of Agriculture an opportunity to test—on a pilot basis—techniques for turning land from agricultural uses to profitable nonagricultural uses, including recreation, fishing, and wildlife. It also provides funds to insure that about 1.3 million acres on which conservation reserve contracts are expiring do not come back into production in 1963.

Title II: This title makes only modest changes in legislation under which the food-for-peace program operates. Long-term credit sales will be encouraged further, with appropriate safeguards for normal dollar export sales. In addition, it will be possible under the bill to expand our assistance to nonprofit school lunch programs in other countries, and to insure that, where practicable, student recipients will help to finance those programs.

Title III: This title contains the most urgently needed sections of the bill. For the 1963 crop of feed grains and wheat, it provides an extension with some modification, of the voluntary programs in effect in 1962. These programs are not perfect; they are actually fairly costly, and their results are somewhat unpredictable. They will provide, however, a good possibility that the results of the 1961 and 1962 programs can be continued, that the 3 billion bushel feed grain carryover inherited from the 1950's will be reduced nearly one-half by 1964, and that the reduction in the wheat surplus can continue in 1963. Failure to approve these programs would add some 500 million bushels of feed grains, and 100 to 150 million bushels of wheat to the surplus in 1963. To store more grain when we already have too much is wasteful and contradictory and expensive.

The conferees amended the price support provisions of both the feed grain and wheat programs for 1963, so that participating farmers will be eligible for price supports through a loan on their grain, and through a payment in kind from CCC stocks. The payment-in-kind provisions of price support would be handled in much the same way that diversion payments have been handled in the feed grain program. Important safeguards have been added, however, regarding sales of grain by CCC at not less than the support prices.

Enactment of the long-range wheat program climaxes, in a real sense, nearly 40 years of intermittent discussion in Congress of multiple-price and marketing certificate programs for wheat. As late as 1956, Congress approved the domestic parity plan for wheat, sponsored at that time by the senior Senator from Kansas [Mr. CARLSON], Representative Hope, and others.

This is essentially the same program, with two key exceptions: This bill provides price supports between 65 and 90 percent of parity not only for wheat used in the United States—as in 1956—but also for a portion of the exports to be determined by the Secretary of Agriculture; it includes also provisions to limit overall farm output, by diverting areas taken out of wheat to nonproductive purposes, instead of into other crops.

Enactment of this program nearly a year before the date for the 1963 referendum will make it possible for wheat farmers to understand the program, for the grain trade to know what to expect well in advance, and for the Department of Agriculture to consult widely with interested persons and groups in preparing to place the program in operation.

The only long-range legislation for feed grains is the change in the price support for corn—to 50 to 90 percent of parity beginning in 1964—from 65 to 90 percent. The bill approved by the Senate directed the Secretary to present new feed grain legislation to Congress next year. Removal of that provision by the conferees does not change the fact that a level of price support low enough to avoid building up new surpluses is not an adequate feed grain program. We must look at feed grains again next year.

In conclusion, I strongly urge the Senate to support the skillful leadership furnished by the distinguished Senator from Louisiana [Mr. ELLENDER], the chairman of the Committee on Agriculture and Forestry, and agree to the conference report.

Mr. MILLER. Mr. President——

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

Mr. DIRKSEN. Mr. President, I ask how much time the Senator desires.

Mr. MILLER. I have 8 minutes. I should like 5 minutes at the present time.

Mr. DIRKSEN. Mr. President, I yield 5 minutes to the distinguished Senator from Iowa.

Mr. MILLER. Mr. President, the conference report on H.R. 12391, the Food and Agricultural Act of 1962, represents a cynical repudiation of the promise made to our farmers in the 1960 national Democratic Party's platform. I read from page 20 of that platform:

> We shall take positive action to raise farm income to full parity level.

Starting with 1964, our feed grain farmers are now promised only 50 percent of parity. While the report provides in section 305 that price supports, beginning with the 1964 crop of feed grains, shall be not less than 50 percent of parity and not more than 90 percent of parity, the excess over 50 percent of parity is, for all practical purposes, eliminated by the requirement that the Secretary of Agriculture must determine that such excess will not add to the stocks of corn of the Commodity Credit Corporation.

Even the preamble of the bill is faulty. It provides that the bill is designed to reduce the Federal Government's excessive stocks of agricultural commodities.

Senators will remember that during my colloquy with the distinguished Senator from Louisiana [Mr. ELLENDER], during the first go-around on the bill, I attempted to elicit from him what was meant by "excessive." The answer of the chairman of the Senate Committee on Agriculture and Forestry was that the Secretary of Agriculture, and no one else in this administration, has defined what is excessive. We know we have about 3 or 4 months of supply of feed grains in storage. Some may think that that amount is not excessive. There are others who may think it is. I believe it is high time, before we enact legislation that is as far reaching as the measure before the Senate, that we have a recommendation from the administration with relation to what the administration thinks would be excessive, and then let the Congress decide whether it is right or not.

We are laboring in the dark.

Another defect in the bill is that probably the greatest hope for the elimination of the surpluses—if, indeed, we have surpluses—is the use of improved and stepped-up agricultural research to find new uses for agricultural commodities. It will not happen overnight. It is in the long run the greatest opportunity we have to eliminate our surplus problem. Yet the conference has eliminated this section from the bill.

This is an improvement over the Ellender amendment, which the Senate foolishly adopted when the bill recently passed the Senate and which would have eliminated price supports altogether. However, it promises to hundreds of thousands of farmers and their families only a future of despair over being forced off their farms to become another unemployment statistic.

Compensatory payments of 18 cents per bushel to farmers who go into the 1963 program will be paid regardless of whether they raise any grain or whether, if they do, they feed it to their own livestock. These payments would be over and above price supports of $1.02 per bushel. This proposed Government handout for 1963 apparently is designed to soften up our farmers for what is going to hit them in 1964.

Of course, we know what the proponents of this measure are up to. They want it to be passed so that next year they can come forward with a program which will place strict marketing quotas on our feed grains and livestock farmers. They will then be given the choice between such a program or the 50 percent of parity program. They will, in effect, be given the choice between the loss of their freedom and the loss of their farms. And when our farmers are forced into losing their freedom in order to scratch out an existence for themselves and their families, they will find themselves repeating the history of the farmers in Germany during the 1930's.

To further aggravate the problem of our feed grain farmers, this report provides for a two-price wheat program, starting in 1964, which will result in dumping of cheap wheat on the feed grains market to compete with normal feed grains. Estimates run as high as 175 million bushels of this cheap wheat which will depress our markets.

One wonders why, when Secretary of Agriculture Freeman claimed that the emergency feed grains bill was a smashing success, there has not been an effort made by the administration to continue this program, possibly with some modifications to tighten it up and improve it. The answer probably lies in a hope that the farmers can continue to be fooled by vote-getting hot air.

Mr. ELLENDER. I yield 2 minutes to the Senator from Texas (Mr. YARBOROUGH).

### A FARM BILL IS NEEDED NOW

Mr. YARBOROUGH. Mr. President, I support the conference report on the administration's farm bill, and commend the distinguished senior Senator from Louisiana and the majority leadership for their efforts for more meaningful farm legislation.

Although we recognize that the bill does not contain all the features which the Senate had hoped would be included in 1962 legislation, this bill is far better than none at all—the situation that would result should it be turned down.

If the legislation is not passed, the emergency wheat and feed grain programs would be lost for next year. This means that the farmers of our Nation would lose about $1 billion in income, and that surpluses of wheat and feed grains would surely rise to such a degree that the cost to the Government through storage would be more in the long run than the programs would now cost. In other words, if this legislation is defeated, the Senate would be in the position of voting for lower farm income and higher storage, insurance, and other carryover costs to the Government. To me, the sounder course seems to be to approve this report developed by the conferees.

Throughout debate on the farm bill, which has centered around production controls, little has been said in the public reports about several desirable features in the bill which are of utmost importance and which should certainly win approval.

Consider, for example, the part of the bill that would allow land now producing surplus crops to be diverted to new and better uses. Under the land-use section of the bill, the Department of Agriculture would be authorized to cooperate with State and local governments in a moderate loan program to cut down surplus production and turn the land into watershed recreational areas, including wildlife restoration and fishing, or into areas attractive to private investment and individual enterprise. The choice would always be left to local and State governments as to whether or not to enter into these programs.

Another example is in the matter of low-cost credit. Due to a combination of low farm prices and advancing technology during the 1950's, farmers were, and still are, in desperate need of low-cost credit. The Secretary of Agriculture has done a magnificent job in this field already by releasing $35 million in farm operating loan funds that had been frozen under the Republican administration. But there still is a great need for more credit and this bill takes another step forward in this area. We cannot now deprive farmers of this need by rejecting the bill.

As the distinguished Presiding Officer [Mr. METCALF] knows, because of mechanization and advanced technology, it is much more expensive to equip a farm now that it was 10 years ago.

The bill has sound provisions for soil conservation, national forests and grassland programs, and technical and cost-sharing programs for farmers and ranchers.

There is also a section in this bill authorizing the Secretary of Agriculture to enter into sales agreements of needed foods and fiber with foreign and U.S. private trade firms and institutions.

In order to better dispose of surplus commodities, the U.S. Government would be able to enter into agreements with friendly nations to provide food for peace as it has in the past. In addition the United States could trade on a dollar basis with private trade firms in other friendly countries.

This is an area where American good will is taken right into the homes of needy people in friendly nations. It is a method whereby we can put food before hungry people—food on the table to eat, instead of in the warehouses to mold and to decay.

Again I commend the distinguished Senator from Louisiana for his leadership in connection with the bill.

Mr. AIKEN. Mr. President, I yield such part of the remaining 8 minutes as the Senator from Illinois [Mr. DIRKSEN] may need.

Mr. DIRKSEN. Mr. President, first, I concur in the sentiments expressed by the majority leader with respect to the distinguished chairman of the Committee on Agriculture and Forestry. I do not know of any chairman who has an unhappier task than trying to put together all the factors involved in an agricultural bill. Certainly it is not an easy task. I know he has worked at it very diligently. I am sure also that he will not mind if we take issue with what he proposes to us, on the ground that we honestly believe that the conference report is not in the best interest of agriculture.

I believe we have reached a certain height of illogic that probably can best be illustrated by a choice bit that I heard not so long ago with respect to the distinguished gentleman from Texas, who has gotten into difficulty on cotton allotments. The logic ran something like this: There should be the administration's program relating to agriculture, along with controls and all the things that were incorporated in the original bill. The reasoning behind that point of view is this: Had there been no surpluses, there would have been no storage requirements. Had there been no storage requirements, the gentleman named Estes would not have had to fall back upon storage and receive for himself some rather generous storage benefits.

The only difficulty with that story is that Mr. Estes' difficulty did not arise from storage at all. It arose from procuring cotton allotments and taking them to lusher areas. Then, by means of fertilizer and better land management, he made himself quite a stake.

But it is a curious logic that would dictate forced control upon agriculture in order to avoid that kind of problem.

Frankly, I see in this proposal so much confusion that I do not see how Senators could support the conference report. I should like to know what the end result will be. I have been examining the Secretary of Agriculture's letter to Members of the House of Representatives. It was issued on September 18. I was not honored with such a letter. Nevertheless, the Secretary comments on statements made by a certain farm organization.

He says that the organization contends that if the conference report is adopted, farm income will be lower, and therefore there will be increased costs to the taxpayers; that there will be increased surpluses; that the success of the programs which have been so successful up to now will be reversed; and finally, farm legislation for this session will be killed. That is what the Secretary sets forth as a comment from a farm organization.

The Secretary indicates that if we fall back upon existing law, on the old program, farm income will be lowered; that costs will increase; that so far as reversing success is concerned, we would do far better to adopt what is before the Senate in the conference report.

Frankly, I cannot put together all the various contentions which have been made on both sides of the fence. One group indicates that the over-all program under this proposal is likely to cost $2.4 billion. The distinguished chairman of the committee [Mr. ELLENDER] has indicated, in connection with the earlier bill, that to authorize a temporary program for 2 more years would cost the taxpayers, according to the most recent estimate, $333 million a year to reduce production by about 100 million bushels. That would be $3.33 a bushel. In other words, it would cost the Government $3.33 a bushel to curtail production by 100 million bushels of wheat a year. I do not know how Senators could in all conscience embrace a program of that kind in order to curtail production to the extent of 100 million bushels and then pay $3.33 a bushel to achieve that result.

Second, if I have examined the report correctly, I have calculated what the so-called payments will be, together with the interesting compensatory payment which is provided in the bill. It might equate to as much as $99 an acre. That seems like a fantastic sum, to say the least.

For my own part, I cannot bring myself to support a conference report of that kind when there is so much doubt, when there is so much confusion, and when responsible people, with the Secretary of Agriculture on one side, and a very responsible farm group which has been analyzing these programs for years on the other, are as far apart as the two poles. Should we then embrace this bundle of confusion? Or should we send it back to committee or defeat it, and fall back on the programs under existing law?

Unless the figures which have been submitted to me are in error, it occurs to me that probably by falling back on existing law we could save as much as $1⅕ billion a year. That is not hay—even in the U.S. Senate.

So it is my profound hope that the conference report will be rejected, notwithstanding the tremendous effort that has gone into it by the distinguished Senator from Louisiana [Mr. ELLENDER]. I express the hope that when the Senate goes on record, it will reject the conference report, because the country would be infinitely better off under existing law.

Mr. ELLENDER. Mr. President, I yield 2 minutes to the distinguished Senator from South Carolina.

Mr. THURMOND. Mr. President, I shall vote for the conference report, but with serious misgivings. I realize that the cost involved for the first year, at least, will be tremendous. The 1-year extension of the emergency programs, which I have never supported, is the cause of the exorbitant expenditures which will result. However, it will bring about reduced surpluses; and it looks ahead to permanent legislation which is sorely needed. I am pleased to see the emergency programs being phased out.

While the bill is by no means what I should like to see enacted by way of farm legislation, I believe that its long-range effect will be beneficial to the farmers and to the country as a whole. Congress owes it to the country to do away with these emergency programs. For that reason I shall support the conference report.

Mr. ELLENDER. Mr. President, in the few minutes remaining to me, I express the hope that the Senate will vote for the conference report. As has been said by the Senator from Illinois [Mr. DIRKSEN], the bill involves good work by members of the conference committee.

By the passage of the bill, we will do away with programs which have been costly. Before the first emergency program was placed on the statute books in 1961, $6.2 billion worth of wheat, corn, and other feed grains were on hand. As of June 30 of this year, the cost of that surplus had been reduced to $4.9 billion.

As I have often stated, I am against the renewal of the emergency programs unless we also provide for corrective permanent legislation upon the expiration of the emergency program. The conference report now before the Senate provides for permanent legislation for corn and other feed grains, and for wheat, as well.

Under the wheat legislation provided in this bill we have finally removed the 55 million minimum national acreage allotment under which the Government has accumulated huge stocks of surplus wheat that are neither desirable nor necessary. In addition, we have also corrected the so-called 15-acre exemption; closed many of the loopholes in the old legislation; and placed the whole program on a more realistic basis. This certificate program is not perfect in every respect, however, I feel confident that it will provide a much stronger foundation upon which to build in the future. It will reduce costs to the Government. It will maintain and ultimately improve farm income, and finally it will contribute to a more prosperous and healthy agriculture.

The 1964 feed grain program, while much less than I would desire, is certainly an improvement over the 1958 act. By providing for price supports at from 50 to 90 percent of parity, it lends flexibility that was so sadly lacking in the old act when the Secretary was powerless to set supports at any level other than at 65 percent of parity or 90 percent of the 3-year average, whichever was higher. Under this new concept he can act to either encourage or discourage the production of corn and other feed grains. However, I want it clearly understood that under no conditions can the Secretary impose controls of any kind on the production of corn. Corn producers under this new law will be able to produce as much as they wish, just as they did before. The only difference now is that the Secretary is given some flexibility, where before he had none.

With regard to the extension, for 1963, of the so-called emergency feed grain program, I say only that some good will come of it through the reduction of the huge stocks of Government grain. It will be costly, but not so costly as the 1958 act, and certainly not as costly as the opponents would have one believe.

In my opinion the assertion that the emergency feed grain program for 1963 contemplates payments of up to $100 to producers for diverting acreage twists the facts beyond all recognition.

As a matter of fact, corn producers in 1963 will receive the same price supports of $1.20 per bushel that they received this year and in 1961 as well. The only change is in the amount of land permitted to be diverted and the rate of payments for diversion. In 1961 and in 1962 grain producers were required to divert 20 percent in order to be eligible to receive price supports. On this diversion they would receive 50 percent of the support price of $1.20 per bushel on the normal production per acre. In addition, however, they were permitted to retire up to another 20 percent of their historical base for which they would receive 60 percent of the $1.20 support price on the normal production.

In 1963 farmers will be required to divert 20 percent in order to be eligible for price supports of $1.20 per bushel, and will receive payments of 50 percent of the support price. They are also permitted to retire up to an additional 30 percent, and, on this diverted acreage they will receive, not 60 percent as in 1961 and in 1962, but only 50 percent of the support price.

Overall, the program in 1963 with the exception noted above is not too different from the 1962 and 1961 programs.

In 1961 and 1962 a cooperating farmer could receive price supports of $1.20 per bushel in the form of a loan from the Government, whereas in 1963 he will get a loan of $1.02 and a payment-in-kind of 18 cents per bushel. This adds up, however, to the $1.20 he received in 1961 and 1962. And I might add that it makes sense to give farmers 18 cents' worth of grain instead of cash, when the grain is costing the Government 13.5 cents per bushel per year to store.

In addition, farmers in 1963 who divert 20 percent of their acreage will receive the same payment they received in 1961 and 1962. As a result the cost to the Government should certainly be less than in the past because we are disposing of grain instead of adding to the huge accumulated surpluses of feed grains.

Finally, Mr. President, I want to say emphatically that this bill will not result in increased costs of food to consumers. As a matter of fact, it might well lead to reduced costs to consumers if some of the statements made on the Senate floor today actually come to pass.

Price supports on corn are now at $1.20 per bushel, and on wheat $2 per bushel. This will also be the price support level in 1963, and the wheat price support level perhaps will be the same in 1964. Corn support levels could be expected to be considered lower in 1964. What more stability could consumers ask for.

Program costs will be reduced, thereby saving the taxpayers of the Nation untold millions of dollars. As I indicated earlier, storage and other carrying charges in 1961 alone for wheat and feed grains cost taxpayers $900 million. Since stocks are to be reduced under the bill, so will carrying charges, as well as other costs normally connected with farm programs.

These programs institute no new controls. Wheat controls are tightened and made more realistic. Certainly Congress has been trying to do this for many years. In the case of corn, no controls whatever are authorized or are anticipated.

In my judgment the program that the Senate will approve today is far superior to the existing programs for these commodities. While it is not perfect, the fact that the Government will save money; farm income will be improved, and stocks will be reduced is ample reason for wholehearted support by all friends of agriculture. And last, I might add, that in my opinion, approval of this program may well save all programs from going by the wayside.

Mr. AIKEN. Mr. President, I believe I have 1 minute remaining.

The conference report should be rejected for these reasons:

It will injure the farmer, after he has followed the first year program.

It will injure the consumer, in that higher food prices are bound to result.

It will hurt the taxpayer, because he will have to pay higher taxes for reducing supplies.

It will weaken our position in the international field. The purpose of the bill is to reduce the production of wheat and feed grains in this country, therefore, countries overseas can no longer depend on us to furnish them the food they need when they get into trouble.

Mr. COOPER subsequently said: Mr. President, I shall vote against the farm bill reported by the conference of House and Senate Members.

There are provisions of the bill which I supported in committee, and several contain amendments which I offered in order to make them more effective and helpful to farmers.

But we are voting on a bill which includes provisions, of extreme importance to farmers, which were never considered by the Committees on Agriculture of the Senate and House, or by the Senate and House of Representatives. These provisions were placed in the bill by the conference committee of Members of the House and Senate and they are only recommended by four Members of the House and three of the Senate—all of the majority party.

Under the rules, we cannot amend or strike these new provisions—we can only vote for or against the bill which has been presented to us by the majority members of the conference committee. I must vote against this bill because the provisions in it which we never had a chance to consider could lead to a disastrous situation for corn growers after 1963.

The bill before us extends the voluntary feed grain program for 1963, and this I approve. However, for the years following 1963, unless the Congress should adopt a new program, it is provided that for the 1964 and subsequent crops of corn, price supports shall be "at such level, not less than 50 per centum or more than 90 per centum of the parity price therefor, as the Secretary determines will not result in increasing Commodity Credit Corporation stocks of corn." The important words to note are "at such level as will not result in increasing Commodity Credit Corporation stocks."

This means that if a surplus of corn exists in 1964 or in following years, support prices could be driven down to 50 percent of parity—or 80 cents a bushel for corn at the present level of parity—which would be disastrous both to corn producers and to the livestock industry. Further, there is a question of whether the Secretary of Agriculture would be permitted to take over any corn under this provision, because the language prohibits him from doing so if it would increase Government stocks. In other words, if the Department of Agriculture cannot stand ready to take corn into storage, there would be no support program for corn.

The purpose of this provision must be to coerce the Congress and farmers to adopt for the years following 1963 the compulsory feed grain control proposal of the Secretary of Agriculture, which was rejected last year and which has been rejected this year.

The administration makes much of the so-called "surplus" in feed grains—corn, sorghum, barley, and rye, most of which is fed out to livestock and poultry—and has been attempting for 2 years to place these crops under compulsory acreage controls. But with the exception of corn, there are no large surpluses of feed grains, and the stocks of corn on hand represent only a volume which could be used in 4 to 6 months. Drought and unusual needs could easily wipe out the surplus.

The controls proposed by the administration would in many cases prohibit farmers from growing sufficient corn and other feed grains for present livestock and poultry operations on their own farms. Further, if these mandatory feed grain controls were imposed, it would have the effect of preventing farmers from expanding their herds and flocks, and could discourage young farmers from becoming livestock farmers.

The administration's proposal is not only a compulsory control program for feed grains. It would be a program to control the choice of farmers to manage their farms as they think necessary, and to engage in a diversified and balanced farm program. Because of the compulsory and coercive features of the administration's feed grain proposal, it has been defeated for 2 years in both Houses of Congress. It was defeated in the Senate Committee on Agriculture, passed by a small margin on the Senate floor, defeated in the House, and defeated again in the Senate Committee on Agriculture.

The Congress ought to adopt a feed grain program of a more permanent nature than the present voluntary program, for which I voted. I believe that a voluntary program can be developed if farmers, the farm organizations, and the Congress, have the opportunity to approach this problem without pressures and look at reasonable alternatives. But, I object to the provision in this bill which would reduce price supports for corn after next year to 50 to 90 percent of parity—in effect 50 percent of parity, or 80 cents a bushel—and which would amount to no program unless the Congress and the farmers adopted the compulsory program of the administration.

The conferees have added another new feature which has never been considered in either the Senate or House Committees on Agriculture, and which had no chance of being fully considered in this debate on the bill reported by the conference, as amendments cannot be offered. The new feature is the provision that a payment of 18 cents a bushel shall be made on the normal yield of the acreage of corn planted by cooperating farmers—in addition to the payment for acres diverted from production. Because it has had no consideration by the House and Senate, it is difficult to describe the effect or cost of this new provision. It is a type of compensatory payment. No one can estimate its cost, and many believe it could lead to replacing the present price supports, based on parity, with a system of direct Government payments, or the Brannan-type program which has been rejected in past years by the Congress and by farmers throughout the country.

If farmers want to adopt such a program, or a compulsory control program, that can be their choice. But they should not be forced into it by adoption of this bill, which would leave open to them after 1963 only the choice of low prices or compulsory controls.

The PRESIDING OFFICER. All time has expired.

The hour of 3 o'clock has arrived; and the question is on agreeing to the conference report.

Mr. ELLENDER. Mr. President, on this question I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered on the question of agreeing to the conference report; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCLELLAN (when his name was called). On this vote, I have a pair with the Senator from Florida [Mr. SMATHERS]. If the Senator from Florida were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Indiana [Mr. HARTKE] and the Senator from Florida [Mr. SMATHERS] are absent on official business.

I further announce that the Senator from Alaska [Mr. GRUENING] and the Senator from Wyoming [Mr. HICKEY] are necessarily absent.

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

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

Mr. KUCHEL. I announce that the Senators from New Hampshire [Mr. COTTON and Mr. MURPHY] are necessarily absent.

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

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

The result was announced—yeas 52, nays 41, as follows:

[No. 279 Leg.]

YEAS—52

| | | |
|---|---|---|
| Bartlett | Hill | Morse |
| Bible | Holland | Moss |
| Burdick | Humphrey | Muskie |
| Byrd, W. Va. | Jackson | Neuberger |
| Cannon | Johnston | Pastore |
| Carroll | Jordan, N.C. | Pell |
| Chavez | Kefauver | Randolph |
| Church | Kerr | Russell |
| Clark | Long, Mo. | Smith, Mass. |
| Dodd | Long, Hawaii | Sparkman |
| Douglas | Long, La. | Symington |
| Ellender | Magnuson | Talmadge |
| Engle | Mansfield | Thurmond |
| Ervin | McCarthy | Williams, N.J. |
| Fulbright | McGee | Yarborough |
| Gore | McNamara | Young, Ohio |
| Hart | Metcalf | |
| Hayden | Monroney | |

NAYS—41

| | | |
|---|---|---|
| Aiken | Curtis | Mundt |
| Allott | Dirksen | Pearson |
| Anderson | Eastland | Prouty |
| Beall | Fong | Proxmire |
| Bennett | Goldwater | Robertson |
| Boggs | Hickenlooper | Saltonstall |
| Bottum | Hruska | Scott |
| Bush | Javits | Smith, Maine |
| Butler | Jordan, Idaho | Stennis |
| Byrd, Va. | Keating | Tower |
| Capehart | Kuchel | Wiley |
| Carlson | Lausche | Williams, Del. |
| Case | Miller | Young, N. Dak. |
| Cooper | Morton | |

NOT VOTING—7

| | | |
|---|---|---|
| Cotton | Hickey | Smathers |
| Gruening | McClellan | |
| Hartke | Murphy | |

So the report was agreed to.

Mr. ELLENDER. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. HUMPHREY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I should like to query the majority leader with respect to the program for the remainder of the day, and also for tomorrow.

Mr. MANSFIELD. Mr. President, in response to the question raised, in view of the fact that the Judiciary Committee has unanimously reported the nomination of former Secretary of Labor Arthur Goldberg to be an associate justice of the Supreme Court, I hope, with the concurrence of the Senate, to have the Senate go into executive session and take up the nomination as soon as this colloquy is ended. With that out of the way, it is anticipated that the Senate will consider the remainder of the maritime bills, which the Senator from Alaska [Mr. BARTLETT] will handle.

It is the hope of the leadership that the policy committee, which will meet at 4 o'clock, will give us permission to lay down the postal pay and postal rate increase bill tonight, so that it will be the pending business. If that permission is granted, debate will start on the bill tomorrow.

Mr. MORSE. Mr. President, will the Senator yield? I did not hear the last statement. What will be the pending business?

Mr. MANSFIELD. It is hoped that the policy committee will give its permission to lay down the postal rate and postal increase bill tonight. There will be no debate—certainly no votes—on it tonight, but it is hoped that the debate on that bill will get started tomorrow at 10 o'clock.

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

Mr. MANSFIELD. I yield.

Mr. MORSE. As my good friend the Senator from Montana knows, I wait until a late hour to make any speeches on business that is not pending before the Senate. I think I owe that to my colleagues in the Senate. I have a very important matter coming before a subcommittee of the Judiciary Committee tomorrow. I could not begin to take the necessary time before the committee to make the case, but I will make the full case tonight in the Senate by a speech of several hours, although I could withhold it in case some other bill came up for consideration. I will make my speech in the Senate tonight so that the full committee may have a full record of the case before it meets tomorrow.

I thought the Senate ought to know that, from the standpoint of my State, I have a very important speech to make tonight, which will take several hours.

Mr. MANSFIELD. I am glad the Senator has made that statement. He has been continuously courteous in holding back his speeches, day after day, and week after week, until the late hours of the afternoon, thereby giving the Senate as a whole a chance to dispose of business. For that I am grateful.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the bill (S. 1651) to authorize the Commissioners of the District of Columbia to delegate the function of approving contracts not exceeding $100,000, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 2795) to prohibit the use by collecting agencies and private detective agencies of any name, emblem, or insignia which reasonably tends to convey the impression that any such agency is an agency of the government of the District of Columbia, with an amendment, in which it requested the concurrence of the Senate.

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. 12711) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1963, and for other purposes; and that the House receded from its disagreement to the amendment of the Senate numbered 7 to the bill, and concurred therein with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 10319. An act to adjust the retirement and relief compensation of certain police and fire department personnel of the District of Columbia, and for other purposes;

H.R. 11378. An act to amend the Federal Property and Administrative Services Act of 1949 so as to permit donations of surplus personal property to schools for the mentally retarded, schools for the physically handicapped, radio and television stations licensed by the Federal Communications Commission as educational radio or educational television stations, and public libraries; and

H.R. 12964. An act to amend the act of February 9, 1907, entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia,' as amended, with respect to the minimum age limitation for registration.

## ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

H.R. 218. An act 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;

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 Knobbes;

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

H.R. 6649. An act for the relief of C. W. Jones;

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 the 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. 10566. An act to provide for the withdrawal and orderly disposition of mineral interests in certain public lands in Pima County, Ariz.;

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. 11164. An act to approve an amendatory repayment contract negotiated with the Quincy Columbia Basin Irrigation District, authorize similar contracts with any of the Columbia Basin Irrigation Districts, and to amend the Columbia Basin Project Act of 1943 (57 Stat. 14), as amended, and for other purposes;

H.R. 11266. An act to amend the act of March 8, 1922, as amended, to extend its provisions to the townsite laws applicable in the State of Alaska;

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.R. 12818. An act 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; and

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.

## HOUSE BILLS REFERRED

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

H.R. 10319. An act to adjust the retirement and relief compensation of certain Police and Fire Department personnel of the District of Columbia, and for other purposes; and

H.R. 12964. An act to amend the act of February 9, 1907, entitled "An Act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia", as amended, with respect to the minimum age limitation for registration; to the Committee on the District of Columbia.

H.R. 11378. An act to amend the Federal Property and Administrative Services Act of 1949 so as to permit donations of surplus personal property to schools for the mentally retarded, schools for the physically handicapped, radio and television stations licensed by the Federal Communications Commission as educational radio or educational television stations, and public libraries; to the Committee on Government Operations.

## EXECUTIVE COMMUNICATIONS, ETC.

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

PLANS FOR WORKS OF IMPROVEMENT IN TEXAS

A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on Big Creek, Texas (with accompanying papers); to the Committee on Agriculture and Forestry.

PLANS FOR WORKS OF IMPROVEMENT IN WYOMING

A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on Boulder Lake watershed, Wyoming (with accompanying papers); to the Committee on Public Works.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Deputy Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a report of the Archivist of the United States on a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. JOHNSTON and Mr. CARLSON members of the committee on the part of the Senate.

## RESOLUTION OF DISTRICT GOVERNMENT COUNCIL OF GUAM

The VICE PRESIDENT laid before the Senate a resolution adopted by the District Government Council of Guam, expressing appreciation for the appointment of Bill Daniel as Governor of Guam, which was referred to the Committee on Interior and Insular Affairs.

## RESOLUTION OF KIWANIS CLUB OF ROCKVILLE CENTRE, N.Y., CONCERNING THE SUPREME COURT SCHOOL-PRAYER CASE

Mr. KEATING. Mr. President, I present, for appropriate reference, a resolution which was adopted on August 27, 1962, by the board of directors of the Kiwanis Club of Rockville Centre, N.Y., regarding the recent Supreme Court decision on prayer in the public schools. I ask unanimous consent that the text of

the resolution be printed at this point in the RECORD.

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

The following is a copy of a resolution which was adopted on August 27, 1962, at a regular meeting of the board of directors of the Kiwanis Club of Rockville Centre, N.Y.:

"Whereas our Founding Fathers, being God-fearing men, invoked the guidance of Almighty God in their deliberations while framing the Constitution of these United States; and

"Whereas it has become traditional for our public schools to include a prayer for Divine blessing as an integral part of their daily opening exercises; and

"Whereas the Supreme Court of the United States has ruled that the "Regents Prayer" as commonly used in this State is unconstitutional; and

"Whereas the first objective of Kiwanis International is to give primacy to the human and spiritual rather than to the material values of life: Therefore, be it

*"Resolved,* That the Kiwanis Club of Rockville Centre, N.Y., does hereby respectfully request the governor and the official board of the New York District of Kiwanis International and the president and trustees of Kiwanis International to use all means at their disposal to support legislation which will enable our public schools to continue to lead the pupils attending thereat to obey the injunction "Remember now thy Creator in the days of thy youth"; and be it further

*"Resolved,* That copies of this resolution be forwarded to the governor of the New York District of Kiwanis International, to the president of Kiwanis International, and to each of our two Senators and our Representative in the Congress of the United States.

"WILLIAM H. ROLAND, Jr.,
*"President."*

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

H.R. 310. An act to amend title 10, United States Code, to authorize the Secretary of Defense, the Secretaries of the military Departments, and the Secretary of the Treasury to settle certain claims for damage to, or loss of, property, or personal injury or death, not cognizable under any other law (Rept. No. 2123).

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

S.J. Res. 208. Joint resolution to establish a Commission to develop and execute plans for the celebration of the one hundred and fiftieth anniversary of the Battle of Lake Erie, and for other purposes (Rept. No. 2124);

S.J. Res. 213. Joint resolution to provide for the actual participation of the United States in the West Virginia centennial celebration (Rept. No. 2125); and

H. Con. Res. 474. Concurrent resolution extending the greetings and felicitations of the Congress to the Bethel Home Demonstration Club of Bethel Community, Sumter County, S.C. (Rept. No. 2128).

By Mr. DIRKSEN, from the Committee on the Judiciary, with an amendment:

S. 151. A bill for the incorporation of the Merchant Marine and Maritime Service Veterans Association (Rept. No. 2126); and

S. 3698. A bill to incorporate the McCarran Foundation, and for other purposes (Rept. No. 2127).

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

S. 2928. A bill for the relief of Seymour K. Owens (Rept. No. 2129);

S. 2953. A bill relating to the tax-exempt status of the pension plan of local union No. 435 of the International Hod Carriers' Building and Common Laborers' Union of America (Rept. No. 2130);

S. 3453. A bill for the relief of Dr. Felix Nabor Sabates (Rept. No. 2131);

S. 3600. A bill for the relief of Chao Hua-Hsin (Rept. No. 2132);

H.R. 1362. An act for the relief of Calogera Virone Messina (Rept. No. 2134);

H.R. 1483. An act for the relief of Priscillo Jose Sisson and Evelyn Sisson (Rept. No. 2135);

H.R. 1598. An act for the relief of Michael Anthony Dedetsinas (Rept. No. 2136);

H.R. 2978. An act for the relief of Rosa and Rita Quattrocchi (Rept. No. 2137);

H.R. 4483. An act for the relief of Simon Karasick (Rept. No. 2138);

H.R. 5695. An act for the relief of Forrest L. Gibson (Rept. No. 2139);

H.R. 7099. An act to validate payments of certain per diem allowances made to members and former members of the U.S. Coast Guard while serving in special programs overseas (Rept. No. 2140);

H.R. 7876. An act relating to the effective date of the qualification of the joint pension plan for employees of Local Unions 645, 1507, and 1511, Brotherhood of Painters, Decorators, and Paperhangers of America as a qualified trust under section 401(a) of the Internal Revenue Code of 1954 (Rept. No. 2141);

H.R. 8855. An act for the relief of Marie Silva Arruda (Rept. No. 2142);

H.R. 9469. An act for the relief of Charles L. Kays (Rept. No. 2143);

H.R. 10316. An act for the relief of Leopoldo Rocha Canas and Teofilo Caoile Servito (Rept. No. 2144);

H.R. 10881. An act for the relief of Maj. Singh Sunga (Rept. No. 2145);

H.R. 10897. An act for the relief of Joseph Hammond (Rept. No. 2146);

H.R. 12092. An act for the relief of Arthur H. Brackbill (Rept. No. 2147);

H.R. 12093. An act for the relief of Joseph Wolf, Jr. (Rept. No. 2148);

H.R. 12451. An act to authorize reimbursement to appropriations of the U.S. Secret Service of moneys expended for the purchase of counterfeits (Rept. No. 2149);

H.R. 12887. An act for the relief of Benjamin Leach, Diogracias Leach, Rogelio Leach, and Maximo Leach (Rept. No. 2150);

H.J. Res. 659. Joint resolution granting consent of the Congress to a compact entered into between the State of Maryland and the Commonwealth of Virginia for the creation of the Potomac River Compact of 1958 (Rept. No. 2155); and

H.J. Res. 693. Joint resolution granting the consent and approval of Congress for the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to amend the Washington Metropolitan Area Transit Regulation Compact, and for other purposes (Rept. No. 2156).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

H.R. 12402. An act for the relief of Concetta Maria, Roseta, and Tomasino Mangiarcina (Rept. No. 2151).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 2683. A bill for the relief of Laszlo Janos Buchwald (Rept. No. 2133);

H.R. 1691. An act for the relief of Elaine Veronica Brathwaite (Rept. No. 2152);

H.R. 10605. An act for the relief of Joan Rosa Orr (Rept. No. 2153); and

H.R. 11793. An act to provide criminal penalties for trafficking in phonograph records bearing forged or counterfeit labels (Rept. No. 2154).

## REPORT ENTITLED "OPERATION OF ARTICLE VII, NATO STATUS OF FORCES TREATY"—REPORT OF A COMMITTEE (S. REPT. NO. 2122)

Mr. ERVIN. Mr. President, on September 19 the full Committee on Armed Services approved the annual report entitled "Operation of Article VII, NATO Status of Forces Treaty," together with other jurisdictional operations.

I submit to the Senate this report and ask that it be printed with illustrations.

The VICE PRESIDENT. Without objection, the report will be received and printed, as requested by the Senator from North Carolina.

## EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Anthony R. Marasco, of New York, to be U.S. marshal for the southern district of New York.

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

John F. Henning, of California, to be Under Secretary of Labor.

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

Dr. Harvey Brooks, of Massachusetts, to be a member of the National Science Board, National Science Foundation;

Rufus E. Clements, of Georgia, and sundry other persons, to be members of the National Science Board, National Science Foundation;

Dr. Henry Nelson Harkins, of Washington, and Dr. Alfred Gellhorn, of New Jersey, to be members of the Board of Regents, National Library of Medicine, Public Health Service;

Louis Moreau, and sundry other candidates for personnel action in the Regular Corps of the Public Health Service;

Sandler H. Dickson, and sundry other candidates, for personnel action in the Regular Corps of the Public Health Service; and

Howard L. McMartin, and sundry other candidates, for personnel action in the Regular Corps of the Public Health Service.

## BILLS INTRODUCED

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

By Mr. PASTORE:

S. 3746. A bill for the relief of Lydia Anne Foote; to the Committee on the Judiciary.

By Mr. HART (for Mr. HARTKE):

S. 3747. A bill for the relief of Gustava Juan Sanchez; to the Committee on the Judiciary.

By Mr. McGEE (for Mr. HICKEY):

S. 3748. A bill to authorize the Administrator of General Services to convey certain lands in the State of Wyoming to the city of Cheyenne, Wyo.; to the Committee on Government Operations.

By Mr. BOTTUM:

S. 3749. A bill to provide for the establishment of Fort Sisseton as a national historic site, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BUTLER:

S. 3750. A bill to amend section 1125 of title 15 of the United States Code so as to prohibit the use of the name of a country or region on a product unless the principal ingredient is from that country; to the Committee on Commerce.

S. 3751. A bill for the relief of Dr. Cristobal Vela; to the Committee on the Judiciary.

By Mr. LONG of Louisiana:

S. 3752. A bill to amend the Internal Revenue Code of 1954 to permit small mutual insurance companies and life insurance companies to be taxed on certain bond discount like other taxpayers; to the Committee on Finance.

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

## CONCURRENT RESOLUTION

### IMPORTATION OF CURACAO LIQUEUR INTO THE UNITED STATES

Mr. BUTLER submitted the following concurrent resolution (S. Con. Res. 95); which was referred to the Committee on Finance:

Whereas it has been the commercial policy of the United States to recognize marks of origin applicable to alcoholic beverages imported into the United States; and

Whereas such commercial policy has been implemented by the promulgation of appropriate regulations which, among other things, establish standards of identity for such imported alcoholic beverages; and

Whereas among the standards of identity which have been established are those for "Scotch whisky" as a distinctive product of Scotland, manufactured in Scotland in compliance with the laws of Great Britain regulating the manufacture of Scotch whisky for consumption in Great Britain and for "Canadian whisky" as a distinctive product of Canada, manufactured in Canada in compliance with the laws of the Dominion of Canada regulating the manufacture of whisky for consumption in Canada and for "cognac" as grape brandy distilled in the Cognac region of France, which is entitled to be so designated by the laws and regulations of the French Government; and

Whereas "Curaçao liqueur" is a distinctive product of the island of Curacao and is unlike other types of alcoholic beverages, whether imported or domestic; and

Whereas, "Curaçao liqueur" has traditionally had a distinctive flavor derived from the peel of a special variety of orange—Citrus aurantium curassuvientis; and

Whereas "Curaçao liqueur" has achieved recognition and acceptance throughout the world as a distinctive product of Curacao: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That it is the sense of Congress that the recognition of "Curaçao liqueur" as a distinctive product of Curaçao be brought to the attention of the appropriate agencies of the United States Government toward the end that such agencies will take appropriate action to prohibit the importation into the United States of liqueur designed as "Curaçao liqueur", unless it is clearly labeled to show the country of origin as an integral part of the name.

## RESOLUTIONS

### AWARD OF HONORARY BADGE OF DISTINCTION TO CERTAIN U.S. CITIZENS

Mr. HUMPHREY submitted a resolution (S. Res. 404) favoring the award of the Honorary Badge of Distinction to certain U.S. citizens suffering injuries as a result of willful mistreatment while prisoners of unfriendly nations, which was referred to the Committee on Armed Services.

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

### AUTHORIZATION FOR CHAIRMAN AND CERTAIN EMPLOYEES OF PERMANENT SUBCOMMITTEE ON INVESTIGATIONS TO APPEAR AND TESTIFY IN THE CASE OF THE UNITED STATES AGAINST JAMES R. HOFFA

Mr. MCCLELLAN, from the Committee on Government Operations, reported an original resolution (S. Res. 405) authorizing the chairman of the Permanent Subcommittee on Investigations of the Committee on Government Operations, with certain present and former employees thereof, to appear and testify in the case of the United States against James R. Hoffa, and for other purposes, which was considered and agreed to.

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

### PERMISSION TO TAX MUTUAL AND LIFE INSURANCE COMPANIES ON CERTAIN BOND DISCOUNT

Mr. LONG of Louisiana. Mr. President, I introduce, for appropriate reference, a bill to amend the Internal Revenue Code of 1954 to permit small mutual insurance companies and life insurance companies to be taxed on certain bond discount like other taxpayers. I ask unanimous consent that the bill, together with an explanation, and an excerpt from the report of the Committee on Finance accompanying House bill 10650, be printed in the RECORD in connection with my remarks.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill, explanation, and excerpt will be printed in the RECORD.

The bill (S. 3752) to amend the Internal Revenue Code of 1954 to permit small mutual insurance companies and life insurance companies to be taxed on certain bond discount like other taxpayers, introduced by Mr. LONG of Louisiana, was received, read twice by its title, referred to the Committee on Finance, 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, whenever in this Act an amendment is expressed in terms of an amendment to a section, the reference shall be considered to be made to a section of the Internal Revenue Code of 1954.

BOND DISCOUNT

At the end of sections 818(b)(2) and 822(d)(2) add the following new sentence:

"For taxable years beginning after December 31, 1962, no accrual shall be required of discount on any bond (as defined in section 171(d)) the interest on which is not includible in gross income under section 103."

The explanation and excerpt presented by Mr. LONG of Louisiana are as follows:

EXPLANATION OF AMENDMENT PROVIDING CAPITAL GAINS TREATMENT ON MARKET PROFITS REALIZED BY INSURANCE COMPANIES FROM STATE AND MUNICIPAL BONDS

Under present law, life insurance companies and mutual fire and casualty insurance companies are the only taxpayers denied capital gains treatment on market profits from bonds purchased at less than par value. Under sections 818(b) and 822(d)(2) of the code, they alone are required to accrue a ratable portion of the difference between the cost of the bond and its par value.

Section 8 of H.R. 10650 amends the mutual fire and casualty company tax provisions to bring them into accord with those taxing stock fire and casualty companies. New Internal Revenue Code section 823 in section 8 of the bill taxes medium to large mutual fire and casualty companies like stock companies and therefore gives them capital gains treatment on their bond discount. In Rev. Rul. 60–306, the Internal Revenue Service has specifically ruled that even though stock fire and casualty companies, like life insurance companies, are required by State regulations to accrue bond discount, they are nevertheless entitled to treat the discount as capital gains when the bond is sold or redeemed.

New section 823 does not generally apply to small mutual fire and casualty companies having gross income from premiums and investment income of between $150,000 and $600,000. These small companies continue to be taxed on investment income as under present law and, therefore, they must continue to accrue bond discount under section 822(d)(2).

This matter is particularly important to those companies who purchased discount bonds issued by States and municipalities from 1942 to 1960. During this period, mutual fire and casualty companies and life insurance companies purchased many municipal discount bonds because they were led to believe by regulations, return forms and practices of the Internal Revenues that such discount was treated as tax-exempt interest.

In May of 1960, however, the Internal Revenue Service issued Rev. Rul. 60–210, holding that discount on municipal bonds was not to be accrued as tax-exempt interest but was to be taxed as ordinary income. The application of this ruling to years after 1960 is grossly unfair to pre-1960 purchasers who relied on the then tax-exempt status of the municipal bond discount.

The enactment of section 8 will effectively reduce the tax impact on municipal bond discount for mutual fire and casualty companies having gross income in excess of $600,000 and therefore indirectly overrules Rev. Rul. 60–210 for these companies. Small mutual fire and casualty companies and life insurance companies, however, must still accrue municipal bond discount as ordinary income under Rev. Rul. 60–210. This oversight is discussed on pages 61 and 62 of the Senate Finance Committee report on H.R. 10650 attached hereto.

It would therefore seem appropriate to amend section 822(d)(2) so that small mutual fire and casualty companies may receive the same relief from the application of Rev. Rul. 60–210 as their larger competitors. Similarly it would seem most appropriate to amend section 818(b)(2) so that life insurance companies may also treat their market profits from municipal bonds as capital gains.

This is accomplished by the attached amendment which amends sections 818(b)(2) and 822(d)(2) so that market profits from municipal bonds will be treated alike to all taxpayers. For years after 1962, this

would alleviate the inequity for all taxpayers affected by Rev. Rul. 60–210, not just medium and large mutual fire and casualty companies.

EXCERPT FROM REPORT OF THE COMMITTEE ON FINANCE ACCOMPANYING H.R. 10650

Under the bill, as passed by the House and approved by your committee, the rules applicable to mutual fire and casualty companies accruing market discount on bonds are changed. Under present law all mutual fire and casualty companies (and life insurance companies) are required to accrue each year a ratable portion of market discount on bonds and pay tax thereon at ordinary income tax rates (Rev. Rul. 60–210; 1960–1 CB 38). Stock fire and casualty insurance companies, on the other hand, are not required to accrue such discount but when the bond is sold or redeemed they are required to pay tax on the amount of gain resulting from market discount at capital gains rates (if the bond is held for more than 6 months). Since under the general rule of the bill the starting point in computing "mutual insurance company taxable income" is the gross income computed as if the taxpayer were a stock company, the effect is to treat market discount on bonds for mutual companies, other than the small companies taxable on investment income only) as it is treated by the stock companies.

## AWARD OF THE HONORARY BADGE OF DISTINCTION TO CERTAIN U.S. CITIZENS

Mr. HUMPHREY. Mr. President, on April 25 of this year the President issued an Executive order extending the authorization for the award of the Purple Heart—known as the Badge of Military Merit, or Decoration of the Purple Heart—to be awarded to any member of the armed services, or any civilian national of the United States serving in any capacity with the Armed Forces of the Department of Defense or with the Coast Guard, who is wounded in action.

Mr. President, it is altogether fitting and proper that this award should be extended into our cold war era, in which young Americans are being called upon to face all kinds and conditions of danger and in which they might very well suffer wounds without the formal declaration of war.

The announcement at the White House of the extension of the Purple Heart authority prompted a letter to me from a constituent in Minneapolis, who pointed out that many American prisoners of war suffered torture and other brutal physical treatment at the hands of their captors during World War II and Korea.

Mr. President, with this suggestion I thoroughly agreed, and this past summer I asked the President if he would initiate a study of the possibility of authorizing the award of the Purple Heart for prisoners of war who suffer injury from willful mistreatment on the part of their captors.

I am glad to be able to report that a study is being made by the several services, and I am hopeful that later this year we may have a favorable recommendation to establish the award of the Purple Heart for such prisoners of war.

Making the award retroactive, permitting the award of the Purple Heart to be awarded to prisoners of war who suffered such injuries during World War II, Korea, and World War I, would entail a considerable amount of time and expense in order to research the records of well over 100,000 former American prisoners of war. Yet, Mr. President, I believe that in all justice to these men who have suffered for their country, many of them bearing the scars of permanent injury, there should be authority to make the Purple Heart retroactive to include them.

Mr. President, I submit for appropriate reference a resolution expressing the sense of the Senate that the President should establish the award of the Purple Heart for prisoners of an enemy nation who have been willfully mistreated. In addition to calling for the retroactive awarding of the Purple Heart to prisoners of World War I, World War II and the Korean conflict, the resolution is drafted to include those persons captured and tortured during the present cold war. Certainly the Americans currently serving their country and the cause of freedom in South Vietnam and other far corners of the globe should be included in such a Presidential order.

Mr. President, I urge prompt approval of this resolution so that the President of the United States may know that the Senate endorses this proposal to extend the Purple Heart to these many Americans who have suffered under enemy captors. At the very least, these defenders of freedom are due this recognition by a grateful nation.

The VICE PRESIDENT. The resolution will be received and appropriately referred.

The resolution (S. Res. 404) was referred to the Committee on Armed Services, as follows:

*Resolved*, That it is hereby declared to be the sense of the Senate that the President of the United States should, by virtue of the authority vested in him as President of the United States and as Commander in Chief of the Armed Forces of the United States, authorize the Secretaries of the military departments and the Secretary of the Treasury with respect to the Coast Guard (when not operating as a service in the Navy) to award the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit or Decoration of the Purple Heart, to any member of an armed force under the jurisdiction of that Department and any civilian national of the United States who, while serving under competent authority in any capacity with an armed force of that Department, has suffered or hereafter suffers severe or serious physical or mental injury as the direct result of having been willfully mistreated by his captors while a prisoner of an unfriendly nation.

*Resolved further*, That such authority should be effected retroactively, so as to include World War I, World War II, the Korean conflict, and the period subsequent to the Korean conflict.

## ADJUSTMENT OF POSTAL RATES—AMENDMENTS

Mr. CLARK. Mr. President, I send to the desk three amendments to the bill (H.R. 7927) to adjust postal rates, and for other purposes, relating to section 305 of the bill, which deals with "Communist political propaganda." The first amendment would strike the section entirely. The second would substitute a modified Walter bill—H.R. 5751—for section 305. The third amendment would modify section 305 by stating that the detention system authorized thereunder would not go into effect unless the President found that it was in the national security interest to have it do so.

My reasons for opposing this section are set forth in the individual views I have attached to the report. I ask that those views be printed in the RECORD at this place.

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

The individual views, presented by Mr. CLARK, are as follows:

COMMUNIST POLITICAL PROPAGANDA

The best defense of a free society against hostile, alien propaganda is the commonsense of its people. As President Kennedy has stated, "I think the American people are used to hearing all sides, and I don't think they are particularly impressed by a good deal of what I have seen of propaganda."

I consider the committee's proposal for the detention of "Communist political propaganda" an administrative monstrosity, which violates basic constitutional civil liberties, and may well invite far-reaching retaliatory actions against Western mail by Communist bloc countries that would be adverse to our national interest.

(1) Administrative objections: The committee proposal would place an enormous, costly, and unnecessary burden on the executive branch and on the recipients of certain foreign mail.

In the first place, the definition of "political propaganda" in section 1(j) of the Foreign Agents Registration Act, which is incorporated by reference by the committee, is so subjective, vague, and broad as to provide no proper standard whatsoever. According to that definition "political propaganda" includes "any * * * communication or expression by any person * * * which the person disseminating the same believes will, or which he intends to * * * in any way influence * * * a recipient * * * with reference to the political or public interests, policies, or relations of a government of a foreign country or a foreign political party or with reference to the foreign policies of the United States or promote in the United States racial, religious, or social dissensions."

There is no requirement in this definition that the propaganda be reasonably adapted to lead the recipient to any belief, much less any act, inimical to the United States. As long as the detention authorities find that its authors believe or intend certain effects, the propaganda, no matter how crude or ineffective, would be subject to detention. The propaganda can be directed at any policy or interest of a foreign government, regardless of whether such policy and interest happened to coincide with those of the United States. Taken literally, foreign expressions of sympathy with efforts of minority citizens of the United States to protect their full constitutional rights might fall within the sanction of propaganda designed to promote in the United States racial or social dissension.

Second, an enormous and costly screening and notification apparatus would have to be set up to handle nonexempt mailings, if the proposal were to be applied literally. The Post Office Department advises that there are 86 points of entry of foreign mail (including 20 from Mexico, 47 from Canada) plus about 82 points of entry of airmail (including about 60 from Mexico and Canada), some in the

central interior of the United States. Presumably under the committee proposal, the Secretary of the Treasury might have to assign personnel to each point of entry to check incoming mail and screen nonexempt Communist political propaganda.

A total of 839 million pieces of mail was received from foreign countries last year. The heavy majority of these pieces were in categories other than sealed letters. Presumably many come from Iron Curtain countries. To check all of these pieces for Communist political propaganda will pose a huge problem. How many persons would be required to administer the law proposed in the committee bill? How much would it cost? The answers are obviously large in both instances.

Clearly interpreters expert in the many scores of languages of the Communist bloc nations would have to be employed to determine whether the mail received constituted prohibited propaganda in nonexempt cases.

The committee proposal also requires a costly notification system for all addressees whose mail has been withheld.

Third, and most important, it should be noted that the committee proposal applies not only to mail coming from certain areas abroad but also to all subsequent mailings within the United States. It calls for the detention of "Communist political propaganda * * * upon its subsequent deposit in the U.S. domestic mails."

A monograph by Lenin printed in the Soviet Union and sent to the United States in 1922, deposited in the mail in 1962 in Topeka, Kans., for delivery to Wichita, Kans., would fall within the scope of the committee proposal.

(2) Adverse effect on U.S. foreign policy and national interests: As USIA and State Department representatives indicated to the committee, the U.S. Government has a vital interest in the continued distribution of Western mails within the Communist bloc countries. Contrary to the testimony given by Representative CUNNINGHAM, Western mail in significant volume is being delivered in the Communist countries. If a universal screening procedure is established for all "Communist political propaganda" (regardless of the scope of exemptions) as the committee proposal would do, we must expect retaliatory action by Communist countries against Western mail. There is no reason to expect that such action by the Communists would exempt the same categories of mail exempted by the committee. If the Soviets end all flow of Western mail, our open society obviously loses more than the Communist closed society.

As Edward R. Murrow, Director of the U.S. Information Agency, testified, "One candle in a dark room casts far more light than 100 candles in the sunlight." To risk the extinguishment of any expression of Western viewpoint within the Communist bloc countries, for fear of risking continued delivery of inept Communist political propaganda in the United States, is clearly not in the national interest.

(3) Constitutional objections: Any proposal which sets up a universal screening system for foreign mail, regardless of its exceptions, raises serious constitutional questions.

The first amendment states, "Congress shall make no law * * * abridging the freedom of speech or of the press." This basic freedom is subject to limitation only when the expression of thought presents a "clear and present danger" (*Dennis* v. *U.S.*, 341 U.S. 494 (1950)). A restriction on use of the mails may raise violations of the first amendment (*Hannegan* v. *Esquire*, 327 U.S. 146 (1946)).

Administrative orders detaining objects from the mails make "questions of procedural safeguards loom large," as Justices Brennan, Warren, and Douglas said in a concurring opinion in *Manual Enterprises* v. *Day*, decided June 25, 1962.

Mr. Justice Holmes said:

"The United States may give up the Post Office when it sees fit, but while it carries it on, the use of the mails is almost as much a part of free speech as the right to use our tongues, and it would take very strong language to convince me that Congress ever intended to give such a practically despotic power to any one man" (*Milwaukee Publishing Co.* v. *Burleson*, 225 U.S. 407, 437 (dissenting opinion)).

While the committee proposal would permit persons who have received notices from the Post Office that Communist political propaganda is being held for them to file requests for such matter and obtain it, clearly a stigma might be attached to those who attempt to exercise their rights in this regard. This would be especially apt to happen in small communities where such actions are almost sure to become widely known. The information might well find its way to FBI files.

Enactment of the committee proposal would represent unfortunate and unnecessary legislation. It would not protect the national security. It might hurt it. It would be an insult to the commonsense of the American people.

JOSEPH S. CLARK.

Mr. CLARK. Mr. President, finally I ask consent that first, an editorial on this question which appeared in the New York Times today; second, a memorandum from the U.S. Information Agency showing what other allied countries do in regard to alien propaganda; and third, an article —omitting footnotes—by Prof. James Paul, of the University of Pennsylvania Law School, concerning the grave defects in the old Executive order program, which was in effect from 1950 to 1961, and which resulted in the detention of 15 million pieces of foreign mail, be placed in the RECORD at this place.

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

[From the New York Times, Sept. 25, 1962]

NO POSTAL CENSORSHIP WANTED

Should Congress write into the statutes of this country a system of political censorship and screening of the mails? This is the real issue posed by one section of the new postal-rate and pay-raise bill reported out yesterday by the Senate Post Office and Civil Service Committee.

The Senate committee was seeking to meet the problem raised by the House-approved Cunningham amendment, which would go far toward preventing American citizens from receiving mail from the Soviet Union and other Communist countries. The Senate version is more reasonable, since it contains important exemptions. But it still declares, in effect, that there are two kinds of Americans; those who can be trusted to receive any kind of mail from the Communist world, and those who cannot. The Senate provision, like the Cunningham amendment, is probably unconstitutional, and certainly contrary to the most fundamental tradition of our country.

The Senate version of the postal bill provides, as expected, for higher postal rates and for a pay increase for postal and other Government workers. The rate increases are necessary; and fortunately the Senate committee's proposals do not echo the House's sharp threat to the future existence of some of the country's best periodicals.

Although the U.S. mail service can hardly go anywhere but up, it is not likely that the 1-cent increase in ordinary letter mail will produce any improvement, inasmuch as the increased postal revenues will be more than absorbed by the pay increase. As we have argued earlier, the pay issue and the rate issue should have been separated so that each could have been decided on its own merits. But that would be asking too much of a Congress this close to election day in an even-numbered year.

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POSTAL SCREENING POLICIES OF AREA COUNTRIES

1. France (per Steve Kearney): Jean Baube, press attaché, Adams 4–0990, said that France had no screening process. It should be noted that as a matter of internal security France may destroy material, even of domestic production.

2. West Germany (per Art Hoffman): In West Germany the Communist Party is outlawed. The practice of the Communist is to smuggle material into West Germany and then distribute it by domestic mail. We were unable to determine whether there is a statute on the books.

3. Great Britain (per Joe Ravotto): In a conversation with Mr. M. A. M. Robb, Information Minister, he said that he had no specific information but that to his general knowledge there was no statute or administrative ruling providing for censorship or screening of mail. He said that there was a spot check made of material for internal security reasons. But that no mail was withheld from the addressee. This applies in full measure to newspapers, magazines and books.

4. Italy (per Ed Pancoast): We are informed there are no restriction on the entry of second- or third-class mail into the country. Because of the presence in Italy of the large Communist Party no legislation of this type excluding Communist literature is plausible, and practically the local Communist forces can prepare and distribute its literature. Customs does have control over all films imported.

5. Canada (per Joe Ravotto): He spoke with Mr. Farquharson, DE 2–1011, who is the public information officer. He says that neither administratively nor legislatively is there any screening or stoppage of Communist propaganda. He does acknowledge that there is probably the usual legislation on seditious or treasonable material. In this connection, Dick Kearney referred to section 1201 of Canada's customs tariff, schedule C, of which prohibits the importation of books which are treasonable and seditious.

6. Japan (per Clifton B. Forster): In a conversation with Mr. Akatani, AD 4–2269, he said that the following information was based on conversations with various members of the staff but had not yet been checked with the legal counsel. There is no control of mails from any country. There is control of films, books, and other commodities on a global basis under the Foreign Exchange Cultural Act, under which the Minister of Economic Affairs determines what products are acceptable in Japan by control of foreign exchange. Mr. Akatani assumes that specific propaganda material (films, books, etc.) may be thereby excluded on the basis that Japan does not consider these worthwhile for the expenditure of foreign exchange; this however is merely conjecture. Japan has no cultural agreement with the Soviets. Article 21 of customs tariff law prohibits the importation of books, films, and other goods which affect public security and morals. The implication of Mr. Akatani was that some security forces may review books and other material for possible violation of this law.

7. West Germany (per telephone conversation with Art Hoffman, September 20, 1962): West Germany has an antisedition law and a law barring Communist propaganda. If any domestic or foreign mail is deemed by the postal authorities to be in contravention

of the laws, it is put aside by the postal authorities and can be brought to court for a judicial determination. Whether the practice is to do so has not been determined.

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FOREIGN COMMUNIST PROPAGANDA IN THE MAILS: A REPORT ON SOME PROBLEMS OF FEDERAL CENSORSHIP

(By Murray L. Schwartz and James C. N. Paul)

(Little has been written of the activities of the Federal Government's program for withholding from American addresses "foreign Communist propaganda" mailed from abroad. In this article, the second of a series of studies in the problems of postal censorship, the authors report on these activites, examine the legal bases for the operation, and weigh a number of legislative alternatives against the constitutional guaranty of free expression. An earlier study dealt with the censorship problems which arise from the exercise of the power to exclude obscene matter from the mails.)

Since 1951, our Government has engaged in wholesale confiscation of publications mailed into this country from behind the Iron Curtain.

U.S. officials have ruled that these publications, when they contain foreign political propaganda, are nonmailable: they violate a complex of legislation, composed of the Espionage Act and the Foreign Agents Registration Act.

The logic of this ruling requires the confiscation of all propaganda mailed from any country, and on a few occasions over-zealous customs and postal men have pushed the program just that far. Their sieve of restraint has caught not only overt Communist propaganda, but also a pamphlet by a member of the British Parliament criticizing the position of the United States during the Guatemalan revolution of 1954, various pacifist materials from England, scientific works, geographies, novels and, mirabile dictu, quantities of an edition of the London Economist.

At the program's frustrating nadir, several years ago, one U.S. civil servant, working in a storage room in a big city post office, was given a Russian dictionary by harassed superiors and told to interpret bales of intercepted Russian publications to determine whether any contained foreign political propaganda. Today things are different and better. The screening and impounding of mail from Iron Curtain countries goes on. But exemptions (of dubious validity in the strict legal sense) have been created so that persons who desire to receive publications of virtually any sort from Communist countries can get them—provided they do not import propaganda in quantity. The flow of mail from non-Iron Curtain countries is no longer subjected to screening for subversive propaganda content, except perhaps in cases where it emanates from known Communist controlled sources.

There has been little open discussion of this program—which is, today, in essence, an operation to keep Communists abroad from using our postal service to disseminate their propaganda on a wholesale basis. Published rules do not fully explain the scope and procedures of the operation; responsible officials have, in the past, been reluctant to discuss it, at times even before congresssional committees. Until very recently only a select group (to whom publications are regularly addressed) have been directly told that there is a program calling for interception and destruction of Iron Curtain mailings—let alone for their release upon request, pursuant to the exceptions to the exclusionary program which the Government has created.

The Government has been successful to date in avoiding lawsuits, and it seems clear that Postal, Customs, and Justice Department officials have no desire to test their legal authority to do what they are doing. Importuned at intervals, Congress has still failed to enact legislation which would clearly authorize this operation or any workable alternative.

But the facts and dangers of the cold war remain stark. Under present conditions the Government probably will not cease this censorship unless required by Congress or the courts. So, year by year, thousands of publications containing foreign political propaganda—primarily Communist propaganda—are intercepted on arrival in this country and destroyed. Precisely how much is destroyed and precisely what is destroyed (e.g., by title) remain somewhat a mystery because security policies censor much information on this censorship program. With the possible exception of World War II, there has been no similar broad-gaged effort to confiscate so much hostile propaganda.

The justification of the program appears to be twofold: to protect the American public from being swamped and seduced by subversive material; and to prevent the United States from subsidizing propaganda efforts by totalitarian enemies whom we are spending billions, at deficits, to combat.

Whatever the merits of these purposes, the program should not be based on the attenuated interpretation of the existing legislation now invoked to support it. Congress should review the problem of controlling this Communist propaganda and either abolish today's program calling for its exclusion or authorize some alternative countermeasures which will insure more appropriate safeguards to the interests of freedom.

ORIGINS OF THE PROGRAM: IN LAW AND HISTORY

Throughout our history, the U.S. Government has periodically utilized its physical control over the mails to suppress propaganda deemed subversive.

Federalist officials seized newspapers and tracts—both domestic and foreign—when they espoused too much Jacobin ideology and French revolutionary sympathy.

In pre-Civil War days, southern postmasters frequently refused to carry incendiary abolitionist materials. Congress never authorized this wholesale confiscation; indeed, Congress once rejected a bill granting precisely the power, but top postal officials went on sanctioning the practice for years. And, in the 1850's, as North-South tensions increasingly strained fears and patience, the Attorney General openly avowed the necessity and advised the legality of this suppression: suppose, wrote the astute, "doughface" Democrat, Mr. Caleb Cushing, some foreign power were to use the U.S. mails to stir up class hatreds and foment civil strife as a preliminary to forcible seizure of our sovereignty—would any one doubt the inherent power of the U.S. Government to stop the use of its own operation, the carriage of mail, to achieve the purpose?

During World War I fear of subversion by propagandists using the mails recurred. German propaganda and later leftwing propaganda was suppressed—and some of the suppression was never expressly authorized by any statute. In 1917, by the Espionage Act, Congress outlawed mailings advocating treason or forcible resistance to our laws. These and other materials mailed in connection with espionage activities were never to be carried through the post; they were to be stopped in transit; thus, a power of censorship was bestowed. In 1930, Congress authorized more of this censorship, declaring that material advocating treason or insurrection should also be denied entry into the country, and customs officials were authorized to seize it for libeling wherever they found it.

Yet none of these laws dealt with problems which began to agitate more and more Americans during the thirties: the mass dissemination of propaganda by Nazis and Communists. These materials did not advocate overt treason; they were more subtle. They were also being mailed in vast volume throughout the country. Efforts to control their dissemination mark the origins of today's anti-Communist operation.

Congressional committees of varying membership and viewpoint became increasingly concerned because so much of this propaganda was prepared by foreign sources for dissemination here. They investigated, publicized, and promoted bills of various sorts. Finally a select committee produced a bill which Congress adopted in 1938, the Foreign Agents Registration Act.

As the name implied, it was a registration statute. In essence the law said: Every agent of a foreign principal must file statements with the Secretary of State giving information about himself, his activities, and his foreign principal. "Foreign principal" means practically everyone from an impersonal government to an individual who was not located in the United States. An "agent of a foreign principal" was defined equally broadly, including public-relations counsel, servant, representative, or attorney for a foreign principal or for any domestic organization subsidized by a foreign principal.

Failure of any foreign agent to register was a crime. But nowhere did the law authorize censorship of any materials mailed by agents. Indeed, as originally written, the statute made no reference to propaganda or any other type of materials. An unregistered disseminator who was an agent might be imprisoned for failing to reveal himself, but the act did not, in terms at least, permit stoppage of the things he sent through the post.

Thus, the act was intended to compel disclosure, not authorize censorship. It was simply a law designed to stop pollution of the free marketplace of ideas with nostrums promoted by undisclosed alien, totalitarian sources. Said the House Committee on the Judiciary: "We believe that the spotlight of pitiless publicity will serve as a deterrent to the spread of pernicious propaganda."

The anticipated spotlight failed to deter. In 1939 and 1941 the Dies committee reported that tons of propaganda were coming in from Germany, Italy, Japan, and Russia. Books, tracts, newspapers, and similar matter were sent, often in quantity to individuals, schools, colleges, institutions, business houses, and other selected addressees apparently in the hope that these recipients would in some way promote further dissemination. Paradoxically there were few recorded registrations of foreign agents. Despite verbal blasts by committees headed by such capable publicists as Fish, McCormack, and Dies, there were few prosecutions for failure to register.

Indeed, a defect in the law was unintentionally overlooked or obfuscated. The act failed to speak in terms to this serious problem: how should we deal with a Nazi propagandist who, physically, was not here, who sat in an office in Berlin with a list of U.S. addressees at his side to whom he mailed his material directly? There was no way of compelling this propagandist to register. There was no statute, no policy, no program in terms designed to publicize or check his activities.

By 1940 U.S. involvement in the Armageddon against Germany was on the increase. Yet alien propagandists abroad were stepping up their output, using U.S. post offices in the effort to foment racial antagonisms as well as undermine U.S. support for the beleaguered democracies. Post office leaders reacted to the danger as they conceived it. They seized several large shipments of Nazi propaganda. Postmaster General Frank Walker then requested the opinion of Attorney General Robert H. Jackson—could he legally do what he had done? Yes, replied the Attorney General, coming up with an opinion containing an interweaving of assorted provisions of the United States Code to support the result.

The Espionage Act, he noted, renders nonmailable not only treasonable materials, but also all material which violates its own section 22. That section imposes criminal penalties upon anyone who "in aid of any foreign government, knowingly and wilfully possesses or controls any property or papers used or designed or intended for use in violating any penal statute." Section 22 thus appears to embrace the entire Federal penal code, provided the activity (1) involves the knowing possession of papers intended for criminal use, and (2) is "in aid of a foreign government." So, if papers are possessed in violation of section 22, they are nonmailable. Continued the Attorney General: If any propaganda were mailed by a nonregistered agent in this country, this activity (i.e., acting as an agent, here, without registering) would constitute a violation of the penal code of the kind which would make the propaganda nonmailable through recourse to section 22. Then followed the tour de force of the ruling—a neat feat of legal fictionmaking—whereby foreign disseminators, men who had never set foot on U.S. soil, became unregistered agents engaged in criminal activity here. Declared the Attorney General: The use of our mails by persons outside the United States for the purpose of committing an act which, if committed within the United States would constitute a violation of a criminal statute, renders them liable to the penalties of the statute. So the foreign disseminator, by using U.S. mail service becomes an unregistered agent here, and his propaganda piece becomes a paper which is controlled in violation of section 22, thereby rendering the matter nonmailable under the Espionage Act.

As a consequence of this ruling, postal and customs men were apparently authorized to intercept and destroy any material which either agency considered political propaganda in aid of a foreign government, sent from abroad by any person who, prima facie, would appear to be a foreign agent if he were here.

The ruling was backed by reasoning which was vulnerable. Overlooked was the fact that the purpose of the Registration Act was disclosure, not censorship. It is one policy to make criminal the failure of propagandists to register, but quite another to give an administrative agency unlimited discretion to confiscate their propaganda. It is going even further to give Government men a carte blanche power to seize all propaganda sent from abroad and designed to aid a foreign government—their power to be limited only by the vague mandate that the sender be classifiable as an agent.

Moreover, the Registration Act was designed to uncover domestic conduits for the propaganda of foreign nations—disclosure of the link between an agent operating here and his foreign backers. It was quite a stretch to say that Congress had also told officials of foreign governments and employees of foreign companies—men who had never set foot in this country—to file regular reports with our State Department setting forth the terms and conditions of their contracts of employment followed by a statement of their activities every 6 months, these statements to be public records.

So the Attorney General's opinion was executive lawmaking in a grand manner. But after all the country was going into war. And with war came other forms of censorship: the channels of communication anywhere abroad were soon policed totally through enforcement of the Trading With the Enemy Act, through the activities of the Office of Censorship and other wartime operations. There was little impetus to challenge the Government about its program for dumping Nazi propaganda. And none was forthcoming.

In 1942 the Registration Act was substantially amended. Administration of its disclosure requirements was turned over to the Department of Justice. Registration statements were to contain more information. "Political propaganda" was defined broadly and foreign agents were required to label their propaganda. The label was to explain that the material was propaganda, that the disseminator was an agent, and that registration and dissemination did not indicate approval by the U.S. Government of his message. The transmittal of unlabeled propaganda through the mails by a foreign agent was declared unlawful. Penalties for violation were increased.

To put at rest any thought that the 1942 amendments in any way affected the Attorney General's opinion dealing with foreign propaganda mailed directly from foreign lands, the Department of Justice promulgated rule 50 (for the enforcement of the act). It reiterated the gist of Attorney General Jackson's 1940 ruling.

The censorship operation based on that ruling was managed by postal and customs men, and it lasted until the end of the war. Then it lapsed. The necessity which was its real basis seemed to have ended.

Then the cold war turned hot in Korea; and, with warfare raging, international communism commenced major propaganda drives all over the world. Into this country poured publications of all kinds produced in Moscow, Peiping, Prague, Warsaw, and other Communist centers. Varying in style, content, and intellectual appeal, there were tracts and magazines containing panegyrics of life in Communist countries, extreme criticisms of life in the United States, appeals for peace and peace petitions, accusations and documentary proof of U.S. germ warfare and prisoner-of-war atrocities in Asia.

Vast quantities of foreign language newspapers and pamphlets were also coming in, apparently unsolicited and sent individually to persons of obvious foreign descent. Thus, Warsaw-published items were sent to obvious Polish-American addresses, and later investigations sustained the hunch of postal and customs officials that recipients in this class were recently naturalized or first generation citizens. On the west coast there was a similar story, but here the appeal was in Chinese to Chinese—and many of these recipients apparently could read nothing but Chinese. These special patterns of propagandizing were particularly disturbing to the postal, customs, and Justice Department men who commenced to organize U.S. resistance to the Communist propaganda deluge; since the beginning they have openly avowed their fear that this propaganda might have an impact on its recipients—if it were continuously delivered. There also appeared unusual quantities of books of every kind—songbooks, picture books for children, texts for scholars. Some would seem innocent even to the most zealous anti-Communist; others were freighted with party doctrine and party line attacks on U.S. institutions and culture.

Thus, propaganda pieces of all varieties started coming in by the thousands. In the beginning no measurements of volume were made; none could be made without considerable burden. By March 1951, the deputy collector of customs in New York had instituted a 6-month check of Iron Curtain material of the propaganda type coming through New York; about 25,000 packages of mail had entered; a package often contained as many as 100 different pieces of propaganda. This volume increased steadily. And New York was only one point of entry, albeit the biggest, volumewise, for all foreign mail coming into this country.

Many Members of Congress, particularly those on committees which had long been alert to detect Communist or alleged Communist dangers in our midst did not long remain ignorant or passive. Nor did the officials of the executive branch in close contact with the situation simply sit by as all this propaganda began swelling our post offices. As a consequence of both congressional pressure and sua sponte executive action, the present program of confiscation of foreign Communist propaganda took shape.

The deputy collector of customs at New York became concerned in 1950; he called attention to the situation in New York and asked superiors whether any provisions of the new Internal Security Act of 1950 (relating to labeling of mail by domestic Communist organizations) were intended to affect all this Communist propaganda coming in from abroad. And, if so, what was his responsibility. For a while the answer—and customs and postal policy—remained uncertain. But customs officials began examining much of the material to see if they could exclude it as advocacy of treason under the Tariff Act. Admittedly they could not, but this did permit closer surveillance. Federal Bureau of Investigation agents were notified about recipients who seemed to be getting propaganda in substantial quantities, and some of the more noxious items were simply "strong-armed," to use the words of a customs official.

Meanwhile, a Senate subcommittee had been investigating domestic disseminators of Communist propaganda. Attention initially seems to have been focused on the informational activities in this country of various diplomatic representatives of Communist bloc nations. The committee had also become interested in the operations of Four Continents, Inc., a New York importer of quantities of publications of all sorts from Iron Curtain countries. Why, the committee wanted to know, were these outlets—the diplomatic staff members and the commercial importers—exempted by Government officials from the labeling requirements of the Foreign Agents Registration Act? (Who in the State Department had persuaded the Department of Justice to adopt a hands off policy with respect to the dissemination of propaganda by members of the Russian foreign service? Who in the Justice Department was responsible for an unofficial agreement allowing Four Continents, Inc., to circulate Russian publications without any label disclosing their propaganda content? Had Judith Coplon, then an employee of the Department of Justice in the Foreign Agents Registration Section, exerted an improper influence here?) These seem to have been the questions of initial concern. But as the committee inquired into them its attention was drawn to the quite different problem of what to do about all the foreign Communist propaganda which was coming into this country via New York for direct distribution to American addressees. Conditions were then investigated at other points where foreign mail was entering the United States. Finding that similar problems existed, the committee applied informal pressure on postal and customs officials for more effective counteraction. Eventually, the House Un-American Activities Committee came into the picture and applied similar pressure.

Meanwhile, the Attorney General's Office advised harassed postal and customs officials that the Attorney General's ruling of 1940 was still the law. Postal, customs and Justice Department officials then arranged a program to intercept and confiscate Communist propaganda pursuant to this interpretation of the statutes. The activity was undertaken without direct congressional authorization, without much preparation in advance, without promulgating any rules of procedure or directives which the public at large could read.

There was, however, consultation with the interested congressional committees and some publicity of the menace of the Red propaganda threat through their hearings. Indeed, though the legal theory and operational plan of an antipropaganda program

came through the executive branch, much initial impetus was furnished by these committees. Even after the program was well underway and well understood, the House Un-American Activities Committee continued to hold hearings in various places throughout the United States, calling up the same Government officials for substantially the same testimony, expressing continued shock at the disclosures made, urging postal and customs officials to redouble their efforts, assuring them that clear-cut legislative authority would soon be supplied so that they would know that it was clearly lawful to do what they were doing.

The scope of the legal power which the Post Office, Justice, and Treasury Departments proceeded to carve out for their enforcement officials was broad. In legal theory, their program seemed to call for impounding any political propaganda sent here in aid of a foreign government by anyone suspected as an unregistered agent of any foreign principal. None of these limitations seems to have amounted to much when it came to propaganda from Communist countries.

The agency requirement was readily satisfied. As noted, a foreign principal is defined, roughly, as any person, organization, or government outside the United States; and, subject to exceptions which may simply have been ignored, anyone acting for a foreign principal could be deemed an agent. Indeed, the Department of Justice later ruled that all political propaganda originating in Iron Curtain countries could be presumed to come from an agent.

So, too, with the requirement that the agent send papers in aid of a foreign government. If his papers are political propaganda, then they are in aid of a foreign government, advised the Government's lawyers. And what is political propaganda? The Registration Act defines it as "any * * * expression * * * reasonably adapted to * * * prevail upon, indoctrinate, convert, induce, or in any other way influence a recipient or any section of the public within the United States with reference to political or public interests, policies, or relations of a government of a foreign country or a foreign political party or with reference to the foreign policies of the United States or promote in the United States racial, religious, or social dissensions."

The breadth of this authority, the absence of any modus operandi planned in advance to enforce it, the absence of any published procedures, including the absence of any notification to addressees of propaganda material, the emergency character of the operation, and the novelty of the whole problem—these and other factors caused immediate, serious problems.

THE CONFISCATION PROGRAM IN OPERATION

Efforts to stop the flow of Communist propaganda from foreign sources began in 1951 and were steadily augmented thereafter.

The attempt was made to set up some sort of screening operation at every major point of entry for foreign mail. But the procedures were hasty and improvised, nor were there enough men everywhere to do the job properly—as at St. Paul where a warehouse full of material accumulated while a non-Russian-speaking customs employee, furnished solely with a Russian-English dictionary, attempted to select and detain all publications deemed to contain Communist propaganda. Furthermore, the legal authority invoked to engage in such censorship was both broad and presumably difficult for local postmasters to understand. The objectives of the program were neither well formulated nor well *understood* among the very men charged with enforcement.

The criteria for propaganda were so broad that enforcement officials in the field were able to find suspect matter in Soviet published works on art, religion, philosophy, 19th century literature, and even so a political a subject as "Chess for Beginners"; volumes of this kind were detained even though they had been published prior to the Czar Nicholas' demise.

Having once started a program of confiscating Communist propaganda, it was easy for the enforcement authorities to lose sight of what, presumably, was their basic objective—preventing the use of the U.S. mails for mass dissemination of propaganda by foreign, Communist-controlled agencies. The power which Attorney General Jackson had marked out in 1940 sometimes seemed tantamount to a power to impound any book coming from any foreign country if it contained the proscribed ingredients. So it came to pass that at least some officials in various post offices in the field were stopping suspicious publications from Hong Kong and India, and then France, Germany, England, and Canada, and withholding those which seemed to have a propaganda-type message.

Indeed, books which admittedly were neither pro-Communist nor anti-United States in theme, but which still seemed to be "propaganda" under the statutory definition, were occasionally stopped. Thus, a U.S. importer ordered, from England, Avro Manhattan's "Catholic Imperialism and World Freedom." The thesis of this decidedly controversial book is that the church, through Rome, is attempting to win political hegemony over the whole world. Here, declared the postal solicitor, justifying his decision to ban the book in the language of the statute itself, was a work designed to promote in the United States, racial, religious and social dissensions. And, if the book did fit the statutory definition of "propaganda," of what consequence should it be that this propaganda was not Communist propaganda?

Of course, most of the material seized was Communist propaganda from Soviet bloc countries, and most of it was sent here unsolicited by Communist controlled agencies, and the destruction of most of it went unnoticed and unlamented. But there were still thousands of Americans and many organizations who, for one reason or another, had ordered publications from Communist countries which contained patent propaganda.

For example, a number of important American research libraries gradually came to the conclusion that many items in the vast variety of Russian, Czech, Polish, and Chinese materials on current events and cultural developments which they had been regularly receiving on an exchange basis were no longer coming through; there were gaps in the collections; some of the missing materials were irreplaceable. Specialized departments of universities, e.g., those dealing with Russian or Slavic affairs, as well as similar nonuniversity agencies experienced frustrating losses. Numerous political scientists and freelance writers and other experts on current events or current shifts in the party line behind the Iron Curtain failed to receive current journals and newspapers such as Pravda, which were of the utmost importance to their work. Bookstores and importers who sought to acquire Russian materials could not. Ironically, a consignment to one importer who was purchasing Soviet publications for U.S. military agencies was confiscated and lost. Mathematical Review, one of the world's three publications which list all known works in the mathematics field, was deprived of Russian titles for a year. The Association of American Geographers was moved to adopt a resolution expressing concern over the Government's policy of withholding distribution to competent scholars and libraries. Similar protests emanated from similar groups. And not only did the confiscation program result in widespread loss of material needed, it also produced great delays which were frustrating per se.

The total impact of this censorship on American culture, science and research during this period can hardly be estimated in any quantitative way. The American people were soon to be sputniked into recognition that they had a lot at stake in maintaining, at least for those who were interested, the most liberal kind of access to information about the Communist world. It would seem unnecessary, here and now, to labor the point that what happened from 1951 to 1955 was unfortunate and undesirable as a matter of national policy—even if that policy is to be formulated in terms of the most narrow national self-interest.

Those dangers became apparent to postal and customs officials too. Repeatedly they made ad hoc concessions to meet some obvious imperative demand for a special dispensation. But, since the statutes and the Attorney General's ruling gave no guidance, they were forced to go ahead on their own, first making empirical rulings for special cases, later, and gradually, developing general criteria applicable to all cases.

Thus, unwritten law developed during the period 1951–55 which curtailed the scope of the Attorney General's ruling. The exclusionary program came to be limited to more patent Communist propaganda, sent unsolicited and in quantity from behind the Iron Curtain or Communist controlled agencies outside it. To elaborate, the power to impound came to depend on three administration criteria, nowhere explicit nor even implicit in the Attorney General's ruling; these tests had to do with: (1) the character of the addressee of the material; (2) the source of the mailing; and (3) the character of the material.

THE CHARACTER OF THE ADDRESSEE

As a result of the urgent complaints by many scholars, librarians, and others, it was soon perceived that least some addressees should be allowed to receive otherwise nonmailable propaganda. The administrators of the program first tried to build up a list of persons and institutions in this category. It became known among some circles as the white list. In some instances, people or institutions were able to get on it by simply pestering the Post Office or the Bureau. In some cases the Post Office initiated the exemption process. Thus, where publications addressed to a university or one of its departments were being withheld, a letter was sent to the institution's president. Typically it read:

"Parcels containing Communist propaganda arriving by mail from (an Iron Curtain country) and also from other countries are addressed for delivery to the University of ———. Such matter is nonmailable pursuant to an opinion of the Attorney General * * * unless addressed to a registered agent of a foreign government or to members of diplomatic staffs. However, exceptions have been made in certain cases where such matter was addressed to universities which undertake to study such propaganda and, of course, in no way promote its dissemination. Some institutions of learning have stated that they have no use for such publications, do not desire to receive them and have not ordered or agreed to receive them.

"This office would appreciate a statement from you as to whether the University of ——— desires to receive these Communist propaganda publications and the nature of their utility to the university and what restrictions are placed upon their accessibility.

"As you no doubt know, Communist propaganda has greatly increased in volume and viciousness and is being addressed to many persons and institutions which object to receiving such matter. It is believed to be incumbent upon this Department, therefore, to obtain some information as to the position of addressees of such publications where exceptions to the general rule of nonmailability are made."

All of the presidents (about whom we have any information) asked—some far more emphatically than others—that all publications be forwarded at all times. Some pointed out that all materials, regardless of content, might prove to be essential to further the study and research of members of their faculties. Some indicated the vital nature of this research—in several cases it was Government-sponsored research. Some pointed out that their libraries had broad exchange arrangements with comparable Russian institutions and had no way of knowing in advance what would eventually be worth keeping. Several librarians, answering for their institutions, were eloquent on functions of a research library, and they proceeded to lecture the Post Office on the need for uninhibited access to publications of all kinds at all times. Spokesmen for other institutions, however, were almost apologetic about asking for release of the propaganda. The president of one State university assured postal lawyers that all materials sent to his school would be segregated, under security protection, in a locked area of the library stacks.

Aside from universities, the Post Office also directed letters to a few, selected individuals asking whether Communist propaganda addressed to them should be delivered. Anti-Communist George Sokolsky responded angrily:

"The theory of your advice is that I am entitled to special privileges. But I do not like privileges. I want these publications because I subscribed to them. They can do me no greater harm than some American publications I buy. If I am to be saved from my reading habits I do not want it done by the Post Office, the business of which it is to deliver the mails."

Sokolsky appears to have articulated eloquently the feelings of others who discovered that the Post Office was policing their mail. And he was right in characterizing the exemption as a privilege. At the time he wrote not everyone was allowed access to contraband propaganda, and very few were informed that they could enjoy the opportunity. It is hard to say what criteria were used to grant the privilege. But clearly, at this earlier stage in the program's evolution, some people who wanted mail from the Communist world and who asked for prompt delivery were still denied it.

One person reports that he was told by the Post Office that he was not sufficiently educated. Several faculty members were obliged to have their college presidents clear them with the Post Office before their publications were delivered. Other scholars changed the delivery address from their homes to their university offices, whereupon publications previously withheld began to appear. Some journalists and freelance writers went through a long, frustrating series of communications before interruption of their mail ceased. Some were told that there would be an investigation before there could be any clearance. A retired Coast Guard officer in New England had developed a unique avocation: studying various navigation problems confronting the Russian Navy, using all sorts of current Russian magazines (even a fashion journal) to get his data. Learning that some people were allowed to receive such mail, he asked for the same privilege. The request was denied. He was told by his local postmaster that he was deemed unqualified to receive the propaganda he wanted. A midwestern technical library of long standing, had to receive special clearance, apparently because postal officials were unfamiliar with its operations and standing. Ironically, when Customs did try to facilitate the entry of some bona fide subscriptions to various Communist journals by requesting commercial importers (who acted as agents for subscriptions) to furnish lists of persons and institutions from whom they had received orders, these importers refused to divulge the information.

There is not sufficient space here—nor is there really need—to relate other painful incidents which marked the evolution of this policy of granting exemptions. What is important is the lesson: when Government officials, simply in the exercise of an unregulated discretion, tried to pick and choose among Americans as to who might and who might not receive Communist tinged publications, there was chaos.

The enforcement officials perceived this. Gradually it was recognized that anyone who ordered Russian materials ought to get them. The only thing the Government need worry about was the importer who acted as a mass disseminator himself. Ironically, loopholes in the Registration Act sometimes seemed to enable such individuals to escape its registration requirements.

The policy of permitting entry of solicited materials was fixed by the end of 1955 but not generally known. Some persons still experienced inordinate delays and even occasional losses. Criticism—much of it based on misunderstanding—continued. The Department of Justice finally promulgated its rule 6 in December 1956, which codified the informal policy already established by customs and postal officials. This rule declared, by implication, that the Government was permitting transmittal of propaganda to persons who have ordered * * * or otherwise solicited such material. In practice it appears that anyone (other than a domestic disseminator) is entitled to receive foreign Communist propaganda if he requests it—even if the material was not ordered in advance.

Notwithstanding the literal terms of rule 6, the Government still occasionally exercises outright censorship controls against at least some addressees—persons who are not registered (nor, necessarily, required to register) under the Foreign Agents Registration Act, but who import propaganda material in bulk for general distribution to the public at large. For example, a San Francisco bookseller who has imported books and tracts of all sorts and sometimes in substantial quantity (e.g., 100 copies of one publication) reported repeated interference from postal and customs authorities, and this difficulty has continued into 1958. The prolonged detention (and in some instances destruction) of this importer's materials has probably been based on the Government's belief that he is a domestic distributor; and because he is he falls outside the purview of exemptions permitted under rule 6.

A Chicago importer who maintains a peace library and sells or distributes peace literature of all sorts—including propaganda tracts put out by Communist-controlled agencies—reports continued losses; recently postal authorities have told him that he will not be permitted to receive large quantities of propaganda materials because rule 6 prohibits admittance of materials, whether solicited or not, if they are sent here in quantity for broad domestic distribution. Other persons or organizations have reported similar difficulties. The precise line which is to be drawn here—the line delimiting controls imposed upon suspected domestic disseminators—has not been articulated publicly. Libraries are apparently free to import what they want, even though the material is thereafter made freely available to the public at large. Individuals are apparently free to import a few copies of a tract, have it copied and redistribute it on a broad basis. Registered agents are entitled, presumably as a matter of law and not just administrative discretion, to receive all material, even when quantities of a single item are sent; and it is, admittedly, most difficult to police their domestic distribution to assure their compliance with the labeling requirements of the act. Notwithstanding these loopholes, the Government still appears to assert the right to control the volume of propaganda received by potential domestic disseminators who are not registered nor required to do so.

Apart from the more or less ad hoc controls exercised against these suspected domestic disseminators, mail is supposed to go to all who really want it. But there is still one, big, practical qualification—a procedural matter which affects the substance of rule 6's exemption in favor of solicited mail. Notices are not regularly sent as a matter of course to every individual addressee whose mail is stopped. That is impossible, say the administrators—pleading administrative impossibility and expense. Hence if a person wants mail, other than first-class mail, from Soviet bloc countries, he must take it upon himself to request our Post Office for delivery; for, absent any information about the addressee, the enforcement officials may be unable to tell whether a suspect item is solicited. They may send him a notice with a postcard asking if he wants this particular propaganda publication. If they send no notice and conclude the material is unsolicited propaganda, the addressee will never see the publication.

### SOURCE OF THE MAILING

While criteria exempting solicited materials emerged only after many (and often painful) case incidents, criteria exempting non-Iron Curtain materials were developed more sharply, late in 1955, largely as the result of one case incident—the Post Office's dealings with the American Friends' Service Committee.

In furtherance of some of its many, varied activities the Friends' Service Committee imported, from time to time, political pamphlets on various subjects from various sources in England. Among the publications ordered in 1955 were 500 copies of a leaflet called "Guatemala: The Fate of a Small Country." This work—which condemned U.S. involvement in the Guatemalan revolution—had been published by the Movement for Colonial Freedom, a British organization which counted approximately 60 members of Parliament among its number; and one was author of the pamphlet.

In the spring of 1955 the committee asked the movement why the Guatemala pamphlet had never arrived in the United States. The response from England: the pamphlets were mailed long ago; we are asking our post office to investigate; if an explanation is not forthcoming within a week, we will arrange for the question to be raised in Parliament.

The British postal officials did report; the pamphlets had been seized by the U.S. Government. Upon further inquiry to Washington, the committee learned that foreign propaganda mailed from abroad was subject to seizure here; that the Guatemala pamphlet was in this class because (in the words of the post office) it stated that "there is no Communist threat there (in Guatemala), and that what took place was solely to benefit American big business." The committee also learned that a number of other English pamphlets which had been sent (some unsolicited) to its Boston office were under detention.

A series of inconclusive negotiations with postal officials followed. The committee was on the verge of suing the Government—an unusual step for this group—when the postal solicitor suggested another conference; indeed, he took the novel step of coming to Philadelphia to facilitate the meeting. With characteristic candor the postal solicitor admitted that a lawsuit might play havoc with the Government's program which, he declared, should be aimed at unsolicited vast volumes of Red propaganda from the Soviet bloc, and not at propaganda from other foreign sources. Furthermore, the Geneva conference was now pending; United States and Russian officials were soon to bargain over

relaxing controls upon the channels of communication between the two countries. The U.S. position, he suggested, would be embarrassed if a lawsuit challenging its power to control Russian propaganda were to become a matter of public record now. The solicitor promised to release the pamphlets if the suit were dropped. But the committee insisted he do more. It was not enough to give special privileges to one group. The same privileges should be accorded to all Americans similarly situated. Furthermore, some procedures should exist to supply notice and opportunity to be heard to those whose mail was stopped.

The upshot of the conference was this: the committee called off its lawyers; the Post Office released all impounded materials, and promised, through its Solicitor, to revise the procedures for dealing with mail from non-Soviet bloc countries. Henceforth, there would be no detention of such mail unless the addressee was furnished with notice and an opportunity to claim the material detained. The Solicitor went on to assure the committee that the Government's design was simply to exclude Communist propaganda sent here in quantities from Communist-controlled agencies. Since few of these were, presumably, located outside the Iron Curtain, the occasion for screening any mail from any non-Communist country would be slight. The understanding was, in effect, reduced to writing through a series of letters. The Solicitor even submitted a copy of the form of notice which he proposed to use in cases where non-Iron Curtain propaganda was impounded.

Thus, as a result of all this bargaining, the Post Office renounced powers which, in theory, it enjoyed under the terms of the Attorney General's ruling; the substantive scope of U.S. censorship was reduced—delimited, virtually, to Iron Curtain mailings; procedural reforms were instituted to apply in the cases of non-Iron Curtain mailings.

THE CHARACTER OF THE MATERIAL

Publications emanating from the Communist world have varied greatly as to style, content, and level of intellectual appeal. Typical examples of propaganda include: People's China, a well written, slick paper, English language, Peiping-published fortnightly with articles and pictures portraying lavish social progress in Communist China and the idealism of her leaders; New Times, a weekly published in Moscow, in various languages including English, expounding the Communist position on issues of the day, linking the interests of the Communist bloc with the world's new, neutral countries; Soviet Woman, blending politics with fashion, news, sob stories, dress patterns, and biographical homilies; Women of the Whole World, a similar English language monthly (published in the Soviet sector of Berlin) with perhaps more emphasis on the international questions of the day; World Youth, a Hungarian monthly, and World Student News, a Czechoslovakian monthly, directed at students everywhere with news of international conferences, ecstatic descriptions of the life of youth in various Communist and neutral countries and invitations to enlist in various peace crusades; and News, an English language Soviet monthly, sounding the tocsin for international exchange and damning U.S. opposition to such proposals.

Some tracts, such as Lenin's Boyhood and Adolescence (a primer on the noble Lenin) and the laboriously titled "The Just Fatherland Liberation War of the Korean People for Freedom and Independence," seem to bog down under the weight of their own words. Others have been sharp and hard-hitting, with clever cartoons or plausibly distorted conclusions drawn from reasonably accurate facts: thus USA in Wort und Bild, a German language publication, used, inter alia, a collection of American comic book covers and pictures and an article on juvenile delinquency reprinted from the New York Daily Mirror to launch its attacks on American life.

In lesser numbers there have been tracts purporting to document U.S. war atrocities in Korea—often replete with pictures, sometimes written in English, sometimes in foreign languages.

From time to time customs officials have also stopped vast quantities of so-called "back to the homeland" mailings—first class letters sent to persons of foreign ancestry, particularly in areas around New York, Philadelphia, and Detroit. While, individually, each seemed to be a personal communication from someone in Russia, Poland, or East Germany to someone in the United States, it was perceived that these letters fell into a definable category. External appearances were enough to arouse suspicion: the handwriting and stationery were similar; the letters arrived in quantity. Once opened (after the addressee consented to inspection) the content of the communications also proved similar: the writer, allegedly a friend or kin of the addressee, urged defection—often physical return to the "homeland," sometimes a donation of money. Sometimes (so customs officials state) this plea was coupled with veiled threats to members of the addressee's family still living abroad.

Many of these letters, along with the other propaganda described above, and indeed almost any publication from Russia, were seized or detained during the early years of the program. For all mail from the Iron Curtain was closely screened; and while attempts were made to make discriminations, to release materials deemed devoid of propaganda, gross mistakes obviously occurred. Thus, as has already been indicated, not only more patent propaganda, but books and journals of every sort—some utterly lacking in any possible propaganda overtones—were seized and destroyed: texts on law, literature and science, editions of Russian classics and so on.

These obvious abuses probably occurred because there were, during this period (1951–55), inadequate procedures for reviewing and supervising activities of overzealous men in the field, an inadequate staff of translators and knowledgeable readers, a tremendous backlog of publications placed under detention and a hazy conception of the objectives of the program. Moreover, the problem of what kind of propaganda to seize was aggravated when customs and postal officials began screening, sporadically, publications sent from non-Iron Curtain countries; this activity produced more abuses.

Eventually some rulings of postal or custom officials, such as the banning of Avro Manhattan's "Catholic Imperialism and World Power," the detention of the London Economist and the seizure of the American Friends Service Committee's pamphlets caused considerable public criticism and embarrassment. In these and several other cases, the Solicitor of the Post Office was obliged to apologize for the mistakes of "underlings" or himself confess error—which he would do with admirable candor. These incidents occurred during the latter quarter of 1955, and the notoriety seems to have spurred postal and customs officials directly responsible for the program to reappraise their objectives and procedures.

As we have seen, policies were effected to permit release of publications to persons who requested delivery, and shortly thereafter attempts to screen non-Iron Curtain mailings were largely abandoned. Similarly, efforts were made to narrow the range of censorship of publications coming from Iron Curtain countries, to contract the standard defining nonmailable propaganda.

Gradually, there was a relaxation of bans once put upon a number of Soviet-published books. Thus, historical and scientific texts, works of literature and art, and other materials which once were seized or detained regularly, came to be released without inquiry as to whether they were solicited—simply on the theory that their propaganda content was not noxious enough to warrant their exclusion. Generalizations are difficult and risky, but it would appear that most of the propaganda seized today consists of contemporary, mass-produced materials designed for mass distribution here to promote some current Communist claim.

Administration of all these various reforms and criteria for exemption were facilitated by the development of more centralized operating procedures. All mail originating from behind the Iron Curtain was sent, directly upon arrival, to one of three "segregation centers" which were established in New York, Chicago, and San Francisco. There teams of translators and inspectors, operating under the guidance of the deputy collector of customs of New York, screened the material. Suspect matter was referred to the deputy collector either by physical shipment or by a résumé of the contents. His decisions were reviewed, more and more only as a matter of form, by the postal lawyers. Through the close supervision of this official, many defects in operating procedures causing delay as well as mistakes in decision-making have been corrected.

Thus, the pattern of seizures has contracted considerably and the exclusionary program appears to be limited to more patent forms of Communist propaganda, mailed in quantity from behind the Iron Curtain or from Communist controlled agencies in the non-Communist world and sent unsolicited to people in this country or sent in volume to suspected disseminators in this country who are not registered here as foreign agents.

The impact of this program today in terms of interference with the activities of most people who seek access to publications from the Communist ruled world is probably slight. But there are still irritating delays and occasional unexplained losses. And there is deliberate interference with some importers who do not and perhaps need not (under the statute) register as foreign agents, but who do receive quantities of publications from abroad. And, of course, so long as notice of seizures is not given to every addressee, it is probable that many Americans can never know for sure whether publications addressed to them are being seized by the Government and committed to oblivion with or without their approval.

PROBLEMS OF LEGALITY

Thus far the administrators of this program have escaped a direct challenge of the legality of the operation. In the beginning, potential litigants whose materials were seized and not released even upon request were either too uninformed or otherwise unwilling to assert their rights. More recently materials have been released to any individual complaining of interference; thus, once a complaint is made, the injury is usually rectified, and the complainant seldom suffers further injury apart, perhaps, from delay. And, since postal-customs enforcement officials will now permit delivery automatically wherever they have reason to believe the propaganda is desired—except in the rare case where the recipient is a mass disseminator—it may be hard to find a plaintiff with standing to test the legality of the confiscation program.

Yet the Attorney General's ruling of 1940, the basic legal authorization for the operation, does rest on weak legal ground. Recall the reasoning of that opinion: (1) it is a crime for a domestic foreign agent not to register; (2) the mailing of foreign propaganda by an unregistered agent is therefore a crime under the Espionage Act (knowing control of papers in aid of a foreign govern-

ment used in violation of any penal statute), and (3) under the Espionage Act, papers used in violation of that statute are nonmailable; (4) the act of a "foreign" foreign agent in mailing or otherwise sending propaganda from abroad to recipients within the United States is equally a violation of these various statutes because use of the U.S. mails equals physical presence and activity as an unregistered agent, here, and therefore (5) propaganda mailed by "foreign" foreign agents is nonmailable and can be destroyed.

That this reasoning found little support in the history, theory or express terms of the Foreign Agents Registration Act (FARA) as it stood in 1940 has already been discussed. And the case for the program was further weakened perhaps unintentionally when, in 1942, Congress amended the FARA. The legislative history of these amendments reflects, apparently, only one passing reference to the Attorney General's ruling in a committee hearing. So it is difficult to assert that Congress actually was aware of the problem of "foreign" foreign disseminators, let alone that it ratified the ruling calling for the exclusion of their propaganda.

In terms, the act, as amended, provided—and it now provides:

"Every person within the United States who is an agent of a foreign principal and required to register under the provisions of this (act) and who transmits * * * in the U.S. mails * * * any political propaganda (a term which is defined elsewhere)" must file copies of that propaganda with the Library of Congress and the Attorney General and must also label it in accordance with detailed requirements.

Since these provisions apply to persons within the United States, the Department of Justice has, presumably, been unable to rely upon them. So, in effect, it apparently has ignored the amendments and simply reiterated the Attorney General's ruling—and this notwithstanding the fact that the act now contains express provisions dealing with the mailing of propaganda by agents, that these provisions promote the disclosure objectives of the original act with no suggestion that censorship was intended as an additional sanction.

To be true in logic to its premises, the Department of Justice is obliged to say that unregistered foreign agents outside the United States may send no propaganda, labeled or not, into the United States. But that conclusion is unacceptable precisely because it is unrealistic; the law cannot be pushed that far; Government spokesmen admit there should be no objection to propaganda sent by foreign, foreign agents if it fits the various administrative exemptions which have been created, and these exemptions are justified on the ground that they are consistent with the basic labeling-disclosure objectives of the act. But the fact remains that these exemptions are inconsistent with the premises of Attorney General Jackson's opinion.

The intent to authorize a censorship operation of this kind should hardly be inferred from ambiguous statutory authority and negligible evidence of congressional purpose. Contrast, for example, the Tariff Act: here Congress has expressly excluded materials advocating treason or insurrection and the like; procedures for seizing these materials, for supplying notice and an opportunity for de novo court consideration of their contraband content are spelled out in the statute. The Tariff Act is thus aimed at a species of subversive materials originating abroad, and it was only passed after long, arduous debate. But Congress has never debated the merits of excluding virtually all foreign propaganda or the necessity for having a law which would make the Tariff Act, for the most part, unnecessary. Surely, then, it stretches imagination to suggest that Congress passed the FARA with ancient ambiguous provisions of the Espionage Act in mind or to suggest that Congress anticipated Attorney General Jackson's legal gymnastics—to suggest that Congress chose such devious means to authorize a confiscation operation which might so significantly impinge on basic freedoms.

Enforcement officials of the Postal, Treasury and Justice Departments have recognized their precarious legal position. Bills to confirm the Attorney General's 1940 ruling have been suggested. One was introduced and pressed by the Department of Justice in 1956. It passed the Senate without attention. But articulate spokesmen from various civil liberties-minded groups unleashed a score of criticisms in the hearings before the House Judiciary Committee. Perhaps the most effective critic was the Assistant Librarian of Congress (speaking for the Librarian) who reviewed some of the unhappy history of the recent past and startled the committee with the assertion that if the bill were to pass, books from the Oxford press or articles critical of our foreign policy in the London Economist might, in theory, be subject to summary seizure. The Post Office's Solicitor then testified to this effect: he really had not studied this bill too carefully; the job of preparing it had been delegated to the Justice Department; and he recommended that Congress drop the matter for the present—till more consideration was forthcoming from his Department.

In the last session Congressman WALTER introduced a bill to amend the FARA similar to those previously introduced—a bill which again would simply codify the Attorney General's ruling. These provisions were inserted in the midst of omnibus legislation dealing with the Internal Security Act and related matters. In this posture these proposed amendments to the FARA might pass all too easily with all too little attention. If such legislation is introduced again—indeed whether or not such clarifying legislation is introduced—Congress should examine carefully the necessity for authorizing the broad powers asserted today under the theory and terms of Attorney General Jackson's ruling. For there are also constitutional grounds for doubting the legality of this extension of censorship or any statute which in effect would simply codify and permit the administrative practices described above. These questions are considered next, but in the context of an analysis of the total problem of what Congress may do to meet the problem of foreign Communist propaganda in our mails.

### THE NEED FOR REVIEW OF THE PROPAGANDA PROBLEM

There is a real need for careful review at both the executive and congressional level of the question of what controls, if any, should be imposed upon dissemination of these publications.

Today's extensive, censorial, exclusionary program is based solely on an Attorney General's opinion issued in 1940. The legal validity of that ruling is clearly doubtful, and it is well to remember that the opinion was promulgated at a time of a worldwide, shooting war and directed in large part against domestic propagandists who were receiving quantities of Nazi propaganda for further distribution here. Enforcement of the ruling was completely abandoned after World War II—apparently in recognition that the principal justification was based on wartime necessity. Enforcement was only revived in time of war (the Korean conflict) and at a time when our fear of communism's capacity to promote domestic subversion exerted strong influence on the activities of Government. The exclusionary program which evolved in the early 1950's seems in a large measure to have been the result of prodding from particular congressional leaders—members of the Senate Internal Security Committee and, later, members of the House Un-American Affairs Committee—who urged or encouraged officials in the Justice, Treasury, and Post Office Departments to develop the operation.

It would appear that the executive branch, while recognizing the dubious legality of the program, has never candidly reviewed its rationale in light of past experience and today's needs. Congressional review for these purposes has hardly been adequate. True, the Internal Security and the House Un-American Affairs committees have exposed some of the dangers or alleged dangers which might result if no countermeasures against foreign Communist propaganda were undertaken. But objective, comprehensive study from a broad perspective still seems needed—particularly in view of the lack of clear-cut authorization to the Post Office and the Bureau of Customs to do what they are doing. For it is poor precedent, indeed, for Congress to permit censorship of the sort now employed without a plain legislative mandate. Rather, because of the complexity of the propaganda problem, exercise of legislative judgment instead of abdication to executive officialdom seems particularly appropriate.

The fact is that the objectives of today's exclusionary program are unclear. What policies are we now trying to enforce? What policies should we enforce? Postal and customs officials have often said that the purpose is to prevent widespread distribution of undesirable propaganda to the public at large. Some enforcement officials have openly voiced the opinion that it would be dangerous to permit delivery of this propaganda to the foreign born or other segments of the population because it would promote disloyalty or subversive conduct. Usually coupled with this argument, though it is essentially a quite different proposition, is the economic justification; the U.S. Post Office and our Treasury should not be obliged to bear the expense of delivering vast quantities of the unsolicited propaganda of our cold war enemy.

On other occasions it has been said that the purpose of the program is simply enforcement of a disclosure statute; if there were other ways to assure full disclosure of the source of foreign Communist propaganda materials in our mails (something more than a foreign postmark and publication dateline indicative of origin within a Communist-controlled country), all mail could and should be delivered. It seems also to have been suggested that the exclusionary program is basically a foreign policy measure—a retaliatory weapon which our country is using in the cold war: the Communist bloc has expended great efforts to propagandize the world in an aggressive way, violative of traditional, peacetime relationships between sovereignties, and our exclusion of this propaganda is a justifiable countermeasure regardless of any domestic threat posed by the influx of the material. Yet on only a few occasions does it appear that the United States ever has protested against the attempt of the Communist countries to flood this country with propaganda. Indeed, in the contexts of other international problems our Government has taken a strong stand against censorship which would bar criticism of the government of one country by the people of another. Again, enforcement officials have sometimes justified the exclusionary program on the ground that this activity, along with other bans on international contacts, is necessary if we are to be in a position to bargain with the Communist-bloc countries over measures to be undertaken to ease their restrictions on the dissemination of American publications: we need the program as leverage to lift the Iron Curtain.

Whether these various objectives are consistent or not, the factual bases to support them have hardly yet been fully adduced. For example, if, as is most usually asserted, today's exclusionary program is to be justified primarily on the ground that these controls are necessary to protect national security, then the assumed premise that the propaganda will have a harmful influence on many of its recipients should be examined carefully. Notwithstanding information revealed by the inquiries of the Un-American Affairs and Internal Security Committee and fears voiced by some of their members, it would seem advisable to learn more facts than we now know about the nature, quality and potential psychological impact of the various publications condemned. If, as is also commonly asserted, the program is to be justified in part because of the expense of delivering the propaganda, it may still be advisable to learn more about these costs: How much expense is involved here? How does it compare with the cost of managing a censorship operation designed to prevent delivery? Similar questions might well be raised with respect to factual assumptions underlying other assumed objectives—if, in fact, there are other objectives to be secured.

Even if, after full review, it seems desirable to do something to counteract attempts of Soviet propagandists to use our mails for wholesale, direct dissemination of their publications, the question remains, What specific countermeasures should be taken? We turn now to the examination of some possible courses of action, examining these in the light of limitations which the Constitution may impose on Congress' power to act at all.

LEGISLATIVE ALTERNATIVES AND CONSTITUTIONAL LIMITATIONS ON CONGRESS' POWER TO IMPOSE CONTROLS

Review of the problem may persuade Congress that some sort of legislative controls are necessary. The most likely argument for legislation might be as follows: Propaganda is a major cold war weapon. The Soviet Union is said to have spent around $3 billion a year to persuade, intimidate, or otherwise win the war for men's minds; according to the estimate of one customs official, Soviet-controlled disseminators sent nearly 7 million pieces into this country in 1956. This propaganda takes all sorts of forms, some ridiculous, others noxious; the germ warfare tracts; the "back to the homeland" letters which apparently have caused no little misery among many recipients; foreign language tracts aimed, via specially worked up mailing lists, at the foreign born—these are some of the items which Government officials have most frequently cited in defense of their activities. With no controls, America must face, in theory, the prospect of an even more concentrated effort to use our mails. Ironically, U.S. taxpayers pay a good part of the cost of this propaganda dissemination, for, under the terms of the International Postal Convention and international usage, the United States exacts no postage for the domestic transmission of foreign mail; we are obligated to carry it unless the content so offends our domestic law that the material is subject to confiscation. Thus, inaction will produce a situation where the United States, while spending billions of dollars to counteract communism, is subsidizing the dissemination of our cold war enemy's propaganda here.

Assuming these considerations do persuade Congress to do something, the question remains: what specific countermeasures could be adopted? Initially, the range of choice seems wide—from an outright confiscation statute to one which provides for delivery of all mail, but with a stamp affixed to Iron Curtain propaganda which would simply indicate (over and above the foreign postmark) the geographical origins of the publications. However, there are constitutional limitations on the power of the Government to act in this field; these limitations may well narrow the choice available.

1. A confiscation statute: One legislative choice would be enactment of a statute which, after reciting the dangers noted above, unauthorized confiscation of all foreign Communist propaganda—defining such contraband in terms similar to the existing FARA definition. (A statute with a censorship standard narrower than "Communist propaganda" would seem unnecessary since there already is one—the Tariff Act of 1930, which proscribes admittance of publications advocating treason or insurrection or forcible resistance to any law or threats to life.)

Enactment of a statute calling for confiscation of Communist propaganda would pose obvious policy problems: for example, preceding discussion has already underscored the fact that thousands of Americans have professional need for propaganda publications, and frequently the need is related to national self-interest. Thus, constitutional considerations apart, such a statute would seem undesirable without exemption provisions; and to the extent exemptions were made discretionary Congress would be inviting censorial discriminations.

But passing these problems, an outright confiscation statute of the type described above, even if it contained provision for notice and hearing, would probably be unconstitutional. The argument for its validity might proceed from two alternative propositions:

1. The U.S. Government—via a combination of its power to control foreign commerce, conduct foreign relations (especially in time of cold war) and establish a postal system with other countries—should have plenary power to exclude this brand of foreign propaganda.

2. If the Government's power is not absolute, any balancing of interests would find the exclusion justifiable because of the potential adverse effect on American morale and upon the American fisc.

These arguments, we think, should be rejected. What is here involved is propaganda—ideas and arguments, distorted and noxious though they may be. The first amendment, with its use of the phrase no law, is in terms a total limitation on governmental power to curb dissemination of political argument; at the very least it should impose some limitation upon governmental power, even where the speech be disseminated through the channels of foreign commerce by the post office in time of cold war. The Government, having established the channel of communication, cannot open and shut it at will.

We put to one side the question whether nonresident aliens have any right under the U.S. Constitution to use the U.S. mails to circulate propaganda. The question is whether the American addressee is given a constitutional right to receive this material. True, most cases construing the first amendment deal with the right to create, publish and disseminate. But these rights are protected, not for the sake of giving the dissident the right to speak in an empty room, but to curb political controls on political discussion and on the development of the arts and knowledge generally. The right to obtain publications should be as important under the rationale of our first freedom as the right to create and publish them in the first place. And under this rationale there should be no room for discrimination between ideas which are born abroad and those which find their origins in this country.

If Americans do have a first amendment right to receive publications, then a statute authorizing confiscation of Communist propaganda should abridge that right. The danger from distribution could hardly meet the clear and present standard or any variant traditionally used to measure the legality of such restraints, particularly since a form of prior restraint would be used here. Whatever definition Congress might assign to Communist propaganda, the criteria would, perforce, be imprecise—in all likelihood too broad to permit the censors to exercise objective judgment as to whether material should be banned. On balance these restrictions on the right to receive mail and have access to publications should outweigh dangers asserted in justification for the statute, particularly since less drastic alternatives are available to accomplish the legislative ends.

2. A statute providing for summary seizure of propaganda mailed from Communist controlled sources but for release of any publications to persons who come forward and request delivery. We envision here a statute largely codifying present practice, e.g., a statute setting out legislative findings on the menace to security as well as the burden of expense to our Government if all propaganda were automatically carried and authorizing: (1) seizure of all Communist propaganda mailed from behind the Iron Curtain (and perhaps, too, if it be assumed the danger justifies it, all propaganda mailed by any foreign, Communist-controlled groups), but, (2) requiring the Post Office to deliver any mail subject to seizure if an addressee or potential addressee notifies the Department of his desire to receive the materials or if postal officials otherwise conclude that the materials have been solicited.

In defense of such a statute it might well be argued that there is no constitutionally protected right to receive unsolicited mail, that the right to receive mail and have access to publications means only a right to receive material which the addressee wants and requests and that this right would be adequately protected by the statute.

But should there be such a distinction between solicited and unsolicited materials? A great portion of all mail daily received—of all information daily imparted by mail—is probably unsought ab initio. The recipient receives this information without requesting it or knowing in advance that it is coming to him, but it would seem to be a part of his first amendment freedom to decide for himself what he wishes to do with it. Perhaps the addressee may have little "property interest" in this unsolicited mail. Perhaps he may have little desire for the publications after inspecting them. Yet, there is an interest worthy of protection here, and that interest is the freedom of Americans to read what they choose to read, and to enjoy the opportunity to exercise that choice. This freedom, too, would seem basic under the rationale of free speech, and it may receive scant protection if addressees are given no right to exercise a choice to receive unsolicited mail. Surely it would be unthinkable for governmental officials to have the power to decide what pieces of unsolicited domestic advocacy Americans may receive; again there seems to be no persuasive basis, on this point, to distinguish between geographical sources of mail—domestic or foreign.

Assuming there is a right to receive all mail, solicited or not, the question is whether, on balance, the statute described above violates it—whether, under the first and fifth amendments, the procedure for enforcement of the statute must, at a minimum, make provisions for informing an addressee of the existence of the propaganda publications and of his right to have them without question if he so requests.

Administrators of today's program have said (up to now) that a requirement of personal notice of that sort sent to every addressee would make enforcement most difficult: with millions of items to process, the manpower requirements and expense would be exorbitant. The situation, they observe, is to be distinguished from enforcement of other nonmailability statutes, e.g., those

providing for seizure of "obscene" mail (the second largest area of postal censorship today), because the volume of this contraband is insignificant compared to the volume of propaganda. If true, these administrative claims should certainly be a factor to be weighed in deciding the statute's validity. Important, too, might be the extent to which alternative precautions were employed to supply a general notice of the terms of the law, e.g., by general publications in post offices and other places giving a clear explanation of procedures available to request delivery of mail.

To be weighed against these claims are the risks to freedom. In the first place, unless enforcement officials supply notice, how can they, themselves, know for sure whether material addressed to an individual is solicited and urgently needed? How can their assumption that material is propaganda be adequately tested? By resort to summary procedures they simply presume to make those decisions. No doubt, in practice, their assumption that the material is propaganda and is undesired and may therefore be seized has been true in most instances. But experience with the enforcement of the program has also shown that when notices have been sent, the addressees receiving such notices have frequently demanded that there be no interference whatsoever with the delivery of any propaganda addressed to them at any time. (Recall Mr. Sokolsky's eloquent protest.)

In the second place the absence of personal notice procedures puts a burden on every American who wants to be sure of receiving mail addressed to him from anywhere behind the Iron Curtain; he must come forward and identify himself to some appropriate postal or customs official and have his name put on some list. This burden, viewed realistically, is in itself a deterrent to enjoyment of what we assume should be a constitutionally protected right. Apart from that, the person who does undertake the burden of notifying the Post Office can never be sure, absent notice of confiscation, that every item sent to him will be delivered; costly delays may occur; mistakes causing total loss of a publication desired can happen, and, since the Government can seize summarily, these delays or mistakes may easily go undetected. These considerations militate against the constitutionality of the statute described above and against the validity of today's program as codified in rule 6.

3. A statute which provides for seizure of "propaganda" but release to those who request release and which further provides for personal notice to all addressees prior to confiscation of propaganda. This statute would codify present practice but add the additional (and highly significant) requirement that no propaganda could be seized unless the addressee, after personal notification, waived his right to delivery. It may be urged, of course, that such a statute is economically and administratively unfeasible. But if feasible, would it be constitutional?

One serious charge which might certainly be leveled at the statute is that arguably it thrusts an unreasonable onus on many citizens who might otherwise choose to request delivery of propaganda; the fear of stigma (especially if the addressee has no scholarly, journalistic, or similar interest in receipt of the material) might well deter many persons from exercising the right to receive this mail—a right which we believe must be granted, not simply as a matter of statutory dispensation, but as a matter of constitutional necessity. An invitation to identify oneself as a reader of Communist propaganda might well be regarded by many people as an invitation virtually to incriminate themselves. To the extent that this is true, Congress would thereby be creating a barrier to the free flow of information. Whether, on balance, the barrier would be regarded as so unreasonable that the Constitution would condemn it is much more doubtful.

4. A statute designed to make the propaganda pay its own way. This statute would provide for the automatic delivery of propaganda once the recipient paid a postage-due type exaction for its carriage within the United States. Here the principal (but not sole) justification for the statute is the economic argument—the U.S. taxpayer should not be required to pay the cost of delivering Communist propaganda in the midst of our present cold war situation. The legality of this statute under the Postal Convention may be dubious. Its constitutionality might also be doubtful. Clearly the exaction would have to be small or else the case becomes similar to the problem of the confiscation statute. But even if the exaction were small the question remains whether the courts would yield any exception to the principle that neither Congress nor administrators operating under broad, discretionary standards, can be allowed to single out unpopular categories of publications and levy even a small tax against their distribution. Perhaps, on balance, such an exception might be allowed, considering (1) the foreign source of the mail; (2) the circumstances of the cold war; (3) the economic burden of carrying tons of enemy propaganda. But the imposition of this tax on the distribution of "speech" together with the resultant burden on the addressee who desires to exercise his rights, could be a dangerous precedent. In any event, the cost and difficulties of administering such a statute might well make it self-defeating.

5. A disclosure statute providing for automatic labeling and delivery of all mail. This statute would simply authorize officials to stamp publications mailed here from behind the Iron Curtain and believed to contain propaganda. The stamp would simply indicate the origin of the item; possibly it might go further and indicate that the materials were believed to contain propaganda.

If the sole purpose of the Foreign Agents Registration Act, the statutory basis for today's program, is disclosure, and if, as Government officials sometimes assert, disclosure is in fact the objective of the present program, then such a statute might well be all that is necessary. At least for an experimental period, such a statute might be attempted as an alternative to any type of greater censorship.

If a label of the sort described above is not enough to alert Americans and make them wary of the validity of messages in the publication, then the fabric of our democracy is far weaker than we think it is. A free and self-reliant people should be capable of the discernment needed to withstand dangers latent in the blasts or blandishments of Soviet manipulated propagandists. The risks and economic burdens resulting from having no restrictions other than an indication of the origin of the publication may be the cost of freedom; these costs may well be worthwhile if the gain is preventing a dangerous censorship precedent.

Mr. CLARK. Mr. President, I send to the desk and ask to have printed other amendments to the postal rate bill, intending to deal more justly with the salaries of legislative employees and of committee employees of Senate committees than in my opinion the subject is dealt with in the bill which we will take up tomorrow.

The PRESIDING OFFICER (Mr. METCALF in the chair). The amendments will be received, printed, and will lie on the table.

Mr. CLARK also submitted amendments, intended to be proposed by him to the bill (H.R. 7927) to adjust postal rates, and for other purposes, which were ordered to lie on the table and to be printed.

## APPLICATION OF SPECIAL CONSTRUCTIVE SALE PRICE RULE FOR PURPOSES OF CERTAIN MANUFACTURERS EXCISE TAXES—AMENDMENT

Mr. LONG of Louisiana submitted an amendment, intended to be proposed by him, to the bill (H.R. 8952) to amend the Internal Revenue Code of 1954 with respect to the conditions under which the special constructive sale price rule is to apply for purposes of certain manufacturers excise taxes, which was ordered to lie on the table and to be printed.

## AMENDMENT OF HOME OWNERS' LOAN ACT OF 1933 AND FEDERAL HOME LOAN BANK ACT—RECOMMITTAL OF BILL

Mr. MORSE. Mr. President, at the request of the Senator from Virginia [Mr. ROBERTSON], chairman of the Committee on Banking and Currency, I ask unanimous consent that the bill (H.R. 13044) to amend the Home Owners' Loan Act of 1933 and the Federal Home Loan Bank Act, be recommitted to the Committee on Banking and Currency, for further consideration. I understand that the request has been cleared with the minority.

Mr. KEATING. I understand it has been cleared.

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

## PRINTING OF REVIEW OF REPORT ON WEST PALM BEACH CANAL, FLA. (S. DOC. NO. 146)

Mr. HUMPHREY. 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 June 19, 1962, from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on a review of the report on West Palm Beach Canal, Fla., requested by a resolution of the Committee on Public Works, U.S. Senate, adopted August 17, 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 PRESIDING OFFICER. Without objection, it is so ordered.

## NOTICE OF HEARING ON H.R. 13044, TO AMEND THE HOME OWNERS' LOAN ACT OF 1933 AND THE FEDERAL HOME LOAN BANK ACT

Mr. MORSE. Mr. President, on behalf of the Senator from Virginia [Mr. ROBERTSON], I have been asked to read the following statement:

STATEMENT BY SENATOR ROBERTSON

As chairman of the Committee on Banking and Currency, I desire to give notice that a public hearing has been scheduled

for Thursday, September 27, 1962, at 10 a.m., in room 5302, New Senate Office Building, on H.R. 13044, to amend the Home Owners' Loan Act of 1933 and the Federal Home Loan Bank Act with respect to investment by Federal savings and loan associations in multifamily housing.

All persons who wish to appear and testify on this resolution are requested to notify Mr. Matthew Hale, chief of staff, Senate Committee on Banking and Currency, room 5300, New Senate Office Building, telephone Capitol 4-3121, extension 3921.

## 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. DIRKSEN (for Mr. COTTON):

Review of the latest edition of poetry by Avis Turner French, of Antrim, N. H., written by Teenus Cheney and published in the August 21, 1962, edition of the Salisbury (N. C.) Post.

## A STUDY OF COMMUNISM

Mr. DODD. Mr. President, I should like to call to the attention of my colleagues an extraordinary new book entitled "A Study of Communism," by Mr. J. Edgar Hoover, the distinguished Director of the Federal Bureau of Investigation. This book will be released on October 1 by its publishers, Holt, Rinehart, and Winston.

It was my privilege to read an advance copy of this book, and I want to recommend it most highly to my colleagues. It is one of the finest books on the subject ever written, brilliantly incisive, thoroughly scholarly, completely honest and frank. We are deeply indebted to this great American for contributing this information for the guidance of his fellow citizens.

Most of you will remember Mr. Hoover's first book on communism—"Masters of Deceit." That book is a masterly analysis of the machinations of the Communist Party in this country, telling how the Communists intend to destroy our American form of government. Here are clear explanations of Communist strategy and tactics, how the party is organized, what is meant by infiltration, agitation, and front groups. I am pleased to say that thousands of schools in the United States are currently using "Masters of Deceit" as a textbook, knowing they have an authoritative guide for understanding this dangerous enemy of our country.

Now, in "A Study of Communism" additional vital information is made available by Mr. Hoover. This new book is an examination of the origin of communism; how it spread from the minds of Marx and Engels into organizational form; how the Communist Party was formed; and how, step by step, communism gained control not only in Soviet Russia but in other countries. In clear and understandable terms, Mr. Hoover shows the background, current operations, and future plans of international communism.

Of special interest is the section entitled "A Digest of Differences." Here, in tabular form, are listed the differences between communism and freedom, between this atheistic conspiracy and our free way of life. As I read these points, I could see the naked brutality of communism and how, through propaganda, the Communists are trying to make slavery sound like freedom. Anyone who will take the time to read this book will become a better citizen.

This is Mr. Hoover's purpose in writing the new book—to make each of us, young and adult, better citizens by being better Americans. The way to defeat communism, as Mr. Hoover says, is through education — through knowledge — through the truth. There is no alternative. That is our responsibility.

In this mid-20th century America is privileged to have among its native sons a man whose career has been a personification of the ideals which have made our Nation great. In J. Edgar Hoover we have such an intensity of love for freedom, for the dignity of man, that he is impelled to put his knowledge to work for his fellow Americans. I know of no American who has a more thorough and intimate knowledge of communism. Ever since the days of World War I, when Mr. Hoover was a Special Assistant to the Attorney General of the United States, he has been carefully studying and analyzing this menace. He knows its theory and practice, its claims and misconceptions, its fallacies and weaknesses. His knowledge is distilled from truth, a devotion to the facts, and a profound respect for the law. Mr. Hoover's way is one of education, of sane and rational analysis of the facts. He does not believe in vigilantism, extralegal activities, or wild character assassinations. The work of the FBI in protecting our liberties is a monument of modern-day America—an accomplishment which enables every man, woman, and child to sleep more peacefully tonight because there is an FBI.

I recommend that each of my colleagues, and Americans everywhere, read "A Study of Communism." It is interesting, informative, inspirational. "A Study of Communism" tells citizens what they can do as individuals to fight communism. This is the information we so desperately need today.

This is why I call this book a modern masterpiece—simply because it is a manual of survival for America—a manual which this Nation simply cannot afford to neglect.

## COMMUNIST GOVERNMENT OF CHINA — A BEEHIVE WITHOUT HONEY

Mr. DODD. Mr. President, because of the remarkable light it throws on the situation in China, I ask unanimous consent to have printed in the RECORD an article entitled "Beehive Without Honey," written by Leon A. Dale, chairman of the Department of Industrial Relations at the University of Bridgeport, Conn.

Dr. Dale's essential argument is that the Chinese food crisis presents the West with "an unparalleled opportunity to use food as a powerful lever to force the Red Chinese dictatorship out of Laos and Vietnam and back into its own borders."

I hope that all of my colleagues will find time to read Dr. Dale's article, because this is a matter that will demand our most earnest attention in the months to come.

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

BEEHIVE WITHOUT HONEY

(By Leon A. Dale)

Recently, the famous writer, Pearl Buck, wrote a letter to the editor of the New York Times in which she said among other things:

"The Communist Government of China, I am told, has approached our Government through at least two international sources for a purchase of wheat to an amount of $400 million. * * * We should sell food to China, with the conditions, first, that food is not to be resold to other countries, and second that the Chinese people know the food comes from the American people, who wish them no harm" (New York Times, March 11, 1962.)

The problem, of course, is not that the American people wish harm to anyone but that the Government of Red China has repeatedly stated, and continues to state that the United States of America is bent on the destruction of the so-called People's Republic of China. I would welcome a letter to the editor of one of the main newspapers of China by one of Pearl Buck's Chinese counterparts saying that indeed there is no ill will between the Chinese people and the people of America.

The Pearl Buck letter completely ignores that in the hands of the Communists food is an instrument of war as well as a part of the overall strategy against the West.

Also the implication that the Chinese leadership is moved by welfare considerations is not in keeping with the realities of the situation. One rarely hears the suggestion that if Red China really wanted more food, it could divert its colossal manpower to growing more of it. If Red China does not choose to do this in order to increase her industrialization and military expenditure, is the United States to help her? Are we in effect to underwrite the cost of building Red China's nuclear weapons?

The Bridgeport Post of March 16, 1962, included a dispatch from Washington entitled "Firm Would Sell Grain to Reds" saying in part:

"Government officials say a west coast export company has applied for permission to ship 10.5 million tons of wheat and barley to Communist China and North Korea. The permit applications of the International Trading Corp., of Seattle, Wash., are under study at the Commerce Department, the officials said yesterday. Officials of the firm declined comment."

The problem is that the Western nations have always subsidized communism and rescued it from starvation. This was true in the 1920's when the United States sent food to Soviet Russia when the revolution was collapsing from hunger. It is true today with a number of countries in the West sending food to China. Some Communist countries in Europe, including Poland and Yugoslavia, are receiving U.S. surplus food shipments, as well as aid from private U.S. relief agencies.

However, an idea that exporting grain to China would provide permanent or temporary relief there is sheer nonsense. Such exports would simply lead to a strengthening of the Communist regime at the expense of the Chinese peasantry. A starvation or near-starvation level must be part of the overall Chinese economic planning. Of course, with a system which has never worked in any Communist country and the traditional bungling of the Communist bureaucrats, not to mention the no less traditional resistance of the peasants, even if only

a near-starvation level is planned, it is almost inevitable that complete starvation be not far off.

Only an army-backed dictatorship can enforce this intolerable situation. By and large, Red China's 2.5 million-man army is well fed, loyal to the Communist Party, and easily able to curb possible uprisings. Most of the food now imported from abroad goes to the party officials and the army. What is left is sent to the province where the shortage is most acute.

Recently, however, political commissars have been instructed to apply thought control more effectively as dissensions were appearing. The main tension stems from the opposition between those advocating more political indoctrination and those emphasizing more training in military techniques and more modern weapons, a lack of which has been behind Peiping's disparagement of nuclear arms.

According to reports from Hsinhua, the official Chinese Communist press agency, last year at peak periods of farming activity most army units interrupted their training to help in agriculture.

In addition, technical experts in the army were called upon as often as the foot soldiers. According to Hsinhua, army units repaired or constructed more than 16,000 units of agricultural machinery and more than 100,000 farm tools in 1961.

The mechanization of agriculture which Peiping has long held to be the key to prosperity is not proceeding according to plan. The drive has been centered on the production of tractors. Two million 15-horsepower tractors were needed according to an article in the Peiping newspaper Ta Kung Pao in 1959 to mechanize agriculture. Most observers believe that the present total is about 40,000—less than enough to equip a single province.

On January 21, 1961, the Chinese Communist Party made two important announcements. First, it declared the United States to be "the main enemy of the peoples of the whole world" and at the same time it averred that a world war would be avoided. Then it went on to state that the farm production crisis would result in a reduction in the rate of growth for Communist China's heavy industry.

Shortly before, Chang Te-sheng, party secretary of Shensi Province wrote:

"For a fairly long time to come the primary task of the whole party and the whole people will be agriculture and grain production in a big way. Grain comes first. All ways and means must be devised to step up grain production. Mr. Chang stated further that agriculture must get priority over everything else for manpower."

Whenever Red China faces an economic crisis, which is to say chronically, the production failures are often blamed on the lower ranks of the party (never on the system). There are indications today of dissensions within the Communist Party because of this, partly as a result of the continuing food and clothing shortages and the traditional Communist bureaucratic blunders. So Peiping is tightening party discipline at the same time the Chinese are tightening their belts. The "centralized" leadership of the party is becoming more so.

As usual in times of crisis, particularly of crisis in Red-led countries, there is a deterioration of both men and materials. Because of lowered resistance to disease due to inadequate diets, beriberi, hepatitis, and tuberculosis are taking a frightening toll among the millions of undernourished Chinese peasants. This malnutrition means further diminished productivity on the farms.

Mao's government in desperation has found a novel way of combating disease at a time when drugs and doctors are in very short supply. It is prescribing heavy doses of Marxism for the sick because—

"Combating disease is a political mission and must not be treated as a personal question * * * we must fight tuberculosis and all other disease with the spirit of uninterrupted revolutionary optimism so that we may regain our health and make greater and more contributions to the cause of socialism and communism."

Karl Marx would have been surprised if he could have anticipated that Das Kapital was used for magic incantations.

As for the equipment, it too is badly in need of replacement parts. As a result there has been among other things a serious shortage of safety equipment causing a considerable rise in the factory accident rate. Again the reason for this shortage has been the emphasis on the production of equipment for agriculture.

To cope with its shortage of food and capital equipment the Chinese Government devised the commune system. It was out-Stalinizing Stalin and in fact putting into effect a system that the U.S.S.R. itself found impossible. It was the system of the beehive but unlike what happens with the bees, it did not work with the Chinese. As it was, Chinese tradition of participation in small, tightly knit associations was a factor in the fiasco of the large impersonal communes, more often than not run by incompetent political hacks.

Today the Red Chinese are using the same motivation typically found in capitalist countries to increase production in agriculture and everywhere else, namely money. The state is now giving the peasants 5 percent of the arable land of the communes. The state is also permitting the peasants to go back to their houses and farm "production groups" which contract with the state for rye, cereals, vegetables, and grain. Surplus produce grown by the peasants belongs to them. Officials are forbidden to interrupt farm work by assigning peasants to construction jobs, as was done before.

An interesting side result of this is the development of a black market in reverse in the rural areas. Occasionally, a peasant has produced so much (as a capitalist) that he must keep the price of his goods well below the official level. For the Red Chinese Government, this partial return to capitalism is a real admission of defeat, "a great leap backward."

Meanwhile, food rationing of course is imposed on the whole Chinese mainland. It is secret but nonetheless very real. In addition, it does not work very well. Meat, for example, is so rare that meat coupons are usually worthless. Fish is also scarce even in the coastal areas. Fat consumption is very low and eggs are sold only in the black market at exorbitant prices. The rationing system does not apply to officials who shop in special stores.

While rationing and food shortages are prevalent in China, they seem to spread wherever the Red Chinese extend their empire. For example, North Vietnam where Mao holds sway is facing such a food problem that Pham Van Dong, the puppet Premier, went to Communist bloc countries in quest of food for his area. There were reports of peasant protests over food shortages in Communist-controlled North Vietnam and Lao provinces.

The food problem has boomeranged in other ways too for Red China which in its never-ending long-range propaganda campaign has offered free college education to hundreds of foreign students and oversea Chinese. Now former students tell of brainwashing, manual labor, and of not having enough to eat, not to mention low educational standards. But the food problem has brought on other problems as well. The shortage of food as well as that of other goods is causing a general increase in prices, and the inflation is causing concern to Mao's government.

For most Chinese, breakfast is still a bowl of watery soup, dinner a bowl of rice or sweet potatoes with a bit of other vegetables. In Shanghai, each person is allowed only one bar of soap for 6 months. Few, except the ruling elite, can afford 56 cents for an egg, $3 a pound for chicken, and up to $6 a pound for beef or pork, six or seven times the official prices.

In the spring of 1961, the Chinese Communists signed agreements to import about 7 million tons of wheat and grain from Canada. A Canadian friend, when recently asked why Canada was selling wheat to Red China, replied in justification: "You can't ignore them" (no mention was made of the Canadian wheat surplus). The truth of the matter is precisely that you are ignoring them when you choose to support with food or any other commodity the very government seeking your destruction.

The Canadian Government has reaped a handsome profit from its trade with Red China, which has put a big dent in the nation's 535-million-bushel surplus. It has made Canada the world's No. 1 commercial wheat exporter. Agriculture Minister Alvin Hamilton has been moved to urge large sowings of grain for the first time.

Australia has arranged to sell 2,600,000 bushels of grain to Red China in the last 2 years. To help pay for its Canadian grain, Communist China seeks to step up its sales to Canada which now run about $5.6 million a year in furs, pillow cases, hog bristles and other items. It is finding difficulties increasing the variety of goods Canada is willing to buy.

To help pay its bills, China has been shipping silver to Western markets, particularly London and Europe. By the end of 1961, it is estimated that Red China will have sold from $30 million to $50 million in silver. Much of the metal is believed to come from melted-down Tibetan coins.

Peiping meanwhile is pushing its export drive in Hong Kong where it has set up a huge department store averaging $8,300 daily in sales of items ranging from silk neckties to sewing machines. Peiping is also exploiting refugees from Red China in Hong Kong.

Hong Kong residents shipped 2-pound food parcels at a rate of more than 1 million a month in 1961 to relatives and friends in Red China, compared with a total of less than 4 million for all of 1960 and only 870,000 in 1959. In addition, the Chinese in Hong Kong have begun to send parcels of cotton and woolen cloth and old clothing to their friends and relatives despite heavy Communist duties and freight charges that quadruple the original cost.

The grave food shortage of China has given rise to a new Hong Kong enterprise: "the food messengers." These are usually women taking rice to relatives and friends in Canton where they receive the cost of their return fare and a small fee. Such traffic in food parcels has been gradually expanding with the "liberalization" in the attitude of Chinese customs officials who formerly regarded this activity as a loss of face.

Another Chinese trick is to sell to Hong Kong residents food which is produced right where it is supposed to be delivered: In famine-stricken China. Such scarce commodities as canned chicken, soybeans, and cooking oil are sold to merchants in Hong Kong so that Chinese refugees there with relatives on the mainland can buy and ship them back. In the process, Communist China collects duties and shipping charges that total several times the food's normal cost. Thus, a can of chicken that costs Hong Kong residents little more than 20 cents for home consumption sells for about $1 for export to China. Still another trick even more despicable is selling the freedom of relatives inside Red China for about $1,500 worth of fertilizer. Mainland residents are told to write relatives in Hong Kong and request

the fertilizer. When it comes through the Chinese receive their exit permits. In the meantime, the whole Chinese food problem is blamed on natural disasters.

In line with its technique of attacking first and asking for food later, Peiping has invaded and is occupying 14,000 square miles of Kashmire on the northern part of India, its populous neighbor to the south, and is castigating India for rejecting proposals for a new trade agreement. But why wouldn't Red China receive help from the U.S.S.R., its ally in communism? For this there are several reasons, some which go back several decades. In 1937 Mao said:

"When the people's revolution has been victorious in China, the Outer Mongolian Republic will automatically become part of the Chinese federation."

Mao's victory in China came more than a decade ago, and he promptly began reasserting China's claims to all the vast semi-autonomous borderlands that had come under Stalin's sway. Sinkiang and Manchuria were gradually taken over. Tibet was seized and ruthlessly suppressed. Outer Mongolia, in fact, is the only large area of onetime Chinese rule that has not yet returned to Peiping rule.

Mao Tse-tung's view since the 1920's has been that successful revolution in China was based on the peasantry, not the proletariat. This marked the beginning of the split between the U.S.S.R. and what was to become Red China, with both Mao and Khrushchev laying claims to being the rightful heirs of Lenin.

Mao's power was derived from the land tilling serfs he regimented and the rising nationalism of China. Khrushchev's power is based on the technicians and his party machine.

For all these reasons and many more there is presently a rather considerable doctrinal and geopolitical schism between the U.S.S.R. and Red China; to such an extent that we can truly say that world communism has become polycentric. Interestingly enough, China in spite of its rapidly dwindling foreign exchange reserves (Chinese currency is practically worthless on free-world markets) has commitments to ship flour to its western satellite Albania, rice to Cuba and wheat to Ceylon. This schism as well as the present food shortage in the U.S.S.R. itself makes it unlikely that any significant aid may come to China from the U.S.S.R. now or in the near future.

"By his [Khrushchev's] account, Soviet output of grain and the livestock population both were lower in 1953 than in czarist 1913".[1]

This being the case significant amounts of food can come to China only from three sources: the United States, some Commonwealth countries such as Australia and Canada, or Europe (France). All of these countries are part of NATO and some belong to CENTO, the Asian military defensive alliance against Red China.

This means that normally the West would have an unparalleled opportunity to use food as a powerful lever to force the Red Chinese dictatorship out of Laos and Vietnam and back into its own borders. But so far no attempt in this direction has been made, in fact some of the Western nations are vying with each other to see which will give China the most favorable terms.

Senator THOMAS J. DODD, of the Senate Internal Security Subcommittee, said that testimony taken by the subcommittee "clearly indicates that, because of the laxness of our export policy, we have been helping the Kremlin to overcome many of its most critical weaknesses in the field of military-industrial technology."

Senator KENNETH B. KEATING, a member of the same subcommittee, declared:

"To date, the West has almost completely forfeited the opportunities it has to use trade as a positive weapon for winning substantial concessions from the Communists."

Mao himself gives advice when he says:

"Only the greatest idiot or megalomaniac would cherish passive defense as a trump card."

George Meany, president of the American Federation of Labor-Congress of Industrial Organizations, said selling grain or goods to dictators "whose policies have brought misery and hunger" to their peoples would not help. Communist leaders, he said, are not above reselling such supplies or storing them for military forces "geared to oppression at home and aggression abroad."

Instead, the labor leader proposes that the United States send teams to distribute food and other free goods behind the Iron and Bamboo Curtains. Meany pointed out that—

"Our country has always shown great generosity and capacity in helping save people from starvation. The American people would rather give away some of their rice, wheat, butter, textiles and medicines to the needy people in Communist China, Cuba and elsewhere behind the Iron Curtain than to sell these goods for gold mined by slave labor."

The shortage of food on the Chinese mainland provides the West with a unique opportunity to make some gains in the cold war. Are we going to use it?

[1] William L. Ryan, "Nikita Stakes Future on Farm Gamble," AP, Apr. 12, 1962.

## ALBERT COATES AND THE HARVARD LAW SCHOOL

Mr. ERVIN. Mr. President, recently my distinguished colleague from North Carolina [Mr. JORDAN] and I paid tribute to one of the truly great personalities in American public life, Dr. Albert Coates, a member of the law faculty at the University of North Carolina. At that time we were speaking on the occasion of Dr. Coates' retirement as director of the Institute of Government at Chapel Hill, which he founded. In considering what this great institute has meant to the Nation one may be curious about the background of the man whose vision produced it.

Recently I had occasion to read again a speech which Dr. Albert Coates made at a meeting of the Harvard University alumni of eastern North Carolina almost a year ago. In that speech Dr. Coates tells of the impact which Harvard Law School made upon his life. It is an inspiring story told in the inimical manner of Albert Coates. I have found it a rewarding experience to review this testimonial to a great American institution by a great American, and I should like to share it with the other Members of the Senate. Accordingly, I ask unanimous consent that Mr. Coates' speech entitled "What Harvard Law School Meant to Me," be printed at this point in the RECORD.

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

WHAT THE HARVARD LAW SCHOOL MEANT TO ME

(Remarks by Albert Coates at a meeting of Harvard University alumni of eastern North Carolina, November 28, 1961)

William Polk, my Harvard Law School roommate, told me of a man in his hometown who wrote a little book. He found no one who would print it and printed it himself. He found no one who would review it and reviewed it himself. His review was short, to the point, in these words: "This book is full of the sorts of things that Shakespeare or Milton might have struck off in a happy half hour of literary excitement." (Signed) "Critic."

If you do not find my talk tonight full of the sorts of things Shakespeare or Milton might have struck off in a happy half hour of literary excitement, in all humility I call your attention to the fact that neither Shakespeare nor Milton had the advantage of Harvard training.

Two weeks ago your president asked if I would talk to you. I was sensitive to his compliment; so much so that I did not want to accept it because I could not take out time to do a good job. At that point my wife chimed in: "Why don't you tell them what you have been telling me ever since we met, about what the Harvard Law School meant to you?" Your president said that would be all right; and here I am.

I am going to talk about the meaning of Harvard. Not what Harvard has meant to New England, or the Nation, or the world; others know more about that than I do. Not what Harvard has meant to you; for you know more about that than I do. But what Harvard has meant to me; for I know more about that than you do. And all it takes to make me an authority on any subject is the presence of people who know less about it than I do. On this theory I offer myself to you as the worldwide authority on this evening's subject: "What the Harvard Law School Meant to Me."

In my student days in Chapel Hill, the dean of janitors wrote this request to the university's business manager: "I have got to make an address to the Baptist Sunday School Convention on the duties of a pastor to his congregation in vocal music. You sang in the glee club, and I want you to jot down the points I ought to make in that address—and then, fill in between 'em." In this fashion I have jotted down the points I want to make tonight; and as I go along, I will try to fill in between them.

POINT NO. 1

I saw the Harvard Law School through the eyes of my professor of philosophy, Horace Williams, in my senior year at the University of North Carolina in the fall of 1917. He had gone to Harvard in the 1880's and brought something of Harvard back with him to Chapel Hill—enough to point out her values to his students for 40 years. He fixed my eyes on the Harvard Law School with this statement from one of his students who had gone there: "My professors write the books the other professors teach." I went there. That is what the Harvard Law School meant to me.

POINT NO. 2

I saw the Harvard Law School face to face in September 1920. I saw it in "Bull" Warren on the opening night for the first year men, and heard it in his rasping voice: "Young gentlemen, if your moral character has not been nourished by your parents, the kindergarten, public school, and college, there is little the Harvard Law School can do for it this late in the day. What this law school is concerned with is your mental character, training a mind that refuses to do a sloppy piece of work."

So far as I can recall, this was the first time I had heard the word, "mental," used as a modifying adjective for character. I had always heard character referred to as moral, not mental. Here was the turn of a phrase, and something more. It suggested that mentality perhaps was not altogether incompatible with moral fiber. It added a new dimension to my thinking about character. That is what the Harvard Law School meant to me.

POINT NO. 3

I went to my first class in law school. The air became electric as the class got under-

way. "Will you state the first case?" Professor Warren asked me. I responded, with mounting blood pressure. "You don't mind if I criticize you rather sharply?" the professor asked. "No, sir," I answered, in as big a lie as I could have told at that time and in those circumstances. He took me at my word, fried the fat off my statement of the case, found no lean meat or even gristle underneath, went on to burn up the grease, and left not even a crackling to recall my maiden effort in the Harvard Law School.

"Give us the next case, Mr. X." I had been confused at the end of my ordeal, but Mr. X was confused at the beginning of his. The professor tried again with this inquiry: "Mr. Black went out of his house one morning. The snow was white beneath his feet. The sky was blue above his head. What was his name?" No response. Confusion here was worse confounded. "I can see you are a man of parts," the professor observed, with all the kindness he could muster, "but the parts haven't been put together." And without waiting to pick up the parts he moved along the row of students with his unanswered question, looking into faces paler than any Indian ever saw, and well aware that he had put the pale in paleface. The classroom was full of all the tortures of "Little Ease." At last he got the answer he wanted from a fellow named Newcomer sitting next to me. It was all I could do to keep from jumping up and crying out the line in Shelley's poem: "O blithe newcomer. I have heard, I hear thee and rejoice."

"Mr. Y," the professor continued, "will you give us the next case?" He did. "What do you think of the court's opinion. "It's the bunk," answered student Y. "Correct," the professor said and went on to prove it, while I listened in amazement to their irreverent comments. I had underscored the fine phrases, the flowing sentences, the atmospheric paragraphs, and completely missed the point of the case.

I began to learn the meaning of Gilbert and Sullivan's line: "The flowers that bloom in the spring, tra la, have nothing to do with the case." In fact, I can trace my growth in law school by the underscorings in my casebooks—changing from purple passages and literary efforts to meanings obscured and all but lost in the interstices of procedure, stated always without flourish and sometimes without grammar. I had always heard about reading between the lines, and now I was learning how to do it. That is what the Harvard Law School meant to me.

POINT NO. 4

I found men in the law school studying their lessons 12 hours a day. Working as hard for grades and standing as I had seen men working for commissions in Army camps in World War I. This was unconstitutional. The president of the class was nothing, or next to nothing; the editor of the Law Review was everything, or mighty near it. This was putting the bottom rail on top. That was not the way it was back home.

In Smithfield High School I had run up against men as good as the best in Smithfield. In Chapel Hill I had run up against men as good as the best in North Carolina. In the Harvard Law School I was running up against men as good as the best in the Nation. I was finding that the quality of the students played as big a part in shaping the character of the school as the quality of the professors who wrote the books that others taught.

I had worked 12 hours a day on student activities in Chapel Hill, but studies were not ordinarily included in student activities as that term was then used. It was a long time before I could use my mind to advantage on hard and driving study for many hours at a stretch, day after day. It was a violent shift from the liberal arts to the field of law with its new and strange vocabulary. And it was with main strength and awkwardness that my mind gradually began to do my bidding. I was well into my second year in law school before I began to see connecting links between the law and the liberal arts.

My mind went back to an experience in Chapel Hill in college days. I registered for a course in Spenser's "Faerie Queene," missed the first 3 weeks of the course, and came into the class 100 pages behind to find the "Faerie Queene" clothed in old English. I saw that taking off those clothes was going to be all strip and no tease. This process took time, which I didn't think I had. It took patience, which I thought I had to the point where there was no need to demonstrate it on this particular assignment. It took insight and capacity to grasp below the surface meanings, which I had in general to the point I felt a man of my ability could afford to let it slip in this particular case.

I told Professor Greenlaw I wasn't getting anything out of the course and wanted to drop it. He told me I would get "discipline" out of it, and he didn't know anybody who needed discipline more than I did. I told him I was looking for literature and not for discipline, and it looked like discipline was all I was going to get. Professor Greenlaw started laughing, and kept on laughing till the tears rolled down his cheeks, and then he held out his hand and said: "Have it your way and drop the course with my blessing."

Now, 4 years later, for the first time I understood his laughter and my flesh crawled off my bones as I lived over that experience. Discipline was coming to me at last—better late than never. I was learning that it was more than the capacity to hold oneself to the task in hand and included among other things the power coming from long practice in holding oneself to the task in hand; it was a byproduct, built by indirection. I was finding that the tortoise will always beat the hare if the hare is accommodating enough to go to sleep in the middle of the race; but God pity the tortoise when he runs up against a hare that does not go to sleep. That is what the Harvard Law School meant to me.

POINT NO. 5

I found the best men in law school doing as well on one course as another—whether they liked the course or not, whether they liked the professor or not, whether they thought the professor was good or not, and whether they thought the course was good or not. This was a revelation to me.

In my student days in Chapel Hill, I had flunked the course in physics. Professor Patterson called me in to see him, told me he had looked at my grades in the registrar's office, and found I had "A" grades in English and history and philosophy and economics, a passing grade in French, and a failing grade in physics. In the light of my record in other courses he wondered whether the fault in the physics failure lay with him or with me.

I told him it was my fault and not his; that I had put most of my time on the courses which I thought would do me most good in law and government; that I had allowed what I had thought was enough time to pass the courses in physics and French, which I was taking for the sole purpose of a college degree, and that I had won the gamble in French and lost the gamble in physics.

He told me I was wrong—that every student, every year, ought to take one distasteful course under one distasteful teacher, and do his level best to make his highest grade on that course for the sake of the moral discipline involved.

At long last I was learning in law school the lesson of discipline that Professor Patterson had tried to teach me. I learned it to the point that to this day I am likely to do a better job on a task I do not like than on one I do. That is what the Harvard Law School meant to me.

POINT NO. 6

I took a course in public utilities in my final year in law school with a teacher whose principal stock in trade appeared to be something called a method of approach or a way of looking at things—which left me a little uneasy. I was forever approaching and never getting there—wherever "there" was.

He gave few, if any, citations; had little patience with men who were "always in earnest and always dull"; and was as likely to tell a student to read Trevelyan's "History of England," as a court decision, or to go out for a walk and look up at the sky, or read a novel, as to refer him to a statute.

I got few, if any, notes, and they meant little if anything to me; and if there was any such thing as a "body of knowledge" in his course I didn't find it. In the words of a friend of mine, I was a little "underwhelmed."

But when I started teaching the course in property in Chapel Hill the following year, I found I had got something out of Professor Frankfurter's course in public utilities that helped me more in teaching property than the notebook full of notes I had got out of the course in property itself. (I might add that this professor's books on "The Business of the Supreme Court" and "The Public and Its Government" have influenced the approaches to my work in later years as much as any books I ever read, if not more.) I thought of a fellow classmate who had bought sets of notes in every course he didn't take, saying he was going to carry the whole Harvard Law School home in his trunk.

Somehow or other the Harvard Law School had given me the feeling that I could get along without her. She had somehow planted in me a power to go on my own, to work my way through any problem coming before me, within the limits of my abilities, no matter what the problem was. For 3 years she had worked to make me independent of her, and not dependent on her, and in the process drawn me closer to her. That is what the Harvard Law School meant to me.

POINT NO. 7

I have never forgotten a moment in the course in equity in the fall of 1922. The class met from 12 to 1 o'clock, 3 days a week. The Harvard-Army football game was called for 2 o'clock on Saturday. The students wanted the class moved forward so they could meet and lunch with friends and relatives and sweethearts coming for the game. Professor Magruder carried the request to Dean Pound and came back with his answer to the class: "Dean Pound says the Harvard Law School will follow its schedule without interruption, regardless of the magnitude of any athletic event. And, as far as I am concerned, equity is going to follow the law." The whole class stood and applauded, and kept on standing and applauding, with the pride of men who knew the Harvard Law School had scored its own touchdown that morning in that classroom—not a gut, gripe, bellyache, or catcall in 300 students. The classroom had won the competition with the football field. That is what the Harvard Law School meant to me.

POINT NO. 8

Let me tie some law school happenings together to the theme of "I Remember It Well" as Lerner and Loewe tied remembrances together in the song I once heard Maurice Chevalier sing in "Gigi."

There was Williston with a fine art of teaching which I have always put along with poetry and painting and music. He could, and did, help me find out for myself that I was agreeing fully with two cases with opposite holdings, and do it with a saving grace that never left a scar—even though I

knew the whole class was coming to the same conclusion by the same process at the same time. He taught easily, leaving me with the feeling—not that culture could not afford to raise a sweat, but that with him it didn't have to.

There was Chafee in whom I found the law and the liberal arts were one. In his classes I saw that an essayist would write an essay, or a novelist a novel, out of the same raw materials which judges would use in writing decisions and legislators in writing statutes. I saw the "inquiring mind" in his living presence before I saw it on the cover of his book.

There was Scott who covered 200 pages in the casebook in the last hour of the course in civil procedure. Summing up the meaning of successive cases in scintillating sentences, with one following the other fast enough to show me how a movie camera could take sequences with a speed so much quicker than the eye and ear that it produced a flawless flow of sound and a steady flow of light. I discovered the uses of mathematics in his course in trusts as he put every case into a setting of related "supposes" illustrating the theory of permutations and combinations to the limit of probability, possibility and beyond.

There was Beale whose mind played all over everything it touched like a dancing ray of light which was up to no good. He outsocratized Socrates in the Socratic method, attracted us like moths into his flame, and with similar results. If we hadn't known he was all substance, we might have thought he was all process.

There was Pound who never parried a question with the comment—"This is not in my field." He took all fields of law to be his province. Trying to put Pound into the average student's head—I am referring to my own—was like trying to put an ocean into a quart pot. The point of all his learning was that it was always to the point.

I would knock on his door, hear him say, "Come in," on the instant, find him with his head low over his books until I stood before his desk. At that point he would look up, give me 100 percent of his attention as long as I stood before him. When the conversation ended he would go back 100 percent to his books before I got out of the room. He taught me the scarcity value of time, while leaving me with the feeling I could, and did, get all of his time I wanted, whenever I wanted it

In 3 years of the Harvard Law School I never heard a student ask, "Are you taking contracts, evidence, equity, public utilities, procedure, conflicts?" but, "Are you taking Williston, Chafee, Pound, Frankfurter, Scott, Beale?" And so on to the end of the roll. In all that time I never ran into a teacher so absorbed in research and writing as to feel the Harvard Law School would be a good law school if it were not for the students. That is what the Harvard Law School meant to me.

POINT NO. 9

Dean Roscoe Pound gave me the Rumrill scholarship amounting to $400 my first year in law school in 1920. He gave me a $2,700 fellowship for graduate study in 1928 to help me along in the work that has grown into the Institute of Government, came to Chapel Hill in 1932, to throw his weight behind it, and took time out to write an article appraising it in 1937. I got my first lawyer's fee in the summer of 1923, paid in kind and not in cash—the biggest country ham I have ever seen—and sent it to Dean Pound as a token payment on account.

But to this moment I have not paid a penny to the annual giving fund of my law school class. All of the money I could rake, scrape, and borrow has gone into the building of the Institute of Government. As soon as I finish paying for my home, I expect to start saving money to return the face value of the scholarship and fellowship the Harvard Law School gave to me in 1920 and 1928—with interest added, in more ways than one. As soon as I do this I expect to start giving to the annual giving fund. And let me tell you why.

The present dean of Harvard Law School, Erwin Griswold, read the "Story of the Institute of Government," and threw his weight behind it in an inspiring letter in 1948 and another in 1952. These letters meant more to me and my wife at those particular times than he will ever know, unless he reads that meaning between these lines. In his 1948 letter to me, Dean Griswold wrote that he was "closely confined to the problems here in the law school."

Read his annual reports from 1946 to 1961 and you will see what he has been doing with his time: (1) Lifting the number of students in the law school to 1,600 and raising their general average to the highest point in its history; (2) increasing the faculty by 50 percent and keeping up its high standards of teaching and research; (3) adding 300,000 books to the library and bringing it to the million-volume mark; (4) building five new dormitories and the Griswold tunnel and sharing a new eating commons with other graduate students in Cambridge; (5) starting the annual giving fund with gifts running to $60,000 in 1950 and going beyond the half million dollar mark in 1960; (6) revising old courses in the law school, adding new ones, and adjusting the whole curriculum to new problems and conditions; (7) bringing students from countries throughout the world into an unprecedented program of international studies with 30 countries represented in this program in 1961; (8) going on the road to take part in conferences of lawyers, teachers, and alumni throughout the United States, the British Commonwealth of Nations, and other parts of the world; and so on in the tradition of Roscoe Pound and James Barr Ames, and Christopher Columbus Langdell. That is what the Harvard Law School means to me.

POINT NO. 10

This point goes beyond the Harvard Law School to Harvard College and all the schools which go into the making of Harvard University. In the 1630's John Harvard gave his estate and his library to overseers who had a college in mind but not in hand. They put it on a plot of land in Cambridge and called it Harvard. It started teaching 31 years after English settlers took root in Jamestown, 17 years after the Pilgrims landed at Plymouth Rock, and 140 years before the American Revolution.

In the years from 1636 to 1961 the name of Harvard has drawn men from the uttermost parts of the earth to her Yard. In this magnetic field she has helped them find themselves. She has taught them the meaning of the words of Hesiod, 2,500 years ago, that "before the door of excellence the high gods have ordained sweat." She has sent them out to work on the job in hand with the confidence of men who know that they have touched at least the hem of the garment of education at its best. She has schooled them to turn "keen, untrammeled faces home to the instant need of things"—whoever they are, whatever they are. Look at a map of the world, and put your finger on the places where these men live and work today upon this globe, and you will see that her "dwelling is the light of setting suns, and the round ocean and the living air, and the blue sky and in the mind of man."

In his essay on "Castles in Spain," John Galsworthy quotes a note from a guidebook for visitors to the Cathedral of Seville: "On the eighth day of July, in the year 1401, the dean and chapter of Seville assembled in the Court of the Elms and solemnly resolved: 'Let us build us a church so great that those who come after us may think us mad to have attempted it.' The church took one hundred and fifty years to build," and five generations of builders worked into this fabric of stone all the magic of the Middle Ages.

I do not know whether any such resolve was in the minds of the founders of Harvard College in the 1630's, or whether their successors picked it up along the way; but I am sure that 11 generations of students, teachers, and alumni have come as close as men have come in any other place on earth to building what Edmund Burke described as "a partnership in all science, a partnership in all art, a partnership in every virtue and in all perfection, and since such a partnership cannot be attained in one generation, a partnership between all those who are living, and those who are dead, and those who are yet unborn."

Here in Chapel Hill tonight we rejoice that we are a part of this tradition; and in recognition of this partnership, we send our greetings across the intervening distance to the Harvard of us all; to Harvard University which is greater than the sum of all its parts.

## THE UPPER COLORADO RIVER PROJECT

Mr. ANDERSON. Mr. President, along with many other Members of Congress and citizens from the Upper Colorado River Basin, I have worked many years toward the full development of projects under the upper Colorado River project. The dream of people in these areas has been to put to beneficial use the water to which each is entitled under the upper Colorado River compact.

We are now beginning to see our dreams fulfilled and on Saturday, September 15, 1962, the Navaho Dam on the San Juan River, in San Juan County, N. Mex., was dedicated. The completion of Navaho Dam is another milestone we have passed in the development of our water resources.

Secretary Udall gave a very fine speech at the dedication ceremonies setting forth some of our recent accomplishments in the field of reclamation. In his remarks he pointed to the record of Commissioner of Reclamation Floyd Dominy in the management of the Bureau during his tenure of office. Under Mr. Dominy the Bureau in 1962 employed an average of 10,975 people, only 11 percent more than the postwar low of 1955. Yet, these dedicated men and women accomplished approximately 100 percent more work. I compliment Commissioner Dominy and the fine people in the Bureau of Reclamation on this accomplishment.

Mr. President, I ask unanimous consent that the remarks of the Secretary of the Interior be printed in the body of the RECORD.

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

REMARKS OF SECRETARY OF THE INTERIOR STEWART L. UDALL, AT THE DEDICATION OF NAVAHO DAM, SAN JUAN COUNTY, N. MEX., SEPTEMBER 15, 1962

We are here today to dedicate Navaho Dam—to celebrate the completion of the first major feature of the vast, five-State Colorado River storage project. It marks a new day for the Southwest. But, in a larger sense, it is also symbolic of the new era in America where the total development of our Nation's water resources is proceeding at an alltime high.

Navaho Dam brings new hope, new opportunity, and new purpose to those of us assembled here. It also stands before us as a constant reminder that the optimum development of our natural resources is a necessity in this century of challenges.

Many of you think of Navaho Dam as your accomplishment—and it is. You have lived through its conception and completion. You have worked hard to make it possible. It is a fact—a proven fact that 1962 is a high-water mark in the 60-year history of the Department's Bureau of Reclamation.

In 1962, the Bureau of Reclamation has spent more money—and spent it more effectively and economically—on the construction of dams, hydroelectric power stations, transmission lines, and irrigation works than ever before.

Three hundred and forty-seven million dollars, a record volume of work for any year, has been invested in water resource development.

Forty-four principal features on 19 Bureau projects in 13 States have been completed.

Construction in fiscal 1962 was initiated on seven major storage dams and three diversion dams in eight States. Since July, construction has also been started on the important San Luis Dam in California. This structure is, by far, the most ambitious joint Federal-State water project in history.

Another signal accomplishment has been the awarding of five major contracts, each in excess of $1 million, for the construction of transmission lines. Among these was the $12.8 million contract for the construction of the 210-mile, 345,000-volt line from Glen Canyon Dam to Pinnacle Peak in Arizona—the highest voltage line yet to be built by the Bureau of Reclamation.

Of the work in progress, significant construction achievements are signified by the pouring of more than 60 percent of the concrete needed to complete Glen Canyon, the key feature of the project of which Navaho Dam is a part, and more than 75 percent of the concrete for Flaming Gorge Dam, another important feature.

In total, some 1,260 separate contracts for construction, materials, and supplies were placed—contracts which will spur the economy of the Nation in many areas.

While 1962 has been Reclamation's finest year in program accomplishments, it has also been equally significant for the new authorizations approved by Congress. This year, two projects of the first magnitude have been approved—the first time that two such projects have ever been approved by Congress in a single year.

The spectacular Fryingpan-Arkansas project in Colorado—commemorated last month by President Kennedy—will supply new water for expanding municipal, industrial, and domestic requirements on both sides of the Continental Divide. The project will produce supplemental irrigation water for 280,000 thirsty acres and will generate 470 million kilowatt-hours of electricity annually.

The San Juan-Chama project in Colorado and New Mexico, the other major authorization, will provide much-needed municipal and industrial water for Albuquerque, as well as full and supplemental irrigation water for some 120,000 acres of farmland in the Rio Grande Basin.

Another new authorization, the Navaho Indian Irrigation project, will take San Juan River water across 150 miles of reservation lands to fight drought by supplying water for 110,000 acres—thereby contributing to the employment opportunities, economic stability, and better standards of living for the Navaho people.

In addition, three other reclamation projects—Spokane Valley in Washington and Idaho, Mann Creek in Idaho, and the Arbuckle project in Oklahoma—have also been approved by Congress, a total of six for the session so far.

And, the same as Navaho, these projects will also add to the growing recreation potentials of the entire reclamation system and the growing inland shoreline of reclamation reservoirs.

From any point of view we choose, the claim that 1962 is reclamation's biggest year is a demonstrable fact, grounded in the hard work, solid achievement, and constant devotion of many men and women. We cannot single out each and every one—though each deserves his full measure of honestly earned praise.

We must mention, however, several who deserve special recognition, for without their tireless efforts, their legislative skills, and their enduring belief in the worth of conservation, this record would have been impossible.

I am referring, of course, to Senator CLINTON P. ANDERSON, of New Mexico, to Congressman WAYNE N. ASPINALL, of Colorado, chairmen of the respective Interior Committees of Congress; to Senator CARL HAYDEN, of Arizona, dean of the Senate and chairman of its Appropriations Committee; and to Congressman CLARENCE CANNON, one of the great statesmen of the House and also chairman of its Appropriations Committee.

These men—joined by a majority of their colleagues in the 87th Congress—have written and passed one of the finest overall reclamation programs of any Congress in the history of our nation. They gave us the basic tools with which this administration made 1962 the biggest reclamation year in history.

Earlier, I said this record of accomplishment has been carried forth effectively and efficiently by the Bureau of Reclamation. It is one thing to spend the public's money in large volumes—it is entirely another to achieve the greatest volume of work at relatively less cost than ever before. In 1962, the Bureau of Reclamation—under the direction of Commissioner Dominy—employed an average of 10,975 people, only 11 percent higher than the postwar low of 1955. Yet, these dedicated men and women accomplished approximately 100 percent more work. I know of no finer record in the Federal service.

In past years, Congress has appropriated more money and the Bureau has had nearly twice as many employees—but never before have the funds available been translated into more effective investment in the future of America.

Looking beyond 1962 and the projects authorized thus far, the Kennedy administration has prepared and sent to Congress an additional 15 favorable reports on another $750 million worth of reclamation projects in 12 States.

These projects would provide an irrigation water supply for about 1.6 million acres of land and about a half million acre-feet of new water for municipal and industrial use, as well as an installed hydroelectric capacity of 300,000 kilowatts. Built principally to conserve water, these projects, too, would carry many extra dividends in flood control, fish and wildlife enhancement, and outdoor recreation opportunities.

For 40 years, this area grew slowly, dependent entirely upon agriculture and the hazards of an unstable water supply. With the discovery of natural gas, with the development of associated industry, and with the soon-to-be-realized utilization of the vast coal deposits of the Navaho Reservation, this area holds great promise for the future.

However, until the completion of Navaho Dam, it was merely promise. Now, it can become reality because the big question mark of a dependable water supply has been solved.

To those who live in this area, I need not spell out the local multipurpose significance of Navaho Dam. Those who live in the San Juan Basin have seen the miracle of reclamation open the gates of opportunity in area after area, in State after State in the West.

Navaho—and dams like Navaho—bring great benefits to the Nation as a whole. Thus far, for example, this dam—which stands 40 stories high—has resulted in expenditure of $24 million for services, supplies, and equipment which reached into all parts of the Nation. Reclamation and the works of reclamation are truly of national significance and national benefit.

We have spoken today of the finest year in reclamation's history, of the truly brilliant record of the 87th Congress, and of the amazing efficiency of the Bureau of Reclamation. But, what of the Navaho Dams of the future?

Today, there is—roughly estimated—about $4.1 billion of contract construction work in the reclamation pipeline on projects under construction, authorized for construction, and transmitted to Congress for authorization. For those who view reclamation as a local, or western program, let me cite a few projections of what this means.

First, the actual construction of these projects would provide nearly three-quarters of a million man-years of employment on the actual site.

Second, the construction of these projects would require $2.2 billion in equipment and supplies manufactured in all parts of the country, generating an additional total employment opportunity of over two-thirds of a million man-years.

These are the immediate, tangible benefits to the Nation as a whole of the ongoing reclamation program as it stands today. We also know, from experience, that the fruits of reclamation magnify manifold through the years in terms of local, State, regional, and national economic growth. We know that salaries and income, corporate and personal profit, and tax revenues at all levels generated by reclamation projects far surpass the public investment in water conservation.

Speaking of reclamation activities, President Kennedy has said:

"Nothing could be more disastrous for this country than for the citizens of one part of the State to feel that everything they have is theirs, and it should not be shared with other citizens of the State, or for the people from the East to say 'There is no benefit to us in spending our money to make this valley green.'

"This is the way to stand still," the President said. "The way to move ahead is to realize that we are citizens of one country who can move from one State to another and as one State does well, so do the others, and if one State stands still, so do all the rest.

"What I preach is the interdependence of the United States. We are not 50 countries. We are one country of 50 States and one people, and I believe," said the President, "that those programs which make life better for some of the people will make life better for all of the people."

These words of President Kennedy are the watchwords of conservation in the 1960's. Resource conservation and development is a national effort which extends from coast to coast, from border to border—not a program in one State or for one State. Even as we celebrate the completion of this dam, we are looking to the future. Our land is growing in population and in economic activity. We must provide the raw materials for new wealth, new homes, new job opportunities, and more wholesome foods for our people. And, in the process, we must also provide a life-giving environment of land and open space and recreational opportunity to make this new wealth meaningful and purposeful.

Growth is a never-ending process which depends ultimately on the use we make of

all our natural resources. Yesterday, this posed no problem because resources beyond imagination lay westward for the taking. Now, however, the pinch of onrushing national growth is being felt.

Never again can we allow ourselves the foolish luxury of waste. Never again can we relax our efforts toward the optimum development of all the resources of our land, nor can we allow the process of resource conservation and development to falter as was done in recent years.

With this dedication and this devotion, we celebrate the completion of Navaho Dam, we understand the true meaning of Navajo and we pledge our Government and our people to the continuing tasks of conservation that will enable us to meet the challenges of domestic growth and world leadership which mark our times.

## RESEARCH WILL GOVERN THE FUTURE

Mr. BOGGS. Mr. President, the University of Delaware annually holds a farm field day at the university's agricultural experiment substation near Georgetown, Del.

This farm field day has been an outstanding event in Delaware since the program began.

This year we were fortunate in having Dr. W. E. Krauss, associate director of the agricultural experiment station, Ohio State University, as the principal speaker. His address on "Research Will Govern the Future" was so timely and appropriate and so forward looking that I believe it is a valuable contribution in our consideration of many of today's pressing problems. I think my colleagues would like to read this address, and I therefore ask unanimous consent that it may be printed in the RECORD.

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

RESEARCH WILL GOVERN THE FUTURE

(By W. E. Krauss, associate director, agricultural experiment station, Ohio State University, presented at University of Delaware farm field day, agricultural substation, Georgetown, Del., August 1, 1962)

I consider it an honor to have been invited to speak to you today in this environment of friendly people at a substation of one of our great land-grant universities. This day should have special significance to you, as it does to me, since it comes during the centennial year of the land-grant movement and also marks the 100th anniversary of the U.S. Department of Agriculture.

The University of Delaware, privately chartered as Delaware College in 1833, blossomed into a land-grant college following the Morrill Act and has continued to grow to its present university size and influence. The fact that last year your president, Dr. Perkins, served as president of the American Association of Land-Grant Colleges and State Universities and that your vice president for university relations and dean and director, Dr. Worrilow, has been recognized in many ways as a stellar worker within that organization, attest to the recognition and prestige attained by this university in land-grant circles. It is outstandingly significant that while many colleges of agriculture in this country are facing declining enrollment, your School of Agriculture increased its enrollment last year by 34 percent.

It has been my privilege to visit the university at Newark on several occasions and this substation once before today. I have been impressed by the competence of the staff, the quality of their research, the instrumentation of the laboratories, and the cooperative relations with industry. This substation is unique among substations of my acquaintance. Its organization and operation allow its research and service programs to be most effective in tackling and solving the problems of Delaware farmers and related but increasingly important agribusinesses.

A land-grant college, through successive acts of Congress (Morrill Act of 1862; Hatch Act of 1887; Smith-Lever Act of 1914), has a three-way responsibility of resident instruction, research, and extension. Research is the area from which comes the scientific knowledge which fortifies the classroom teacher and the extension worker as they carry out their duties with youth and adults. In agriculture, the experiment stations and the USDA have been the principal reservoirs of new knowledge that leads to improved technology. It is largely because of this that the economy of the United States is as prosperous as it is and that our people are the best fed at the lowest cost. It is also because of this that farming has become a dignified profession and business and that agriculture today is not declining but increasing in importance as more and more people must be fed by the efforts of fewer people on fewer acres of land. Even greater efficiency in production is indicated for the future. This can come about by increasing the use made of existing knowledge, through the educational facilities at our disposal, and through research which yields new knowledge. In addition to serving those who produce, our efforts of the future must become increasingly evident in the processing, marketing and utilization areas, as well as in the fields of farm policy, conservation of natural resources, and family living.

You are here today to see research at work and to learn the results of research that might be helpful to you. There is no better way to get new information quicker or more directly. But do you realize what went on before this opportunity was offered?

To answer this requires a definition. Research is the process of critical inquiry or examination in seeking facts or principles. It may be extremely simple, as review of documents or scientific literature, or it may be extremely complex as in the case of building an atomic pile based on complex formulas of mathematics, physics, and chemistry.

Research is an evolutionary process. It starts with an idea or problem. This is followed by a period of exploration consisting of experimental procedures, plus keen powers of observation that will not overlook suggested tangents of activity or accidental appearance of a phenomenon that may prove to be the key. Data obtained by these processes are tabulated, summarized, and interpreted. Hypotheses and theories are formulated, conclusions are drawn and recommendations may be made. From then on application of the recommendations becomes either a part of applied research or of demonstration and technological improvement, thus completing the cycle.

Agricultural research follows this general pattern. For various periods of time scores of scientists in your experiment station, together with their laboratory and field helpers and graduate students, have been going through the above-described research process. Each year your State and the Federal Government invested almost a million dollars to support this research. Industry, foundations and Government agencies likewise invested in the research ability and productiveness of your experiment station staff. The research results have been made available to the world in scientific journal articles and pamphlets, bulletins, and commodity newsletters. The financial return from this modest investment in research will conservatively be at least a hundredfold, to say nothing of the immeasurable improvement in the general welfare of innumerable people.

This section of the United States is noted for its concentrated poultry industry. It is only natural that considerable research effort of your experiment station should be devoted to the many problems posed by so concentrated and important an industry. Research on poultry diseases and the much needed services of a diagnostic laboratory undoubtedly occupy high priority in your research and service effort. It is significant in this connection that in the recently published history of the State agricultural experiment stations illustrated reference is made to the contribution of the Delaware Experiment Station to reduction of incidence and spread of poultry diseases.

Outstanding also is the work on CRD, especially that concerned with the treatment of hatching eggs with antibiotics for the control of PPLO, the causative agent of CRD.

Economics, marketing, and processing research revolving around the complex poultry industry also is contributing to improvements of marked significance.

It is rewarding to know that in this State some real effort is being made to shorten the gap between discovery and adoption. Your crop yield program with soybeans is an outstanding example. Research and cultural practices, seed varieties and handling, and marketing procedures set the stage for the extension service to initiate a soybean yield program which has resulted over a period of only a few years in soybeans becoming the State's most widely grown crop and in development and acceptance of a superior new variety (Bethel).

Another outstanding accomplishment, using the three-armed team of research, resident instruction, and extension, is the development of a comprehensive food distribution program which has attained national prominence. The broad scope of this project in itself illustrates the not clearly understood fact that agriculture and agricultural research are everybody's business.

We are living today in an era marked by change, speed, and mechanization. This same era also is marked by increased interest in research, stimulated in part by comic strip artists and science fiction writers, in part by the developments in lethal weapons, in part by space probing, earth orbiting, moon shots, and now Telstar TV. At the Seattle World's Fair the longest queue lines are the ones leading to the exhibit building of the U.S. Government, for there the science exhibits are housed. Perhaps the greatest stimulation for research, however, is the realization by both industry and agriculture that research pays. If this were not so, industry would not have spent more than $4 billion and agriculture more than $300 million for research last year.

Accelerated change is the trademark of our times. Technology and scientific developments have released our Nation from bondage to the soil. More than 90 percent of our workers are free to apply their skills in other fields, although 4 out of 10 are engaged in businesses and industries related to agriculture. This contrasts sharply with 100 years ago when 6 out of every 10 Americans made their living from the soil.

Education and research played the major role during this past century of agricultural progress. As agriculture has become specialized farmers have become more and more dependent on off-farm sources for their production supplies and services. Horse and mule power, fed by farm-produced grain, has given way to the gasoline or diesel-powered tractor. Modern seeds, like modern machinery, are produced by specialists; fertilizer produced on the farm cannot begin to do the job of feeding modern crops.

Today's farm is an efficient, factory-business combination. The farmer and his family supply the management and labor. Pro-

duction inputs are hauled in, piped in, or brought in over powerlines. Products leave the farm by truck or rail, often on a daily pickup basis operated by an independent businessman such as a bulk milk hauler. The farmer keeps himself abreast of fast-moving developments and new technology through farm magazines, newspapers, radio and television, and frequent contacts with extension agents and specialists, research workers, college professors, salesmen, manufacturers' representatives, and other progressive farmers and agribusinessmen.

Our economists tell us that the successful farmer of the future will use more business-like procedures. He probably will use more of his working hours for management and decisionmaking, as he grows bigger. He will either farm more land, keep more livestock, or change to more intensive crop or livestock production. He will have a much bigger investment. There will be much more part-time farming and of course there will be fewer farmers.

This means there will be fewer opportunities in farming for young men (about 1 in 6) but much greater opportunities for college-trained young men and women in jobs to be found in the agribusiness world.

In many of our States the rural community as we have known it will lose much of its identity. Crossroads, U.S.A., with its general store, its barber shop, its one-room school, and its church or two, will be no more. Former rural communities already have a mingling of persons with varied backgrounds, different values, interests, and occupations. Without careful planning such growing communities can develop serious problems: water supply, sewage disposal, street maintenance, school financing, zoning. Research in these problem areas is sorely needed, for such communities will emerge neither rural nor urban, but a combination of both. Through good planning, based upon research facts, this marriage of cultures will produce a new urban culture, stronger and better than either of its parents.

Much fussing is heard about farm surpluses, but nothing about how much more our grocery bills would be if there were even a small deficit in farm products. Neither is it generally realized that food is a bargain compared to most other things. In fact, food is much cheaper, relatively, than it was 40 or 50 years ago in terms of the effort it takes to obtain it. And many foods would be even cheaper if consumers didn't demand out-of-season things, fancy packages, and built-in maid service. In 1910, it took 120 hours of labor to buy food eaten by a family of four in a month's time. Today it takes 38 hours. Thirty years ago 1 hour of factory labor would buy 7.8 pints of milk. Today it will buy twice that much.

No one has felt the changes of the past century more than the homemaker. New products, the result of research and technology, have done away with many laborious time-consuming household tasks. The miracles of food marketing bring fresh foods and vegetables to her neighborhood supermarket all year round. The American farmer and the food technologists (both products of agricultural education) provide the world's most wholesome, nutritious foods, so many of which are so easy to prepare and use. Out of the kitchen and into the processing plant has gone much of the peeling, slicing, squeezing, boiling, baking, and frying connected with meal preparation.

No one doubts that the considerable investment in agricultural research has paid big dividends. It is glibly said that our agricultural knowledge has increased more in the last 75 years than in the entire previous period of history. We do know that crop yields have increased 45 percent in the last 30 years; that cows produce 25 percent more milk; that hens lay 25 percent more eggs; and that within a period of 60 years the overall efficiency of farming has tripled (in terms of number of people one farm operator can feed). This all happened during periods of great crises and when the proportion of city to rural people was undergoing a complete reversal.

To the Nation, agricultural research has meant improved health through provision of an ample food supply capable of providing better nutrition for all our people. It actually has saved lives because of the development of antibiotics and other protective materials. It also has helped in the adjustments required to meet rapidly changing conditions and it is in this area that new techniques will need to be developed to measure the tremendous impact of our present and future speed of progress on social behavior.

As we look ahead and anticipate the problem presented by an exploding world population, we must realize that there are even more monumental frontiers in science to be reached and that successive waves of new knowledge must be forthcoming as our advancing technologies absorb that which is presently known.

Successful launching of satellites and the knowledge that this is only the forerunner of an era of almost infinite dimension, practically guarantees support with public funds for research, and development of research personnel, in those areas directly related to defense and war. This is covered under the now familiar phrase "scientists for basic research." While at first emphasis may need to be on those sciences and technological developments that make for destruction it is inevitable that other scientific needs will be met and even ultimately benefit from a crash research program in missiles and in space science. It must never be forgotten that the secret of life and the secret of manufacture of food nutrients by plants have not been solved and that since all biological activities are related to these two basic processes there is as much need for encouragement of research in life building and life preservation as there is in life destruction even as a defensive mechanism.

We can be almost as fantastic as we wish in our thinking as to future developments and probably be right. We can, for example, expect to do something about the weather in the future other than just talk about it. Certainly the Geophysical Year explorations and the observations that can be made through controlled satellite orbiting will add to our knowledge of factors affecting weather throughout the world. We can look forward to methods that will release or prevent release of moisture from the atmosphere, and certainly eventually there will be devices for destroying those combinations of atmospheric conditions that give birth to violent storms.

Ground and stored water supplies have reached a critical point in many areas, especially following periods of drought. With the demand for water for irrigation, industry, and human consumptive use rapidly increasing, the need for water-conserving measures will become more and more acute. Such things as prevention of evaporation from stored water supplies, and conversion of sea water and sewage waste are already beyond the realm of speculation and need only to be accepted and developed. New economic plants with low moisture requirements will be developed.

With the need for even greater efficiency per man-hour for both crop and livestock production, we can expect such apparently fantastic things as remote control of large farm machinery operation, and development of new fuels and power sources, including solar and atomic energy.

Synthesis of food nutrients will be greatly accelerated when the basic reaction involved in photosynthesis can be duplicated in the laboratory. Preservation of food by ionized radiation and through use of antibiotics will change radically present processing, storing, packaging, and marketing techniques.

Housing design and structural materials will change considerably and new push-button devices will be developed for doing household chores which will allow the housewife as much leisure time as her husband when he has a 3-day workweek.

New methods of transportation will speed up movement of perishable produce and draw markets even closer together. Many new products will be brought to the consumer's table. Much of what we now consider farm wastes or surpluses will find their way into industry or to the consumer through seeming miracles of chemical and physical transformations.

We cannot be content in our overall planning to consider only those things which may concern only a small segment of the total problem. There is need for coordination of the independent planning of various groups and for envisioning the world impact of agricultural research not only now but for some time into the future.

It, therefore, becomes important to determine population trends and composition and the requirements of such populations over successive decades. At the same time the dynamics of land use must be plotted. Probable human and mechanical resources will need to be estimated. Methods for long-term storage and preservation of foods, and techniques for decontaminating food and water supplies and food-production areas following atomic or biological warfare will need to be developed.

This kind of perspective leads only to the conclusion that the responsibilities of agriculture and therefore of agricultural research are as great and as much in the national interest as are those concerned with nuclear and space sciences. It simply suggests that if the same public interest were aroused and the same combination of public and private enterprise became effective, support for agricultural research would attain the same magnitude as that now being directed toward other areas of scientific endeavor. Both are essential.

Today you are seeing only a part—but a significant part—of your total research program at work. Your sympathetic and critical evaluation of it are solicited, I am sure, because it is through this process that research effort is geared to your problems. It is through this process, also, that you continue your interest in and support of efforts that are vital to your own welfare and that of the Nation. May I congratulate you on the fine progress you have made possible so far. You can help, by your support, decide the tempo of progress in the future.

## THE PUBLIC WORKS ACCELERATION ACT

Mr. LONG of Missouri. Mr. President, the Congress recently enacted legislation vital to the reduction of unemployment in our Nation. The Public Works Acceleration Act can be most important in providing jobs in areas of critical unemployment and in meeting needs of the Federal Government.

On behalf of my senior colleague, Senator SYMINGTON, and myself, I would like to comment on a project requested by the Bureau of Prisons which illustrates clearly what can be accomplished by this act. The Bureau of Prisons has requested funds under this act to construct a new youth institution in St. Francois County, Mo. The people of St. Francois County have suffered high rates of unemployment and extreme economic

distress for the past 10 years. The economy of the county has in the past depended largely upon lead mining operations. However, due to declining prices in the lead mining industry and new automation methods, employment in the county has gone steadily downward. At present, out of a total population of 36,545 in the county, 10,545 persons are eligible for U.S. Department of Agriculture surplus commodities under the commodity program for low-income groups. More than 14 percent of the county's able-bodied workers are unemployed. The county has been certified as a redevelopment area under the Area Redevelopment Act of 1961, and fully qualifies for the public works projects under the terms of the recent legislation.

The U.S. Bureau of Prisons has long planned to build a new youth institution in the midwestern area. Its construction needs in this respect were approved by the Bureau of the Budget and filed with the Judiciary Committee's Subcommittee on National Penitentiaries by the Attorney General on January 24, 1962. The members of the subcommittee, having personally viewed the extreme overcrowding in the institutions of the Federal prison system, have endorsed this constuction in its report of July 11, 1962. The prisoner population of the system now averages in excess of 24,000, and all of its institutions are overloaded. The number of youthful offenders aged 18 to 25 in the overall prisoner population exceeds 8,000. The system at present has only two youth institutions, each of which has a design capacity of less than 500. Consequently most of the youthful offenders must be committed to adult correctional institutions, penitentiaries, and other institutions for older and more criminally sophisticated age groups. The need for additional facilities of all types for offenders in the Federal system is acute, and particularly so for the youthful group.

Director James V. Bennett of the Federal prison system has already selected a site for this institution near the communities of Flat River, Farmington, and Bonne Terre, in St. Francois County, Mo. Mr. Bennett considers that this site is especially suited for the requirements of a youth institution. The St. Joseph Lead Co., which has been deeply concerned about the severe unemployment in the county and which now owns this 1,000-acre property valued at more than $120,000, has offered it to the Bureau of Prisons at no cost. The citizens of St. Francois County are also prepared in other respects to lend their assistance in keeping down the costs of constructing the institution.

The Bureau of Prisons has planned this institution for 400 youths to be constructed at a cost of $7½ million. It has statutory authority for this construction and requires only the necessary funds to go ahead with the project. The architectural firm working on the project is well along in preparing the necessary plans, the site has been surveyed, and the usual engineering studies made. The institution, as planned by the Bureau of Prisons and its architects, is designed to be built quickly and economically by the use of modular construction methods.

If the Bureau is able to obtain the necessary funds under the public works acceleration program appropriation, it is prepared to proceed immediately with the construction and can have the institution completed well within the time limitations of the act.

This project would be of great help in alleviating the persistent economic distress that has existed in St. Francois County for many years and at the same time fulfill a critical requirement of the Federal Government. It is certainly our hope that the appropriations for the public works acceleration program will be quickly approved and that out of these funds this worthy project can be constructed.

## RED CHINESE ADMIT ERRORS

Mr. WILEY. Mr. President, on the global horizons, Red China—for the years ahead—may loom larger and larger as a threat to peace and freedom.

As of now, however, the Communist regime, fortunately, is having its troubles in making its system work in the Chinese economy.

Recently, the Milwaukee Journal published an editorial reflecting upon progress in a country which may well prove a big trouble for the future.

I ask unanimous consent to have the editorial printed in the RECORD.

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

RED CHINESE ADMIT ERRORS

In its great leap forward Communist China has fallen flat on its face. Industry, which was to have been quickly expanded to make China one of the production giants of the world, is in a sorry state. To survive, China must concentrate on agriculture—and industrial development must come slowly.

This from the Chinese themselves, not from outside critics. The case is stated in Hung Chi, the authoritative publication of the central committee of the Chinese Communist Party.

Those who said that the nation could industrialize overnight are wrong, said Hung Chi. It added this bit, which would have been treason to top theory only a few months ago: "The process of realizing socialist industrialization can only be a gradual process, and the process of improving working equipment, too, can only be a gradual process."

Hung Chi proposed a most un-Marxian system under which rewards would be used to increase the productivity of workers—with penalties for those who lagged. Factories were told to cut their work force and avoid innovations in production. They were warned that shortages of raw materials will continue to curb output.

This was all foretold in the last year when some 20 million urban workers were moved to rural areas as farmers and the government admitted that food production was inadequate.

Red China's "leap forward" theory was discounted even by Russian economists. Russia's will to help has slacked off, too. Trade between the two countries dropped 50 percent last year and China had to pay the Soviet Union $180 million more for goods it needed than the Russians bought from China. At the same time the Russians have sharply cut back their technical assistance.

No one will take comfort from the fact that any group of humans in the world lack food. But the Chinese have proved again that communism is not the effective economic system that the free world system is.

## MARINER II—VENUS-BOUND SPACECRAFT

Mr. WILEY. Mr. President, on December 14, Mariner II—the U.S. spacecraft bound for Venus—is expected to complete a successful mission of a near bypass of that planet 36 million miles away.

The flight itself—as well as earth control over it—has been one of the astounding accomplishments of the space program.

Recently the Milwaukee Journal published an informative editorial entitled "The Wonder of It All."

I ask unanimous consent to have the editorial printed in the RECORD.

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

THE WONDER OF IT ALL

Mariner II, the spacecraft the United States has sent Venus bound, has escaped the earth's gravitational pull. It now is under influence of the sun.

It left earth at Cape Canaveral with an escape velocity of 25,551 miles an hour. Gradually it slowed down in space, its momentum pulled back by earth until it was traveling only 6,448.38 miles an hour at 8 a.m. Tuesday. There, but for the sun, it would have slowed further and in the end have fallen back. But the huge sun mass exerted its pull. Slowly speed increased again. By 9 p.m. Wednesday Mariner II was reporting a speed of 6,451 miles an hour some 3,840,511 miles from earth. From now on it will continue to gain until, as it approaches Venus, the speed will reach 60,000 miles an hour.

When Mariner II passes Venus on December 14 the planet will be only 36 million miles from earth—but the long, curving route of Mariner will carry it much farther. And, if all goes as it has so far, Mariner will be in touch and under direction of its masters here on earth.

Why all these figures and statistics? Because they most easily express the sheer wonder of it all. Man has long known Venus as a planet of our system to be admired from afar. Its beauty won it the name of the goddess. Man has known Venus more intimately since the days of the telescope. Now man has sent his messenger to Venus—and one day man may go himself. The mind boggles. Man who could barely fly as this century dawned is conquering space undreamed of by our grandfathers, dreamed of but unapproached by our fathers.

Man who hasn't learned as yet to drive a simple automobile safely on the highways can pinpoint a spacecraft—steering it millions of miles away, sending it messages and receiving information from it, penetrating the very heavens. Our great-grandfathers would have scoffed at the thought—and might even have called it heresy.

## THE COMMUNIST THREAT

Mr. SCOTT. Mr. President, I call attention to the Senate to a most interesting article by Arthur Krock in today's New York Times. Mr. Krock points out that the American people have the opportunity to register their choice between the idea philosophy of a Chester Bowles and an action philosophy of a General Clay.

General Clay, who has consistently advocated a hard and realistic line in meeting the Communist threat in Berlin, extends that same American philosophy to the Cuban situation.

Based upon the success of the Clay philosophy when he was allowed to follow it as against the failures of the Bowles soft-pedaling approach which is prominent because of its shallowness, I would hope the administration would reassess its source of advice.

I ask unanimous consent that Mr. Krock's article be printed at this point in the RECORD.

I also ask unanimous consent that the transcript of Senator KEATING's TV show of Sunday, September 23, be made part of the RECORD.

General Clay, a guest on this show ably spells out the action philosophy that our foreign policy should follow.

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

[From the New York Times, Sept. 25, 1962]

THE CHOICE BETWEEN TWO CONFLICTING POLICIES

(By Arthur Krock)

WASHINGTON, September 24.—The President is in complete charge of the conduct of the foreign policies of the United States. Whenever the President chooses to do so, he can formulate and execute the policies without prior consultation with Congress in general and the Senate, his junior foreign affairs partner, in particular. And, once he has done this, Congress must either support him or create a destructive crisis in constitutional government.

But many Presidents, and Mr. Kennedy especially, have kept an ear close to the pulse beat of American public opinion when evolving policies, foreign and domestic, and gradually disclosing them. While the Presidential ear is testing, the American people have an opportunity to register a choice between two policies before one is irrevocably made. And such an opportunity has now been presented by recent statements from Chester A. Bowles and Lucius D. Clay.

DIFFERING VIEWPOINTS

Bowles is Mr. Kennedy's special State Department counselor on Latin American, African, and Asian affairs. Clay, a retired Army general, has twice successfully checked Soviet aggression in Berlin [Bowles on September 16 gave a synthesis of the bases of Mr. Kennedy's foreign policy—undoubtedly an authoritative exposition since it was issued to the press by the White House and virtually repeated today in New York by Secretary of State Rusk]. Clay's comments on the same subject, where he has established a claim to the attention of the American people, were made yesterday in an interview with Senator KEATING, of New York.

[The differences in the two documents concern both the foundation and the actual conduct of foreign policy.] Bowles' pervading theme was that, if the United States speaks firmly to a prospective or already established aggressor in its immediate sphere of interest, and precisely defines in words a new line it will not permit him to cross, recent events have demonstrated he will halt his penetration of this area. And where our sphere of interest is also occupied by allies, said Bowles, the U.S. policy guides are "skill and patience in dealing with our friends, neutrals, and adversaries, keeping in mind not only our own interests but also their own," meanwhile holding to the concept that "a truly realistic policy must be based, not solely on [military] stockpiles, but on the power of people and the power of ideas."

As an example of the right way to deal with the first situation he cited the President's warning that "he will act promptly and vigorously if the Soviet-trained and armed Cuban forces move ahead to threaten Cuba's neighbors, our naval base at Guantanamo, the approaches to the Panama Canal, or U.S. security generally." The right way to deal with the second situation, Bowles said, is the way the administration is pursuing "vigorous support of the United Nations and the growth of world peace through world law."

ACTION VERSUS REACTION

General Clay stated a different theory, based in part on his personal experience in Germany. It is, that the Soviet Union backs down when the United States does something which can be overcome only by the use of force. His citation was the notice given to the Russians that they would no longer be permitted to transport their war memorial guards to West Berlin in armored cars. This was not just saying something—for instance, how we would react if the Soviet Union expanded its Cuban activities—it was affirmative action by which a previous concession we had made to the Soviets was withdrawn.

["And that," asked Senator KEATING, "would be a general principle you would advocate?" "Not only in Berlin, but everywhere, including Cuba," was Clay's reply.] The policy difference is fundamental between this and the administration's policy procedures, as summarized by Bowles. And if the administration decides to enlarge even more the budget of U.S. problems it delegates to the United Nations by submitting the Berlin issue, another difference will exist between experience and theory. "We cannot," said Clay, "get rid of the obligations and responsibilities we obtained in war by trying to pass them into the U.N."

This choice of policies can still be influenced by American public opinion. But not much longer.

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INTERVIEW OF GEN. LUCIUS D. CLAY, FORMER COMMANDER, U.S. MILITARY ZONE, GERMANY, BY SENATOR KENNETH B. KEATING, REPUBLICAN OF NEW YORK, ON TELEVISION AND RADIO PROGRAM "LET'S LOOK AT CONGRESS," SEPTEMBER 23, 1962

Senator KEATING. This is Senator KEN KEATING with another "Let's Look at Congress" program. My guest today has had a distinguished career in military affairs, in diplomacy and in private life. He is the former commander in chief of U.S. forces in Europe and military governor of the U.S. zone in Germany. He served under President Eisenhower as a trusted adviser and, until recently, was President Kennedy's special envoy to Berlin. I have the honor to present a distinguished and dedicated American and I might say, incidentally, one of my former military bosses, Gen. Lucius D. Clay.

General, It's very nice to have you here to talk with the people in New York.

General CLAY. Thank you, Senator.

Senator KEATING. General, do you think that the Soviets' willingness to make some small concessions like the one on armored cars foreshadows a major new initiative on their part, perhaps after the elections?

General CLAY. Senator, I don't think that this was a concession on their part. In point of fact, it was a slight concession on our part to have let them bring in armored cars in the first instance. And when we cut them off, they could have only brought their armored cars in by the use of force. So, in fact, this was not really a concession on their part. It was an admission that they did not and were not prepared to use force.

Senator KEATING. What do you think we can do when Mr. Khrushchev comes to the United States to convince him that we mean what we say?

General CLAY. I would hope that we meet him with great dignity and with great coolness. I think that this would give him to understand more than anything else the real feeling of the American people toward communism as it is being demonstrated under his leadership.

Senator KEATING. In other words, you don't think we should treat him in the same manner we do the head of one of our free world allies

General CLAY. I would hope that we would be very different—that we would be very correct, but that we would be very cool.

Senator KEATING. Could you offer any suggestions for allied action to strengthen our position over the coming months in Berlin?

General CLAY. It's very difficult for us to initiate action. In the first place, we are three allies and to agree on a common path is a very difficult task indeed. The initiative there really belongs to the Soviets. They have the occupancy of Eastern Germany—they surround Berlin. I think the strongest action that we can take is always to be ready so to interpose our troops that they can take no aggressive action without using force.

Senator KEATING. Do you think there ought to be a person of sufficient rank stationed right in Berlin to enable on-the-spot decisions to be taken without lengthy conferences or clearances across the Atlantic?

General CLAY. The difficulty with this is that the basic decisions in Berlin have to be three party—United States, France, and England—and it is obviously very difficult for any one man representing any one country to have the authority and the responsibility to deal with events as they arise in Berlin. Certainly, if we could reach such a solution, it would ease our problem in Berlin a great deal. As it is, however, until we get a firm allied agreement. it would be almost impossible for any one man to have sufficient authority really to do a good job in Berlin.

Senator KEATING. In other words, when we had that incident, for instance, over Checkpoint Charlie before we took a firm position, you mean we had to have it cleared with all our allies?

General CLAY. Well, if we take the question of Checkpoint Charlie—of the armored cars—they were actually taking Soviet troops in to a Soviet war memorial which is in the British sector, and if we had stopped them ourselves at Checkpoint Charlie, it is quite possible that the British would have allowed them in through the British zone to proceed to the war memorial. To be effective, therefore, you had to have a complete allied agreement. Otherwise, you were being effective in demonstrating American determination but you were not being effective in stopping the Soviet armored cars from coming into Berlin.

Senator KEATING. Do you look upon that incident also as really no concession on their part when they went where we told them they should go but rather just. * * *

General CLAY. I don't think it was a concession. I think it was an example of where, when we really determine a course of action and say this is what we are going to take, it will be accepted by the Soviets because they are certainly not, as yet, prepared to use force.

Senator KEATING. And that would be a general principle that you would advocate?

Senator CLAY. Not only in Berlin, but everywhere.

Senator KEATING. Including Cuba?

General CLAY. Including Cuba.

Senator KEATING. What was the reason that you resigned as the President's special envoy to Berlin?

General CLAY. Well, I went over to Berlin at the President's request. The morale of the city was very low. The agreements among the allies had not advanced to a point where prompt action could be taken. At the time that I left, the morale of the Berliners had been very largely restored. He was completely confident again and agreements had been reached with the allies which covered the most serious contingencies

to permit instant action. After this was accomplished, there was very little that one person sitting there in Berlin could do. In point of fact, I felt that I could do a better job for Berlin back here than I could by remaining over there.

Senator KEATING. Well, that you've demonstrated. Do you think that the free world would gain anything by bringing the Berlin issue before the United Nations?

General CLAY. I do not believe that the free world would gain anything by bringing it before the United Nations. It is our problem. It is the problem which resulted from victory in war and we cannot get rid of the obligations and responsibilities that we obtained in war by trying to pass them into the United Nations. I don't believe that would be any solution at all.

Senator KEATING. Now suppose Khrushchev finally makes good on his threats and signs a treaty with East Germany. Do you think that we in any way should recognize their authority over the access routes or other problems of that nature?

General CLAY. This is a very difficult question. If the East Germans continued to act as agents of the Soviet Government and if they behaved properly, it would be very difficult indeed to find a reason to use force to prevent such a turnover. If, however, it was done in a way which refused to accept the rights which we have for access, it would be a different matter and certainly we could not accept any such arrangement. I think the important thing is, though, that we must recognize the feeling of the Federal Republic of Germany with respect to any recognition of East Germany and our actions would have to largely be determined by what we could reach in agreement with them.

Senator KEATING. Do you think that the high level of trade that's going on between East and West Germany is a good sign or a bad sign?

General CLAY. Personally, I think it is a good sign. After all is said and done, the East Germans and the West Germans are fellow countrymen. There certainly can be no advantage to accrue to the Federal Republic from the people of East Germany living in misery and want. I believe that to keep communication between the Federal Republic and East Germany is a very, very desirable thing and in the long run will help to have a united Germany a part of the West, rather than either a neutral state or alined with the East.

Senator KEATING. Now, speaking in broader terms, do you think that the Western Powers could use their trade advantages more effectively in dealing with the Communists?

General CLAY. Well, I think that if we can get complete agreement amongst a great number of people, we could do this very well. However, I doubt very much if you can get complete agreement on trade except under overt Soviet actions which might lead necessarily to a complete embargo. If it gets to that point, I think we could get complete agreement among the Western allies. Prior to that point, I doubt very much if it would be possible.

Senator KEATING. As you look back at it, do you think that if the United States had moved decisively in August 1961 and torn down this wall, that the Communists would have backed down?

General CLAY. Well, this again gets down to a very difficult problem, the problem that the United States is not acting alone in Berlin, that it is a part of an alliance. In point of fact, that part of the wall which separates the U.S. sector of West Berlin from East Berlin is only a small part of the total wall. If we had torn it down in our sector and it had not been torn down in the other sectors, I think the only result would have been they would have gone a few blocks back to build a wall opposite the American sector and we would have been then having to determine on an invasion if we were going to tear it down. I doubt very much if action on our part that night would have stopped the wall. Certainly such action on our part might have done well—done a great deal—to have maintained the morale in West Berlin, which did suffer a great deal that night. I think the main thing we've got to remember, though, is that from the three allies in Berlin, there were no specific recommendations that night which certainly means that the people who were on the spot were unable to make a real judgment and a real decision as to what to do.

Senator KEATING. Is there any way or any action that we can take now to get this wall down or in the future?

General CLAY. The wall is unnatural. It is doing economically much more damage to East Berlin than to West Berlin, and if we reach an agreed settlement or even a method of living in West Berlin, I don't believe that it would be too difficult to get the wall lowered at least for passage from West Berlin into East Berlin. The passage from East Berlin into West Berlin is very much more difficult. It is an avenue of escape and obviously, as long as we are there, we would have to recognize the principle of political asylum and anybody that came from East Berlin to West Berlin that asked for political asylum, would receive it. This, of course, is why the wall was put in—to prevent these mass escapes and mass movements into West Germany which were destroying the East German regime. So I think that we could look for some relaxation in the right of families in West Berlin to visit their families in East Berlin but not the other way.

Senator KEATING. Do you expect that the present Soviet buildup in Cuba may be used as a lever to bring more pressure to bear on Berlin?

General CLAY. Certainly the Soviet Government times its acts and its measures all over the world to keep the pressure on the Western allies and as they ease up—when they think that the going is tough in one spot—they put it on somewhere else. In this way, they always keep us in a defensive position and obviously, as long as they are pressing in Cuba, it does also encourage them to press in Berlin.

Senator KEATING. Do you consider the Russian intentions in Cuba are defensive or offensive?

General CLAY. Well, I think that the Soviet Government never starts out fully determined what it's going to make out of each of these exploitations. It plays them where it thinks it will hurt us the most and then they add the pressure or subtract the pressure depending upon the degree of resistance and danger which they think they are going to meet.

Senator KEATING. As a military man, do you recognize that the weapons that they have in Cuba could be used, either offensively or defensively?

General CLAY. I'm not too concerned about the Cuban situation as an offensive threat against the United States. But the possibility that it could become the base for the inspiration of revolutions in other parts of Central and South America is very real and one that we cannot discount.

Senator KEATING. Thank you very much. My guest today has been Gen. Lucius D. Clay.

## UTAH SHORTCHANGED IN AWARD OF SPACE CONTRACTS

Mr. BENNETT. Mr. President, there has just come to light the shocking revelation that Utah is being shortchanged by the Kennedy administration in the award of space contracts. Of $6.6 billion that will be spent between mid-1960 and mid-1963, Utah's space contractors have contracts for just over $100,000. Thus, for every $66,000 awarded to space contractors throughout the United States over that 3-year period, Utah will receive only $1. That is a shockingly low 0.0015 percent, just over one-thousandth of 1 percent of the national total.

Utah is virtually tied for the bottom with 10 other States who have been all but frozen out of the New Frontier space program. Of the 50 States in the Union, only 10 have shared slightly less than Utah in what for us has ironically been called the space boom. Where California gets nearly $1.8 billion, Utah receives a mere $100,000. Closer to home, Colorado gets $88 million.

### UTAH SUPPOSEDLY REPRESENTED ON SPACE MATTERS

During the past 4 years we in Utah have been treated to a constant barrage of press releases telling us how effectively Utah was being represented on a congressional committee dealing with space matters. Supposedly, Utah was among the leading States to participate in the space program administered by the National Aeronautics and Space Administration. Now the truth is out and Utah is all but frozen out, as the facts come to light.

The U.S. News & World Report, in its October 1, 1962, issue, under the title of "States Sharing in the Space Boom," includes a table based on estimates prepared by the National Aeronautics and Space Administration—NASA—for the period from mid-1960 to mid-1963 that fully reveals the shabby treatment Utah has received. I ask unanimous consent that it be included at this point in my remarks.

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

*States sharing in the space boom*

(Based on estimates of the National Aeronautics and Space Administration for period from mid-1960 to mid-1963)

| | *Millions* |
|---|---|
| California | $1,778.6 |
| Florida | 843.2 |
| Alabama | 708.3 |
| Louisiana | 443.5 |
| Missouri | 419.5 |
| Virginia | 380.1 |
| Ohio | 299.6 |
| New York | 286.6 |
| Maryland | 280.1 |
| Texas | 261.6 |
| Mississippi | 117.6 |
| Colorado | 88.1 |
| New Jersey | 78.3 |
| Pennsylvania | 71.6 |
| Massachusetts | 56.9 |
| Nevada | 55.3 |
| Michigan | 45.3 |
| Illinois | 26.9 |
| Connecticut | 22.8 |
| Georgia | 18.1 |
| Arizona | 13.6 |
| Minnesota | 11.4 |
| North Carolina | 9.2 |
| Alaska | 8.4 |
| New Mexico | 8.1 |
| Indiana | 7.7 |
| Tennessee | 5.9 |
| West Virginia | 5.5 |
| Iowa | 5.2 |
| Wisconsin | 4.4 |
| Oklahoma | 2.1 |
| Oregon | 1.3 |
| Hawaii | 1.0 |

U.S. total, including District of Columbia and unspecified locations, $6.6 billion.

Eight States are getting less than $1 million each: Arkansas, Delaware, Idaho, Kentucky, New Hampshire, Rhode Island, Utah, Washington.

Nine States are getting nothing: Kansas, Maine, Montana, Nebraska, North Dakota, South Carolina, South Dakota, Vermont, Wyoming.

Mr. BENNETT. Mr. President, Utah is listed at the bottom of the table among the eight States who are getting less than $1 million each. I have discovered that of these eight, only Idaho has received less than Utah. While nine States are getting nothing, Utah is getting next to nothing, just over $100,000.

UTAH FIRMS WELL QUALIFIED

It is tragic that the highly skilled and able scientists and technicians of proven ability who man Utah's important military missile production complex are not permitted to use their eminent skills in helping the United States lead the world in the space race. It is doubtful that anywhere in the United States could a more competent group be found than those scientists, technicians, and skilled workers at Utah's Thiokol Chemical Corp., Hercules Powder, Sperry Co., Marquardt Co., Litton Industries, Boeing Aircraft, and Eitel-McCullough Co. These companies have proven themselves on such vital activities as the first and third stage of the Minuteman, the Polaris, the Bomarc, and the Sergeant, among others. They know their business, but they are being given the business by NASA and those who try to delude the people of Utah that these companies are being given a fair share of space contracts.

TITAN III SUPERBOOSTER CONTRACT LOST

This year, two Utah firms bid on the propulsion contract for the Titan III superbooster, which is so vital in the space race. These were Thiokol and Hercules, two excellently qualified firms of proven ability. We in Utah read in the newspapers of visits to the White House, and we were all but assured that the contract would be awarded to Thiokol for production at Pocatello, Idaho. However, these two companies were overlooked in favor of a relatively obscure company that had never had a contract of over $200,000 in its history. Utah was again passed by in spite of all the public relations activity and publicity emanating from Washington that appeared in Utah papers. After all the fanfare, the people of Utah were entitled to think the award of the contract to a Utah firm was a mere formality. It was not awarded.

SOLID FUELS FLOP

Just over a month ago, the House Space Committee conducted a much-heralded hearing on the use of solid fuels in the space race. It was lavishly billed as the key move in persuading the Kennedy administration to give deserved emphasis to the use of solid fuels by NASA and by the Air Force in the space effort. Up to this time, solid fuels had been orphaned and cast adrift by the New Frontier. But what was the result? It was made clear by the administration during the hearing that not only were solid fuels not to be emphasized but the program was to be cut by $40 million this year. In short, there will be no meaningful solid fuels program.

Thus, the hearing which was to bring about a rebirth of solid fuels in space became instead an empty ceremony to dedicate the grave.

NO MAJOR MISSILE OR SPACE CONTRACTS SINCE 1960

No doubt it will be argued that Utah is doing very well in the military missile field in contrast to the space freezeout, and it has been. But, even in the military space field, Utah has not received a single new major military missile contract since 1960. The only important contracts awarded have been those which are a continuation of programs begun in 1960 or before. Thus, at the same time that we are now being frozen out of the space field, we are also beginning to lose out on new military missile contracts. This may not be too important now, as Utah plants expand, but what of a few years from now?

Of course, military missiles come under the jurisdiction of the Armed Services and the Appropriations Committees and not under the Space Committee. Many people in Utah have been led to believe that the Space Committee has jurisdiction over military missiles. This is not true. Virtually 100 percent of Utah's present missile activities involve military work and are unrelated to the space program or to the Space Committee.

ALL MAJOR UTAH MISSILE PLANTS WERE ESTABLISHED UNDER THE EISENHOWER ADMINISTRATION

Significantly, all of the major missile companies or companies whose activities are related to missile development established their operations in Utah under the Eisenhower administration.

All of them came into Utah to initiate their operations before Utah supposedly received committee representation on space matters in Congress. The dates they were established are as follows: Sperry, 1956; Marquardt, 1957; Thiokol, 1957; Litton, 1957; Eitel-McCullough, 1957; Hercules, 1958.

All of these companies were established in Utah before the 1958 congressional election. Moreover, as already observed, all major missile contracts were awarded to them during the Eisenhower administration, with which I worked so closely from 1953 to 1961. Utah enjoyed its greatest missile era during that period, and it would be a shocking waste if our missile industry is to go into eclipse now.

It is difficult to understand the basis on which contracts are awarded at the present time. Recently, a Utah company was low bidder by over a million dollars on an important contract, and yet the contract was awarded to another company in another State which had bid over a million dollars more for the job than the Utah company. There is no doubt whatever about the technical competency and proficiency of the Utah firm; so this played no part in the decision. This distressing event must not be permitted to recur.

UTAH DESERVES BETTER TREATMENT IN THE SPACE FIELD

It is high time for the neglect of Utah, particularly in the space field, to be brought to an immediate stop. I hope in this manner, by taking the floor of the Senate today, to dramatize the seriousness of the situation as I see it. Utah firms have proven themselves worthy to receive more than one one-thousandth of 1 percent of the space contracts awarded by the Kennedy administration. I am launching a campaign today to immediately reverse this situation—an effort which is obviously needed. Utah companies deserve and must have better treatment from the Kennedy administration.

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## THOMAS MASARYK—CHAMPION OF LIBERTY

Mr. HRUSKA. Mr. President, Thomas Masaryk was perhaps the leading statesman in central Europe during the first third of this century. As the liberator and leader of his people, and as the creator of the Czechoslovak Republic, he occupies the highest place in modern Czechoslovak history. As a teacher, philosopher, and man of letters he had few equals among his contemporaries. A wise and experienced statesman championing the cause of freedom and democracy, he was one of the revered elder statesmen of Europe in his lifetime.

No man in central Europe worked so conscientiously and consistently for the freedom of his people during the last quarter of the 19th century and during the first two decades of this century than did this man of humble origin. For nearly a half century, in and out of his homeland, he advocated and preached the justice of the Czechoslovak cause. During the First World War he succeeded in convincing the statesmen of the great powers that since the war was being waged for freedom and democracy, the freedom of Czechoslovakia formed a part of their aims. At the conclusion of that war the Czechoslovak Republic was created and Masaryk became its President. From 1918 until 1935 he held that office through successive elections; in the latter year illness compelled him to resign his office, and 2 years later, on September 14, he died. In observing the 25th anniversary of his death, we honored the memory of this great son of Czechoslovak people.

Our colleague, Senator Dodd, was the speaker at a commemorative ceremony sponsored by the Associated Czechoslovak Organizations of Washington and the Council of Free Czechoslovakia, which marked the 25th anniversary of the patriot's death. It was held at the Hotel 2400 on 16th Street, where Masaryk lived in 1918. I ask unanimous consent that a copy of Senator DODD's remarks be printed in the RECORD, together with an editorial, entitled, "Champion of Liberty," from the September 15 issue of the Washington Post.

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

REMARKS OF SENATOR THOMAS J. DODD

We meet today to commemorate the 25th anniversary of the death of Thomas Masaryk,

the Czechoslovak national hero whose life and work are of universal importance to all mankind.

Today Americans and freemen everywhere honor Thomas Masaryk as a citizen of the world; as a humanitarian who spoke for the oppressed; as a teacher whose philosophy, like that of George Washington, was that nothing can be politically right that is morally wrong; as a statesman whose principles have universal application at all times and in all countries.

During a period when most national minorities in Europe were governed by alien rulers, he developed and espoused the principle that each nation, each national entity, is entitled to determine its own destiny and shape its own future.

The principle of national self-determination profoundly influenced Woodrow Wilson during World War I. President Wilson proclaimed it as one of America's aims in the reorganization of Europe on a basis of justice and equity; indeed, he believed this principle to be so important, that it became the first of his Fourteen Points.

Since then, the basic principle of the right of national self-determination has been firmly incorporated into international law; it has been written into the Charter of the United Nations; it lies at the foundation of the independence of the new African and Asian states which now join the family of nations; it constitutes one of the reasons for American opposition to the continuation and extension of the Russian Empire.

Thomas Masaryk's work, however, was not restricted to a narrow, provincial nationalism. He wanted the right of national self-determination for all peoples, but he clearly recognized that much as men are mutually interdependent, so is the life of each nation intertwined with the culture, the political, and the economic life of its neighbors. Thus he clearly foresaw the necessity for the Western democracies to draw more closely together against the threats of international communism.

The European Economic Community, and the beginning of political unification of Europe, which now do so much to confound and bewilder the classic Communist "predictions" on the downfall of free societies, are developments foreseen and anxiously anticipated by the great Czechoslovak patriot.

We Americans, and particularly our fellow citizens of Czechoslovak descent, should feel deeply conscious of the close affinity which Masaryk had with American ideas and institutions. He knew American history intimately; he had unbounded admiration for American democracy. Generously giving President Wilson credit for the development of the principle of national self-determination, he wrote:

"In a sense, the United States is Czechoslovakia's foster parent. It is upon President Wilson's immortal charter of freedom, as embodied in the famous 14 points, that the foundations of our state are laid. We have tried to pattern our young Republic after our great sponsor. Our Constitution and our laws, our mode of government, and even our business methods follow closely those of the United States."

In his admiration of American democracy and of things American, Masaryk was an idealist. To the self-styled political realists of Europe before the First World War Masaryk's notion of a living and vital democracy for Czechoslovakia was nothing short of ludicrous.

The country had never had any experience in representative government; indeed, for centuries it had not even had self-government. It was predicted that Czechs and Slovaks could not live peacefully side by side; it was believed that democracy was a chimera, a useless dream that had no practical value or place in the power politics of the 20th century.

Despite these pessimistic views, Masaryk fought for liberty while Czechoslovakia was under foreign rule; he was dedicated to the proposition that Czechs and Slovaks could live in peace and enjoy the fruits of mutual understanding; he was convinced that democracy would find a fertile soil in his homeland.

The great merit of the life of Thomas Masaryk lies as much in the work which he accomplished as it does in the vision and idealism which sustained that work against the overwhelming obstacles of apparent political and historical realities.

It is to Thomas Masaryk's eternal credit that he recognized the insignificance of what so often is falsely termed political realism and saw it for what it was—a limitation on man's highest ambitions and aspirations toward justice and on the struggle for independence for his countrymen.

Much as the American Revolution in the 18th century was successful against overwhelming odds and despite predictions of doom, so was Masaryk's dream successful in the 20th century under entirely different conditions of time, place, and history.

Europe, the birthplace of Thomas Masaryk, has not forgotten its prophet nor has the rest of the free world. His name may be invoked by the present rulers of Czechoslovakia to prop up the false gods of tyranny and atheism; but all the peoples oppressed by the Communist conspiracy will remember him as the defender of freedom and the protagonist of democracy.

The name of Masaryk will forever be intertwined with the name of Czechoslovakia.

The elder Masaryk dreamed of an independent Czechoslovakia, living in democracy and liberty, and he had the great satisfaction of presiding over the fulfillment of his dream. It was the tragedy of his son Jan Masaryk, that he saw the eclipse of that liberty and died with the death of his country's independence.

But Czechoslovakia will live. Her eclipse will be but temporary. Her history has not come to an end with the Red terror. Her future will be freedom and democracy.

The Czechoslovaks who in the 20 years between the wars had created a prosperous and flourishing state, who were proud to be called the Yanks of Europe, will not in the end be defeated.

History has come full circle. The ideas of liberty which the pilgrims brought to these shores returned to Europe where they kindled a new flame that is but temporarily dimmed.

The memory of Thomas Masaryk will live in Czechoslovakia; the memory of freedom will live in Czechoslovakia; and freedom in the end will prevail.

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CHAMPION OF LIBERTY

Thomas G. Masaryk, the great Czech patriot, was a man whose name is synonymous with freedom and whose memory remains as a continuing reproach to the Soviet masters of his beloved country. The 25th anniversary of his death, which was observed on Friday, is an occasion for recalling the spirit of this gallant figure who founded the Czechoslovak Republic. He was a democrat, a humanist and a socialist who opposed every form of despotism, whether of the left or right. "My socialism is simply love of one's neighbor, of humanity," Masaryk once wrote. The purity of this definition stands in ironic contrast to the monstrous caricature of socialism that Soviet force has imposed on Czechoslovakia. In the fullness of time, the spirit of Masaryk is sure to rise again in a truly democratic Czechoslovak Republic.

## LINCOLN CENTER FOR THE PERFORMING ARTS

Mr. JAVITS. Mr. President, the opening of the Lincoln Center for the Performing Arts in New York Sunday night marks a milestone in the cultural history of the United States, and another pioneering effort by my great native city in the encouragement and advancement of the arts. The impact of Lincoln Center upon our Nation not only on the performing level but also on the teaching level promises to be incalculable. It offers a guide and a pattern which I hope will be emulated throughout the country. It provides a fitting endeavor to accompany the pioneering efforts of the New York State Council on the Arts, the State agency which is so successfully helping in respect to cultural development and enjoyment in New York in areas of the State not heretofore reached.

I hope and very much expect that Members of the Senate and of the House will come to see and to enjoy this vast center for the development of culture in the United States. It is my fond hope, as I know it is of the distinguished Senator now presiding, the Senator from Rhode Island [Mr. PELL], and others like the Senator from Pennsylvania [Mr. CLARK] that we may make marked progress in this field for the Nation as well. It has been done in New York and, I hasten to add, with help from the Federal Government, in terms of urban renewal. We are deeply gratified, and I think this is a cause for gratification on the part of the whole country.

I ask unanimous consent to print in the RECORD the welcoming address of John D. Rockefeller 3d, board chairman of the Lincoln Center, which he delivered September 23; the article by Arthur Gelb entitled "A Deeper Significance," in the New York Times, September 24; and an article by Richard McLanathan evaluating the achievement of the New York State Council on the Arts, entitled "A Venturesome Idea," which appeared in Museum News, September 1962.

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

[From the New York Times, Sept. 24, 1962]

WELCOMING ADDRESS

Good evening, ladies and gentlemen.

This is a proud and happy moment for all of us—the opening of Lincoln Center for the Performing Arts.

What was only an idea 7 years ago has come to reality because thousands of men and women in the arts, in education, in philanthropy, in business, in labor, and in government have given time and money with unparalleled generosity.

Tonight we move out of the world of planning into the world of performance. Now and in the years ahead, only the artist and his art can fulfill the aspirations of the planners and exhalt the labors of the builders. The validity of our efforts will be determined by the use we make of the several stages and many classrooms of Lincoln Center, and it is gratifying indeed that we have as our president a distinguished composer and educator.

The future of Lincoln Center rests not only upon the greatness of performances but upon the existence and support of warm, responsive, enthusiastic audiences. It is my very great pleasure, therefore, to welcome this most distinguished audience—which is honored by the presence of the First Lady of the land, the Governor of our State, the mayor of our city, and some of the world's foremost artists.

It is very appropriate and pleasing to us that this first of our six buildings should become the permanent home of Lincoln Center's first constituent and our country's oldest orchestra. None have worked harder than the leaders of the New York Philharmonic to make real this dream of a great center of the performing arts.

It is with pride and satisfaction that we now turn to one of the world's great orchestras to dedicate this Hall to music.

Thank you.

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[From the New York Times, Sept. 24, 1962]

A DEEPER SIGNIFICANCE—FULL IMPACT OF LINCOLN CENTER WILL NOT BE FELT UNTIL ALL COMPONENTS OPEN

(By Arthur Gelb)

Last night's unveiling of Philharmonic Hall was much more than a dazzling New York premiere.

The full impact of the event cannot be known for some time to come, when, one by one, other constituents of Lincoln Center have opened their doors. But even without the perspective of distance, it seems evident that the opening of this first door will be chronicled as a symbol of the cultural coming of age of the United States.

The most ambitious and expensive of all the cultural complexes now under construction, Lincoln Center is the focus of every eye both here and abroad. It is probably President Kennedy's unfailing instinct for historical significance that caused Mrs. Kennedy, at the last moment, to change her mind and attend; how would it have looked, on the final record, if neither Mr. nor Mrs. Kennedy, who have carefully established an image of artistic patronage, had failed to lend their presence to this potent occasion?

A GREAT RESPONSIBILITY

Exposed with all its virtues and defects in the city that has become the global cultural capital, the center has an awesome responsibility.

Already, similar projects throughout the nation have sent representatives to study and analyze Lincoln Center architecture, artistic philosophy, budget, and educational facilities. In future months and years, the Center's activities will be even more closely scrutinized, its successes and failures publicly and minutely recorded.

Potentially the world's most influential cultural oasis, embracing the best talent from all the performing arts that this country has to offer, Lincoln Center can become not only an entertainment arena on the highest level, but also a powerful teaching instrument.

Some of the people concerned with guiding the Center's activities have compared it with a great medical center. Answering critics who deplore the concentration in one area of all the representative art forms, they maintain that only in such physical and spiritual insulation can the patron, participant and pupil work together for the development of all the performing arts.

This is a noble goal and it can be achieved under ideal circumstances. That is to say, a delicate balance must be maintained—a balance supremely difficult to sustain. The Center's board must employ a policy of enlightened guidance that never inhibits sincere experiment or exploration.

The Lincoln Center enclave ideally can be an embodiment of the interplay between professional performance and the dissemination of knowledge, just as a medical center simultaneously performs brilliant feats of healing, pursues research, and instructs its young medical students and encourages them to explore on their own.

To this end, the Lincoln Center Fund, with an endowment of $10 million, plans to commission new works, participate actively in educational television, conduct schools of music, drama, and dance, and run summer workshop seminars for secondary schoolteachers from all over the country. Thousands of young people will take part in these programs and they, in turn, will bring their strengthened skills and fresh artistic insights to their own communities.

A full-time employee, whose salary will be paid jointly by Lincoln Center and WNDT (New York's educational television channel), will soon be engaged to devise a thorough schedule of programs emanating from the center. Teachers selected to attend the summer workshops will be subsidized and, instead of attending classroom lectures, will participate in concerts, dramatic presentations, and dance recitals. Intercollegiate, national, and international festivals of the performing arts will be regularly scheduled.

In the meantime, officials of Lincoln Center must avoid the pitfall of regarding themselves in competition with other cultural projects, despite the fact that they are still vying with others for funds. The proposed National Cultural Center in Washington, for example, is trying to raise $30 million, while Lincoln Center must raise an additional $27 million of its own to complete its $142 million facilities.

A UNIVERSAL COMMODITY

A substantial amount of money for both centers must obviously come from the same private sources. But there is no reason why it shouldn't. Well-to-do patrons should be happy to promote the artistic cause in as many of our cities as indicate a desire for culture. Culture is not a commodity exclusive to New York, Washington, or any other city.

This is being overwhelmingly demonstrated these days by the fact that 67 cultural centers, in addition to New York's and Washington's, are planned or under construction. Some are limited in scope, and others, like the Hopkins Art Center at Dartmouth, promise to be widely influential.

It has taken the United States a long time to acknowledge the importance of comprehensive education in the arts. But with Lincoln Center blazing a trail, this country appears at last to have realized, with Socrates, that "the soul takes nothing with her to the other world but her education and culture."

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A VENTURESOME IDEA

(By Richard McLanathan)

(New York is one of the few States in which the State government has, through legislative action, provided funds for a council on the arts. Mr. McLanathan, a former museum director, details the formation of this organization that is serving as a model for other States setting up an arts council and one that may well provide the blueprint for future Federal legislation.)

The relation of government to the arts is a matter of considerable discussion these days. Such developments as Secretary of Labor Goldberg's report following the crisis of the Metropolitan Opera, recent congressional authorization of a National Cultural Center in Washington, pending legislation to provide for the formation of a Federal Advisory Council on the Arts, and even the restoration of the White House, have not only been indications of a trend but also have served to focus public attention on the arts as a matter of general concern.

Against this background, the creation of the New York State Council on the Arts takes on added significance as a pioneering venture in this field. Since 1944, bills providing for such a council were brought again and again before the State legislature. With the wholehearted support of Governor Rockefeller, however, an act introduced by Senator MacNeil Mitchell was passed during the 1960 session finally establishing that it was "the policy of the State to join with private patrons and with institutions and professional organizations concerned with the arts to insure that the role of the arts in the life of our communities will continue to grow and will play an even more significant part in the welfare and educational experiences of our citizens." The act authorized the Governor to appoint, with the approval of the senate, a council of 15 members who were to prepare a report on how best to realize the purposes of the legislation.

Determined that the council should "function as an administrative entity developing imaginative programs, not a mere committee of well-known names," Governor Rockefeller appointed a group professionally representative of the various cultural fields of the visual and performing arts, of museums and historical societies. He named as chairman, Seymour H. Knox, president of the Buffalo Fine Arts Academy, chairman of the council of the University of Buffalo, and trustee of the Yale Art Gallery; as vice chairman, he named Dr. Henry Allen Moe, treasurer of the Association of American Rhodes Scholars, vice chairman of the Museum of Modern Art, and a trustee of the John Simon Guggenheim Foundation and the American Academy in Rome. The other members named include Reginal Allen, executive director for operations of the Lincoln Center for the Performing Arts; Cass Canfield, publisher, of Harper & Bros., and Freedom House; Angus Duncan, executive secretary of Actors' Equity Association and vice president of the Theater Authority; Theodore M. Hancock, lawyer, and former chairman of the Everson Museum of Syracuse; Mrs. W. Averell Harriman, former head of the Marie Harriman Gallery of New York City; Wallace K. Harrison, former director of planning for the United Nations, coarchitect of Rockefeller Center, and a director of the Rockefeller Bros.' Fund; Miss Helen Hayes of the American theater: Dr. Louis C. Jones, executive director of the New York State Historical Association: David M. Keiser, president of the New York Philharmonic Society, trustee of the Juilliard Musical Foundation, and a director of the Lincoln Center for the Performing Arts; Dr. Richard McLanathan, art and museum consultant, former director of the Museum of Art, Utica; Alfred J. Manuti of the executive committee of the International Musician's Union (AFL–CIO) and President of the Musicians' (AFL–CIO) New York State Conference; Richard Rogers, composer; and Louis A. Swyer of the board of the Albany Institute of History and Art, and the Greater Albany Chamber of Commerce.

Laurance P. Roberts, formerly director of the American Academy in Rome, agreed to serve temporarily as first executive director. He completed the initial survey of the State's cultural institutions, including a list of all theaters, auditoriums, and other buildings capable of housing theatrical or musical performances, as well as museums, galleries, and other facilities. This report was submitted to the Governor along with recommendations for a program. As a result, the sum of $450,000 was included in the Governor's 1961 budget for the council.

In order to have the best possible advice in the various fields in which the council proposed to operate, leading experts were asked to join advisory panels for ballet, concert, historical collections, opera, theater, and the visual arts. Since the panels were made up of extremely busy performing artists, composers, specialists, and executives, there was no intention of ever calling the half-dozen or so members of each panel to meetings; but rather to consult with them individually by telephone, by letter, or by appointment, and thus to take maximum advantage of their expert knowledge without imposing more than absolutely necessary on their already full schedules.

The survey carried out by Laurance Roberts served to emphasize, even more emphatically, the concentration of the State's main cultural resources in the major urban areas, and to point to a primary function of the council in bringing the arts to this broad potential audience hitherto lacking the opportunity for enjoying them. The survey also revealed the melancholy but not unexpected fact that "there is no cultural institution in New York State today, whether it be a museum, an historical society, an orchestra, an opera company, a ballet, a repertory theater, that is self-supporting." A basic policy of the council was adopted to grant no subsidies, but to assist and strengthen groups and organizations by extending existing services, and in this way to increase audiences and participants.

The council then approached the Phoenix Theater, the New York City Center Opera Company, the Buffalo Philharmonic Orchestra, and the New York City Ballet to discuss the broadening of their activities to include tours throughout the State guaranteed by the council against loss. In each case the response was immediate, and the cooperation, not only of management but also of every member of the groups, was enthusiastic and complete. Sponsorship for each performance was shared with the council by some local agency.

The tour of the Phoenix Theater may be taken as an example of how the program works in the field of the performing arts. Traveling by bus with two companies, leapfrogging to maintain the rigorous schedule of successive single performances, the theater presented Shaw's "Androcles and the Lion," at matinees and Shakespeare's "Hamlet" in the evening, in two dozen communities, playing in theaters or high school auditoriums to a total audience of more than 27,000 children and adults. The council insured that seats were available at reasonable prices so that performances could be attended by all. T. Edward Hambleton, manager of the Phoenix Theater, reported that about 40 percent of the people who attended the productions had never seen live theater before, and that many cities had their first experience of it during the tour. Almost all houses were sold out long in advance as people everywhere reacted to the opportunity with keen enthusiasm. The other performing groups met with similar experiences, and the difficulties of unexpected situations and of untried and sometimes insufficient facilities faded before the intense interest with which the various performances were greeted.

Under the council's sponsorship, the Buffalo Philharmonic performed in 20 communities, the New York City Center Ballet in 16, and the New York City Opera in 11. The Rochester Philharmonic presented special children's concerts and programs including new works by contemporary composers; the New York Philharmonic, under the direction of Leonard Bernstein, performed a children's concert in the Rensselaer Polytechnic Institute Field House at Troy for an audience of 7,500 drawn from a radius of about a hundred miles. Each selection was applauded so enthusiastically that there was no time left for an encore.

Though the cooperation of such long-established groups with completed repertories was enlisted early, the visual arts were not neglected. Through the aid of the American Federation of Arts, seven traveling exhibitions were produced which toured museums, libraries, art centers, schools, and colleges. The first of these alone, "Masterpieces of Photography," selected by Beaumont Newhall from the Eastman collection in Rochester, was immediately booked in 11 communities. The Everson Museum of Syracuse and Onondaga County provided two other exhibits, as did the Schenectady Museum Association and the Rochester Memorial Gallery. The exhibits included such diverse material as fossils and artifacts as well as prints and paintings, and treated subjects ranging from techniques of printmaking to "How To Look at a Painting." The exhibits were designed and packaged for great flexibility of use under varying conditions of display. Their cost was met by the council, but transportation expenses were shared by the borrowing institutions. Four of the federation's exhibits proved so popular that their circulation is being extended for the coming year, and there continue to be so many requests for "How To Look at a Painting" that there are now plans to duplicate it if possible. The federation is producing four new educational exhibits designed primarily for schools, libraries, and other institutions without usual gallery facilities. In addition, the Whitney Museum of American Art has generously shown its practical interest in this phase of the council's work by consenting to put together a major exhibition.

A further development of the visual arts program is the enrichment of the displays of regional museums by semipermanent loans from major collections. Dr. James J. Rorimer, director of the Metropolitan Museum, has established a process of carefully selected loans for extended periods, chosen to complement and supplement the collections of various upstate museums. Since it is always easier to borrow paintings, these loans stress the more difficult fields of sculpture and the decorative arts, material generally seen only in large institutions, and yet always meaningful to students and gallery goers alike because of the association with the everyday life of other periods and countries. The council has undertaken to support the cataloging and installation of the material, and to guarantee proper insurance coverage. It is hoped that this aspect of the council's program will develop into an increasingly significant sharing of the State's extraordinary artistic resources.

It was apparent from the beginning that a practical pattern of cooperation with communities throughout the State should be established to insure the effectiveness, through the broadest possible participation, of the council's program. John MacFadyen, who succeeded Laurance Roberts as executive director, undertook a survey during which he met with groups in 25 different centers, explained the purpose of the council and its projected program, and asked for suggestions as to how best to realize common aims. These meetings resulted in a mutual understanding of purposes and problems, and in many communities these groups, made up of leading citizens, educators, artists, musicians, representatives of service organizations, local government, chambers of commerce, the radio and television industries, and the press, transformed themselves from temporary and informal gatherings into more permanent associations, and thus marked the beginning of a community arts council movement throughout the State.

Further impetus was added by the success of a 2-day conference devoted to the subject held at the Roberson Memorial Center in Binghamton. More than 200 people from all parts of the State participated and discussed problems and programs with such authorities as Seymour Knox, chairman of the council; Dr. Louis C. Jones, director of the New York State Historical Association; Ralph Burgard, of the St. Paul Council of Arts and Sciences; John Gutman, of the Metropolitan Opera Association; Donald Engle, of the Martha Baird Rockefeller Aid to Music Program; Choreographer George Balanchine, of the New York City Center Ballet; Dr. Paul B. Pettit, of the drama department of the State university; and Dr. James M. Brown III, director of the Corning Glass Center.

In this way, regional agencies are developing with which the council can work for a common purpose, avoiding competition with local organizers of cultural programs, and ensuring active participation of the communities. Nine or ten regional councils are already active, with a number of others in the process of formation. Thus, Governor Rockefeller's concept of the council's function as a pump-priming effort and not a form of government subsidy could be realized. It has become a means of enabling an increasing number to share the State's cultural advantages through active cooperation rather than as passive recipients of governmental largesse.

The case of Middletown is, in many ways, typical. Last October the Phoenix Theater presented, under the joint sponsorship of the Council, the Middletown Times Herald-Record, and the Orange County Community College, "Androcles and the Lion" at a matinee and "Hamlet" in the evening. More than 3,000 persons saw the performances. In November, the New York City Opera presented "The Marriage of Figaro," with the added sponsorship of the Middletown school system. It was the first opera ever performed in that city. Tickets were priced at $3 and $4, with patron tickets at $10, and student tickets at $2. In each case the high school auditorium was sold out weeks in advance. Net profits were set aside to form "a local council on the arts designed to continue to bring professional presentations in the arts to Orange County." This is a practice which has been followed by a number of other communities.

Because of the special stage requirements for ballet, a system of ballet demonstrations was evolved which could be presented in school auditoriums, smaller theaters, gymnasiums, and, in two cases, on outdoor stages at upstate summer art festivals. These were extremely well-received and gave encouragement to the growing number of students of the dance. More than 50 educational institutions, ranging from grammar schools to universities, took advantage of the council's offerings in the performing and the visual arts.

The preliminary survey conducted by Laurance Roberts, and the later experiences of John MacFadyen in traveling about the State and meeting with community groups revealed a great and widespread need for various kinds of expert technical assistance and advice. It was therefore decided that an important function of the council was to make available the services of experts in all the needed fields, such as conservation, identification, and evaluation of objects, works of art, and documents; recordkeeping; public relations; fund-raising; and all the countless other problems that beset museums, libraries, art centers, and historical societies. A roster of consultants was compiled with the aid of W. Stephen Thomas, director of the Rochester Museum of Science and Art, and secretary of the newly organized New York State Museums Association.

Applications for technical aid are evaluated with the assistance of the appropriate advisory panel, and the council pays the fees and travel expenses of the consultants. The program was initiated in August 1961, by the visit of Sheldon Keck, director of the Conservation Center of New York Univer-

sity's Institute of Fine Arts, to Fort Stanwix Museum in Rome. It has included such various forms of aid as the survey of oriental porcelains in the Albright-Knox Art Gallery in Buffalo, made by Fong Chow, assistant curator of Far Eastern Art at the Metropolitan Museum; and a critical study, with advice on care and classification, of the historical collections of the Elbert Hubbard Memorial Library of East Aurora, by Francis W. Cunningham, curator of the Oneida Historical Society.

In October of 1961, William Hull, former director of the Everson Museum in Syracuse, became assistant director of the council, with the special assignment of developing the council's program in the visual arts and technical assistance areas. In November, he organized a 1-day workshop on display and conservation for historic houses and historical societies which was held at the Suffolk Museum in Stonybrook, Long Island, with the cooperation of its director, Mrs. Jane des Granges.

The conference brought together a distinguished group of panelists including Carl C. Dauterman, associate curator of Western European Arts of the Metropolitan Museum; Miss Alice Beer, curator of textiles at the Cooper Union Museum; Marvin L. Schwarz, curator of decorative arts at the Brooklyn Museum; and Per Guldbeck, research associate of the New York State Historical Association. Representatives of more than 30 Long Island institutions participated, and the success of the event has led to the inclusion of such workshops as a regular part of the council's program.

Another project which has been launched in the Syracuse area, with the hope that it may eventually spread throughout the State, is the cataloging by the School of Architecture of Syracuse University of the buildings in the region which are architecturally or historically important. Its major purpose is to compile a list of those worth saving and, by means of a professional study for their reuse, perform the function of conservation of historic and artistic monuments in a particularly practical and useful way.

The request for an increased budget for this year was granted by the legislature, and the council's general pattern of activity seems established. Further support for broader touring of both the visual and the performing arts seems eminently justified by the enthusiastic response to last year's presentations. The technical assistance program has already shown its worth and will inevitably increase in value as institutions learn how to take advantage of what is offered. The New York State Council on the Arts is a temporary State commission, however, to be in existence only until 1967. Basically, its primary purpose must be to make permanent cultural gains, independent of its own continued existence. From this point of view, the most optimistic and forward-looking results of its efforts have been the emergence of the regional councils that are playing an ever more constructive role in contributing to the cultural enrichment of the State. Thus the practical idealism of the Governor and the legislature in creating the council has served to encourage the traditional American approach of people working together freely for mutually shared benefits for themselves and their neighbors in communities throughout the State.

As the first venture of its kind, the Council represents a pilot project in a controversial field. Its experiments and programs are being closely scrutinized by those interested in the formation of similar agencies in other States. We feel, however, that it is setting an example for the encouragement of regional cultural self-help through local councils, and it may even provide a possible model for future Federal legislation. It is, as Eric Larrabee, editor of Horizon, remarked, "An adventuresome idea."

## PEACE IN THE NEAR EAST

Mr. JAVITS. Mr. President, I wish to say a word about a very serious situation which has developed in the Near East.

The missile race spread to the Near East when Egypt fired its new rockets in the direction of Israel; and in this highly volatile and explosive region, time for peace may well be running out. An Arab-Israeli peace has repeatedly been stated to be a fundamental goal of U.S. foreign policy. Yet, the administration last year voted against the 16-nation resolution in the U.N. which called on Israel and the Arab States to settle their 14-year-old dispute by direct negotiations. The United States should not repeat this mistake again and should move to support in the United Nations General Assembly the peace resolution being prepared by a group of African States.

Since 1961 huge masses of Soviet bloc weapons have poured into the United Arab Republic—guns, tanks, heavy jet bombers said to be capable of delivering 10-ton payloads, and ground-to-ground missiles. The other Arab States as well as Israel feel themselves threatened. There are weapons for aggression and they have caused Israel's finance minister, speaking in this city Saturday night, September 22, to warn that Israel's only hope to avoid disaster lies in convincing Nasser that the distance from Tel Aviv to Cairo, as the rocket flies, is the same as from Cairo to Tel Aviv.

The imbalance of arms is already stirring up new dangerous tensions in the Near East, and we cannot sit back complacently in the belief that under our policy of "quiet" diplomacy this threat to peace will go away. In the face of the present danger of an arms race, I believe the time has come for the administration to drop its negativism on Near East policy and take the initiative for peace which it has repeatedly promised. So far the administration has made no public declaration of a positive policy toward the Near East. It has done nothing constructive about the blockade of the Suez Canal against Israel shipping, or the Arab boycott of Israel despite the fact that all these countries are helped by our foreign aid program. We tolerate the Arab blacklisting of U.S. business firms and the discriminatory—and sometimes even insulting—practices against American citizens by states which perhaps could not survive without the U.S. taxpayer's assistance.

The administration must face up to the reality of Arab threats of war against Israel and to the fact the Arab demands on Israel are designed to destroy that country, not to correct injustice. Time alone is not on the side of peace, and if the uneasy truce that now exists in the Near East should collapse as a consequence of a new arms race, Communist imperialism will find very fertile soil for its agitation.

A positive American policy will support constructive measures in the U.N. leading to an initiative for peace and will move forward along these primary paths:

First. An end to boycotts, discrimination and other obstacles to the free flow of trade;

Regional development of resources, and economic association with the European Common Market;

Second. Resettlement of the bulk of the Arab refugees in Arab lands where there is room for them and need for their labor; and

Third. Within the framework of direct peace talks and to aid in resettlement, compensation on reasonable terms for Arab property abandoned in Israel.

We can make a start toward these objectives by supporting the U.N. peace resolution initiated in the General Assembly by the African States, and we should do so before a new and grave crisis develops.

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

Mr. JAVITS. I yield.

Mr. KEATING. I commend my colleague for speaking out on this subject. As he knows, it was the United States which killed the so-called Brazzaville resolution at the last meeting of the United Nations. After all the protestations and statements that were made before the 1960 election to the effect that a conference would be pressed to bring the Arab States and Israel together—which is the only way to bring peace to that area—what did the United States do at the last session of the United Nations? We were more active than any other member in killing the resolution which would have brought them together. I would have hoped that our Government, when it saw the great error it had made, would itself later have authored a resolution to bring those nations together. But no such action has yet been taken. Perhaps it would be better to have such resolutions authored by the Asian and African countries. But certainly it is time—in fact, it is well past time—vigorously to support an appropriate resolution designed to bring peace to the Middle East.

What deeply disturbs me, Mr. President, is that the United States seems to be taking a sort of neutralist attitude with regard to the Middle East. The representatives of the United States are not judging the issues on their merits, but are assuming that both sides are equal and nothing must be done to disturb that equality. This is exactly what we criticize in the so-called uncommitted nations. Yet we are guilty of the same lack of courage, lack of judgment, and lack of principle in the Middle East.

I know my colleague from New York joins me in the statement that there is need for more principle in our foreign policy and less expediency. The amendment which was added to the foreign-aid bill which would concentrate U.S. aid in those nations which share our view of the world crisis and not divert their resources to the purchase of arms or to propaganda broadcasts against us and against other countries we are trying to help will accomplish a part of the object. But a sense-of-Congress resolution is of no effect unless it

is implemented by those in charge of the program.

I hope that the words of my colleague will echo through the executive branch to the end that some of the policies which the State Department has been following in the past will be reversed and that we shall actively take the initiative in seeking to bring peace to the Middle East.

Mr. JAVITS. I am very grateful to my colleague for his comments. He, too, has been a stanch fighter for justice in the Middle East. Justice in that area ties directly into the peace and security for our country and the free world, as evidenced by the fact that our action in Lebanon was only made possible when we knew that our flank and our point of exit were secure because Israel was there. Otherwise we could never have performed the Lebanon operation.

## THE "FORGIVENESS" CLAUSE IN THE NATIONAL DEFENSE STUDENT LOAN PROGRAM

Mr. PROUTY. Mr. President, earlier this year I introduced a bill to amend the national defense student loan program by extending the loan "forgiveness" clause beyond its present scope.

Existing law allows up to 50-percent cancellation of student loans for those borrowers who teach in public elementary and secondary schools. My bill, which is cosponsored by the distinguished junior Senator from New York, would extend the forgiveness privilege to borrowers who enter teaching in private nonprofit schools, or in institutions of higher learning.

I am very pleased to report to the Senate that the Labor and Public Welfare Committee today decided to report the Prouty-Keating bill which removes a serious injustice in existing law.

I know that I speak for my distinguished colleague from New York when I say that we feel the bill will promote a nationwide effort for more and better teachers at all levels of education, public and private.

Only a short time ago the Senate Labor and Public Welfare Committee pointed out to the Senate that the continuing shortage of teachers extends to private nonprofit as well as to public schools and to all levels of our educational systems.

The Prouty-Keating bill will encourage young men and women to consider careers in college and university teaching. It will, also, remove the rank discrimination in existing law which gives second-class treatment to student borrowers who decide to teach in our excellent private schools. These schools presently enroll over 6 million American children and I think this fact alone indicates their great importance to the country.

In closing may I again express my pleasure that the Senator Labor Committee has reported the Prouty-Keating bill which will guarantee all young National Defense Education Act borrowers the loan forgiveness privilege if they enter the teaching profession.

Mr. JAVITS. Mr. President, I commend the committee, with which I was glad to cooperate in seeing that the Senator's bill was reported to the Senate. I congratulate the Senator from Vermont and my colleague [Mr. KEATING] for the development and authorship of the bill. It would be a fine thing if the bill were enacted, and I believe that was the general and unanimous sentiment of the committee.

Mr. PROUTY. I am grateful to the Senator from New York. I point out that he has been very cooperative in supporting this measure.

Mr. KEATING. Mr. President, I wish to express my gratification over the action of the Committee on Labor and Public Welfare in favorably reporting the bill to amend the National Defense Education Act to provide equal loan forgiveness for those who teach in private schools, as is now available for those who teach in public schools.

I express my gratitude to the distinguished Senator from Vermont, who has played a leading role in bringing about this fine result. I am proud to be associated with him as a cosponsor of the bill.

It is clear that the Nation needs more teachers. This need is not limited to public schools, but seriously affects also many of our private schools.

The purpose of the National Defense Education Act provision is to encourage more of our young people to become teachers, and to insure that we have enough adequately prepared teachers to meet the nationwide demand in all areas of education. Under the present law, 50 percent of a National Defense Education Act loan can be forgiven if a student teaches for 5 years in a public elementary school. No forgiveness is allowed those who teach in private schools or institutions of higher learning. This is a discriminatory provision that is wholly unnecessary, and at variance with the national need for better trained teachers at every level of our educational system.

I am glad that the Senate committee has approved a bill to put an end to this discrimination. I hope the Senate will act promptly to pass it. We all owe a deep debt of gratitude to the Senator from Vermont for taking the lead in this fight.

Mr. PROUTY. Mr. President, I am grateful to the distinguished junior Senator from New York, and I express my appreciation to him for his help and cooperation in preparing a very important measure.

## ESTABLISHMENT OF A PEANUT RESEARCH LABORATORY AT DAWSON, GA.

Mr. RUSSELL. Mr. President, during the discussion on the floor of the House of Representatives on the item in the agriculture appropriation bill for the establishment of a peanut research laboratory at Dawson, Ga., a great many erroneous statements were made which totally misrepresented the nature of the work this institution proposed to accomplish. It was repeatedly charged that it was to be a utilization research laboratory. Nothing could be further from the truth. The nature of the work to be done was set forth fully and in detail when all elements of the peanut industry were together in advocating the establishment of such a facility. In order to clear up this misunderstanding and to correct the many misstatements made on the floor of the other body, I wrote a letter to the Secretary of Agriculture and received his reply.

These letters show that this laboratory was never at any time planned as a utilization facility and that the charges that it was intended to be a utilization facility were wholly without foundation in fact. I ask unanimous consent that a copy of my letter to Secretary of Agriculture Freeman and his reply may be printed in the RECORD as a part of my remarks.

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

SEPTEMBER 20, 1962.

Hon. ORVILLE FREEMAN,
*The Secretary of Agriculture,*
*Department of Agriculture,*
*Washington, D.C.*

DEAR MR. SECRETARY: I am writing to you in regard to the marketing research facility proposed in the budget estimates for 1963, to be located at Dawson, Ga.

In reviewing the Department's justification for this facility in the House hearings on page 1264, it briefly describes the purpose of research investigations to be conducted at this facility as dealing with the quality control requirements of peanuts in marketing and storage channels.

When this matter was under consideration in the House on September 18, the statement was made by Members opposed to the construction of the facility that it was being established as a utilization laboratory to develop uses of peanuts rather than for peanut quality research. Heretofore, it has been my understanding that research investigations for new uses on peanuts and peanut products are conducted at the Regional Utilization Laboratory at New Orleans, La.

I will appreciate it if you will clarify this entire matter, together with the extent of present utilization research and where it is done.

Sincerely,

RICHARD B. RUSSELL.

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SEPTEMBER 24, 1962.

Hon. RICHARD B. RUSSELL,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR RUSSELL: Thank you for your letter of September 20, 1962, in which you refer to statements made in the House that the program proposed for the Dawson Laboratory would be utilization research. The Department is pleased to state that you are correct in your understanding that the type of research to be done at the Dawson Laboratory is marketing research and not utilization research.

As you stated, the broad segments of the marketing research program contemplated for the laboratory, which was developed in consultation with a peanut industry working group and presented to your subcommittee by Mr. Pace, is described and justified by the Department in the House hearings on page 1,264. Briefly, a major emphasis of the program would be the protection, mainte-

nance, and improvement of quality in peanuts during marketing, including the development of improved and more objective methods for sampling and measuring quality and facilitating inspection and grading procedures. Included would be evaluations to determine the effect on market quality of various practices followed during production, harvesting, storage, handling, and conditioning operations. This would require the use of peanuts of known production, harvesting, and handling history which would be accomplished through cooperation with production research programs of the Department and the State agricultural experiment stations. It is also contemplated that standardized facilities and skilled personnel of the laboratory would be available to the industry and other research programs of the Department and the States in making quality evaluations on small samples of peanuts which represent new varieties or experimental conditions of production, harvesting, or handling.

Also, the program would be concerned with the development of effective methods for preventing, controlling, or eradicating insects in peanuts under various conditions of storage, handling, and treatment. Finally the program would seek to improve the efficiency of peanut marketing by developing improved equipment, work, and handling methods during the drying, shelling, and storage operation. The program would necessarily be concerned with quality evaluations and the effect on quality and end products of different practices being followed in the industry. But the laboratory would not be engaged in the development of new uses for peanuts or peanut products, which is the basic mission of utilization research.

Utilization research is conducted by the Southern Regional Utilization Research and Development Laboratory of ARS at New Orleans. About three-fourths of the resources of that laboratory are allocated to research on new uses for cotton and cottonseed. The remaining one-fourth is concerned with rice, naval stores, sugar, and other crops, including peanuts. Of the total of approximately 225 professional man-years engaged in product and process development research in that laboratory, 3 are assigned to peanuts which represent an annual expenditure of approximately $69,000.

The Department appreciates the opportunity to help clarify some of the misconceptions which have arisen concerning the proposed laboratory.

Sincerely yours,

ORVILLE L. FREEMAN.

## NOMINATION OF ARTHUR J. GOLDBERG TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIRKSEN. Mr. President, as in executive session, by order of the Judiciary Committee, I report the nomination of Arthur J. Goldberg to be an Associate Justice of the U.S. Supreme Court, with the recommendation by the committee unanimously that the nomination be confirmed.

## EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate go into executive session to consider the nomination of Mr. Arthur J. Goldberg to be an Associate Justice of the Supreme Court of the United States, just reported by the Senator from Illinois [Mr. DIRKSEN].

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

## NOMINATION OF ARTHUR J. GOLDBERG TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED SATES

The Chief Clerk read the nomination of Arthur J. Goldberg to be an Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER (Mr. PELL in the chair). The question is, Will the Senate advise and consent to this nomination?

Mr. DIRKSEN. Mr. President, I should like to submit for the RECORD certain biographical data submitted to the Judiciary Committee by Arthur J. Goldberg, and also a number of editorials and exhibits that appear in roughly 100 pages of testimony that was received on the nomination.

Mr. President, Arthur J. Goldberg was born in Chicago on the 8th of August, 1908. He is, therefore, 54 years of age.

For a number of years he was at Crane Junior College, DePaul University. He also attended Northwestern University Law School, and he received the degrees of B.S.L. and J.D.

He was admitted to the Illinois bar and the District bar in 1929.

He was in the private practice of law in Chicago from 1929 to 1948.

He was at John Marshall Law School as an instructor from 1939 to 1942.

He served in the Office of Strategic Services from 1942 to 1944.

He was respectively a captain and a major in the U.S. Army in 1943 and 1944.

He served as a part-time instructor from 1946 to 1948.

He was with the firm of Goldberg, Devoe, Shadur & Mikva in Chicago, and later Goldberg, Feller & Bredhoff, Washington, D.C., as a law partner.

He became general counsel of the CIO in 1948 and held that post until 1955.

He became special counsel for the AFL–CIO in 1955 and held that position for 6 years.

He served as general counsel of the United Steelworkers from 1948 to 1961.

Later, in 1961, his nomination to be Secretary of Labor of the United States was confirmed by the Senate.

Mr. President, many editorials, statements, and exhibits appear in the hearings, a number of which I should like to have incorporated in my remarks.

I ask unanimous consent to have printed in the RECORD the letter from the American Bar Association, which appears on page 1 of the hearings; a letter from the Chicago Bar Association, appearing on page 15; a letter from the Illinois Bar Association, appearing on page 2; a letter from the chairman of the Board of the Aluminum Co. of America, appearing on page 18; an editorial from the Chicago Daily News, appearing on page 20; an editorial from the Chicago Tribune, appearing on page 21; and several others.

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

AMERICAN BAR ASSOCIATION,
STANDING COMMITTEE ON
FEDERAL JUDICIARY,
*September 7, 1962.*

Hon. JAMES O. EASTLAND,
*Chairman, U.S. Senate Judiciary Committee,*
*Senate Office Building, Washington, D.C.*

DEAR SENATOR EASTLAND: Thank you for your telegram affording this committee an opportunity to express an opinion or recommendation on the nomination of Arthur J. Goldberg of Illinois to be an Associate Justice of the Supreme Court of the United States.

Our committee, as constituted at the time of the nomination, is of the view that Mr. Goldberg is highly acceptable from the viewpoint of professional qualification.

Since the form of this opinion differs from that previously used with regard to judicial nominations, a few words of explanation may be in order.

This committee has conceived its responsibility to be to express its opinion only on the question of professional qualification, which includes, of course, consideration of age and health, and of such matters as temperament, integrity, trial and other experience, education, and demonstrated legal ability. We intend to express no opinion at any time with regard to any other consideration, not related to such professional qualification, which may properly be considered by the appointing or confirming authority. This position is, of course, not in any way confined to Secretary Goldberg's case, or prompted by his nomination.

Furthermore, the committee is now of the opinion that, as to nominations for the office of Justice of the Supreme Court it would be unwise for the committee to continue to attempt to give comparative ratings such as "qualified," "well qualified," "exceptionally well qualified," which we use generally in our reports to your committee. As to nominations to this Court, we wish to confine ourselves to a statement that the candidate is, or is not, acceptable from the viewpoint of professional qualification without, in the future, the use of any adjective which might suggest a comparative rating. Once again, this is a matter which has been the subject of discussion in the committee for some time, and the decision to limit ourselves in this fashion is not related in any way to this particular nomination.

I trust that this explanation is adequate and am gratified that your committee continues to ask for our opinion on such matters.

With kind regards.

Sincerely yours,

ROBERT W. MESERVE,
*Chairman.*

ILLINOIS STATE BAR ASSOCIATION,
*Morrison, Ill., September 6, 1962.*

Hon. JAMES O. EASTLAND,
*Chairman, Senate Judiciary Committee,*
*Washington, D.C.*

DEAR SENATOR EASTLAND: Your telegram of September 4, advising me as president of the Illinois State Bar Association of the public hearing scheduled by your committee for Tuesday, September 11, on the nomination of Arthur J. Goldberg to be an Associate Justice of the Supreme Court of the United States is acknowledged. Shortness of time does not permit the convening of the board of governors of our association, but I am happy to give you my personal opinion as to Mr. Goldberg's qualifications.

His exceptional intellectual abilities, his experience in the practice of law, his personal and professional integrity, his capacity for

hard work and his devotion to the cause of justice and to his country make him exceptionally well qualified to serve on the Supreme Court of the United States.

To assist you in evaluating the validity of my judgment in this matter, I should perhaps inform you that I have known Arthur J. Goldberg since our days in law school together. I am a Republican, and a somewhat substantial portion of the practice of my law firm has been the representation of management in labor disputes.

I appreciate your consideration in giving the association, of which I have the honor to be president, an opportunity to express its views. The members of our board of governors, with whom I have had an opportunity to confer, agree with my judgment.

Sincerely yours,

MASON BULL,
*President.*

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THE CHICAGO BAR ASSOCIATION,
*Chicago, September 6, 1962.*

Hon. JAMES O. EASTLAND,
*Chairman, Judiciary Committee of the Senate, Senate Office Building, Washington, D.C.*

MY DEAR SENATOR: The board of managers of the Chicago Bar Association has authorized and directed me, as its president, to transmit, to your committee, our views concerning the Honorable Arthur J. Goldberg, hearings by your committee on whose nomination to become an Associate Justice of the Supreme Court of the United States we understand will take place on next Tuesday, September 11.

Mr. Goldberg joined our association shortly after being licensed to practice law in Illinois, and graduating from the Northwestern University School of Law at the top of his class.

He has been a valued member of the Chicago Bar Association since early in his professional career, and served successively for 2 years on our committee for the defense of prisoners, 3 years on our labor law committee, and for 2 years on our civil rights committee, the subject matters of each such committee constituting areas of the law in which he has intensely interested.

Not long after he began his professional career, he was representing clients in important and seriously controverted matters with both distinction and success. His success, both at the Chicago bar, and, in later years, on the national scene, is well known by all. Throughout his career, his reputation for integrity has always been of the highest, his legal attainments both unusual and outstanding, his judgment mature and wise, and his interest in his fellow men both wide and deep.

In our judgment, if he becomes a Justice of the Supreme Court, his record there will be outstanding, and among the finest in the history of the Court.

Respectfully,

WALTER H. MOSES, *President.*

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ALUMINUM CO. OF AMERICA,
*Pittsburgh, Pa., September 7, 1962.*

Hon. JAMES EASTLAND,
*Chairman, Judiciary Committee, Washington, D.C.*

DEAR SENATOR EASTLAND: Over a number of years it has been my privilege to know the Honorable Arthur J. Golberg and, prior to his accession to Secretary of Labor, to have had important business relations with him. It is my personal belief that Secretary Goldberg has all of the qualifications to become an outstanding Justice of the Supreme Court, and that he will approach the deliberations of the Court with independence, impartiality, and intelligence. Because of these convictions, I would like very much to go on record with the Senate Judiciary Committee in favor of Secretary Goldberg's confirmation as a Justice of the Supreme Court.

Sincerely yours,

FRANK L. MAGEE,
*Chairman of the Board.*

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CHICAGO DAILY NEWS,
*Chicago, Ill., September 10, 1962.*

Hon. JAMES O. EASTLAND,
*Chairman, Senate Judiciary Committee, Washington, D.C.*

MY DEAR SENATOR EASTLAND: We respectfully request that the editorial appearing in the Chicago Daily News editions of Friday, August 31, 1962, discussing the appointment of Arthur J. Goldberg to be an Associate Justice of the U.S. Supreme Court, be made a part of the record of the Senate Judiciary Committee proceedings with respect to his confirmation.

Sincerely yours,

JOHN J. JOHNSTON,
*Associate Editor.*

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[From the Chicago Daily News, Aug. 31, 1962]

FINE ADDITION TO THE COURT

The towering success of Arthur J. Goldberg as a labor lawyer will doubtless cause many to doubt that he can suspend the views he served so devotedly for the olympian objectivity desirable in a Justice of the U.S. Supreme Court.

It is our opinion that he can and will "see the other side" fully and impartially. Goldberg is a superior human being and a remarkable intellect by any standard. He severed his connection with the union movement when President Kennedy appointed him Secretary of Labor, and announced that he would never resume it. His energetic, capable and wide-ranging conduct of the Department's affairs undoubtedly confirmed Mr. Kennedy's opinion that he was of Supreme Court caliber.

It is a pointless exercise to examine the record of new Court appointees for a guide to their future votes. Justice Felix Frankfurter, whom Goldberg succeeds, was almost a symbol of the New Deal when he was named to the Court in 1939. He became a stalwart conservative, Hugo Black, the southern Klu Kluxer, became a leader of the Court's liberal bloc.

Chicago can share the pride in Goldberg's appointment. The son of Russian immigrants, he grew up on the West Side, where his life was not easy. He found in the Chicago schools the first answers to his quest for knowledge. He was the top student in his 1930 graduating class at Northwestern University Law School.

Goldberg has been easily the best and most spectacular Secretary of Labor within memory. He declared that the Department was not the province of any special interest, and then proceeded to extend his frenetic activities far beyond the customary jurisdictional boundaries. He has been a figure in the decisions on everything from economic policy to civil rights. His presence in Chicago, in an effort to avert the Chicago & North Western strike, testifies to the demand for his services in emergency situations.

The blanket approval of Goldberg's talents and judicial temperament by Senator DIRKSEN, Republican, of Illinois, the minority leader, indicates quick approval by the Senate. This is President Kennedy's second appointment of a Supreme Court Justice who was without previous judicial experience. It is not ideal, but one can't have everything, and in Secretary Goldberg we believe the Court will find a member worthy of its best tradition.

The appointment of W. Willard Wirtz to succeed as Secretary of Labor will doubtless have equally clear sailing. As Under Secretary, he has been a diligent and effective aid to Goldberg. A liberal, but not of doctrinaire variety, Wirtz has an impressive background in the labor field.

It may be that he owed his initial appointment to the fact that he was a law partner of Adlai Stevenson in Chicago, but he is an experienced professional who won the promotion on his own performance.

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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.

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JONES & LAUGHLIN STEEL CORP.,
*Pittsburgh, Pa. September 7, 1962.*

Hon. JAMES O. EASTLAND,
*Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.*

DEAR SENATOR EASTLAND: I am writing to express the hope that the Committee on the Judiciary will make a favorable report with respect to the nomination by President Kennedy of Arthur J. Goldberg to the office of an Associate Justice of the Supreme Court of the United States.

During the period of approximately 12 years, from 1948 to 1960, when Mr. Goldberg was general counsel of the United Steelworkers of America, I was the vice president in charge of legal matters for Jones & Laughlin Steel Corp. and had business dealings with him from time to time. Our relationship has been uniformly friendly. As I

became acquainted with Mr. Goldberg, I developed a very great admiration for him. He has a keen and well-educated mind. He works exceedingly hard, and I believe him to be a person of absolute integrity. He is an outstanding lawyer, and I have every confidence that he will be a worthy successor to Mr. Justice Brandeis and Mr. Justice Frankfurter, who made such brilliant records as Associate Justices of the Supreme Court.

Respectfully,

H. PARKER SHARP.

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NEW YORK, *September 8, 1962.*

HON. JAMES O. EASTLAND,
*Committee on the Judiciary,*
*U.S. Senate, Washington, D.C.*

DEAR SENATOR EASTLAND: I wish to support the appointment of Arthur Goldberg as a Justice of the U.S. Supreme Court.

I have known Mr. Goldberg for many years and have worked with him on a variety of matters on numerous occasions. Of course, while Mr. Goldberg represented the United Steelworkers and I United States Steel Corp., we had different points of view on a number of occasions, although by no means all. I believe, however, that such circumstances often are conducive to learning about and appreciating a man's capabilities.

In my opinion, Mr. Goldberg is a competent lawyer and advocate, as well as a serious student of the law. He is a tireless worker, with intellectual capacity of high order. One of his notable characteristics is his ability to comprehend all sides of a problem and to reconcile opposing views.

In short, I feel that Mr. Goldberg will make an excellent judge, and would indeed bring credit to the office to which he has been nominated. I hope your committee will see fit to confirm the appointment.

Very truly yours,

ROGER BLOUGH.

Mr. DIRKSEN. Mr. President, I have known Arthur Goldberg for 25 years. I knew him when he was first practicing law in Chicago. I know the character, the fiber, the patriotism, and fidelity of Arthur Goldberg. I support his nomination unequivocally because I believe he will become a great Associate Justice of the Supreme Court.

Mr. DOUGLAS. Mr. President, I am very happy that the Committee on the Judiciary, by what I understand to have been a unanimous vote, has favorably recommended the nomination of Arthur J. Goldberg to be a Justice of the Supreme Court of the United States.

I had the honor of presenting Mr. Goldberg to the Committee on the Judiciary when he first appeared before that body. The testimony which he gave then and on the succeeding day fully confirmed the high opinion which not only I, but also, I think, virtually everyone in the country holds of him.

On Friday I had printed in the RECORD 110 editorials from various newspapers in the country of all shades of political opinion and from all sections, all of them laudatory.

In my judgment, Mr. Goldberg will be one of the truly distinguished Justices of the Supreme Court. As a lifelong friend of his, I am naturally deeply pleased that he has won this great approval. He is not afraid to be unpopular in defense of his convictions; and I know that he will serve with a high, single purpose of the welfare of the Nation.

Mr. JAVITS. Mr. President, I rise briefly to support the nomination of Arthur Goldberg to be a Justice of the U.S. Supreme Court. I have known Mr. Justice Goldberg for a quarter of a century. I would feel remiss in my duty as a friend and as a Senator if I did not state my views upon this very great occasion for him and for the country.

His high character and his professional skill have been delineated. One thing needs to be said again and again. It is that the country will find, when Arthur Goldberg sits on the Supreme Bench, that he will impart to it the luminosity of his mind, the purity of his character, and the high degree of his integrity, completely uninhibited by any past connections, by any representation he may have made, by any ideas he may have entertained, by any cause he may have advocated, by any client he may have represented, or by any other relationship he may have had in life.

The people of the country will find that Arthur Goldberg will make the greatest effort to be truly the embodiment of justice, which is what we expect from Justices of the Supreme Court of the United States. I believe the Court, as well as Mr. Goldberg himself and his family, should be congratulated upon such a great occasion.

Mr. KUCHEL. Mr. President, the unanimity of approval by which the Senate is about to concur with the President of the United States in his nomination of Arthur Goldberg to be an Associate Justice of the Supreme Court is a measure of the esteem in which all Senators hold this appointee. But it is only a measure. Over the years in which Mr. Goldberg has occupied an important responsibility in the Cabinet of the present administration he has demonstrated in word and in deed a unique and high ability as a public servant, a splendid lawyer, an excellent administrator, Arthur Goldberg represents a typically American success story. Integrity, devotion to duty have marked his career in American Government. In all his official actions, he has steadfastly followed the people's interest. I am proud to call him a friend.

With great pride I join other Senators in saluting the new Associate Justice of the Supreme Court of our country, and wish him Godspeed as he enters upon a far greater responsibility to the people of the United States. He will well and faithfully discharge it.

Mr. MANSFIELD obtained the floor.

Mr. President, I yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I merely wish to say that the nomination is not unanimous. I should like the RECORD to show that I am recorded as voting against confirmation of the nomination of Arthur Goldberg to be an Associate Justice of the Supreme Court of the United States.

Mr. MANSFIELD. Mr. President, I wish to add my voice to that of other Senators in the enthusiasm and wholehearted approval which they are giving to the nomination of one of the outstanding citizens of our country. Senators cannot express in words their true appreciation of a man of Mr. Goldberg's character, integrity, and ability. I wish him to know that we are for him because of his sense of fairness, his understanding, and his tolerance. He has been one of the outstanding labor-business statesmen of our era, if not in the history of our country. I express to Mr. Justice Goldberg, whose nomination will be confirmed very shortly, my best wishes for a long and successful career.

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

Mr. MANSFIELD. I yield.

Mr. HUMPHREY. I join the many Senators who have spoken in behalf of the nominee, Arthur J. Goldberg, for the office of associate justice of the Supreme Court of the United States.

I have known Arthur Goldberg for many years. He is one of the most able and competent men that our Nation has in either public or in private life. The President made a wise and fine selection in nominating Arthur Goldberg to the position of associate justice of the Supreme Court. The record of Mr. Goldberg as Secretary of Labor was second to none. He was one of the most brilliant members of the President's Cabinet. Furthermore, Mr. Goldberg has a record of fine judgment, of fairness and moderation in his attitude toward business and labor—and in the field of labor-management relations generally. Perhaps his most significant achievements, however, were his untiring efforts to bring an end to racial discrimination in the labor movement and in labor-management relations. I join in supporting confirmation of the nomination. The unanimous recommendation of the Committee on the Judiciary was well grounded and well founded.

Mr. ALLOTT. Mr. President, on the occasion of the consideration of this nomination I join my colleagues in the Senate in paying tribute to Arthur J. Goldberg.

To some, who perhaps feel that our political philosophies are considerably apart, I should like to say that my observation of Arthur Goldberg since I came to the Senate is such that I have come to respect very highly his legal abilities and sharpness and clearness of mind.

I am persuaded also that in his life he has always been an advocate. An advocate, of course, takes the part of his client. I should like to think of Arthur Goldberg perhaps in the context of the great Justice who has just retired from the Supreme Court, because I believe that Arthur Goldberg is possessed of a basic, essential intellectual honesty, as well as great legal ability, which will permit him to sit upon the Supreme Court as most of us who are lawyers believe a Justice should sit, and that he will not be persuaded by his own personal political philosophies to try to write into the law what is not there.

Therefore, on this occasion I express my confidence not only in the appointment but in what I am sure will be the future of Arthur Goldberg's great career on the Bench of the Supreme Court of the United States. I wish him well.

Mr. RANDOLPH. Mr. President, I wish the RECORD to reflect my official support of an action which is about to be taken in this forum in confirming the nomination of Arthur J. Goldberg to be an Associate Justice of the Supreme Court of the United States.

It is not often given to a Member of the Senate to have the opportunity and the responsibility of voting for the confirmation of the nomination of a citizen for two high posts in the Federal Government. This is a privilege which has been accorded to me and to my colleagues in the Senate.

I recall the friendship—and a cherished one—which I have shared with Arthur Goldberg for more than 25 years. I was delighted in the Labor Committee in the House of Representatives to have many contacts with him when he came before that committee in his capacity as a representative of one of the national labor unions.

Recently, during some 3½ years of service in the Senate, I have met with Arthur J. Goldberg in my capacity as a member of the Committee on Labor and Public Welfare, when he appeared before that committee as Secretary of Labor.

Arthur J. Goldberg will bring to this new and challenging assignment the quality of compassion and courage and conviction which have always been the hallmark of his public career.

Mr. PROUTY. Mr. President, I am happy to commend Arthur J. Goldberg and to congratulate the President for making such an excellent choice in naming as an Associate Justice of the Supreme Court, Arthur J. Goldberg.

I am not a lawyer, but I have become intimately acquainted with Mr. Goldberg through my service on the Committee on Labor and Public Welfare. I have found him to be a man of outstanding ability, of great integrity, and one who will do honor to the high post in which he is about to serve.

Mr. YARBOROUGH. Mr. President, in the 4½ years that it has been my privilege to be a member of the Committee on Labor and Public Welfare, I have observed Arthur Goldberg appear before that committee in his capacity as a private attorney and also in his official position as Secretary of Labor. He has always been fair, impressive, and candid in his presentations.

Though I have known Arthur Goldberg for some years, I had heard of him for a number of years before I ever met him. I first heard of Justice Goldberg from Dean Leon Green, one of my law teachers at the University of Texas, and one of the great law teachers of America. Dean Green was dean of Northwestern University Law School at the time Arthur Goldberg was a student there. Dean Green had also served as dean of North Carolina University Law School and taught for a time at Yale University Law School. Now he teaches in the University of Texas Law School. He is the author of several works on tort law, and is one of the outstanding law teachers in America. He has told us in Texas for years that Arthur Goldberg was one of the most brilliant students ever to sit in his classes, if not the most brilliant.

Arthur Goldberg received the degree of bachelor of science in law in 1929 from Northwestern University, and his degree of doctor of jurisprudence in 1930 at Northwestern. He was graduated from the postgraduate school summa cum laude with the Charles B. Elder Award from Northwestern University. He was editor of the Illinois Law Review. All of these honors were won by Arthur Goldberg as a law student, but these were only a small foretaste of the success, honors, and achievement that were to be won by him later in the classrooms of life, with fate and circumstances the grader and the judge.

It is encouraging to see a person having this distinguished university record who has lived out in his lifetime the promise he gave in college; it is encouraging to our educational process and it is a great pleasure to see a man who was called the most brilliant student in his class, who shows in life that he had the adaptability to be one of the most capable practicing lawyers in America; who had the fine skill of a successful governmental administrator; who had talent as a student and a writer in the law; and who has demonstrated high capability in representing clients, receive an appointment to the Supreme Court. Arthur Goldberg has demonstrated his talents as a student of the law, as a law writer, as a law advocate, and as the administrator of a great governmental department which deals with one of the most complicated fields of law in America; namely, labor law. These attributes demonstrate his peculiar and particular qualifications as one who applied the law in action, for service on the Supreme Court.

It is the belief of people in my State who know him—he has been a not infrequent visitor to Texas for a good many years—that he will so conduct himself on the Supreme Bench as to add luster to his name, and that he will be a great credit to the greatest Court in all the world.

Mr. DODD. Mr. President, I wish to join with other Senators in expressing gratification upon the nomination, and what I hope will be the unanimous confirmation of Arthur Goldberg to be a Justice of the Supreme Court of the United States.

I have not been privileged to know Mr. Goldberg well, as have other Senators. I have known him by his record, by his achievements, by his words and by his conduct in public office during the period in which I have been a Member of the Senate and a member of the Committee on the Judiciary. I have had ample opportunity to observe both his conduct as Secretary of Labor and his ability as a lawyer. I know him to be a man of high character and integrity, and a lawyer of rare intelligence and scholarship. Also, I have observed something about Arthur Goldberg which impresses me particularly. He is one of the most unpretentious men of great character and ability whom I have ever met. He is a very modest man.

The qualities which Arthur Goldberg possesses will enable him to become one of the great Justices of the Supreme Court. I predict for him and for our country a period of sterling service on that Court. I am happy as a member of the Committee on the Judiciary to have been able to vote for his confirmation in committee, and to say these few words, together with those of other Senators, on the floor of the Senate in behalf of the confirmation of his nomination to be a Justice of the Supreme Court.

Mr. MORSE. Mr. President, I wish to speak in high commendation of Arthur Goldberg. I have known him for a great many years. I have known him as a close personal friend and also as an associate in the legal profession.

When I was a member of the War Labor Board, during the war, Arthur Goldberg tried a good many cases before me. He represented various labor organizations in some of the major labor disputes during the war.

As I sat on the War Labor Board and had the opportunity to observe his professional excellence, I came to observe something else about Arthur Goldberg which, in my judgment, particularly qualifies him to sit on the highest judicial tribunal in our land.

For many years I taught legal ethics. I took my students through the cases which set forth the canons of ethics binding upon the legal profession. One of those canons places upon every lawyer the obligation, first, to serve justice, and second, the client; and whenever a client takes a position which cannot be reconciled with justice, the lawyer has the responsibility of educating the client in regard to the meaning of the great system of Anglo-Saxon justice, which many times preserves for free men and women in this country their basic constitutional and legal rights.

Time and time again I saw this great lawyer standing before the bar, presenting a case in behalf of his client, but refusing to prostitute justice, refusing to take a position in behalf of a client which could not be reconciled with justice. I formed a great admiration for him, as I saw him in those major labor cases. Time and time again, I observed him advising his clients to follow a course of action which, while it would not be in their selfish interests, would certainly be in the interests of fulfilling an obligation that rested upon labor and management during the war, namely, carrying out their pledge of a no-strike, no-lockout agreement which they made to President Franklin Roosevelt.

I have also seen this brilliant man at work on highly complicated legal problems, recognizing another canon of legal ethics, namely, that a lawyer can never justify concealing from the court a fact which he knows would be helpful to the court in rendering justice in a decision to be handed down. Arthur Goldberg as a lawyer recognized that every lawyer is an officer of the court and that every lawyer is, therefore, a public official. He recognized that there is no such thing as a private practitioner of the law in the American legal profession, for the so-called duty of a lawyer to his client is secondary to the duty of a lawyer to the courts. Arthur Goldberg recognized this canon and always practiced

it, at least within my sphere of knowledge of his professional activity.

Arthur Goldberg has a high sense of ethics and an understanding of the ethical tenets of Anglo-Saxon justice which I think befit his appointment to the Supreme Court of the United States.

I have referred to his brilliance, as demonstrated by his accomplishments in the field of labor law. He is also a brilliant lawyer in the general subjects of the law. I am very proud to speak this afternoon in commendation of this great nomination. Not only do I congratulate Arthur Goldberg, but also I congratulate and feel that we should, in behalf of the American people, thank the President of the United States for his wisdom in making this outstanding nomination for membership on the highest tribunal of our judicial system.

In closing, Mr. President, let me say that probably the best thing I could say about Arthur Goldberg is that one of his best qualifications is his wife, because, after all, all of us know that behind men in public service stand their families. I think the Goldberg family is a model for American youth, as an example, and for the American people to be proud of. I am sure that Arthur Goldberg's great record is due in no small measure to the great teammate he is so fortunate to have at his side, Mrs. Goldberg.

Mr. CARROLL. Mr. President, I happened to be in the Chamber at the time when the nomination of Arthur Goldberg was announced. The able Senator from Vermont then gave a very timely estimate of the excellence of the nomination; and I was happy to join in his statement, by asserting that I thought the nomination of Arthur Goldberg would be given overwhelming approval by the Senate.

So, Mr. President, I am happy to be on the floor of the Chamber today when the Senate is about to confirm the nomination of a fine, outstanding American of great learning, ability, and integrity, to occupy a seat on the Supreme Court of the United States. Not only is Arthur Goldberg a personal friend of mine, but he is one for whom I have very great respect. I know he will render an outstanding and fair and impartial service. It is my belief that in the years ahead he will come to be known as one of the great jurists on the Supreme Court of the United States. As I stated recently, at the time of Senate approval of my colleague and friend, Byron White, of Colorado, this appointment reflects great credit on the wisdom of President John Kennedy in nominating to this important constitutional branch of our Government able lawyers, scholars, and philosophers who are aware of our growing and expanding Nation and who are conscious of our problems in a changing world, and of our national hopes and ambitions as we move ahead with confidence and determination, to fulfill our destiny as we continue to search for freedom for others, less fortunate, under the famous rule of law and order, "Equal justice under law."

Mr. COOPER. Mr. President, I am glad to cast my vote to confirm the nomination of the Honorable Arthur J. Goldberg to be a member of the U.S. Supreme Court.

I do so because I believe Mr. Goldberg has a deep understanding of the role of the Supreme Court in our system of government. From his statements, and from his career, one can have confidence that Mr. Goldberg recognizes that respect for the law, constitutional processes, and tolerance—upon which our free system is based—hinges in great degree upon the respect and confidence in which the people hold the Supreme Court of the United States.

I support him because he is trained in the law, respects, and, I believe, loves the law. Ours is a nation of change, and it is necessary that the Supreme Court interpret the Constitution to meet issues which could not have been contemplated by those who wrote the Constitution. In such cases, it is natural that a Judge is moved by his conception of the nature and purpose of our form of government, and this enables our country to progress. But the great Judges of the Supreme Court have found their guide in the Constitution, and in the stream of law which has come down to us for hundreds of years. Because Mr. Goldberg is a great lawyer and has a deep appreciation of our Constitution and system of government, I believe that he will meet objectively and in the framework of our Constitution—its letter and spirit—the great issues that will come before the Court.

I am sure that all of us join in good wishes to him as he undertakes this new challenge and responsibility.

Mr. PELL subsequently said: Mr. President, I strongly endorse the nomination of Arthur J. Goldberg as an Associate Justice of the Supreme Court of the United States. He is a man I both know and admire personally as a Government official.

Throughout Mr. Goldberg's career, I have been highly impressed with the broad scope of his knowledge, his grasp of legal questions, his great administrative ability, and his integrity. When he was appointed Secretary of Labor, he demonstrated conclusively that his career as a labor lawyer was ended. He approached his new position with a degree of objectivity, greatly to his credit. He has performed as a loyal servant of the public interest, taking into account the views of business and Government, as well as those of labor. I know that Mr. Goldberg's performance on the bench will be in accord with the highest traditions of our Supreme Court.

Although I regret the loss of his services as Secretary of Labor, it is my belief that, in the long run, the country will benefit greatly from the use of his talents as a member of our highest judicial body. I wholeheartedly endorse his nomination.

The PRESIDING OFFICER. The question is, will the Senate advise and consent to the nomination of Arthur Goldberg to be an Associate Justice of the Supreme Court of the United States?

The nomination was confirmed.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

## LEGISLATIVE SESSION

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

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

## 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 following bills and joint resolution of the Senate:

S. 1291. An act to amend the District of Columbia Traffic Act, 1925, as amended, to increase the fee charged for learners' permits;

S. 2793. An act to amend the District of Columbia Traffic Act, 1925, as amended, to authorize the Commissioners of the District of Columbia to assess reasonable fees for the restoration of motor vehicle operators' permits and operating privileges after suspension or revocation thereof;

S. 2977. An act to amend the Life Insurance Act of the District of Columbia;

S. 3358. An act to permit investment of funds of insurance companies organized within the District of Columbia in obligations of the Inter-American Development Bank; and

S.J. Res. 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.

The message also announced that the House had severally agreed to the amendment of the Senate to the following bills of the House:

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

H.R. 8738. An act to amend sections 1 and 5b of chapter V of the Life Insurance Act for the District of Columbia;

H.R. 10937. An act to amend the act providing for the economic and social development in the Ryukyu Islands; and

H.R. 11217. An act to amend section 6112 of title 10, United States Code.

The message further announced that the House had agreed to the amendments of the Senate to each of the following bills of the House:

H.R. 7708. An act for the relief of Mr. and Mrs. Gerald Beaver; and

H.R. 8567. An act to authorize the Secretary of the Interior to create trial boards for the United States Park Police, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Houses to the bill (S. 320) to amend the provisions contained in part II of the Interstate Commerce Act concerning registration of State certificates whereby a common carrier by motor vehicle may engage in interstate and foreign commerce within a State.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R.

1488) for the relief of Clara G. Maggiora; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WALTER, Mr. FEIGHAN, Mr. CHELF, Mr. POFF, and Mr. MOORE were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 1599) for the relief of Pasquale Marrella; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WALTER, Mr. FEIGHAN, Mr. CHELF, Mr. POFF, and Mr. MOORE were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 2371) for the relief of Ali Khosrowkhah; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WALTER, Mr. FEIGHAN, Mr. CHELF, Mr. POFF, and Mr. MOORE were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 2977) for the relief of Kyoko Stanton; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WALTER, Mr. FEIGHAN, Mr. CHELF, Mr. POFF, and Mr. MOORE were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 4478) for the relief of Aldo Francesco Carbone; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WALTER, Mr. FEIGHAN, Mr. CHELF, Mr. POFF, and Mr. MOORE were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 5057) for the relief of Hans-Dieter Siemoneit; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WALTER, Mr. FEIGHAN, Mr. CHELF, Mr. POFF, and Mr. MOORE were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 7283) to amend the War Claims Act of 1948, as amended, to provide compensation for certain World War II losses; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HARRIS, Mr. MACK, Mr. O'BRIEN of New York, Mr. DINGELL, Mr. BENNETT of Michigan, Mr. YOUNGER, and Mr. GLENN were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 9669) for the relief of Molly Kwau; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WALTER, Mr. FEIGHAN, Mr. CHELF, Mr. POFF, and Mr. MOORE were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 10796) for the relief of Kazimierz Krupinski; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WALTER, Mr. FEIGHAN, Mr. CHELF, Mr. POFF, and Mr. MOORE were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendment of the Senate to 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; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WALTER, Mr. FEIGHAN, Mr. CHELF, Mr. POFF, and Mr. MOORE were appointed managers on the part of the House at the conference.

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

H.R. 13163. An act to amend the District of Columbia Redevelopment Act of 1945; and

H.J. Res. 865. Joint resolution to require the preparation of plans for the utilization of certain buildings in the District of Columbia for municipal theater or other municipal purposes.

## HOUSE BILL AND JOINT RESOLUTION REFERRED

The following bill and joint resolution were each read twice by their titles and referred to the Committee on the District of Columbia:

H.R. 13163. An act to amend the District of Columbia Redevelopment Act of 1945; and

H.J. Res. 865. Joint resolution to require the preparation of plans for the utilization of certain buildings in the District of Columbia for municipal theater or other municipal purposes.

## ADMITTANCE OF VESSEL "CITY OF NEW ORLEANS" TO AMERICAN REGISTRY

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (S. 3115) to authorize the admittance of the vessel *City of New Orleans* to American registry and to permit the use of such vessel in the coastwise trade.

## THE FIRST WHITE HOUSE CONFERENCE ON NARCOTICS A "LAUNCHING PLATFORM" FOR A HISTORIC NEW EFFORT

Mr. HUMPHREY. Mr. President, I should like to call the attention of the Congress, and particularly the attention of the Senate, to an important landmark in American health and law enforcement—a conference which will be held here in Washington on Thursday and Friday of this week. I refer to the first White House Conference in history on the subject of narcotics.

The mere title of this Conference may not indicate to most people the full significance of this meeting. The fact is, however, that for the first time in American history, a President of the United States has taken hold of this problem by bringing together the foremost experts in the land to counsel with one another and with the President's associates. For the first time, the full resources of the U.S. Government are to be brought to bear on the problem.

### POINTS TO BE STUDIED

Under the Chairmanship of the Attorney General of the United States, the spotlight of expert analysis will be placed on: (a) the real magnitude and nature of the problem; (b) the role of various professional disciplines and interests—law enforcement, correctional, judiciary, legal, medical, sociological, legislative, research, educational, mass media, pharmaceutical manufacturers, and so forth; (c) the adequacy of existing programs for treatment and rehabilitation; and (d) the possibilities of future remedial action.

### CANNOT ACHIEVE THE IMPOSSIBLE OVERNIGHT

This is a bold but feasible and desirable undertaking.

Of course, with only 2 days available for the Conference, it would not be realistic to assume that it could accomplish the impossible.

Deeply divergent views which have historically evolved cannot be easily or quickly reconciled, nor can a definitive program be agreed upon overnight, nor should it be.

But the Conference will be a launching point for further progress. It will mark a giant step forward, if only in the fact that the President of the United States is giving it his personal leadership.

It will be the occasion of an effective dialogue between expert, dedicated individuals and groups on Federal, State, and local levels.

Frankly, in the past, many of these leading individuals and groups have often talked past each other, and not to each other or with each other.

There are deep differences and convictions as to the philosophy and the techniques of resolving the narcotics problem.

I do not presume to judge between the opposing forces. But I do know that a calm confrontation, a wholesome exchange of views, an agreement on points accepted and points at issue—all these are the necessary first steps toward more effective teamwork.

### ABLE PANEL REPORT ON DRUG ABUSE

Fortunately, there will be available to the participants in the Conference an outstanding 60-page report as one of the many bases for discussion.

The report was issued by an Ad Hoc Panel on Drug Abuse, whose chairman was David R. Goddard, Ph. D., provost of the University of Pennsylvania.

Serving on the panel, among others, was George P. Hager, Ph. D., dean, College of Pharmacy, University of Minnesota.

The panel had been convened at the request of the President by his able science adviser, Dr. Jerome Wiesner.

I should like to point out that the science adviser's office has been at work night and day, as has the Attorney General's staff, in order to achieve the greatest national good from this Conference.

The panel's report lays a strong basis for Conference evaluation.

It performs these excellent services:

It clears up certain widely held erroneous notions as to the key terms, "addiction," "addict," "habituation," and so forth.

It points up the rising and alarming incidence in "spree" use of a number of drugs in rotation.

It calls a spade a spade and notes that present records maintained by various agencies connected with drug abuse are, regrettably, but frequently, "inaccurate, incomplete, and uncoordinated with the records of other cooperating agencies."

It pinpoints the role of users in spreading the habit to other users.

It stresses the fact that drug abuse is not in itself a disease, but rather "a manifestation of underlying pschological or physiologic disorders about which we have little knowledge," and no cure at present.

It sets the record straight as to the type of crime which a drug abuser, especially those using heroin or other narcotics may tend to commit; namely, against property, rather than against persons.

It meets head on the issue of the need for "a strictly supervised, highly controlled parole period," whether after civil or criminal commitment.

It urges use of modern, sophisticated techniques for detection of drugs used by a parolee or other individual.

It emphasizes the responsibility of the medical community to "lay before the courts" a code defining proper activities relating to drugs given in the course of legitimate medical practice.

It points up the indispensable activity of correctional and parole agencies, as well as community groups which, traditionally, aid various categories of socially inadequate individuals.

It urges investigation of the critical factors which tend to induce compulsive use or to discourage such use.

It points out that much may be learned from dealing with the narcotics problem which may prove useful in dealing with other social issues, such as alcoholism. This latter subject involves the incapacitation of an infinitely larger magnitude of victims—some 5 million.

The report makes many other important points.

There will be many experts who disagree with some of the observations which have been made in the report. But I do not believe that they will question the fact that this distinguished panel has made an honest, scholarly contribution to an effective, head-on debate on the subject.

BACKGROUND AND INTEREST

I should like to submit a bit of background as to my personal interest. For many years, I have been interested in an effective, realistic approach to the narcotics problem. As a former municipal official, I know of the needs for strong action at the city, as well as at the county and State level. I know the problems of law enforcement officers, of judges, correctional officers, as well as of psychiatrists, social workers, and other members of official and private agencies' teams.

I know, too, of the deep interest of such great American leaders as Mayor Robert Wagner, of New York, and Gov. Pat Brown, of California, in dealing effectively with this issue.

Here in Washington, it has been my privilege to make perhaps some little contribution to the subject. I have done so in my capacity as chairman of the Senate Government Operations Subcommittee on Reorganization and International Organizations. This subcommittee is responsible for studies of interagency coordination.

It is understandable, therefore, why the subcommittee staff has, at my direction, looked into such matters as the working relationships, or lack of relationships, between the various Government departments which have various responsibilities in this field.

Fortunately, the type of unified, coordinated governmental approach which has long been desired by this subcommittee is now on its way to realization, thanks to the leadership of the President and the Attorney General.

It is no accident that the forthcoming Conference is sponsored by the Interdepartmental Committee on Narcotics.

CHAIRMANSHIP OF PANEL ON LEGISLATION

It will be my personal pleasure to join with several other Members of the Congress at the Conference. I have been honored to be designated to serve as Chairman of the Panel on Legislation.

Numerous important bills are now pending before the Congress dealing with narcotics, including legislation for the more effective control of amphetamines and barbiturates.

I go to the Conference essentially to learn from the distinguished experts who will be present, as well as to offer whatever insight we have gained from our years of contact with the Public Health Service, the Narcotics Bureau, and other Federal agencies.

I digress to point out that the Senator from Connecticut [Mr. DODD] has done a great amount of work in the field of barbiturates. I am hopeful that the legislation which he sponsors, which is still in committee in the Senate, may be acted upon, because similar legislation has been acted upon in the other body.

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

Mr. HUMPHREY. I yield.

Mr. MORSE. I am very happy to learn that the Senator from Minnesota is going to the Conference, for I know of the Senator's work of many years in this field. I have found myself associated with him on this issue many times.

A question is raised in my mind as to whether the Senator from Minnesota knows of any movement or vote to return to the adoption of two provisions that were in the narcotics bill some years ago and which the senior Senator from Oregon not only opposed, but succeeded, by use of the rules of the Senate, in blocking, on three different occasions. One provision was for capital punishment of anyone convicted of violation of the Narcotics Act by selling narcotics to anyone 18 years of age and under; another was a provision to use the narcotics law for the establishment of wiretapping authorization.

Does the Senator from Minnesota know whether there is a plan on the part of any of the advocates of narcotics legislation to return to those two most undesirable and completely unacceptable provisions in the opinion of the senior Senator from Oregon?

Mr. HUMPHREY. I know of no such plan. I would not be surprised if they would be discussed, but I am sure those who discussed them would know of the action of the senior Senator from Oregon, as well as the concern of other Members of this body over that same type of legislation.

I turn now to one area of future activity on which the Reorganization Subcommittee can and does offer a reasonably substantial degree of competence. I refer to the area of management of information.

Fortunately, the administration is moving ahead in this area; and specifically in relation to narcotics data.

IMPROVING THE MANAGEMENT OF INFORMATION ON NARCOTICS

I refer to its progress toward improved management and dissemination of a vast backlog of technical information which has accumulated on all phases of the narcotics problem, but which has heretofore been relatively little used except by a few expert sources.

The answer is, of course, to move full speed ahead for the collection, storage, abstracting, indexing, coding, review, and dissemination of scientific information.

For years, through the dedicated labors of Dr. Nathan Eddy, some 25,000 scientific papers have been industriously compiled. But the almost total absence of information funds made it impossible to place hard copies or microfilms of the information at the disposal of experts throughout the United States and the world.

Now, fortunately, there is on its way to realization Dr. Eddy's and others' long-hoped-for dream of putting this great reservoir of information into mechanized storage and wide dissemination.

The National Institute for Mental Health is to be commended for its far-reaching plans to establish the most modern national clearinghouse service possible.

Just last Friday I pointed out NIMH's pace-setting efforts in a subcommittee hearing which examined information problems throughout the executive branch.

But even if all presently available information is brought together, digested, indexed, and evaluated, there will still be deep-seated areas of difference.

It is for this reason that I am gratified at the participation of these various points of view.

CAREFUL SIFTING OF RIVAL VIEWS

The very first thing which I had arranged for, from our subcommittee's

standpoint, was the mobilization of the evidence available from all possible sources and with all possible conflicting views.

This included, for example:

First. The interim and final reports of the joint committee of the American Bar Association and the American Medical Association on narcotic drugs.

Second. The rebuttal by the Federal Narcotics Bureau in the form of its report, "Comments on Narcotic Drugs."

Third. The papers of the 1958 symposium which had been conducted by the U.S. Public Health Service, but which have not been formally published.

Fourth. The book, "Narcotics and the Law—A Critique of the American Experiment in Narcotics Drug Control," by William Butler Eldridge, project director, American Bar Foundation.

Fifth. Rebuttals to Mr. Eldridge's view, including a preprint of a critical analysis of the book by the former Commissioner of the Narcotics Bureau, Harry J. Anslinger. This review will appear in the October 1962 issue of Fordham Law Review.

I should like to add that Commissioner Henry L. Giordano has, like his dedicated predecessor, been most prompt and cooperative with our subcommittee staff. Incidentally, since our subcommittee is responsible for review of international organizations, we are deeply cognizant of the Bureau's significant contributions to the efforts of the United Nations to reduce illicit traffic in narcotics.

CONCLUSION—A NEW ATTITUDE TO EMERGE

In conclusion, I feel that the White House Conference on Narcotics will more than fulfill the memorable pledge to hold such a review which the then Senator John F. Kennedy made 2 years ago.

If there is one thing which may emerge from the Conference, I hope and believe it will be this: an attitude of realistic teamwork, an attitude which vigorously pursues scientific facts, instead of merely repeating cliches, an attitude which is flexible and experimental, rather than one which is rigid and closed-minded, yet an attitude which continues firmly and responsibly in its protection of the public safety.

The toll taken by narcotics abuse is too formidable to ignore or to continue to tolerate or to meet with mere palliatives.

Many brave law enforcement officers have been injured and killed in the battle against narcotics abuse.

No one will know the tangible and intangible costs which abuse inflicts upon society, nor upon the lives of the drug abuser and his or her family. Here is a subject worthy of the best efforts of all men of good will.

We must find out what techniques work and what techniques do not work and why. We must fearlessly push away the fog of misunderstanding and distortion which has enveloped so much prior discussion.

I ask unanimous consent that there be printed at this point in the RECORD the text of a White House release of September 14.

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

THE WHITE HOUSE,
OFFICE OF THE PRESS SECRETARY,
*September 14, 1962.*

The White House today released a progress report on drug abuse which will be the principal working paper for the forthcoming first White House Conference on Narcotic and Drug Abuse. The Conference has been called by President Kennedy for September 27–28.

The report opposes placing drug offenders in prison for long periods of time and at the same time rejects any public policy which would continue a person's addiction by furnishing him with drugs. Instead it calls for treatment and rehabilitation which it declares can restore the compulsive drug abuser to a legal and in some cases even a productive place in society.

The report was commissioned some 6 months ago by President Kennedy in preparation for the forthcoming Conference, which will bring some 400 scientists, law enforcement officials, and other recognized authorities for a 2-day meeting at the State Department. President Kennedy will address the opening session of the Conference and Attorney General Robert F. Kennedy will be its General Chairman.

Among other conclusions of today's 60-page report is that there is an evident decrease in abuse of such narcotics as heroin at the present time, with a concomitant increase in the abuse of such nonnarcotic drugs as the barbiturates and amphetamines. There is also increasing evidence (particularly among teenagers) of the "spree" use of a number of different drugs in rotation.

The report calls for revision of public and professional attitudes toward drug addiction and for a broader approach to research. "Since the number of those exposed to drug abuse through physical proximity or actual experimentation is far greater than the number who actually go on to be compulsive users," the authors state, "we may fruitfully investigate the critical factors in those who manage to remain free of the habit, rather than those who do not. The frequently cited environmental factors of poverty, limited education, crowding, etc., apply also to many millions who never use drugs or perform other antisocial acts."

Chairman of the panel preparing the report was Dr. David Goddard, provost, University of Pennsylvania. Other members were Dr. Stanley Bennett, of the University of Chicago; Dr. Roger Egeberg, medical director, Los Angeles Department of Charities; Dr. George P. Hager, of the University of Minnesota; Dr. George James, deputy commissioner of health, New York City; Dr. Keith Killam, of Stanford University; Dr. Gardner Lindsey, of the University of Minnesota; and Dr. Maurice Seevers, of the University of Michigan.

The data in the study were obtained from official documents, the open literature, and extensive discussions with Government and nongovernment officials who have been active in the general field of addiction. In addition, field visits were made to New York, California, and the U.S. Public Health Service Hospital at Lexington, Ky.

The report is being presented to the Conference as a progress report and work paper and not as conclusions to be either approved or disapproved by Conference participants.

(NOTE.—The conclusions of the 60-page "Progress Report of an Ad Hoc Panel on Drug Abuse" are attached. A limited supply of the full report is available and can be obtained from Dean Markham, planning director, White House Conference on Narcotic and Drug Abuse, Executive Office Building, Executive 3–3300, ext. 371.)

## "FAMILY QUARREL" CAN WRECK U.S. SPORTS COMPETITION

Mr. HUMPHREY. Mr. President, I wish to call to the attention of the Senate some of the efforts we have been making recently to bring about a showdown in the so-called feuding, fussing, and fighting between rival U.S. athletic groups over U.S. participation in the 1964 Olympics.

I do not know whether my colleagues are aware of the fact that because of quarreling between special groups with special interests over who will be in charge, this country may not be represented in the 1964 Olympics. I want to alert the public that if the United States does not watch out, unless something is done in the very near future, we may very well find that our country will not be represented in the 1964 Olympics. Surely we will not be represented by our best talent. We may be the laughing stock not only of the Nation, but also of the world, in respect to athletic sports competition.

The International Amateur Athletic Federation has met in Belgrade. The federation is the supreme world-governing body for international athletic competition. The federation decided that any athlete who competes in meets staged by the new United States Track and Field Federation may be barred from international competition, including the Olympic Games.

Thus, the "family quarrel" which has been raging among sports groups in the United States brings this country closer, unfortunately, to an international athletic fiasco. A considerable proportion of our 1964 Olympic athletes may be barred from competition; the team which we field may be but a "shadow" of what it could be and should be.

If none of the major U.S. organizations yields in its present stand, our U.S. Olympic team could, in effect, be wrecked before it is even assembled.

Under the circumstances, I want to urge that an impartial board, consisting of outstanding civic and sports leaders in the United States be set up to work out this dispute.

USE WHITE HOUSE GOOD OFFICES TO MEDIATE

My distinguished colleague from California [Mr. ENGLE] pointed out this fact weeks ago, after a visit to the White House: The Office of the President would be happy to use its "good offices" if the various parties in the controversy would each agree to ask it to do so.

The rival groups have not thus far so agreed. I urge them to reconsider.

I do not like to see anyone in the U.S. Government enter into the slightest in matters which should be left in private hands. But there is a national interest, a nation need, and a national urgency.

A house divided against itself cannot stand. An American sports world split in half cannot possibly do justice to America's role on the international athletic scene.

STAGE ATHLETIC MEETS IN EVERY CITY AND STATE

Nothing less than unity will satisfy the needs of this country for physical fitness and sports strength.

All U.S. mayors and Governors should request civic and sports leaders to set up pre-Olympic athletic eliminations at city, county, State, and regional levels.

Every high school, college, park, playground, municipal center, and armory in this country should be used to find, train, and test the talent of American athletes.

But the intramural battle must simultaneously be resolved.

NCAA–AAU COMPETITION

Some observers have indicated that the National Collegiate Athletic Association may request NCAA schools to bar their facilities for the use of Amateur Athletic Union meets. National Collegiate Athletic Association athletes may be barred from participating in Amateur Athletic Union events.

The U.S. Track & Field Federation may be holding competitive indoor meets and outdoor meets, rivaling those of the Amateur Athletic Union.

By contrast, all of the sports groups ought to be striving creatively for unity, for a broadened, not narrowed. base of American competition.

As I indicated in my statement in the Senate on September 12, I do not presume to judge the merits of the arguments of the rival groups.

I have a high regard for the Amateur Athletic Union, for the National Collegiate Athletic Association, and for the National Athletic Intercollegiate Association.

MINNESOTA'S INTEREST IN SPORTS

I know of the deep regard of Minnesota high schools and colleges for their sports role.

I want the dedicated athletic coaches and athletes of my State, as of every other State of the Union, to be part of a winning, united American team. To lose the services of a Minnesota athlete because he ran or swam at a rival meet is, to my way of thinking, intolerable.

The 1964 Olympics are fast approaching. The sands of time are running out in terms of advance preparation. We should not lose any time in settling this family argument.

SOVIET CLOBBERING US IN DEVELOPING COUNTRIES

This entire subject would not be as significant were it not for this fact: Evidence indicates that we are tending to run second-best in a "sports race" with international communism throughout the globe, that is, in sports exchanges and athletic meets.

It is no accident that the Soviets constructed a giant stadium in Djakarta, Indonesia.

It is no accident that the Soviets are sending their best coaches to developing countries; that they are importing hundreds of athletes from Latin American, Asian, and other lands.

This is all part of a global Red strategy to raise Moscow's prestige in the eyes of millions of sports enthusiasts.

REPORT REQUESTED FROM STATE DEPARTMENT

On this international front, I have requested a full report on United States-Soviet sports competition from the Department of State.

All over Latin America and Asia, Soviet coaches and teams are having a field day with the athletes and crowds of emerging countries.

Red propaganda is brainwashing millions of people in the new nations with an image of a so-called Soviet superman.

Two-way exchanges by Communist satellite countries are also playing a crucial role in the "sports cold war."

Soviet gold medalists in track and field, swimming, or soccer, are as popular or more so in the neutralist nations than Soviet cosmonauts.

Red sports stars give a decidedly different image to people throughout the world than Red soldiers who patrol the Wall of Shame in Berlin.

A massive increase in the U.S. athletic exchange program is essential. We have been sending over too few sports leaders and, often, teams of too modest caliber. And we have been inviting too few athletes from abroad in our exchange program.

CONCLUSION: LET US GET TOGETHER

The key to American victory in the "sports cold war" is American teamwork.

We have a great deal to be proud of in terms of the performance record of our American athletes and the interest of civic leaders.

Congress interest in this subject is not new. In 1950, the 81st Congress—Public Law 805—chartered a U.S. Olympic Association with outstanding representatives. Unfortunately, funds have since been lacking; vigorous foundation-type support is, therefore, now essential.

The greatest leaders in American philanthropy should be enlisted in this task of raising the necessary funds now—not a year from now or in early 1964. The "base" must be further broadened for sports-civic-industrial-labor participation in our Olympic program.

LETTER FROM PAST PRESIDENT OF AAPHER

It is just a few days since I made my initial statement on this overall subject.

Yet, even within this short period of time, I have received an outstanding response. Leaders in sports and physical education from all over our Nation have been in telephone, personal, and letter contact with me and with the staff of the Senate Subcommittee on Reorganization and International Organizations.

I should like to introduce into the RECORD but a single such message. It comes, appropriately enough, from the immediate past president of the American Association for Health, Physical Education, and Recreation, the great professional organization with 31,000 members throughout the 50 States of the Union.

Dean Arthur S. Daniels, of Indiana University School of Health, Physical Education, and Recreation, commented most graciously and, I might say, promptly by way of response. As a matter of fact, he wrote on the very day that he received the copy of my comments. I ask unanimous consent that Dean Daniel's letter be printed at this point in the RECORD.

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

INDIANA UNIVERSITY, SCHOOL OF HEALTH, PHYSICAL EDUCATION, AND RECREATION,
*Bloomington, Ind., September 20, 1962.*

Hon. HUBERT H. HUMPHREY,
*U.S. Senate, Washington, D.C.*

DEAR SENATOR HUMPHREY: I have received from your office a release dated September 19, 1962, entitled "Senator HUMPHREY Seeks a 'U.S. Olympic Foundation'—Offers Five-Point Program for Youth and Adult Fitness."

I want to express my appreciation and strong support for the position you have taken regarding programs for youth and adult fitness and the development of a U.S. Olympic Foundation. As immediate past president of the American Association for Health, Physical Education, and Recreation I have worked very closely for the past 2 years with President Kennedy's Council on Youth Fitness. We have worked with Bud Wilkinson and his staff in the development of ideas and the preparation of materials on youth fitness.

Your interest and support of fitness and Olympic activities is gratefully acknowledged. It is such support from people in positions of influence in our National Government that would help these important movements achieve success. Be assured of the support in your endeavors from 31,000 members in our national association and the approximately 100,000 workers in the field of health education, physical education, recreation, and athletics.

Sincerely,

ARTHUR S. DANIELS,
*Dean, and Past President, American Association for Health, Physical Education, and Recreation.*

## VISA FOR OSWALD MOSELEY, BRITISH FASCIST LEADER

Mr. JAVITS. Mr. President, I wish to make a brief statement concerning an event which has just taken place.

The news that the Department of State has allowed a visa to be issued to Sir Oswald Moseley, the British Fascist leader, will be distressing to all Americans. Indeed, I am particularly distressed as a Senator from New York that the invitation should have been issued to Moseley by a State college in Buffalo. Nonetheless, our devotion to freedom of speech and academic freedom is so strong—and the absence of fear that the words of any extremists would have really damaging influence on the overwhelming majority of Americans, young or old, is so deeply ingrained in all of us—that I would have to defend the right of the college to invite Moseley, in spite of the way I feel about him. There are, however, substantial questions of public order which are also involved, and these, it is hoped, will have been answered by our authorities by making the necessary survey in Buffalo before Moseley actually clears our border—as well as on the basis of experience with the Buffalo meeting, assuming it comes off.

We must remember that Moseley's antisemitic diatribes in his own country have been marked by serious violence and that the United Kingdom recently deported Lincoln Rockwell because his presence was claimed to endanger public

order. Section 212(a)27 of the Immigration and Nationality Act places upon the U.S. consular authorities and the Attorney General the responsibility to determine before admitting him that Moseley will not "engage in activities which would be prejudicial to the public interest, or endanger the welfare, safety, or security of the United States." Moseley's admission also illustrates again the injustice and discrimination of our present immigration law which bars Communists automatically but bars Fascists only if it can be proved that they advocate overthrow of the U.S. Government.

Altogether this is a most unhappy development for our country, which I do not believe anyone but native Fascists, of whom very unfortunately we have a few, would approve. Moseley's visit—and I hope it will be a short one—places a very heavy burden upon the law enforcement authorities at the local, State, and National level. We can only hope that the State Department and the State college of Buffalo really knew what they were doing and that we shall all not rue the day when our solicitude for free speech and the free institutions of our country caused us to stretch them so far in order to show that they were meant for friend and foe, citizens and visiting alien alike.

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

Mr. JAVITS. I yield.

Mr. KEATING. I am glad the Senator has brought up the subject. It seems to me that it also should be said that we should endeavor to establish, in the granting of visas, some kind of consistent policy. The Senator will remember that Mr. Tshombe sought to come to the United States to address a college group, but was denied a visa.

Mr. JAVITS. That is correct.

Mr. KEATING. It is difficult for me to understand how Mr. Moseley would serve our national interest any better by coming to the United States to speak than would Mr. Tshombe.

We believe in freedom of speech. If a university invites someone to speak whose utterances are anathema to most right-thinking people, it would not make much sense to deny a visa to a man like Mr. Tshombe, who might offend some people but certainly would not offend as many as Mr. Moseley, and then to grant a visa to Mr. Moseley.

Mr. JAVITS. I think my colleague makes an extremely valid point. I know how my colleague feels about civil liberties, with respect to which he has been an ardent advocate. His heart is as heavy as mine in the conflict always obtaining in this regard.

I would have admitted Mr. Tshombe, if some reputable institution wanted him to speak and there was no question of disorder. That must be the acid test.

It is difficult to understand why a man who, like Mr. Moseley, arouses emotions of the most violent kind, quite justly aroused, should be admitted, while Mr. Tshombe, a good deal further removed from the sensitivity of most people than Mr. Moseley, should not be given a visa.

## AUTHORITY TO PRODUCE DOCUMENTS AND GIVE TESTIMONY IN CASE OF UNITED STATES OF AMERICA AGAINST JAMES R. HOFFA, ET AL.—REPORT OF A COMMITTEE

Mr. McCLELLAN. Mr. President, from the Committee on Government Operations, I report an original resolution, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated for the information of the Senate.

The legislative clerk read as follows:

Whereas the case of the United States of American versus James R. Hoffa and Commercial Carriers, Inc., criminal action No. 13,241, is pending in the United States District Court for the Middle District of Tennessee; and

Whereas the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations, has in its possession, by virtue of Senate Resolution 255, section 5, 86th Congress, the records of the former Senate Select Committee on Improper Activities in the Labor or Management Field; and

Whereas the chairman of the said subcommittee has received certain requests for documents of the said former Select Committee on Improper Activities in the Labor or Management Field, to be used in connection with the aforementioned criminal proceeding; and

Whereas by the privileges of the Senate of the United States no document under the control and in the possession of the Senate of the United States can, by the mandate of processes of the ordinary courts of justice be taken from such control or possession but by its permission; and

Whereas by the privilege of the Senate and by rule XXX of the Standing Rules of the Senate, no document shall be withdrawn from its files except by the order of the Senate, and

Whereas information secured by the staff employees of the Senate pursuant to their official duties as employees may not be revealed without the consent of the Senate: Therefore, be it

*Resolved*, That the chairman of the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations or any staff employees, or former staff employees of the said select committee, designated by him, are authorized to appear and testify at the aforementioned trial; and be it further

*Resolved*, That the chairman of the Permanent Subcommittee on Investigations of the Committee on Government Operations is authorized to comply with the aforesaid requests and deliver the requested documents in the possession of the said subcommittee to the Department of Justice; and be it further

*Resolved*, That during the periods of time that the Senate is in adjournment sine die, the chairman of the said subcommittee is authorized, in his discretion, to comply with such further requests as might be received from the parties in the above enumerated litigation which might call for the production of further documents in the possession of the said subcommittee, so that the ends of justice shall be met thereby.

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

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCLELLAN. Mr. President, this is a simple resolution to authorize the use of Senate documents and of the staff of the Permanent Subcommittee on Investigations as witnesses in the event they are needed in the trial of a criminal case. It is the usual procedure, because the Senate has exclusive jurisdiction over its own records. This procedure is necessary in order that the legislative branch of the Government in these instances may cooperate fully with the executive branch of the Government.

I ask for immediate consideration and action on the resolution.

The PRESIDING OFFICER. 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. 405) was agreed to.

The preamble was agreed to.

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## SUN VALLEY MAIL AND WIRE FRAUD CASE

Mr. McCLELLAN. Mr. President, recently, some few Members of Congress publicly criticized the Justice Department and the Attorney General for what they described as unfairly seeking a postponement and delaying the trial in the case of the Federal Government against James R. Hoffa and a Detroit bank official by the name of Robert E. McCarthy, in what is known as the Sun Valley mail and wire fraud case, which is pending in a Federal district court in Florida.

It is not my purpose to here now serve as a defender of the Department of Justice or the Attorney General. When the true facts and all of the attending circumstances are considered, neither needs any defense. I do feel, however, that pertinent facts, which were omitted by the Members of Congress in their criticism, should be stated for the record; and that is what I shall do.

According to my information—and I am sure the court records will so reflect—the Government repeatedly sought to expedite the trial of this case, whereas the defense sought delay. I am advised that since the indictment was returned, defense attorneys have filed more than 40 motions in the trial court; they have appealed 7 decisions to the Circuit Court of Appeals; and at present, there are 2 petitions pending before the U.S. Supreme Court which are yet unresolved.

The Government, beginning on December 15, 1960, continuously sought to have this case come to trial over the objections of the defendants until it learned that defendant McCarthy had suffered a heart attack and was unable to stand the physical strain of a long court trial without the risk of further and permanent injury to his health, and possibly, his death.

Attorneys for the defendants, for reasons best known to them, did not disclose these facts, and therefore, the Federal Government found it necessary to

introduce an affidavit from Mr. McCarthy's physician which stated in part:

* * * Mr. McCarthy has * * * a grave condition in any instance (which) by extension can be fatal. * * * Assuming that Mr. McCarthy was exposed to a trial of any protracted length * * * it is my professional opinion that such an ordeal * * * might well result in total future incapacitation or a fatality.

I think the Justice Department, under these circumstances, should be commended rather than condemned for seeking a postponement. To proceed to trial and thus imperil the life of one of the defendants in the case would have been a serious miscarriage of justice. Bear in mind it is estimated by the Government that the trial of this case will be of at least 2 months duration, and defense attorneys contend that it will take longer than 6 months to complete the trial of it.

Another criticism leveled at the Government is that it took advantage of an unusual legal situation in Florida to juggle the trial dates of two cases in which Mr. Hoffa is a defendant, one pending in the Federal court in Tampa and the other in the Federal court in Nashville, Tenn.

A legal problem does exist. It was created by the establishment of a new judicial district in Florida affecting Tampa, the site of the Sun Valley case.

I believe it went into effect on July 30, 1962.

It created a new middle district in Florida which will come into existence on October 29. It will embrace and have jurisdiction over the Tampa area. Therefore, a serious legal question arises as to whether a trial that had started in the present district could be concluded within the territorial jurisdiction of the new district.

It was precisely to avoid such a serious legal question that a conference of Florida judges ordered that trials in Tampa affected by the new district which would not be completed by October 28, be rescheduled. The Sun Valley case involving Mr. Hoffa and Mr. McCarthy was only one of a number of cases so affected.

It should be noted that this determination was made by the courts and not by the Department of Justice.

Again, no criticism with respect to the court situation in Florida is warranted against the Attorney General or the Department of Justice. This is a situation not of their creation but one that is incident to recent legislation enacted by the Congress.

It, therefore, appears to me that the Department of Justice has proceeded properly, in accordance with necessity of existing conditions and in keeping with traditional justice.

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## CUBA'S "FISHERMEN"

Mr. KEATING. Mr. President, this afternoon, the UPI News Service has reported, as follows:

MIAMI.—Premier Fidel Castro today announced that Soviet Russia is building a "fishing port" in Cuba "to facilitate (commercial) fishery operations of the Soviet fleet in the Atlantic area."

Castro's disclosure was made over Havana Radio in the course of a speech during the signing of a Soviet-Cuban fisheries agreement in the Cuban capital. The ceremony was broadcast by radio and television throughout Cuba.

Castro and Soviet Fisheries Minister A. Ishkov signed the agreement. Castro wore his usual olive drab fatigue uniform. The Soviet delegate, however, was clad in the Cuban "guayabera" or open sports shirt.

Castro said the estimated $12-million cost of the Russian fishing port would be shared in equal amounts by Russia and Cuba. The signing ceremony took place at the Civic Square headquarters in suburban Havana of the National Agrarian Reform Institute.

The fishing protocal signed today represented a formal extension of the commercial fishing aid the Russians have been giving Castro since earlier this year.

On personal orders of Soviet Premier Nikita Khrushchev, Russia earlier this year dispatched a fleet of six ocean-going fishing trawlers to Cuba to aid in developing that country's commercial potentialities.

The Russians "loaned" the craft to the Castro regime for a year in the course of which time the Cubans were to have the option of returning the trawlers or buying them.

However, today's announcement was the first disclosure that the Russians intended to formally establish a fishing base of operations in the Caribbean area.

It is well known what the Soviet fishing trawlers, as they are called, have been doing and will do. They have been congregating and will congregate around Cape Canaveral with eavesdropping devices. Moreover some Cuban ships are already equipped with short-range 15-mile missiles, which could also have a devastating effect.

I do not wish to be misunderstood. I know of no intention to use such missiles. But missile equipment on one of those Cuban ships could have a devastating effect on any vessel. These so-called fishing trawlers could carry missiles. We now have a Soviet fishing base established. Next there will be a hunting base. Then there will be a duck shooting base. The Russians are always able to find a name for what they do. They are experts at semantics.

But we must look at the facts. The fish that the Russians are trying to catch are human fish throughout the Caribbean and throughout Latin America. If we fall for this new bait, we will be the biggest suckers of all. I hope that we will not merely look the other way and say that the situation is a serious one or that what has happened will further complicate our problem. Initially, we should, in the strongest terms possible, bring the problem to the attention of the Organization of American States. The so-called fishing base in Cuba is a much greater threat to the other countries of this hemisphere than it is to us. We must draw the line somewhere. Where? When are we going to stop allowing further Soviet penetration into this hemisphere?

### PATROL VESSELS RETURNED TO CASTRO

Mr. President, that brings me to a somewhat related, though entirely different, subject upon which I intended to speak today. It is my unfortunate task to announce to the Senate that as a direct result of Department of State policies, an incredible decision has been made. Judge Dyer of the Federal district court in Miami has ordered the release to the Cuban Government of two vessels being held in Key West. Judge Dyer based his decision entirely upon the request of the Department of State for sovereign immunity. The Department of State has maintained that the Castro government must be accorded the rights which "accrue to the government of a sovereign state under international law." In Judge Dyer's view, this policy determination by the Department of State is binding in the Federal courts and as a result, these vessels which can be used for patrolling the Cuban coast and shooting down would-be refugees from Castro's tyranny are to be handed back to Fidel Castro. A 3-day stay order was granted to permit possible appeal to the circuit court of appeals or to the Supreme Court.

Mr. President, like all my colleagues in the Senate I am most vigorously and vehemently opposed to the Soviet shipment of military equipment and other supplies with a military potential to Cuba. I am equally opposed to the leasing or chartering of ships by our NATO allies to assist the Soviets in their unholy task of arming Castro and his cohorts so that they can enforce their will unhindered on the helpless Cuban people. Furthermore, Mr. President, I am even more deeply opposed to the actions that have been taken by the U.S. Government, in the Federal district court in Florida, to send back to the Cuban Government ships or vessels that can be used for military purposes, or to fire upon unarmed refugees trying to escape from Cuba.

Let me make it clear that my criticism is not directed at the Federal judge, who probably had no discretion in this matter, in the light of the position taken by the Department of State.

Mr. President, in view of the national indignation at Soviet shipments and our announced efforts to halt the chartering of NATO ships to the Soviet Union and the authority conveyed in this bill to call up American men into the service, it is in my judgment an incredible act on the part of the State Department to intervene in a Federal court with the express purpose of returning to the Cuban Government vessels that have been used in the past and may well be used in the future to menace Cubans who are seeking their freedom.

The facts are these, Mr. President: In mid-July two 35-foot vessels were seized by Cuban citizens wishing to escape from the tyranny which today grips Cuba. By means of these vessels, several Cubans made their way to the coast of Florida, at which point the vessels were attached by American creditors who had duly obtained judgments in court, for sale at auction by the sheriff of Monroe County, Fla., as compensation. This attachment was confirmed by full legal proceedings in the Florida State courts and sustained on appeal to Florida's highest court. The

date of auction was set for August 27. On August 6 the Government of Cuba made representations, through the Embassy of Czechoslovakia claiming that by virtue of their ownership by the Cuban Government, the vessels were entitled to sovereign immunity from seizure or attachment in the United States. Ten days later, on August 16, the Department of State dispatched a letter to the Attorney General asking that the U.S. attorney in Miami file the necessary papers to force the return of the vessels to the Cuban Government. The speed with which this action was taken to do Castro's bidding is amazing to those of us who are accustomed to wait 2 or even 3 weeks on simple requests for information. Or to those of us who know how many months it took the Government to study the question before ending U.S. trade with Cuba.

Mr. President, I am in the process, in concert with other Members, of drafting a resolution expressing the sense of the Senate—and I may add that the Senate has the constitutional right and duty to give its advice and consent in these matters—expressing the sense of the Senate that these vessels which undoubtedly possess a military potential as far as the Cuban situation is concerned not be returned to the Castro government at this time.

Mr. President, I ask unanimous consent to include in the RECORD, following my remarks, a letter I received from the Department of State which, in my judgment, deserves immediate and complete reconsideration since the policy decision that has apparently been made is, in my judgment, at variance with the view which I believed the Senate endorsed in its near unanimous passage of Senate Resolution 230 last week.

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

SEPTEMBER 20, 1962.

Hon. KENNETH B. KEATING,
*U.S. Senate.*

DEAR SENATOR KEATING: I want to thank you for your telegram of September 19 on the subject of the disposition of two vessels belonging to the Cuban Government now held in Florida.

This Government recognizes that the Castro government is the governing power in Cuba even though it has no diplomatic relations with that government. It must, therefore, be accorded such rights as "accrue to the government of a sovereign state under international law." It is the U.S. view that the property of the government of a sovereign state is immune from execution under international law. Consequently, upon the request of the Czechoslovak Government, representing Cuban interests in the United States, the Department recognized the immunity from execution of two vessels belonging to the Cuban Government which had been levied on by a judgment creditor of that Government. Accordingly, the Department of Justice was requested to instruct the appropriate U.S. attorney to file a suggestion of immunity with the court in which the action was pending.

While these two boats may possibly be described as having a military potential, they are in fact 35-foot passenger type craft—ill-suited for naval operations.

If I can be of further assistance, please do not hesitate to let me know.

Sincerely,

FREDERICK G. DUTTON.

Mr. KEATING. The Senate did not have before it at that time the fact that our Government was forcing the return to Cuba of two ships which have a military potential, and depriving a U.S. creditor of the right to levy on them. The Members of the Senate did not have these facts before them at the time they passed the joint resolution. In my judgment this action is inconsistent with the position which our Government has already taken.

Mr. KEATING subsequently said: Mr. President, it is my pleasure to announce that I have just received word that the Department of State has agreed to a hearing tomorrow afternoon at the Department of State with regard to the question of returning to the Cuban Government the two vessels now held in Florida, which I discussed earlier today. The purpose of the meeting, which the Department of State arranged, is, I am informed, to present arguments as to why sovereign immunity should not be granted to these vessels formerly owned by the Cuban Government.

I would certainly hope that the State Department would give weight to the spirit and the letter of the resolution passed by the Senate with only one dissenting vote last week, expressing the determination of the United States to work with freedom-loving Cubans for their ultimate self-determination. The fact that this hearing has been granted is an encouraging sign, and I commend the State Department for this action, for I know all Americans will agree that it is foolish in the extreme to send back to Castro, through State Department action in our courts, property which can under any circumstances be used for military purposes.

## AN OVERDUE U.S. DEBT TO THE NEW YORK POLICE FORCE

Mr. KEATING. Mr. President, there is a bill affecting New York State pending on the Senate Calendar which deeply concerns me and which I hope will receive action before we adjourn. I refer to H.R. 4441, authorizing the payment of $1.5 million to the city of New York toward expenses incurred guarding Khrushchev, Castro, Kadar, and the other Communist leaders who attended the 15th annual session of the United Nations General Assembly in 1960.

The measure was reported favorably by the chairman of the Senate Committee on Foreign Relations on July 9, 1962. As the sponsor of a companion bill in the Senate with my colleague, Senator JAVITS, I am firmly convinced that this legislation is meritorious. Presidents Eisenhower and Kennedy have endorsed it. The House passed this bill on April 5, 1962 by a vote of 207 to 152. Failure to act on it would be a distinct slap in the face to the city and State of New York.

It is no understatement to say that these funds are desperately needed. The job of protecting citizens of New York City, as of any other great city in our Nation, is expensive in terms of men and money. No police force, and especially not the New York City force, has extra money to spend for purposes not directly related to the protection of its citizens.

Just last week a 12-year-old girl was brutally killed in a New York City housing project located in an extremely dangerous area, which the authorities had been requested to guard. Since the manpower was not immediately available, tenants of the project set up a vigilante committee to protect themselves. Here, in the center of the Nation's largest city, it is necessary for citizens to band together as vigilantes because of the position taken by the New York City administration that they cannot spend any more money for police protection. What better proof can this body ask of the need for action on H.R. 4441?

Mr. William Stewart, spokesman for the vigilante force, said that the protective effort had been started because 30 incidents of violence, including muggings and rapes, had occurred in 1 year at this project. More than 80 men volunteered for duty, with two men at a time serving one-hour tours. Despite their efforts, a little girl was murdered in cold blood, and to the best of my knowledge, her killers have not been found.

Incidents like this are all too frequent. A grocer in Brooklyn who had been repeatedly robbed recently wrote to the Mayor demanding more and better police protection. Here is what he said:

> Sir, you are my last hope. If I can't get any help from your office, then maybe I will just have to take the advice of some police sergeant who told me to sell the store.

I am not proud of this record. I cite it as evidence of the overriding importance of H.R. 4441. Other cities have the same problem. We read about it all the time right here in Washington, D.C.

In the first 6 months of 1962, crime complaints have risen 8.5 percent in New York City, compared to a national increase of 3 percent. The New York Times, in an editorial published last Friday, pointed with alarm at the inadequacy of the manpower of the New York City police force. I quote:

> No matter what are the comparative statistics of police protection here and elsewhere, New York does not have enough policemen to make the public feel safe—on the streets, in the parks, in the subways, at schools, in places of business, or in the fortress of its own homes.

The Times suggested that unless this situation can be remedied, taxes should be increased to pay for needed additional policemen.

H.R. 4441 is not a real solution to these fundamental and long-standing problems. All I intend to show today is that there is no question about the urgent need for these extra funds. Two Presidents, two key congressional committees and the other body have indicated that this money is morally owed to the city of New York for extaordinary and unprecedented precautions to protect the Communist dictators who visited the city in 1960.

The General Assembly meeting of 1960 is now a faded inkblot on the pages of history, as newer developments in the cold war engage our attention. Yet few

people fully realize how fortunate this country is that no serious disturbances occurred during the 26 days that the world's most powerful Communist leaders were gathered in New York.

Secretary Khrushchev's waving shoes and midnight rides, Fidel Castro's hotel switches, chicken suppers, and fatigue pants are easy to remember. But few recall the very real danger implicit in these events. How easy it would have been for a bitter exile or a paid assassin to fire a well-aimed shot at one of these men, who have drawn the justifiable hatred of many. However, there were no incidents, because the city police devoted tremendous efforts to the task of preventing them. None of the dictator delegates had been invited as official guests, and as a result none were required to announce their plans from day to day. In an atmosphere resembling a three-ring circus, Khrushchev, Castro, Tito, Nasser, and Kadar careened through the city exchanging visits, arguing, drawing enormous crowds.

The preparations for this period were no simple matter. The Police Department of the City of New York found that to protect the dignitaries sufficiently, it would be necessary to use roughly 7,700 men. The entire city police force has only 24,000 men. All officers were required to serve 21 full shifts within a 20-day period. Days off were canceled. Vacations went by the board.

Thousands of members of New York's force, from patrolmen through detectives and inspectors, were part of this operation. There is no telling how many serious incidents were avoided by their presence. At least one intruder carrying a "Molotov cocktail" was apprehended. Several threatening demonstrations were dispersed. At no time, however, were the people of the city or the visiting leaders deprived of their freedom of movement. Meetings and parties went on undisturbed inside the embassies, while demonstrations continued and protests were aired outside the doors. The policemen may have grumbled privately at their added burden, but they did their job loyally and efficiently and were a credit to the law enforcement profession.

I agree with both the Senate and House committees and the letters from the State Department that this reimbursement to the New York Police should not be considered as precedent setting. In fact, it is because the whole incident of the opening of the 15th General Assembly was so extraordinary that we are faced with this measure today.

We have stalled long enough. We are getting down to the wire. The case is clear. We must act. I hope that this issue will be decided on its merits and that no extraneous considerations will be allowed to block this needed and equitable legislation.

## WATER POLLUTION CLEAN-UP DRIVE

Mr. KEATING. Mr. President, the Junior Chambers of Commerce along the Mohawk River area of New York State have embarked on a concerted campaign to eliminate water pollution. I offer my hearty congratulations to these enterprising groups for undertaking so useful and worthwhile a project.

The Mohawk River is one of the most scenic streams in New York and is a vital artery of commerce, as well. The restoration of the river deserves the full cooperation of all residents of the Mohawk Valley and the support, to the extent necessary, of the Federal Government. I congratulate the Jaycees on their ambitious program and wish them success.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, a letter I have received from Roland F. Smith, chairman of the river restoration project, which further describes the project.

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

SCHENECTADY JAYCEES,
*Schenectady, N.Y. September 4, 1962.*

Hon. KENNETH B. KEATING,
*U.S. Senator,*
*Rochester, N.Y.*

DEAR SENATOR KEATING: Water pollution is under attack by the Junior Chambers of Commerce along New York's Mohawk River. It is part of a River Restoration project involving all communities from Rome to Albany along the 100-mile length of this most picturesque body of water. Statewide implementation of similar projects by the New York State Junior Chamber of Commerce is expected at a later date.

The program also encompasses elimination of floating debris and improvement of shoreline conditions. Renewed attractiveness to industry and vacationers, conservation of wildlife, and greater utilization by local citizenry—all are benefits most compelling.

The junior chambers of commerce will succeed in this project because they are composed of young men of action, and effectively organized for the necessary joint attack on the problem.

We believe our goal important enough to ask for your personal note of endorsement. It will be most helpful to us in stimulating local community action, and in sustaining the enthusiasm of the young men who will carry the program to their communities.

Most respectfully yours,
ROLAND F. SMITH,
*Chairman, River Restoration Project.*

## THE 100TH ANNIVERSARY OF THE EMANCIPATION PROCLAMATION

Mr. KEATING. Mr. President, on Sunday last, in a stirring ceremony at the foot of the great marble memorial to Abraham Lincoln in the Nation's Capital, we marked the 100th anniversary of the Emancipation Proclamation. We reaffirmed a great principle which is the cornerstone of our national strength and our leadership in the world—that all men, regardless of race, creed or color, are created equal.

Almost 20 million Americans, or about one-tenth of our population, are members of the Negro race. Over the past century these people have come to know the difference between proclamations and fact, between the words of a humane President and the deeds of prejudiced citizens, between a scrap of paper and what lies in the hearts of men. It has not always been easy for them.

During these years, however, the Negro has demonstrated his willingness to work, study and sacrifice—as well all must—if we are to move forward in the mainstream of American life. He has contributed to American thought and education. His signature lies on this Nation's literature, poetry, and music. He has taken up arms in defense of our principles, and the bodies which lie on the bloody slopes of Montecassino and the bullet-spattered sand of Tarawa are black as well as white.

Although we have made progress in fulfilling the concept of the Emancipation Proclamation, there is still a long way to go. We are waiting for the long promised "stroke of a pen" which will wipe out racial segregation in housing.

We are working for legislation to outlaw segregation in hospital construction, education, public works, public recreation, and employment. We are struggling to translate the equal protection of the law from a promise to a reality. It has been extremely slow going, despite noble words from high quarters.

Also, we have learned the hard way how tough it is to have civil rights bills passed without effective leadership and in view of the stone-age procedures under which Congress labors.

Last year I proposed a resolution (S. Con. Res. 45) which would underscore the necessity for our constant and renewed dedication to transform a noble concept into hard fact. My resolution proposes that the President, on January 1, 1963, issue a declaration of freedom, reaffirming the sacred and historic principles of liberty, justice and equality upon which this Nation was founded, and rededicating our people and our Government to the solemn responsibility of honoring and practicing those principles and perpetuating them as our God-given heritage.

In the battle for men's minds, in the struggle to attract the loyalties of emerging nations against the ruthless competition of the Communists, America must restate her principles, not only in words, but in deeds. We must demonstrate in a dramatic way our basic difference with the world of communism, where there is no such thing as individual rights. This is an obligation to ourselves as Americans, and to the world, through our leadership of free nations.

I urge once again that Congress approve this measure, no less as a pledge to our own people than a notice to the nations of the world that we shall never give up the battle against unfairness and prejudice, and that we are as determined to conquer the challenges to freedom at home as we are in the tribunals of the world.

## ADMITTANCE OF VESSEL, "CITY OF NEW ORLEANS," TO AMERICAN REGISTRY

The Senate resumed the consideration of the bill (S. 3115) to authorize the admittance of the vessel *City of New Orleans* to American registry and to permit the use of such vessel in the coastwise trade.

Mr. BARTLETT. Mr. President, is S. 3115 the pending business?

The PRESIDING OFFICER. The Senator is correct.

Mr. BARTLETT. Mr. President, S. 3115 would permit the vessel *City of New Orleans*, which is a training ship and which was built in Japan, to engage in the coastwise trade between the State of Washington and the State of Alabama. All the administrative agencies directly concerned support the bill.

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

Mr. BARTLETT. I yield.

Mr. ENGLE. Can the Senator name any shipbuilding organization in the United States or any shipping interest in the United States which supports the proposed legislation, other than the Alaska Steamship Co., if that is its name?

Mr. BARTLETT. The name of the company is Alaska Steamship Co.

I was not referring to support from any private agencies or companies, but I was about to cite an impressive list of Government agencies which warmly support, endorse, and even applaud the measure.

Mr. BUTLER. Mr. President, will the Senator from Alaska yield?

Mr. BARTLETT. First, I should like to name the agencies, because I think the fact that they have endorsed the bill should carry great weight with the Senate when it considers the bill, which I deem to be relatively noncontroversial; namely, the Maritime Administration, the administration which has to do with our trade at sea——

Mr. BUTLER. Will the Senator from Alaska state the reasons for the support of this measure by the Maritime Administration?

Mr. BARTLETT. Because the Maritime Administration thought it was a good measure for the United States.

Mr. BUTLER. In what way? Does the Senator from Alaska have any letter or other document in that connection?

Mr. BARTLETT. I think the report covers that point. I shall read the statement which appears on page 5 of the report; it is a statement from the Maritime Administration. Later, I shall be glad to state, for the benefit of the Senator from Maryland, the appropriate comments of other agencies.

The Maritime Administration stated:

> We recommend favorable consideration of the bill—

And these are its reasons for doing so—

> because it would provide improved and more efficient service between Alaska and the rest of the continental United States; because it would provide assistance to this segment of our offshore domestic trade at no expense to the Government——

Mr. BUTLER. Mr. President, at this point will the Senator from Alaska yield?

Mr. BARTLETT. Yes; but I thought the Senator from Maryland wanted to know the reasons why the Maritime Administration favors the bill.

Mr. BUTLER. Yes, and the Senator from Alaska has stated the reasons.

Mr. BARTLETT. But the Maritime Administration has other reasons for approving the bill, and I should like to have the Senator from Maryland know all of them.

Mr. BUTLER. But the Senator from Alaska just now used the words "at no expense to the Government." I respectfully submit that if this ship, which is foreign built, is admitted into U.S. registry—and I point out that the principal component of the ship is steel—without payment of the 19-percent duty, that will cost the United States approximately $395,000, which would be a considerable cost to the United States.

Mr. BARTLETT. I am stating the views of the Maritime Administration. Later, I shall state my own views, which do not deviate greatly from those of the Maritime Administration.

The Maritime Administration proceeded to say:

> Because the vessel is especially adapted to meet the announced competition of Canadian rail lines—

And today we can strike out the word "announced".

Mr. BUTLER. Mr. President will the Senator from Alaska yield again to me?

Mr. BARTLETT. I yield.

Mr. BUTLER. Does not the Senator from Alaska know that the vessel is of the same type as the seatrains which trade between Florida and the Caribbean islands?

Mr. BARTLETT. I did not make an investigation on the basis of a comparison between the *City of New Orleans* and the seatrains.

Mr. BUTLER. I inform the Senator from Alaska that that is a fact; and that company is now building two vessels in the United States, at almost double the price the Alaskan company is paying for this vessel. Those vessels are being built with American labor, and they are documented under the American flag.

Mr. BARTLETT. I am delighted to hear that.

Mr. BUTLER. Mr. President, will the Senator from Alaska yield further?

Mr. BARTLETT. I yield.

Mr. BUTLER. But this vessel would be in direct competition with those ships; and those who are building them are protesting against the enactment of this measure, because they ask, if ships built in other countries are to be brought, duty free, into the American registry, why should ships to serve the domestic trades be built in the United States?

Mr. JORDAN of North Carolina. Mr. President, will the Senator from Alaska yield to me?

Mr. BARTLETT. I yield.

Mr. JORDAN of North Carolina. This particular company now has five ships tied up, out of service, and it is not using them; and, to my knowledge, it is not now building more ships.

Mr. BUTLER. I am talking about the Seatrain Co.

Mr. JORDAN of North Carolina. But these are the same. This particular ship is for the purpose of transporting railroad cars only.

Mr. BUTLER. But it is not owned by the Seatrain Co. The Seatrain Co. is now building two ships in American yards. The proposed admission into the domestic trades of this Japanese-built vessel would seriously affect the financing of the two Seatrain Co. vessels now being built in American yards.

Mr. BARTLETT. But I have not yet completed stating all the reasons why the Maritime Administration, as only one agency of the U.S. Government that is concerned with this subject, favors the bill.

Mr. BUTLER. Very well.

Mr. BARTLETT. This is another reason why the Maritime Administration favors the bill:

> And because the vessel is immediately available to meet this competition. For the foregoing reasons, we feel justified in making an exception to our usual opposition to any breach in the prohibition of section 27 of the Merchant Marine Act, 1920.

Mr. BUTLER. Mr. President, will the Senator from Alaska yield again to me?

Mr. BARTLETT. I yield.

Mr. BUTLER. Then would the Senator from Alaska advocate that American railroads, in order to meet some Canadian competition, have all of their engines, cars, rails, and all other equipment made abroad, and brought into the United States and used here?

Mr. BARTLETT. I shall be very glad to state my own position——

Mr. BUTLER. My point is that this ship was built in Japan.

Mr. BARTLETT. That is acknowledged.

Mr. BUTLER. The ship was not built by American labor. But it is proposed to bring this ship into our domestic trades—that is, to have it ply between the States; not to be in foreign commerce, but to be used in the domestic trades. Since 1817 that has not been permitted; and it has not been permitted because the domestic trades have always been reserved to Americans in American ships.

Mr. BARTLETT. The Senator from Maryland is literally accurate in his reference to the ship's being built in Japan; but he forgot to state that 40 percent of the total cost of the vessel is made up of equipment manufactured in the United States by American labor, and shipped to Japan, for installation. Forty percent of the 100-percent total cost was spent in the United States.

Mr. BUTLER. Let me ask the Senator from Alaska a question in that connection: If an American manufacturer fabricates 40 percent of an article in the United States, and then sends it abroad, to have it completed, when it is shipped back into the United States it is dutiable, is it not?

Mr. BARTLETT. I think that is true.

Mr. BUTLER. Then why should this ship be free of all duty? Simply because someone wishes to give it to the Alaska Steamship Co. for nothing?

Mr. BARTLETT. I do not know whether the views of the Government agencies—upon whom we generally rely to a considerable extent, although we maintain rare independence of judgment, will be influential in this connection; but the Treasury Department has a view on the very point the Senator from Maryland raises. I inform the Senator from Maryland that I have been advised only today by all comments from the Treasury Department that under the Tariff Act, section 1001, paragraph 370, this vessel is exempt from any duty. That paragraph places a duty on pleas-

ure boats or yachts, but specifically exempts boats "to be used, or intended to be used, in trade or commerce."

The Treasury statement to me also sets forth the following:

> The practice is not to impose a duty on vessels built in a foreign country and later brought into American registry. It therefore appears that there is no basis for imposing a discriminatory duty on this vessel; namely, the *City of New Orleans*.

Mr. BUTLER. Mr. President, will the Senator from Alaska yield at this point?

Mr. BARTLETT. I yield.

Mr. BUTLER. With all respect to the Senator from Alaska and to the Treasury Department——

Mr. BARTLETT. I am flattered to be coupled with the Treasury Department.

Mr. BUTLER. In that case the Treasury Department was speaking of a ship built abroad and put under American registry for the foreign trade, not the domestic trades.

Mr. BARTLETT. I see no difference.

Mr. BUTLER. But I see a great deal of difference. If the vessel is to be used in the domestic trades, to compete against America-operated, American-built ships in the same domestic trades, why should not the duty be imposed on the ship when it is brought in?

I point out that in 1817 the Congress of the United States enacted what is now the Jones Act; and at the time of that enactment, Congress removed all duty and all fees and all types of sanctions against any foreign ship which would come in here, because otherwise the imposition of the duty and fees and sanctions would prevent such ships from coming in. Therefore, all tariffs, duties, and fees were repealed.

If this ship is to be brought in as an exception to the Jones Act, which the bill clearly seeks to do——

Mr. BARTLETT. It does.

Mr. BUTLER. Then it should be subject to a duty. I do not see how the Senator could escape that conclusion. Think of the Senator's telling his constituents who go to Europe or who import goods when they bring in goods worth more than a hundred dollars they must pay a duty; yet a ship costing $400,000 is to come in without a duty.

Mr. BARTLETT. I have already told them why—it will lower the cost of living in Alaska.

Mr. BUTLER. It will lower the cost of living in Alaska, but it will cost $400,000 to bring it in. It violates the Jones Act. It tears the Merchant Marine Act to pieces.

Mr. BARTLETT. If the Senator will permit me, I have a very short opening statement to make. I have read about two sentences. It will not take long.

Mr. BUTLER. I should like to have a quorum call before I make my speech.

Mr. BARTLETT. I have not completed mine. I was hopeful that Members of the Senate would listen and be convinced by the weight of the testimony in support of the bill.

I will inform the Senator from Michigan [Mr. McNAMARA] about the warm support given to the bill by the Maritime Commission, the department chiefly concerned. The Department of Defense is strongly supporting this bill. The Department of the Interior is on record in favor of it, as is the General Services Administration.

Mr. ENGLE. Mr. President, if the Senator will yield, what do the Department of Defense and the Department of the Interior have to do with the bill?

Mr. BARTLETT. They were asked by the Commerce Committee, of which the Senator from California and I are honored to be members, to make a statement. They did, in response to the invitation of the committee. When approached by the committee they were not reluctant to say it was a good bill.

The Department of Defense has an essential role in this matter because, for understandable reasons, the Department wants to build up for Alaska, where we have a considerable defense establishment, the very best possible maritime situation.

Mr. ENGLE. The Department of State also supported it. Why does not the Senator mention that?

Mr. BARTLETT. I will take the word of the Senator from California that the Department of State did support it, and I am glad to have that support, because I think it is of particular importance here.

In addition, the Governor and State Chamber of Commerce in Alaska have worked for the enactment of this bill. It is obvious that the addition of this efficient train ship to the Alaska trade would help Alaska by improving the service and, through efficiency, reducing the high shipping rates we have had to pay for so many years. In addition, the vessel would permit some effective competition to be given the recently inaugurated rail-barge service to Alaska through Canada.

The vessel was constructed in Japan for the United States-Cuba trade. When this trade was extinguished the vessel became available for use in the Alaska, or other trade routes. Although generally a foreign vessel may not be used in the coastwise trade, the Department of Defense and the Maritime Administration agreed that it would be in the public interest to make an exception for this unique vessel with its roll-on, roll-off type service. For years Alaska, cut off from the 48 contiguous States, has desperately needed efficient and adequate transportation. We have been slow in attracting the transportation service needed because of the fact that, due to climate, the service is seasonal and, due to our underdevelopment, the traffic flows primarily one way, from the United States to Alaska. This vessel will change the picture drastically by permitting for the first time rail cars from the lower 48 contiguous States to move directly from points throughout the United States to the west coast and by a speedy 3-day service to Alaska for service to the railbelt area where the majority of our population resides. We expect from this a trend toward merchants in Alaska ordering directly by carload lots from factories throughout the United States. This will inevitably shift the warehousing and distribution of products from the west coast to Alaska, thereby increasing employment and reducing our costs. This is an exception to the Jones Act, as the Senator from Maryland said it was, and as we admit, but is clearly, as pointed out in the committee report, not one which can in any way be interpreted as establishing a precedent, because of the uniqueness of the vessel and the Alaska trade. It represents also the start of a new era for Alaska by bringing to the Alaska trade the most efficient and economical type of rail-water transportation yet devised.

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

Mr. BARTLETT. I yield.

Mr. BUTLER. The Senator says it is unique, because it serves only the Alaskan trade, and the basis of the bill is that it can be used only in the Alaskan trade. Is that true?

Mr. BARTLETT. That is the basis; yes.

Mr. BUTLER. Would the Senator be willing to accept an amendment providing that it may be used only for that purpose?

Mr. BARTLETT. No.

Mr. BUTLER. Why not, if that is the purpose for which it would be used? Why would the Senator not be willing to accept an amendment to provide that by law?

Mr. BARTLETT. I will answer. I shall not accept willingly any crippling amendments.

Mr. BUTLER. Is it the idea to have the ship in the Alaskan trade for a week and then shift it to another line competing with an established line serving that trade?

Mr. BARTLETT. It is my belief that the *City of New Orleans*, once made available for this service, will remain in the Alaska-Seattle trade until it is old and worn out. But I have no guarantee that it will be so used.

Mr. BUTLER. Would the Senator be willing to accept an amendment to have some other companies in which I am interested bring in ships from abroad and put them in the domestic trade? Would the Senator be willing to accept such an amendment?

Mr. BARTLETT. No. I will be glad to tell the Senator why.

Mr. BUTLER. I would like to know, because I know of many who would like to bring in ships from abroad and put them in the domestic trade if they could get a promise that they would not have to keep them more than 5 minutes and have them hanging over the American market. That would be a nice kind of bill if I could get it.

Mr. ENGLE. Mr. President, if the Senator will yield, I have such an amendment. It would open up for everybody the same conditions under which the Alaska Steamship Line hopes to get this Japanese-built vessel into the domestic trade. I think that is the way to do it. We may as well let the bars down.

Mr. BUTLER. If the Senator will yield, it is the only fair thing to do. If the Alaska Steamship Co. can have a foreign-built ship in the domestic trade of the United States, I can see no reason

why another American operator should not have the same right.

Mr. BARTLETT. S. 3115 does not provide anything about the sale of the *City of New Orleans* to the Alaska Steamship Co. If this bill becomes law—which I hope will be the case—should any other company move in and make an arrangement with the owners of the *City of New Orleans* to buy it at a higher price than the Alaska Steamship Co. paid, obviously it would not get it.

Mr. BUTLER. Does the Senator believe that is a healthy situation for the American merchant marine? Does the Senator realize that the whole backbone of the American merchant marine is that no foreign ship can come in and trade among and between the States of the United States?

Mr. BARTLETT. I do not think the American merchant marine is in a very healthy condition.

Mr. BUTLER. Would this help it?

Mr. BARTLETT. Yes.

Mr. BUTLER. This would help it?

Mr. BARTLETT. That is the only reason why I introduced the bill.

Mr. BUTLER. How would it help? Would it be by increasing the number competing, by bringing in foreigners?

Mr. BARTLETT. I took the only step which was possible, which was to insure competition on the part of Americans with Canadian citizens.

Mr. BUTLER. I shall certainly vote for the amendment of the Senator from California, to let all the people in on this.

Mr. BARTLETT. I wish the Senator would listen to my reason for introducing the bill.

We confronted a fact. The fact was that the Canadian National Railroad instituted rail-barge service from Prince Rupert, British Columbia, to Whittier, Alaska, a city much closer to the Alaska port than Seattle. As a matter of fact, Seattle is 1,813 miles from Whittier, but Prince Rupert is only 1,388 miles.

If the American port of Seattle is to be placed in a position to continue as a historic gateway for Alaska trade, there must be some sort of vehicle to place it in a competitive position with the Canadian National Railroad. This instrument was the only one which was available.

Of course it deviates from the Jones Act.

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

Mr. BARTLETT. Of course it deviates from the usual practice. What else can we do?

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

Mr. BARTLETT. I yield.

Mr. BUTLER. If we are to consider history in this regard, and if someone is to start crying out concerning who is losing trade, perhaps we should give some thought to the development of the great St. Lawrence Seaway, and what that development has done to the port of Baltimore. It has nearly put Baltimore out of business. We who serve Maryland do not come before the Congress to ask that all laws of the United States be repealed, in order to get back into business. We are willing to operate under laws which have been in existence since 1817, and that has been a pretty long time.

Mr. BARTLETT. Only yesterday or the day before the Senate accepted an amendment to a then pending maritime bill—and did so practically without debate, I might add—which would cause a much greater deviation from the Jones Act than the bill now under consideration, by allowing lumber to be hauled——

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

Mr. BARTLETT. If I may complete my sentence, I shall then be glad to yield.

That bill would permit lumber to be transported between an American Pacific Northwest port and the Commonwealth of Puerto Rico by foreign bottoms.

Mr. BUTLER. Is the Senator arguing that two wrongs make a right?

Mr. BARTLETT. I do not argue any such thing.

Mr. BUTLER. Does the Senator believe that measure will become the law of the United States?

Mr. BARTLETT. I have no idea.

Mr. BUTLER. I have some idea.

Mr. BARTLETT. I am amazed by the commotion over this bill, when a bill of even more serious import, in a manner of speaking, was accepted with so little debate.

Mr. BUTLER. The debate on that bill has not been completed.

Mr. BARTLETT. The Senator speaks about amendments. I know there are several ready to be offered.

The Senator serves as the ranking minority member of the committee, and he is a most valuable member, whom we shall regret to lose at the end of this year. I say that in all sincerity.

The committee considered the bill very carefully. Without going to the extent of writing into the bill language which would make it impossible for any American company to buy the *City of New Orleans*, and thus to compete effectively with the Canadian National Railroad, the committee altered the language of the original bill and provided that the Secretary of Commerce should be given authority to make the determination as to whether the ship could be used between other ports.

Mr. BUTLER. May I ask the Senator a question?

Mr. BARTLETT. Yes.

Mr. BUTLER. Is the Secretary of Commerce to be required under the proposal to hold hearings and to give the American shipper an opportunity to be heard before the ship is put into competition with him?

Mr. BARTLETT. He is not.

Mr. BUTLER. Why not? Would the Senator accept such an amendment? Would the Senator give to an American the right to be heard against a foreigner, before his business is taken away from him?

Mr. BARTLETT. No one ever suggested that before.

Mr. BUTLER. I suggest it.

Mr. BARTLETT. I suppose it was not suggested because the present Secretary of Commerce—as was true of previous Secretaries of Commerce—has never been known to be unfriendly to American business and American interests. Certainly that is true in every way of Luther Hodges. He is in the forefront of those fighting for American business.

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

Mr. BARTLETT. I yield.

Mr. BUTLER. The Senator knows it is a foregone conclusion that the Secretary of Commerce will do what is requested.

Mr. BARTLETT. No, I do not.

Mr. BUTLER. He has already sent a letter to the Congress saying he favors the bill. If the bill is passed, the Secretary will not then fail to do what the bill directs him to do. The Senator knows that the Secretary of Commerce will not administer the bill in any way which would affect the sale of the vessel by the Alaska Steamship Co. 5 minutes after it is bought.

Mr. BARTLETT. I do not know any such thing. The Secretary of Commerce would weigh the question most carefully and objectively, and would make his determination only on the basis of all the facts available to him.

Mr. President, I submit only that if we are to maintain an important American industry, if we are to maintain an American position in the trade with Alaska, the bill at least has elements of essentiality. We ought to pass it.

I do not say that if the *City of New Orleans* is not placed in the Alaska service the Canadians will "gobble up" all our traffic and all our trade with Alaska. That will never happen. The competitive spirit and competitive ability of Americans, using other forms of transportation, would prevent that from occurring.

But the Canadians have too great an advantage over Americans, and we ought to rectify that situation.

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

Mr. BARTLETT. I yield.

Mr. BUTLER. There is a very simple reason why the Canadians have an advantage over the Americans. There is a very simple reason why the lumber amendment was attached to the maritime bill the other day, which the Senator discussed. American costs are so high that the American owners can no longer pay for them in competition.

Therefore, the solution the Senator proposes is to pass a private bill, so-called, for one particular company, to overcome the high cost of doing business. I say that is not the proper way to proceed. Americans should all be put on the same basis. If the Alaska Steamship Co. obtains any benefit or special privilege under the bill, I demand that the same benefit be provided for every American operating in the domestic trade.

Mr. BARTLETT. With all due deference to the Senator from Maryland——

Mr. BUTLER. That is the only purpose of the amendment with respect to lumber. The lumber producers cannot afford to pay the cost of carriage, because the labor cost is too high.

Mr. BARTLETT. That does not enter the picture.

Mr. BUTLER. Why does the Senator not admit it? A foreign ship is used to

carry lumber because the American wages are so high that the lumber interests cannot afford to ship the lumber on American bottoms. Let us be honest about it.

Mr. BARTLETT. That is not the reason at all.

Mr. BUTLER. Then why is not lumber carried on those ships?

Mr. BARTLETT. It can be done.

Mr. BUTLER. Can it be done cheaper? Europeans do not pay the same wages that Americans pay. It is not possible to carry lumber or to carry anything else in American bottoms, in real competition, and we know it. We have reached the point where we shall almost be driven off the high seas, because of high costs. The Senator has "dreamed up" the idea that "We will bring in foreigners and let them carry things." I do not think that is the answer to the problem.

Mr. BARTLETT. Of course, anyone who competes with the Canadians, at the outset, has a strike against him, because the Canadians have a construction subsidy for vessels in the coastwise trade.

Mr. BUTLER. We have never seen fit to offer a construction subsidy for vessels in that trade.

Mr BARTLETT. I know.

Mr. BUTLER. But we do have a construction subsidy for the foreign trade.

Mr. BARTLETT. I am talking about the coastwise trade. That is the point.

With all due deference to the Alaska Steamship Co., my concern is not principally with how they will fare in this regard. My concern has two other elements.

Mr. BUTLER. Let me say to the Senator——

Mr. BARTLETT. I hope the Senator will let me complete my statement.

Mr. BUTLER. Yes.

Mr. BARTLETT. First, I want the American position maintained in this important and growing trade. The second is that the only way this can be achieved, now that there is Canadian competition—and very effective competition, I might add—is to give the Americans a better operating tool than the Canadians have, because the Canadians must travel a much lesser distance, though they are dependent on barges. This proposal would give the Americans an advantage.

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

Mr. BARTLETT. I yield.

Mr. BUTLER. It would give the Americans an advantage.

Mr. BARTLETT. Yes.

Mr. BUTLER. I am all for that; but when an advantage is given to one industry, I say that we ought to give it to all. Let us have a special privilege voted on the floor of the Senate for all.

Mr. BARTLETT. We are talking about a special condition. We are talking about trade to Alaska.

Mr. BUTLER. I could name hundreds of such special conditions. Consider the textile industry. The textile industry is going out of business because it cannot compete with foreign textiles. Are we going to give that industry a subsidy?

Mr. BARTLETT. The Senator cannot name in the maritime field a corresponding situation. If he could, I suspect that industry would have been in here long since with some sort of comparable bill. The bill is designed to shore up and strengthen the American maritime arm.

Mr. BUTLER. Mr. President, will the Senator yield further?

Mr. BARTLETT. I yield.

Mr. BUTLER. I respectfully submit that the Senator himself just named an example that is certainly parallel to the one we have discussed. The Senator named lumber. That would be only the beginning. Two days ago it was lumber. Today it is the Alaskan trade. Tomorrow it might be the New York trade. The next day it might be the trade of some other industry. What would we have left? Where are we going?

Mr. BARTLETT. I am beginning to infer that the Senator is not particularly in favor of the pending bill.

Suppose the efforts of the Senator to oppose passage of the bill are successful. In my opinion, the inevitable consequence of such action would be that the Canadians would increasingly come into possession of more and more of the Alaska trade. It is not very large now in regard to tonnage, but everyone predicts that within the relatively near future it will be very large. Then the Canadians would have that business. I think I have the duty to stand here and fight today for American industry and American consumers.

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

Mr. BARTLETT. I yield.

Mr. BUTLER. Has the Senator read this week's issue of U.S. News & World Report in connection with the steel situation?

Mr. BARTLETT. No. I carried it from my office to my home, but I have not yet read it.

Mr. BUTLER. I hope the Senator will read the article to which I have referred.

Mr. BARTLETT. I always read the magazine.

Mr. BUTLER. The steel industry is in exactly the same situation which other industries are getting into. The steel industry cannot possibly compete with foreign imports. We all know that. When the steel industry tried to raise its prices, the whole house fell in. That industry did not obtain any special privilege, and they need it. Men in the steel industry are being placed on the unemployment rolls every day because the industry cannot compete. They do not get production up because people will not buy American steel. They are buying European steel. Will we do something for that industry?

Mr. BARTLETT. Yes.

Mr. BUTLER. Then let us do it for every industry. Let us not do it piecemeal. If we are going to help some, let us help all.

Mr. BARTLETT. The area concerned in which we now have an opportunity to help is very small. It is a tiny bill comparatively.

Mr. BUTLER. Yes, it is a tiny measure.

Mr. BARTLETT. The *City of New Orleans* is now a pretty new vessel, but it will become worn and used. It will have to undergo repairs. From time to time it will require new steelplates. That repair work will be done in American yards with American materials by American workmen.

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

Mr. BARTLETT. I yield.

Mr. LAUSCHE. What I am about to say does not particularly pertain to the issue before us, but I have a letter which contains the same type of information. It shows where we are headed in international competition. The letter states that—

> By July 1, 1965 the wages of the plumbers and pipefitters will have been increased from a present hourly rate of $5.33 to $7.57 in the city and county of San Francisco. This is an increase of 42 percent over a 3-year period.

Where are we heading? How are we going to compete in world warkets? It is beyond my understanding. A worker working 2,000 hours a year, let us say, at a rate of $7.57 an hour, would have an income of $16,000 a year. I point that out because the Senator from Maryland has indicated that we shall drive our American ships off the high seas because of our inability to compete.

Mr. BUTLER. There cannot be any question about that. This is the second attempt this week to obtain some escape from the high cost of doing business to the detriment of other people in a kindred business. I say that it is wrong.

Mr. ENGLE. Mr. President——

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

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

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

Mr. ENGLE. Mr. President, I ask unanimous consent that the Senator from Alaska may be permitted to yield to the Senator from South Carolina without losing his right to the floor.

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

## SOVIET INTRUSION INTO CUBA

Mr. THURMOND. Mr. President, the Associated Press carries a news story from Cuba this afternoon reporting that Premier Castro has concluded an agreement with the Soviet Union to build for the Soviets a naval port near Guantanamo Bay supposedly to take care of ship repairs for the Soviet Union's Atlantic fishing fleet. Mr. President, this is another indication of the Communist military buildup which our Government continues to permit in Cuba in violation of the Monroe Doctrine. I imagine that our policy planners will take Mr. Castro at his word that this is truly to be a repair port for fishing vessels rather than war vessels such as the nuclear submarines which Mr. Khrushchev threatened to use against us if we should take any action to enforce the Monroe Doctrine.

How long, Mr. President, will we continue to tolerate this Communist base in the Western Hemisphere with continuing reports of additional military buildups? Are we to continue to follow a policy of "watchful waiting" in the

hope that Mr. Castro and his Soviet technicians will evolve themselves into peaceful Socialists? This is what we have been advised to do by Mr. Walter Lippmann in a recent column in which he made the following comments on Castro and the arms buildup in Cuba:

Castro is an insulting nuisance, but he is not, and is not now remotely capable of becoming, a clear and present danger to the United States. So we must practice watchful waiting, and hold ourselves in readiness, never for a moment forgetting the vastly greater dangers elsewhere.

Mr. President, Mr. Castro can do immeasurable harm to our national security without overtly attacking the United States with missiles or troops. He has already endangered our national security by providing Mr. Khrushchev with a military base in the Western Hemisphere and also with a soon-to-be-completed radar tracking station. In addition, he has proved to the world that a small band of revolutionaries can subvert and take over a government in the Western Hemisphere with U.S. help and then turn it into a Communist arsenal to implement overtly and covertly the contamination of the Western Hemisphere with the virus of world communism.

Mr. President, I have repeatedly called on the floor of the Senate for the U.S. Government to ditch our present no-win policy in the cold war, particularly as it applies to Cuba today and to move to decontaminate Cuba of communism. As I stated on September 6, 1962:

The best method of decontamination can be determined with the advice of our military leaders, once the basic decision to decontaminate is made by our civilian leaders.

Mr. President, the action reported today on the wires of the Associated Press with regard to building a ship repair port in Cuba for the Soviet Union gives additional reason for our Government to take meaningful action designed to eradicate this growing Communist cancer so near our own shores.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## ORDER OF BUSINESS

Mr. MANSFIELD. I should like to call up some items on the calendar to which there is no objection, and then return to the consideration of the pending bill, if that is agreeable to the Senators concerned.

Mr. BARTLETT. I am glad to yield for that purpose.

Mr. BUTLER. I do not want to be disagreeable, but I have been waiting all day to do the business of the Senate. This is important business of the Senate, and I am ready to attend to it. I insist that the Senate continue with the consideration of the pending bill.

Mr. MANSFIELD. This is Senate business also. All I am asking for is about 10 minutes, so that other matters on the calendar may be considered, and then there will be a quorum call.

Mr. BUTLER. I have been waiting all day to make my speech. The Senate is considering a very important bill.

If we pass the bill it will set a very bad precedent in many respects. I believe the Senate ought to transact its business.

Mr. MANSFIELD. All I am asking is that the Senate permit me to proceed for about 10 minutes. Then there will be a quorum call. In the meantime Senators will be brought to the Chamber.

Mr. BARTLETT. I have been waiting for weeks. I would like to proceed with the consideration of the bill also, but at the same time I am desirous of accommodating myself to the desires of the majority leader.

## CLAUDE S. REEDER

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 1965, S. 2873.

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

The LEGISLATIVE CLERK. A bill (S. 2873) for the relief of Claude S. Reeder and the Reeder Motor Co., Inc.

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 the Judiciary with amendments on page 1, line 7, after the word "of", to strike out "$26,754.93, together with interest at the rate of 5 per centum per annum until paid, from the first day of January 1962" and insert "$2,125"; and in line 10, after the word "sum", to strike out "(together with such interest)"; so as to make the bill read:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Claude S. Reeder of Knoxville, Tennessee, and Reeder Motor Company, Incorporated, of Oak Ridge, Tennessee, the sum of $2,125. The payment of such sum shall be in full satisfaction of all claims of the said Claude S. Reeder and Reeder Motor Company, Incorporated, against the United States of America for reimbursement of construction costs incurred by them, or either of them, in completing a building at the request of the United States of America, such building having been constructed for use as a garage for repair of Government vehicles: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

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

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that the Senate reconsider the votes by which Senate bill 2873 was ordered to be engrossed for a third reading, read the third time, and passed.

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

Mr. MANSFIELD. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The LEGISLATIVE CLERK. On page 1, line 5, it is proposed to strike out "Claude S. Reeder, Knoxville, Tenn."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

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

The bill (S. 2873) was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "For the relief of Reeder Motor Co., Inc."

## ASSISTANCE TO STATES FOR FORESTRY RESEARCH PROGRAM

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1974, H.R. 12688.

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

The LEGISLATIVE CLERK. A bill (H.R. 12688) to authorize the Secretary of Agriculture to encourage and assist the several States in carrying on a program of forestry research, and for other purposes.

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 Agriculture and Forestry with amendments on page 2, line 1, after the word "several", to strike out "State"; in line 9, after the word "with", to insert "colleges and universities in"; in line 17, after the word "other", to strike out "State supported"; in line 23, after the word "institutions", to strike out "of" and insert "in"; on page 3, line 9, after the word "available", to strike out "to the States"; on page 4, at the beginning of line 13, to strike out "forestry schools of the"; and in line 14, after the word "such", to strike out "schools" and insert "colleges and universities".

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 to authorize the Secretary of Agriculture to encourage and assist colleges and universities in the several States in carrying on a program of forestry research, and for other purposes."

Mr. MANSFIELD subsequently said: Mr. President, I move that the Senate reconsider the vote by which Calendar No. 1974, H.R. 12688, was passed, and that the bill be restored to the calendar.

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

The motion was agreed to.

## FEDERAL EXTENSION SERVICE FUNDS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1976, H.R. 12589.

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

The LEGISLATIVE CLERK. A bill (H.R. 12589) to amend the Smith-Lever Act of May 8, 1914, as amended.

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

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 2015), explaining the purposes of the bill.

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

This bill amends the Smith-Lever Act (the basic statute providing for the Federal Extension Service) to provide that funds which are appropriated for the Extension Service in excess of the amount appropriated for the 1962 fiscal year shall be distributed under a slightly different formula than would apply under existing law. The new formula has the approval of all the State extension directors and of the Department of Agriculture.

The bill would modify the formula for apportionment of Federal Extension Service funds so that 4 percent of any increase in appropriations over the 1962 level would go to the Federal Extension Service, instead of to States on the basis of special needs, and 19.2 percent of any increase would go to States equally instead of on the basis of rural and farm population. It also provides for quarterly, instead of semiannual, payment of extension funds to States which will reduce Federal Government interest costs.

Under the proposed apportionment formula—

(A) Each State and the Federal Extension Service would receive a sum equal to that available to it for fiscal 1962, except that amounts available for 1962 on the basis of special needs would continue to be available on the same basis. (This is not a substantive change from existing law which gives each State the amount it received in 1953 plus any increases in subsequent years);

(B) Any sums appropriated in excess of those appropriated for fiscal 1962 would be apportioned as follows:

(i) 4 percent to the Federal Extension Service (instead of to States for special needs);

(ii) 19.2 percent to the States in equal proportions (new);

(iii) 38.4 percent (instead of 48) to the States on the basis of rural population; and

(iv) 38.4 percent (instead of 48) to the States on the basis of farm population.

Appropriations are still authorized for the purpose of apportionment on the basis of special needs under new section 7 (formerly sec. 8),[1] without regard to the above formula. Matching requirements are not changed, except that matching requirements for the 1962 level of appropriations are frozen in the same manner that matching requirements for the 1953 level of appropriations are now frozen. Matching of additional appropriations above the 1962 level would continue to be as required by Congress at the time of making the additional appropriations.

Table A (attached) illustrates how an additional $1 million above the 1962 level of appropriations would be distributed among the States on the basis of the 1960 census.

Table B (attached) shows how funds equal to the 1962 level of appropriations would be distributed under section 3(b) of the act as it would be amended.

*Distribution of $1,000,000 extension funds under current and proposed Smith-Lever Act formula on basis of final 1960 census*

| State | Current formula | Proposed formula | Difference |
|---|---|---|---|
| Alabama | $26,382 | $24,870 | −$1,512 |
| Alaska | 1,290 | 4,798 | 3,508 |
| Arizona | 4,543 | 7,399 | 2,856 |
| Arkansas | 20,043 | 19,799 | −244 |
| California | 29,868 | 27,660 | −2,208 |
| Colorado | 8,303 | 10,408 | 2,105 |
| Connecticut | 5,592 | 8,239 | 2,647 |
| Delaware | 2,006 | 5,370 | 3,364 |
| Florida | 14,743 | 15,559 | 816 |
| Georgia | 29,028 | 26,987 | −2,041 |
| Hawaii | 1,659 | 5,092 | 3,433 |
| Idaho | 7,516 | 9,778 | 2,262 |
| Illinois | 35,820 | 32,421 | −3,399 |
| Indiana | 31,574 | 29,025 | −2,549 |
| Iowa | 33,575 | 30,625 | −2,950 |
| Kansas | 18,184 | 18,312 | 128 |
| Kentucky | 33,094 | 30,240 | −2,854 |
| Louisiana | 18,240 | 18,357 | 117 |
| Maine | 5,719 | 8,340 | 2,621 |
| Maryland | 11,059 | 12,613 | 1,554 |
| Massachusetts | 8,533 | 10,591 | 2,058 |
| Michigan | 32,948 | 30,124 | −2,824 |
| Minnesota | 31,022 | 28,582 | −2,440 |
| Mississippi | 30,086 | 27,833 | −2,253 |
| Missouri | 30,762 | 28,374 | −2,388 |
| Montana | 6,480 | 8,949 | 2,469 |
| Nebraska | 16,013 | 16,576 | 563 |
| Nevada | 1,074 | 4,625 | 3,551 |
| New Hamsphire | 2,822 | 6,022 | 3,200 |
| New Jersey | 7,736 | 9,953 | 2,217 |
| New Mexico | 4,780 | 7,589 | 2,809 |
| New York | 32,203 | 29,527 | −2,676 |
| North Carolina | 51,158 | 44,691 | −6,467 |
| North Dakota | 10,450 | 12,125 | 1,675 |
| Ohio | 39,927 | 35,707 | −4,220 |
| Oklahoma | 16,224 | 16,745 | 521 |
| Oregon | 10,463 | 12,135 | 1,672 |
| Pennsylvania | 39,916 | 35,697 | −4,219 |
| Puerto Rico | 37,737 | 33,954 | −3,783 |
| Rhode Island | 1,145 | 4,680 | 3,535 |
| South Carolina | 23,998 | 22,963 | −1,035 |
| South Dakota | 10,525 | 12,184 | 1,659 |
| Tennessee | 34,558 | 31,411 | −3,147 |
| Texas | 44,175 | 39,104 | −5,071 |
| Utah | 3,403 | 6,486 | 3,083 |
| Vermont | 3,729 | 6,747 | 3,018 |
| Virginia | 28,679 | 26,707 | −1,972 |
| Washington | 13,398 | 14,482 | 1,084 |
| West Virginia | 14,045 | 15,000 | 955 |
| Wisconsin | 31,084 | 28,631 | −2,453 |
| Wyoming | 2,689 | 5,914 | 3,225 |
| 4-percent special need | 40,000 | ---------- | −40,000 |
| 4-percent Federal Extension Service | ---------- | 40,000 | 40,000 |
| Total | 1,000,000 | 1,000,000 | 0 |

NOTE.—Current formula based on 4-percent special need, 48 percent rural population, and 48 percent farm population. Proposed formula based on 4 percent for Federal Extension Service and of remaining (96 percent) 20 percent equally to all States and Puerto Rico, 40 percent on farm, and 40 percent on rural population.

*Distribution of funds under section 3(b) of the proposed amendment to the Smith-Lever Act*

| | |
|---|---|
| Alabama | $2,070,148 |
| Alaska | 83,440 |
| Arizona | 278,000 |
| Arkansas | 1,682,683 |
| California | 1,500,586 |
| Colorado | 519,164 |
| Connecticut | 305,301 |

[1] Renumbering of former secs. 8 and 9 results from the repeal in 1960 of former sec. 7, which dealt with reports to Congress.

*Distribution of funds under section 3(b) of the proposed amendment to the Smith-Lever Act*—Continued

| | |
|---|---|
| Delaware | $139,867 |
| Florida | 705,341 |
| Georgia | 2,166,353 |
| Hawaii | 267,659 |
| Idaho | 394,017 |
| Illinois | 1,787,074 |
| Indiana | 1,493,102 |
| Iowa | 1,595,270 |
| Kansas | 1,059,143 |
| Kentucky | 2,056,781 |
| Louisiana | 1,351,042 |
| Maine | 388,549 |
| Maryland | 556,232 |
| Massachusetts | 436,660 |
| Michigan | 1,641,807 |
| Minnesota | 1,528,721 |
| Mississippi | 2,134,382 |
| Missouri | 1,800,597 |
| Montana | 385,816 |
| Nebraska | 886,560 |
| Nevada | 102,469 |
| New Hampshire | 201,477 |
| New Jersey | 428,357 |
| New Mexico | 355,453 |
| New York | 1,569,390 |
| North Carolina | 2,824,482 |
| North Dakota | 601,907 |
| Ohio | 2,043,549 |
| Oklahoma | 1,407,429 |
| Oregon | 576,754 |
| Pennsylvania | 2,057,719 |
| Puerto Rico | 1,793,387 |
| Rhode Island | 107,381 |
| South Carolina | 1,509,489 |
| South Dakota | 602,251 |
| Tennessee | 2,084,488 |
| Texas | 3,276,639 |
| Utah | 261,044 |
| Vermont | 250,840 |
| Virginia | 1,703,157 |
| Washington | 718,260 |
| West Virginia | 1,057,519 |
| Wisconsin | 1,528,923 |
| Wyoming | 197,941 |
| Special needs | 1,544,909 |
| Total | 58,020,000 |

DEPARTMENTAL APPROVAL

Following is the letter from the Secretary of Agriculture recommending enactment of this proposed legislation. The Bureau of the Budget indicated its concurrence subsequent to the writing of the Secretary's letter.

DEPARTMENT OF AGRICULTURE,
*Washington, D.C., May 11, 1962.*

Hon. HAROLD D. COOLEY,
*Chairman, Committee on Agriculture,*
*House of Representatives.*

DEAR CONGRESSMAN COOLEY: This is in reply to the request of your committee for a report on H.R. 11240, a bill to amend the Smith-Lever Act of May 8, 1914, as amended, to provide for cooperative agricultural extension work between the agricultural colleges in the several States, territories, and possessions receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the U.S. Department of Agriculture.

The Department supports the objectives of H.R. 11240, and recommends enactment of the bill.

The primary objectives of the bill are to: (1) Provide that each State and Puerto Rico shall be entitled to receive annually a sum equal to the sums received for the fiscal year 1962; (2) revise the formula for distributing amounts which may be appropriated in excess of the amounts allotted under (1) above; (3) allocate Federal funds to the States and Puerto Rico quarterly rather than on a semiannual basis; and (4) make available to the States and Puerto Rico extension services increased use of General Services Administration facilities and excess Government property.

A more detailed description of the substantive amendments follows:

Section 3(b): The bill would amend section 3(b) to provide that each State and the Federal Extension Service shall be entitled to receive annually a sum equal to the sums received from Federal cooperative extension funds for the fiscal year 1962. This does not change the share each State is presently entitled to receive, regardless of population changes as reflected in the census. Under the present subsection 3(b), each State is entitled to receive an amount equal to the sums received for the fiscal year 1953, and under the present subsection 3(c) each State is entitled to receive any increase, over that necessary to make the allotments under subsection 3(b), on the basis of the census current at the time such increase was first appropriated. The matching provision remains the same. The present proviso in this subsection is omitted since Puerto Rico is now receiving the maximum set forth in such proviso.

Section 3(c): The formula for distribution of funds over those allocated under section 3(b) is revised to provide: 4 percent of such funds to the Federal Extension Service for administration and coordination of cooperative extension work and the remaining 96 percent to the States with 20 percent distributed equally, 40 percent on the basis of farm population and 40 percent on the basis of rural population. The matching provision remains the same.

Currently, the funds under this subsection are distributed to the States and Puerto Rico on the basis of 4 percent for special need purposes as determined by the Department, 48 percent on rural population, and 48 percent on farm population.

It is believed that the revised formula provides a more equitable disposition of funds and will advance the cooperative program on a nationwide basis.

The provision (beginning with line 23 on page 4) for the States to use General Services Administration facilities, including stores and supply schedules, and the entitlement to excess Federal property would permit economies in State extension service operations.

Section 4: Currently, funds are allocated to the States on a semiannual basis. The proposed bill would authorize payments on a quarterly basis. This should decrease the amount of money which the Treasury would have to borrow to make advance payments, with a resulting lower interest cost to the Treasury.

Other amendments include the definition of "State" in section 9 of the bill to mean the States and Puerto Rico, and the omission of the words "Alaska", and "Hawaii", and "Puerto Rico" in certain sections of the bill. The present sections 8 and 9 become sections 7 and 8, due to the repeal in 1960 of section 7 of the act, providing for certain reports (74 Stat. 249).

A committee representing the American Association of Land-Grant Colleges and Universities worked closely with representatives of the Department in developing the background facts in connection with H.R. 11240.

In view of the request that the report be submitted immediately, we have not obtained the advice of the Budget Bureau on this proposed legislation.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary*.

## ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 2008, H.R. 7600, and subsequent measures on the calendar, in order.

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

## REVISION OF EFFECTIVE DATE PROVISIONS RELATING TO AWARDS

The Senate proceeded to consider the bill (H.R. 7600) to amend title 38, United States Code, to revise the effective date provisions relating to awards, and for other purposes, which had been reported from the Committee on Finance, with an amendment, on page 4, line 21, after the word "the", to strike out "deceased." " and insert "deceased."

(k) The effective date of the award of benefits to a widow or of an award or increase of benefits based on recognition of a child, upon annulment of a marriage shall be the date the judicial decree of annulment becomes final if a claim therefor is filed within one year from the date the judicial decree of annulment becomes final; in all other cases the effective date shall be the date the claim is filed.

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.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 2042), explaining the purposes of the bill.

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

EXPLANATION OF THE BILL

The bill would primarily make certain desirable modifications in the provisions of existing law governing the effective dates of awards, reductions and discontinuances of monetary benefits (disability and death compensation, disability and death pension, and dependency and indemnity compensation) under laws administered by the Veterans' Administration. In addition, it includes a restatement of certain provisions of existing laws and regulations. If enacted, the proposed revisions would make the effective date provisions more nearly uniform, simplify their administration, and resolve a number of problem areas. Generally the changes may be described as liberalizing. The major changes proposed are:

1. Disability benefits, in the event of the veteran-payee's death, would be discontinued the last day of the month before such death occurs, and death benefits would be awarded effective the first day of the month in which the death occurs (if claim therefor is filed within 1 year from death). Currently, disability benefits are discontinued as of the date of the veteran's death and benefits to his survivors are awarded effective the next day (if claim therefor is filed within 1 year from death). This change would considerably simplify administration. In the light of a savings provision in section 4 of the bill, no eligible widow would be adversely affected by this change.

2. The 2-year statute of limitation (set forth in 38 U.S.C. 351) within which claim must be filed for disability or death compensation or dependency and indemnity compensation authorized by that section for disability or death suffered as a result of hospitalization or medical or surgical treatment, or the pursuit of a course of vocational rehabilitation, would be repealed. Also, duplicate recoveries from the United States for the same disability or death under section 351 and the Federal Tort Claims Act would be precluded by providing a setoff against compensation benefits of the amount of any recovery pursuant to a civil judgment, settlement, or compromise.

3. A uniform rule would be provided, for the first time, governing the effective dates of liberalizing laws or administrative issues that are enacted or promulgated in the future. This provision would, in many cases, obviate the necessity of a potential beneficiary filing a specific claim for the new benefit and would instead permit the Veterans' Administration, where feasible, to identify such beneficiaries and apply the provisions of the liberalized law and administrative issue on its own initiative. The provision would permit a retroactive period of payment of not more than 1 year, but in no event prior to the effective date of the law or issue.

4. A 1-year period would be provided for the submission of necessary evidence to perfect a claim for compensation and pension reopened after final adjudication as well as a claim for increased monetary benefits, similar to, and under the same circumstances as, the period currently provided by law for the perfection of original claims for such benefits.

5. Uniform rules would be established for the reduction or discontinuance of erroneous awards (*a*) based upon acts of commission or omission by beneficiaries—as of the date of the erroneous award; and (*b*) based upon administrative error or error in judgment—as of the date of last payment. The latter category would include errors arising from a misunderstanding of instructions, regulations, or the construction of statutes.

6. Sections 110 and 359 of title 38 preserve certain total and permanent and total disability ratings and service connection, after the status concerned has continued for a period of years. Because of differing language employed in these sections, the periods involved do not now commence to run at the same time; i.e., one begins from the date on which the decision granting the status is signed, the other from the date on which the status itself became effective. The bill amends both sections 110 and 359 to assure that the period in question begins from the date determined by the Administrator as the date on which the status commenced for rating purposes.

## BILL PASSED OVER

The bill (H.R. 12213) to provide for the temporary suspension of the duties on corkboard insulation and on cork stoppers was announced as next in order.

Mr. MANSFIELD. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

## TAX RELIEF FOR INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN, AND HELPERS OF AMERICA LOCAL 863 PENSION FUND

The bill (H.R. 8205) to provide tax relief to the International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America Local 863 pension fund and the contributors thereto was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 2044), 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 proposed legislation is to provide that the International Brother-

hood of Teamsters, Chauffers, Warehousemen & Helpers of America Local Union 863 pension fund, created January 10, 1955, and retroactively effective to September 1, 1954, as a result of an agreement between the International Brotherhood of Teamsters, Chauffers, Warehousemen & Helpers of America Local 863 and the A. & P. Contract Carriers Association, shall be deemed to have met the requirements of section 401(a) of the Internal Revenue Code of 1954 and shall be deemed to have been and to be exempt from tax under section 501(a) of the Internal Revenue Code of 1954 for the period beginning September 1, 1954, and ending December 31, 1956. This relief is to be extended only if it is shown to the satisfaction of the Secretary of the Treasury or his delegate that the trust has not in this period been operated in a manner which would jeopardize the interest of its beneficiaries.

GENERAL STATEMENT

The Internal Revenue Service has ruled that this fund, which was established under a collective bargaining agreement, meets the requirements for qualification under section 401 of the Internal Revenue Code for taxable years ending after May 22, 1957. However, the fund does not so qualify for prior taxable years, although the collective bargaining agreement specified that employers were to make contributions to the fund as of September 1, 1954. This is because it was not until May 23, 1957, that a specific pension plan, indicating such features as the size of the benefits to be paid to retired employees and the eligibility requirement, was actually established.

H.R. 8205 would extend retroactive qualification under the Internal Revenue Code to the fund from September 1, 1954, the date from which the collective bargaining agreement provided for employer-pension contributions, until December 31, 1956. The objective of the bill is to give the employers concerned the right to deduct contributions, made to the fund before it qualified under the Internal Revenue Code, in the year such contributions took place. In addition, the bill seeks to grant the fund exemption from tax on its investment income during this prequalification period.

In previous years the Congress adopted legislation extending to a number of negotiated pension plans retroactive qualification under the Internal Revenue Code for periods in which they did not qualify under the provisions generally applicable. Such retroactive qualification for specific plans was provided by Private Law 85–540 approved August 8, 1958, by Public Law 86–781, approved September 14, 1960, by Public Law 86–779, approved September 14, 1960, and by Public Law 87–59, approved June 27, 1961.

In its report to the Committee on the Judiciary, House of Representatives, the Treasury Department indicated that it had no objection to the adoption of H.R. 8205 if it were amended to provide that retroactive qualification would be granted only "if it is shown to the satisfaction of the Secretary of the Treasury or his delegate that the plan has not in this period been operated in a manner which would jeopardize the interest of its beneficiaries." The bill as passed by the House and approved by the Committee on Finance includes such a requirement.

Except where there has been a waiver of assessment, the period of limitations provided by present law for the assessment and collection of tax and for granting refunds will have expired for the retroactive period covered by the bill. At present, claim for credit or refund of income tax must be filed within 3 years from the time the return was filed or 2 years from the time the tax was paid, whichever is later. Accordingly, for taxpayers on a calendar year basis, the period of limitations on filing a claim for refund has already expired for the tax years 1954 through 1956.

FAVORABLE DEPARTMENTAL VIEWS

Favorable reports were received from the Treasury Department and the Bureau of the Budget.

## FREE ENTRY OF ONE NUCLEAR MAGNETIC RESONANCE SPECTROMETER AND ONE MASS SPECTROMETER FOR USE OF UNIVERSITY OF ILLINOIS

The bill (H.R. 12529) to provide for the free entry of one nuclear magnetic resonance spectrometer and one mass spectrometer for the use of the University of Illinois, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 2045), 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 H.R. 12529 is to permit the free importation of one nuclear magnetic resonance spectrometer and one mass spectrometer which are to be used by the University of Illinois.

GENERAL STATEMENT

The University of Illinois has ordered, from abroad, two pieces of scientific equipment which will be used in research and instructional endeavors to be performed in the department of chemistry and chemical engineering in the university.

The nuclear magnetic resonance spectrometer is a device which is used to determine the molecular structure of chemicals. The mass spectrometer is a device used by chemists and chemical engineers to provide chemical analyses, measurements, and other research features. It is reported that the University of Illinois attempted, without success, to purchase instruments of the desired specifications in the United States. The funds for the purchase of the two pieces of equipment are from unrestricted grants made by the National Science Foundation and the National Institutes of Health. Both these agencies have approved the purchase of this equipment.

## EFFECTIVE DATE OF QUALIFICATION OF BRICKLAYERS LOCAL 45 (BUFFALO, N.Y.) PENSION FUND AS QUALIFIED TRUST

The bill (H.R. 11059) relating to effective date of the qualification of Bricklayers Local 45 (Buffalo, N.Y.) pension fund as a qualified trust under section 401(a) of the Internal Revenue Code of 1954, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 2046), 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 proposed legislation is to provide that the Bricklayer's Local 45 (Buffalo, N.Y.) pension fund, which was established by a collective bargaining agreement effective June 1, 1958, and which has been held by the Internal Revenue Service to constitute a qualified trust under section 401(a) of the Internal Revenue Code of 1954, and to be exempt from taxation under section 501(a) of such code, for years ending on or after November 29, 1960, shall be held and considered to have been a qualified trust under such section 401(a), and to have been exempt from taxation under such section 501(a), for the period beginning on June 1, 1958, and ending on November 29, 1960. The relief provided in the bill would be extended only if it is shown to the satisfaction of the Secretary of the Treasury or his delegate what the trust has not in this period been operated in a manner which would jeopardize the interests of its beneficiaries.

GENERAL STATEMENT

The Internal Revenue Service has ruled that this fund, which was established under a collective bargaining agreement, meets the requirements for qualifications under section 401 of the Internal Revenue Code for taxable years ending after November 28, 1960. However, the fund does not so qualify for prior taxable years, although the collective bargaining agreement specified that employers were to make contributions under the plan as of June 1, 1958. This is because it was not until November 29, 1960, that a specific pension trust, embodying a complete pension plan, was actually established.

H.R. 11059 would extend retroactive qualification under the Internal Revenue Code to the fund from June 1, 1958, the date from which the collective bargaining agreement provided for employer pension contributions, until November 29, 1960. The objective of the bill is to give the employers concerned the right to deduct contributions, made to the fund before it qualified under the Internal Revenue Code, in the year such contributions took place. In addition, the bill seeks to grant the fund exemption from tax on its investment income during the prequalification period.

Except where there has been a waiver of assessment, the period of limitations provided by present law for the assessment and collection of tax and for granting refunds will have expired for part of the retroactive period covered by the bill. At present, claim for credit or refund of income tax must be filed within 3 years from the time the return was filed or 2 years from the time the tax was paid, whichever is later. Accordingly, for taxpayers on a calendar-year basis, the period of limitations on filing a claim for refund has already expired for the tax year 1958.

The Treasury Department has noted that there are precedents for the relief provided in H.R. 11059, since in previous years the Congress adopted legislation extending to a number of negotiated pension plans retroactive qualification under the Internal Revenue Code for periods in which they did not qualify under the provisions generally applicable. Such retroactive qualification for specific plans was provided by Private Law 85–540, approved August 8, 1958, by Public Law 86–781, approved September 14, 1960, by Public Law 86–779, approved September 14, 1960, and by Public Law 87–59, approved June 27, 1961.

## CONSUMER FINANCE COMPANIES

The bill (H.R. 8824) to modify the application of the personal holding company tax in the case of consumer finance companies was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report

(No. 2047), explaining the purposes of the bill.

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

SUMMARY OF BILL

Certain exceptions to the tax on personal holding companies are made under existing law for companies receiving dividend, interest or other income from the active conduct of a trade or business, rather than from passive investments. Among these exceptions under present law is one for certain lending companies engaged in the small loan business.

This bill modifies this exception to conform it with the laws many States have been enacting in recent years for the regulation of consumer finance business. Thus, under this bill as amended, two of the present requirements are deleted; namely, the requirement that interest and similar charges on most of the loans not exceed a simple interest rate of 3 percent per month not payable in advance and on unpaid balances, and the requirement that most of the loans be for periods of not more than 36 months. The bill also modifies the requirement that 80 percent of the company's income be derived from interest and similar charges to provide that this 80 percent may also include lawful income received from an 80-percent-owned domestic subsidiary. Another modification increases from $500 to $1,500 the maximum size of the loans, where no maximum is set by State statute, which must account for 60 percent of the company's gross income. On the other hand, the bill also provides that the lending company must be actively engaged in the small loan (consumer finance) business.

GENERAL STATEMENT

Under present law a special tax of from 75 to 85 percent is imposed on undistributed personal holding company income. This tax is designed to prevent the avoidance of the graduated individual income tax by placing investment funds in a corporation and retaining the income at the corporate level. This is what has become known as an "incorporated pocketbook." In general terms a corporation is a personal holding company if five of fewer individuals own more than 50 percent of the value of the outstanding stock and if 80 percent or more of the corporation's income is "personal holding company income." Personal holding company income in general consists of passive income, i.e., with certain exceptions includes dividends, interest, annuities, gains from the sale of stock or securities, rents, etc.

Present law provides, however, that the term "personal holding company" does not include certain types of companies although they derive their income from the sources referred to above. The exceptions are provided because the types of companies involved are engaged in an active trade or business despite the nature of their income. Thus, the exceptions include banks, life insurance companies, licensed personal finance companies, and lending companies engaged in the small loan business. It is this latter exception with which this bill is concerned.

The conditions which, under present law, a lending company engaged in a small loan business must meet in order to be exempt from the personal holding company tax are quite detailed. They must—

(1) Be authorized to engage in the small loan business under one or more State statutes providing for the direct regulation of such business;

(2) Derive 80 percent or more of their gross income from lawful interest, discount, or other authorized charges;

(3) Derive the 80 percent of their income, referred to above, from loans maturing in not more than 36 months made to individuals in accordance with the provisions of applicable State law;

(4) Derive this 80 percent of their income from loans where the interest and all other authorized charges do not exceed the amount equal to simple interest computed at the rate of 3 percent per month not payable in advance and only on unpaid balances;

(5) Derive 60 percent of their gross income from lawful interest, discount, other lawful authorized charges received from individuals whose indebtedness to the company does not exceed the limit prescribed by the applicable State law, or, if there is no such limit, $500;

(6) Have trade or business expense deductions (other than compensation for personal services rendered by shareholders or members of their family) equal to 15 percent or more of their gross income;

(7) Have outstanding loans with respect to any person who is a shareholder having a 10-percent interest in the stock of the company (including stock owned by members of the family) or not in excess of $5,000.

The exception in present law for licensed personal finance companies (sec. 542(c)(6)) was added to the Internal Revenue Code by the Revenue Act of 1938 to grant exemption from personal holding company taxation for companies operating under statutes similar to the Uniform Small Loan Act drafted by the Russell Sage Foundation. Under this law, interest could not be payable in advance or compounded and could be computed only on unpaid balances. The exception described above for lending companies making small business loans (sec. 542(c)(7)) was added to the code in 1950 at the request of those who live in States which allowed interest charges to be determined by the "dollar add on" or precomputed interest method. Presently, there are 23 States which allow interest charges to be computed in this manner.

Under the precomputation method, simple interest is computed in advance as though the contract were to be repaid according to its terms, the computation is added to the principal and the total is divided into equal payments. Under the dollar-add-on method the interest and other charges are expressed in dollars rather than percentages, and computed on the original amount of the loan for the full period. This amount is then added to the net loan and the result divided into equal payments. The requirement that the interest, although computed on the precomputed or dollar-add-on basis must not exceed the 3-percent-simple-interest method, described above (No. 4), has presented serious problems in that every lender has to measure the difference between the interest it receives under the precomputation or dollar-add-on method and what it would be permitted to receive under the 3-percent-simple-interest method. It then must exclude any excess over the 3-percent-simple-interest method, in determining whether the balance meets the percentage tests for the exemption.

The bill omits this 3-percent-simple-interest requirement entirely, on the grounds that the personal holding company tax is not intended as a means of regulating the lending companies but rather as a tax applicable in certain cases, to passive investments. In any event, this is an ineffectual regulatory device since this restriction applies only to about 10 percent of the outstanding small loans. This occurs because the bulk of the small loans are made by widely held finance companies, and therefore not treated as personal holding companies since they do not have five or fewer stockholders owning more than 50 percent of their stock. Moreover, even the companies presently subject to this restriction need to meet it only with respect to 80 percent of their gross income.

In view of the factors outlined above, your committee believes that it is inappropriate to continue this 3-percent-simple-interest requirement and this bill deletes it from the restrictions imposed with respect to these lending companies.

The bill also deletes the requirement that these lending companies derive most of their income from loans maturing in not more than 36 months. Several States already have gone beyond this as a permissive period for loans and it appears likely that in the near future a number of additional States may extend maturities to more than 36 months. Your committee agrees with the House committee that it should not impose a requirement substantially more restrictive in nature than the State laws regulating this type of lending company.

A third change made by the House bill modifies the maximum size of a loan which may qualify under the 80-percent-income requirement where there is no State law governing the maximum size of a loan. Under present law where there is no such limit under State law, a limitation of $500 is provided. Under the bill this limitation is increased to $1,500. It is understood that the only State which does not have a ceiling of its own is the State of California. When the $500 limit provided by present law was considered, this represented the usual ceiling among the States. The States have changed these ceilings materially, however, with the result that today relatively few States have a ceiling of $500 or less and even in these cases there usually is provision for supplementary loans which exceed this ceiling in certain situations. The $1,500 provided by this bill, where there is no applicable State limitation, today is substantially in conformance with the ceilings applicable in those States providing their own maximums.

A fourth modification under the bill provides that 80 percent of the company's gross income need not be derived only from loans but also may include lawful income received from a domestic subsidiary (in which the corporation in question has at least 80 percent of the voting power of all classes of stock and owns at least 80 percent of the nonvoting stock) if the subsidiaries are themselves excepted from personal holding company tax under either this same exception (par. (7)) or as a licensed personal finance company (par. (6)), a loan or investment company (par. (8)), or a finance company (par. (9)). Your committee agrees with the House that the mere fact that income is received from a subsidiary which itself meets the same requirements as the company in question, or similar requirements, should not result in such a company being subjected to personal holding company tax. It will still be necessary, however, for the companies involved to meet directly the 60-percent gross income requirement.

A fifth change relates to the use of the term "small loan business," which represents the type of business in which a lending company must be engaged in order to be removed from application of the personal holding company tax under this exception. The bill adds after the term "small loan business" the term "(consumer finance business)". This is intended to make it clear that this exception is not limited to small loans in the narrow sense, but rather is intended to encompass consumer finance loans generally. Moreover, the reference to consumer finance business will bring this exception more directly in accord with the terminology now used by a number of State legislatures which have retitled the applicable provisions governing these institutions as "consumer finance laws" as a means of providing a more descriptive title for the type of business involved.

The provisions described above liberalize the exception provided for lending companies engaged in the small loan or consumer finance business. However, the House bill has also added a provision which is re-

strictive in its application. It has provided that these lending companies must not only be authorized to engage in the small loan or consumer finance business but also must be "actively and regularly engaged in" such business. This gives assurance that such companies cannot be used indirectly as holders of passive investment income or as "incorporated pocketbooks."

Your committee believes that the changes made by this bill are desirable because they conform the exception in existing law to changes which have occurred in the industry since the passage by Congress of this exception in 1950. They also will enable the smaller, closely held companies to compete on even terms with the larger publicly owned chain organizations.

## BILL PASSED OVER

The bill (H.R. 12820) to validate the coverage of certain State and local employees in the State of Arkansas under the agreement entered into by such State pursuant to section 218 of the Social Security Act was announced as next in order.

Mr. MANSFIELD. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

## PERMANENT SUSPENSION OF TAX ON FIRST DOMESTIC PROCESSING COCONUT OIL AND OTHER PRODUCTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 2068, H.R. 5260.

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

The LEGISLATIVE CLERK. A 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.

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 Finance, with an amendment, to strike out all after the enacting clause and insert:

That—

(1) Section 3 of Public Law 85–235, as amended (71 Stat. 516), approved August 30, 1957 (relating to the temporary suspension of the tax on the first domestic processing of coconut oil); and

(2) Public Law 86–37, as amended (73 Stat. 64), approved May 29, 1959 (relating to the temporary suspension of the tax on the first domestic processing of palm oil, palm-kernel oil, etc.),

are each amended by striking out "June 30, 1963" and inserting in lieu thereof "June 30, 1966".

The amendment was agreed to.

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

The bill was read the third time, and passed.

The title was amended, so as to read: "An Act to continue for an additional three-year period the existing suspensions of the tax on the first domestic processing of coconut oil, palm oil, palm-kernel oil, and fatty acids, salts, combinations, or mixtures thereof."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 2102), explaining the purposes of the bill.

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

SUMMARY OF BILL

H.R. 5260 as passed by the House would repeal the processing tax on the first domestic processing of coconut oil, palm oil, palm-kernel oil, and certain derivatives of such oils. Your committee has amended this bill to suspend this tax for 3 more years (until June 30, 1966) rather than repeal it.

GENERAL STATEMENT

Present law (sec. 4511(a) of the code) provides for the imposition of a tax of 3 cents a pound upon the first domestic processing of "coconut oil, palm oil, palm-kernel oil, fatty acids derived from any of the foregoing oils, salts of any of the foregoing (whether or not such oils, fatty acids, or salts have been refined, sulphonated, sulphated, hydrogenated, or otherwise processed), or any combination or mixture containing a substantial quantity of any one or more of such oils, fatty acids, or salts."

The tax on the first domestic processing of coconut oil has been suspended continuously from October 1, 1957, to June 30, 1963, while the tax on the first domestic processing of palm oil and palm-kernal oil has been suspended continuously from July 1, 1959, to June 30, 1963. This latter suspension was designed to restore the competitive balance between these oils and competing coconut and babassu oils on which the processing tax had already been suspended. The House bill would have repealed these processing taxes, while the bill as amended by your committee suspends these taxes for an additional 3 years, or until June 30, 1966.

Coconut oil and palm-kernel oil are the only commercially important lauric acid oils now used in the Unted States. The domestic processing taxes on these oils provided for in section 4511(a) of the Internal Revenue Code of 1954, as amended, were originally imposed in 1934, principally to protect domestically produced edible fats and oils in uses in which coconut oil is at present of little importance, such as in margarine. Although very little palm-kernel oil was used in margarine or shortening, it was subjected to the tax presumably because it could be substituted for coconut oil. Coconut oil is currently important in the manufacture of soap because of the superior lathering properties which the oils impart. Palm-kernel oil is used in the United States principally in edible products such as biscuits, crackers, and confectionery. Nether of the oils is made from materials produced in the United States. The principal use of palm oil in the United States is in the tinplate industries where it serves to prevent oxidation in the plating baths. Imports for this use have been exempt from tax since 1942.

The Tariff Commission advised your committee that it has not received any complaints regarding the suspension of the processing taxes on the products covered by this bill. Favorable reports were received from the Departments of Agriculture, Commerce, and State.

Your committee has found no objection to the further suspension of these processing taxes although questions have been raised as to their repeal. In view of this your committee has amended the House bill to provide for a further 3-year suspension of these taxes.

## CARRIERS OF BONDED MERCHANDISE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5700, Calendar No. 2074.

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

The LEGISLATIVE CLERK. A bill (H.R. 5700) to amend the Tariff Act of 1930 to permit the designation of certain contract carriers as carriers of bonded merchandise.

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 Finance, with an amendment, on page 2, after line 10, to insert a new section, as follows:

SEC. 2. (a) Section 309 of the Tariff Act of 1930 (19 U.S.C., sec. 1309) is amended by adding at the end thereof the following new subsection:

"(e) The provisions for free withdrawals made by subsection (a) shall, under such regulations as the Secretary of the Treasury may prescribe, apply to articles withdrawn for use as fuel on vessels of the United States employed as common carriers on the high seas or the Great Lakes pursuant to certification by the Interstate Commerce Commission."

(b) The amendment made by subsection (a) shall apply with respect to articles withdrawn, as provided in section 309 of the Tariff Act of 1930, on or after the date of 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 to amend the Tariff Act of 1930 to permit the designation of certain contract carriers as carriers of bonded merchandise, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 2108), 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 is to permit the Secretary of the Treasury to designate any contract carrier, authorized to act as such by any agency of the United States, as a carrier of bonded merchandise for the final release of which from customs custody a permit has not been issued.

The committee amendment would permit free withdrawals of fuel for use on vessels of the United States employed as common carriers in coastal service (including service on the Great Lakes) pursuant to certification by the Interstate Commerce Commission.

GENERAL STATEMENT

Section 551 of the Tariff Act of 1930, as amended, deals with carriage in bond of merchandise not finally released from customs custody. As originally enacted, section 551 authorized the Secretary of the Treasury to designate as carriers of bonded merchandise only common carriers who owned or operated railroad, steamship, or

other transportation lines or routes. Public Law 285, 79th Congress (59 Stat. 667), broadened this authority to permit the Secretary to designate freight forwarders under the jurisdiction of the Interstate Commerce Commission to handle bonded merchandise in transit. Public Law 87-598 extended the Secretary's authority so as to permit him to designate any freight forwarder, authorized to act as such by any agency of the Government, to handle bonded merchandise in transit.

The transportation of imported merchandise in bond is a privilege accorded to certain carriers and freight forwarders. The element of risk to the Government revenue is minimized by limiting the privilege to those who are authorized to act in the capacity of handlers of merchandise by a Federal agency and also by regulations of the Secretary of the Treasury.

The Department of Commerce has reported:

"Investigation reveals that the common carrier system would not be adversely affected by the inclusion of contract carriers in the categories of persons to which section 551 of the Tariff Act of 1930 is applicable. The Common Carrier Conference of the American Trucking Associations, Inc., stated 'the legislation would create no enlargement in contract carrier operations and in reality amounts to nothing more than the removal of an unwarranted handicap in providing services which contract carriers are authorized to conduct.' "

It would seem both fair and efficient that the Secretary of the Treasury should be authorized to extend the privilege of handling bonded merchandise to any contract carrier licensed to act as such by any agency of the United States, subject to such regulations and terms as the Secretary of the Treasury may prescribe and subject to his discretion.

In addition to the Department of Commerce, the Departments of State and Treasury approve of this legislation.

The Finance Committee amended the bill to provide for the tax-free withdrawal from customs custody, or from a foreign-trade zone, of fuel for use on vessels of the United States employed as common carriers in coastwise service (including service on the Great Lakes) pursuant to certification by the Interstate Commerce Commission. The objective is to provide for these few vessels the same right to purchase this fuel from supplies in bond, or from a foreign-trade zone, as is now done for America-flag vessels in intercoastal and foreign trade.

Presently, common carriers certified by the Interstate Commerce Commission are denied the privilege of free withdrawals unless they travel beyond the bounds of one coast of the United States. Competing ships, carrying much the same cargo and touching at the same ports, may make free withdrawals if they travel beyond the one coast, whether they go to other coasts of the United States or touch at some foreign port.

The extension of this privilege to coastwise vessels would apply only to common carriers certificated by the Interstate Commerce Commission and would not affect contract or proprietary carriers not competing with general common carriers.

While comparatively few ships would be assisted by this measure, it would seem important that they receive the same treatment as other common carriers which load the same type of cargo and stop at the same ports.

## SALE PRICE RULE OF CERTAIN MANUFACTURERS EXCISE TAXES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 2075, H.R. 8952.

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

The LEGISLATIVE CLERK. A bill (H.R. 8952) to amend the Internal Revenue Code of 1954 with respect to the condition under which the special construction sale price rule is to apply for purposes of certain manufacturers excise taxes.

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 Finance, with an amendment, to strike out all after the enacting clause and insert:

SECTION 1. CONSTRUCTIVE SALE PRICE.

(a) APPLICATION OF SPECIAL RULE.—Section 4216(b)(2)(C) of the Internal Revenue Code of 1954 (relating to special rule for determining constructive sale price) is amended by inserting before "the normal method" the following: "in the case of articles upon which tax is imposed under section 4061(a) (relating to automobiles, trucks, etc.), 4191 (relating to business machines), or 4211 (relating to matches),".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to articles sold by the manufacturer, producer, or importer on or after October 1, 1962.

SEC. 2. CONTRIBUTIONS TO FOUNDATIONS FOR CERTAIN STATE COLLEGES AND UNIVERSITIES.

(a) LIMITATION ON CONTRIBUTIONS ALLOWABLE AS DEDUCTION.—Section 170(b)(1)(A) of the Internal Revenue Code of 1954 (relating to limitation on amount of deduction for charitable contributions by individuals) is amended by striking out "or" at the end of clause (ii), by inserting "or" at the end of clause (iii), and by inserting after clause (iii) the following new clause:

"(iv) an organization referred to in section 503(b)(3) organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of a college or university which is an organization referred to in clause (ii) of this subparagraph and which is an agency or instrumentality of a State or political subdivision thereof, or which is owned or operated by a State or political subdivision thereof or by an agency or instrumentality of one or more States or political subdivisions,".

(b) TECHNICAL AMENDMENT.—Section 170(b)(1)(B) of such Code is amended by striking out "any charitable contributions to the organizations described in clauses (i), (ii), and (iii)" and inserting in lieu thereof "any charitable contributions described in subparagraph (A)".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to taxable years beginning after December 31, 1960.

SEC. 3. LIFE INSURANCE COMPANIES.

(a) VARIABLE ANNUITIES AND OTHER SEGREGATED ASSET ACCOUNTS.—Section 801(g) of the Internal Revenue Code of 1954 (relating to variable annuities) is amended to read as follows:

"(g) CONTRACTS WITH RESERVE BASED ON SEGREGATED ASSET ACCOUNTS.—

"(1) DEFINITIONS.—

"(A) ANNUITY CONTRACTS INCLUDE VARIABLE ANNUITY CONTRACTS.—For purposes of this part, an 'annuity contract' includes a contract which provides for the payment of a variable annuity computed on the basis of recognized mortality tables and the investment experience of the company issuing the contract.

"(B) CONTRACTS WITH RESERVES BASED ON A SEGREGATED ASSET ACCOUNT.—For purposes of this part, a 'contract with reserves based on a segregated asset account' is a contract—

"(i) which provides for the allocation of all or part of the amounts received under the contract to an account which, pursuant to State law or regulation, is segregated from the general asset accounts of the company.

"(ii) which provides for the payment of annuities, and

"(iii) under which the amounts paid in, or the amount paid as annuities, reflect the investment return and the market value of the segregated asset account.

If a contract ceases to reflect current investment return and current market value, such contract shall not be considered as meeting the requirements of clause (iii) after such cessation.

"(2) LIFE INSURANCE RESERVES.—For purposes of subsection (b)(1)(A) of this section, the reflection of the investment return and the market value of the segregated asset account shall be considered an assumed rate of interest.

"(3) SEPARATE ACCOUNTING.—For purposes of this part, a life insurance company which issues contracts with reserves based on segregated asset accounts shall separately account for the various income, exclusion, deduction, asset, reserve, and other liability items properly attributable to such segregated asset accounts. For such items as are not accounted for directly, separate accounting shall be made—

"(A) in accordance with the method regularly employed by such company, if such method is reasonable, and

"(B) in all other cases, in accordance with regulations prescribed by the Secretary or his delegate.

"(4) INVESTMENT YIELD.—

"(A) IN GENERAL.—For purposes of this part, the policy and other contract liability requirements, and the life insurance company's share of investment yield, shall be separately computed—

"(i) with respect to the items separately accounted for in accordance with paragraph (3), and

"(ii) excluding the items taken into account under clause (i).

"(B) CAPITAL GAINS AND LOSSES.—If, without regard to subparagraph (A), the net short-term capital gain exceeds the net long-term capital loss, such excess shall be allocated between clauses (i) and (ii) of subparagraph (A) in proportion to the respective contributions to such excess of the items taken into account under each such clause.

"(5) POLICY AND OTHER CONTRACT LIABILITY REQUIREMENTS.—For purposes of this part—

"(A) with respect to life insurance reserves based on segregated asset accounts, the adjusted reserves rate and the current earnings rate for purposes of section 805(b), and the rate of interest assumed by the taxpayer for purposes of sections 805(c) and 809(a)(2), shall be a rate equal to the current earnings rate determined under section 805(b)(2) with respect to the items separately accounted for in accordance with paragraph (3) reduced by the percentage obtained by dividing—

"(i) any amount retained with respect to such reserves by the life insurance company from gross investment income (as defined in section 804(b)) on segregated assets, to the extent such retained amount exceeds the deductions allowable under section 804(c) which are attributable to such reserves, by

"(ii) the means of such reserves; and

"(B) with respect to reserves based on segregated asset accounts other than life insurance reserves, an amount equal to the product of—

"(i) the rate of interest assumed as defined is subparagraph (A), and

"(ii) the means of such reserves,

shall be included as interest paid within the meaning of section 805(e)(1).

"(6) INCREASES AND DECREASES IN RESERVES.—For purposes of subsections (a) and (b) of section 810, the sum of the items described in section 810(c) taken into account as of the close of the taxable year shall, under regulations prescribed by the Secretary or his delegate, be adjusted—

"(A) by subtracting therefrom an amount equal to the sum of the amounts added from time to time (for the taxable year) to the reserves separately accounted for in accordance with paragraph (3) by reason of appreciation in value of assets (whether or not the assets have been disposed of), and

"(B) by adding thereto an amount equal to the sum of the amounts subtracted from time to time (for the taxable year) from such such reserves by reason of depreciation in value of assets (whether or not the assets have been disposed of).

"The deduction allowable for items described in paragraphs (1) and (7) of section 809(d) with respect to segregated asset accounts shall be reduced to the extent that the amount of such items is increased for the taxable year by appreciation (or increased to the extent that the amount of such items is decreased for the taxable year by depreciation) not reflected in adjustments under the preceding sentence.

"(7) BASIS OF ASSETS HELD FOR QUALIFIED PENSION PLAN CONTRACTS.—In the case of contracts described in subparagraph (A), (B), (C), or (D) of section 805(d)(1), the basis of each asset in a segregated asset account shall (in addition to all other adjustments to basis) be—

"(A) increased by the amount of any appreciation in value, and

"(B) decreased by the amount of any depreciation in value,

to the extent that such appreciation and depreciation are from time to time reflected in the increases and decreases in reserves or other items in paragraph (6) with respect to such contracts.

"(8) ADDITIONAL SEPARATE COMPUTATIONS.—Under regulations prescribed by the Secretary or his delegate, such additional separate computations shall be made, with respect to the items separately accounted for in accordance with paragraph (3), as may be necessary to carry out the purposes of this subsection and this part."

(b) TAX IN CASE OF CAPITAL GAINS.—

(1) ALTERNATIVE TAX.—Paragraph (2) of section 802(a) of such Code (relating to tax in case of capital gains) is amended to read as follows:

"(2) ALTERNATIVE TAX IN CASE OF CAPITAL GAINS.—If for any taxable year beginning after December 31, 1961, the net long-term capital gain of any life insurance company exceeds the net short-term capital loss, then, in lieu of the tax imposed by paragraph (1), there is hereby imposed a tax (if such tax is less than the tax imposed by such paragraph) which shall consist of the sum of—

"(A) a partial tax, computed as provided by paragraph (1), on the life insurance company taxable income determined by reducing the taxable investment income, and the gain from operations, by the amount of such excess, and

"(B) an amount equal to 25 percent of such excess."

(2) TAXABLE INVESTMENT INCOME.—Paragraph (2) of section 804(a) of such Code (relating to definition of taxable investment income) is amended by striking out "equal to the sum" and inserting in lieu thereof "equal to the amount (if any) by which the net long-term capital gain exceeds the net short-term capital loss plus the sum".

(3) GAIN AND LOSS FROM OPERATIONS.—Paragraphs (1) and (2) of section 809(b) of such Code (relating to definitions of gain and loss from operations) are each amended by striking out "and" at the end of subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) the following new subparagraph:

"(B) the amount (if any) by which the net long-term capital gain exceeds the net short-term capital loss; and".

(4) CONFORMING AMENDMENTS.—Sections 815(c)(3)(B) and 6501(c)(6) of such Code are each amended by striking out "802(a)(1)" and inserting in lieu thereof "802(a)".

(c) LIMITATION ON CERTAIN DEDUCTIONS.—Section 809(f)(2) of such Code (relating to the application of limitation on certain deductions) is amended to read as follows:

"(2) APPLICATION OF LIMITATION.—The limitation provided by paragraph (1) shall apply first to the amount of the deduction under subsection (d)(3), then to the amount of the deduction under subsection (d)(6), and finally to the amount of the deduction under subsection (d)(5)."

(d) REDUCTION OF POLICYHOLDERS SURPLUS ACCOUNT.—Section 815(d) of such Code (relating to special rules with respect to distributions to shareholders) is amended by adding at the end thereof the following new paragraph—

"(5) REDUCTION OF POLICYHOLDERS SURPLUS ACCOUNT FOR CERTAIN UNUSED DEDUCTIONS.—If—

"(A) an amount added to the policyholders surplus account for any taxable year increased (or created) a loss from operations for such year, and

"(B) any portion of the increase in the loss from operations referred to in subparagraph (A) did not result in a reduction of any tax under section 802 for any taxable year to which such loss was carried,

the policyholders surplus account for the last taxable year to which such loss may be carried shall be reduced by the amount described in subparagraph (B) or, if lesser, the amount in such account as of the close of such taxable year (computed before any subtractions for such taxable year)."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1961.

The amendment was agreed to.

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

The bill was read the third time and passed.

The title was amended, so as to read: "An Act to amend the provisions of the Internal Revenue Code of 1954 relating to the conditions under which the special constructive sale price rule is to apply for purposes of certain manufacturers excise taxes and relating to the taxation of life insurance companies, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 2109), explaining the purposes of the bill.

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

I. SUMMARY OF BILL

The Excise Tax Technical Changes Act of 1958 provided that in determining the base for the computation of manufacturer's excise taxes, a constructive sales price could be used where sales were made to retailers or to consumers if sales were also made at the wholesale level. However, this provision applies only if the normal method of sales within the industry is not to sell articles at retail, to retailers, or to both. The House bill provided that this latter restriction was not to apply in the case of the manufacturer's excise taxes on refrigerators and related items, on electric, gas and oil appliances, and on radios and television sets and related items. Your committee has amended the House bill to provide that this latter restriction is to apply in the case of none of the manufacturer's excise taxes except those relating to automobiles, trucks and buses, business machines, and matches.

Your committee also has added two new sections to the bill. The first of these relates to the extra 10 percent limitation, over and above the generally available 20-percent limitation, on deductions for charitable contributions. Presently this extra 10-percent limitation applies in the case of contributions to a church, school, hospital, or medical research organization. The new section added by your committee makes this extra 10-percent limitation applicable in the case of contributions to an organization, organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to, or for the benefit of, a State or local government university or college, including a land-grant college or university. However, such an organization must be one which normally receives a substantial part of its support from the United States or any State or local government or from direct or indirect contributions from the general public. This new section is to apply to taxable years beginning after December 31, 1960.

The second new section added to the bill by your committee deals with certain aspects of the taxation of life insurance companies. The amendment makes four changes in life insurance taxation:

First, the amendment affects the tax treatment of variable annuities and segregated pension contracts. The present tax treatment of variable annuities does not apply to taxable years beginning after December 31, 1962. The bill continues present treatment of variable annuities for the future, without a termination date, and also provides that income allocated to "segregated asset accounts" (including capital gains income in the case of qualified pension contracts) is not to be taxed to the life insurance company.

The second life insurance company amendment is concerned with the taxation of capital gains of such companies. The bill permits taxpayers to include the excess of any net long-term capital gains over any net short-term capital losses in the life insurance company's "phase one" investment income tax base, in lieu of the present separate capital gains tax of 25 percent.

The third life insurance company amendment is concerned with the order in which deductions are to be taken. Under present law the 2-percent deduction for group accident and health insurance and the 10-percent deduction for increase in reserves for nonparticipating contracts (or deduction of 3 percent of the premiums on such contracts), for purposes of the $250,000 limitation, are taken before the deduction for policyholder dividends. The amendment reverses this priority. Since the deductions for group accident and health insurance and nonparticipating contracts in effect are restored to income for purposes of the "phase three" tax, when distributions are made to stockholders, there is a wastage for the life insurance company of part of its policyholder dividend deduction (which is not restored to income at the time of distributions) if this latter deduction is not taken first.

The fourth life insurance company amendment provides that if an amount added to the policyholder's surplus account for any year increased a loss from operations for that year, and did not result in a reduction in tax in any year to which the loss is carried, to

this extent the income base used in determining the tax at the time of distributions to shareholders is to be reduced.

These life insurance company amendments are to apply to taxable years beginning after December 31, 1961.

The Treasury Department has indicated that if the constructive price provision for present law is to be retained, it does not object to the House bill and favors the amendment made by your committee. The Treasury Department also has indicated that it favors the committee amendments relating to the extra 10-percent deduction for charitable contributions and those relating to life insurance company taxation.

II. CONSTRUCTIVE SALES PRICE PROVISION

Prior to the enactment of the Excise Tax Technical Changes Act of 1958, the law provided a constructive sales price, for purposes of computing various manufacturers excise taxes, only where the article is sold (1) at retail (i.e., to consumers), (2) on consignment, or (3) at less than the fair market price if the transaction is not at arm's length. The constructive sales price applied in such cases is the price for which the articles are sold in the ordinary course of trade by the manufacturer or producer as determined by the Secretary of the Treasury or his delegate.

In the Excise Tax Technical Changes Act of 1958 (Public Law 85–859, 85th Cong.), Congress expanded the area where a constructive price provision applies in determining the base for manufacturers excise taxes. A provision added by that act made a constructive price provision applicable not only to sales to consumers but also in the case of sales to retailers.[1] Where this provision applies, the applicable constructive sales price is the highest price for which the manufacturer sells the article to wholesale distributors, or the actual price for which the article was sold, if lower.

In its report on the 1958 act, the Senate Committee on Finance stated:

"Your committee is in full agreement with the House that substantially different amounts of manufacturers' excise tax should not be imposed with respect to the same type of items merely because one manufacturer chooses to sell his articles to a retailer or consumer while the other sells his to a wholesaler."

Despite the objective of a uniform base for the imposition of excise taxes, it was recognized in the action taken in the 1958 act that there were significant administrative problems in computing a constructive sales price which made it difficult to achieve complete uniformity in tax base for purposes of the manufacturers' excise taxes. To minimize these administrative problems, four limitations were imposed on the use of this new provision:

(1) The sales must be regularly made at retail, to retailers, or to special dealers;

(2) Sales must also be made to one or more wholesale distributors in arm's-length transactions in which the manufacturer (producer or importer) establishes that the price was set without regard to any tax benefit under this provision.

(3) The normal method of sales of the articles within the industry is not at retail, or to retailers or a combination of both; and

(4) The transaction is at arm's length.

The first limitation means that the provision does not apply where the sales at retail or to retailers are merely casual sales. The requirement that sales also be made to wholesalers provides a basis for the actual computation of the constructive price. The third limitation; namely, the requirement that the sales at retail or to retailers (or a combination of these types of sales) not be the normal method of distribution was intended to deny the benefit of this provision where half or more of the volume of sales of the specific category of taxable items is made at retail or to retailers. The report of the Senate Committee on Finance on the 1958 act indicated the following reason for this limitation:

This limitation on the application of the new constructive price provision appears desirable because there would seem to be no significant discrimination with respect to an industry where sales at retail and/or to retailers represent the major proportion of the volume sales in the industry.

This requirement that taxpayers determine whether or not the normal method of distribution within the industry is to retailers or at retail in practice has been practically impossible to meet. The difficulty is that it has been almost impossible to gather the statistical information needed in order to determine what is the normal method of distribution within an industry. In most cases it has proved impossible to obtain sales data for important segments of the industry. In part this is due to a natural reluctance to disclose trade data to competitors in part due to the fact that those who do not intend to use this provision have no interest in developing this data, and in part due to the fact that there is no authorized agency for the collection of the data. However, problems also arise from the nature of the distribution system. For example, sales to large contractors frequently are difficult to classify as to whether they are sales at wholesale, to retailers, or at retail because the contractor may, in part, be purchasing articles for his own use and in part for resale to others. The problem is further complicated by the fact that a determination as to the normal method of distribution at any one point of time may vary somewhat if another point of time is selected.

The Treasury Department, in its report to your committee on this bill, while not favoring its enactment, stated: "* * * While there is a feeling by all concerned that certain products must fall within the scope of the lower constructive price provision (i.e., the one under consideration here), conclusive data for any given product have yet to be obtained. Normal sources of distribution data are the census of manufacturers and trade associations. But differences in classification of products for trade and tax purposes, and lack of full coverage for a whole industry, have prevented available figures from being sufficient to make a decision as to whether sales to retailers and at retail are, or are not, the normal method of distribution by manufacturers of a given product. [Parenthetical statement added.]

As a result of these difficulties in the application of this restriction relating to the normal method of distribution within an industry, the House concluded that the application of this restriction should be removed in the case of three industry groups, where it is generally agreed that the normal method of distribution within the industry is not sales to retailers or at retail, despite the fact that complete statistical proof to this effect has not been available. The industry groups referred to were those selling articles taxable under (1) section 4111; namely, household-type refrigerators and quick-freeze units (including combinations of the two), and self-contained air-conditioning units; (2) section 4121; namely, electric, gas, and oil appliances; and (3) section 4141; namely, radios, television sets, phonographs (including combinations of the foregoing), radio and television components, and phonograph records.

Your committee agrees with the House that the restriction as to the normal method of sales of the article within the industry should not apply in the case of the above-named excise tax categories. However, your committee after examining this provision has concluded that this restriction likewise should not apply in the case of other manufacturer's excise taxes as well. In this regard the Treasury report on this bill states as follows:

"It is our understanding that the major objective in 1958, in inserting the condition that the new constructive price privilege was not to be available where sales at retail or to retailers were the normal method of selling, was designed to prevent the use of such constructive price by a limited group of industries. These industries are those in which sales at retail or to retailers constitute a very high proportion of total sales, in particular, passenger automobiles, trucks, and business and store machines. Amending the law so as to prevent only these named industries from using the constructive price base in question would achieve the essential intent of 1958 legislation and avoid the need for considering additional amendments in future years to meet the requests of industries which presumably are in the same situation as the industries already listed in H.R. 8952."

Your committee agrees with the Treasury Department that this restriction of the constructive sales price privilege, so that it is not available where sales at retail or to retailers is the normal method of selling, should not apply generally to manufacturer's excise taxes. For that reason it has amended the House bill to make this restriction applicable only in the case of the following excise taxes: (1) Section 4061(a)(1); namely, trucks, buses, and related equipment; (2) section 4061(a)(2); namely, passenger automobiles and related equipment; (3) section 4191; namely, business machines; and (4) section 4211; namely, matches.

Because of the elapse of time since this provision was considered by the House, your committee has also amended the effective date so that the amendment made by this section is to apply with respect to articles sold by the manufacturer, producer, or importer on or after October 1, 1962, rather than January 1, 1962. This is not intended, however, to imply that this constructive sales price was not applicable to sales of articles covered by this bill prior to that date.

III. CONTRIBUTIONS TO FOUNDATIONS FOR STATE COLLEGES AND UNIVERSITIES

The attention of your committee has been called to the fact that in at least nine States[2] legal restrictions limit the ability of State and land-grant colleges or universities to receive directly gifts and bequests from the public for particular purposes. This frequently is true because State laws require gifts made directly to a State institution to be covered into the general State treasury, and for funds made available to the State university or college to be provided by appropriation by the legislature. Because of these restrictions, endowment foundations had been created in connection with many State colleges and universities (often by alumni groups) for the purpose of receiving gifts and bequests from the general public and making expenditures for the benefit of these colleges and universities. In some instances State university endowment institutions of the type referred to here hold title to property comprising part of the campus area of a college or university and participate in the erection of university buildings. In general, the funds of these foundations are used for a variety of purposes such as providing scholarships, student loans, equipment, furnishings, and libraries, all of which normally are accepted functions of colleges and universities. However, in these cases the functions are performed through separate corporations rather than through the university corporation itself.

[1] The act also supplied the constructive sales price provision to so-called special dealers.

[2] Iowa, Kansas, New York, Oregon, South Dakota, Utah, Virginia, West Virginia, and Wisconsin.

Because these university endowment institutions are not directly a part of the State university or college, the charitable contribution deduction which may be taken by an individual with respect to contributions to such an institution is limited to 20 percent of the taxpayer's adjusted gross income (without regard to net operating loss carrybacks). Under present law an extra 10 percent, or 30 percent in the aggregate, of the taxpayer's adjusted gross income may be deducted in the case of contributions to a church or convention or association of churches, an educational organization, a hospital, or certain medical research organizations. This extra 10 percent, however, may not be deducted in the case of the State university endowment institutions referred to here because they are not actually schools. Similar endowment funds of private universities or colleges, on the other hand, are a part of the private school or university itself and, therefore, contributions to such funds or directly to the private schools and universities are eligible for this extra 10 percent charitable deduction.

Your committee has concluded that these endowment funds for colleges or universities of States or local governments should be placed on the same footing with private institutions in the case of the deductibility of charitable contributions and gifts made to them. For that reason your committee's amendment adds a new category (sec. 170(b)(1)(A)(iv)) to the provision of present law which specifies the types of institutions to which gifts may be made for which the extra 10-percent deduction for charitable contributions is available. The new category added by your committee's amendment comprises organizations, organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of a State (or local governmental unit) university or college, including land-grant colleges or universities. To be eligible for this treatment, however, the organization must be one which normally receives a substantial part of its support from the United States or a State or local governmental unit or from direct or indirect contributions from the general public.

This provision is to apply to taxable years beginning after December 31, 1960.

### IV. AMENDMENT OF PROVISIONS RELATING TO THE TAXATION OF LIFE INSURANCE COMPANIES

#### *A. General explanation*

#### 1. Variable Annuities and Other Segregated Asset Accounts

The first provision relating to life insurance companies added by your committee's amendments deals with variable annuities and also with segregated pension accounts.

Variable annuities differ from ordinary, or fixed dollar, annuities in that the annuity benefits payable under them vary with the insurance company's investment experience. The fixed dollar annuity, on the other hand, guarantees the payment of a specified amount irrespective of the actual investment earnings. Both the fixed dollar annuities and the variable annuities, however, are based upon the principle of paying out either specified amounts, or specified units with values which vary with investment experience, over the life of each member of an annuitant group. In both cases the insuring company bears the mortality risk.

In view of this similarity, Congress in the Life Insurance Company Income Tax Act of 1959 treated variable annuities generally like other annuities for tax purposes. It provided that variable annuity contracts using recognized mortality tables with annuity payments based on the investment experience of the company issuing the contract were to be treated as regular annuity contracts for purposes of the life insurance company tax. These reserves, therefore, qualify as life insurance reserves and companies primarily issuing these policies qualify as life insurance companies. In this case, however, the current earnings rate of the company is used in determining the portion of the investment income belonging to the policyholder, rather than to the life insurance company, except that this current earnings rate is reduced by any actuarial margin charge retained by the company under the contract. This same rate is also used as the assumed rate of interest. In the case of these variable annuity contracts, additions in reserves for tax purposes include only increases made by reason of premium receipts and investment income and decreases in these reserves take into account only benefits paid under these contracts. There is excluded from reserve additions or decreases capital gains and losses, both realized and unrealized. The unrealized gains and losses are excluded because as a general rule unrealized gains are not taken into account for tax purposes. The realized gains and losses are excluded because under present law they are taxed at a separate flat 25 percent tax rate with respect to any excess net long-term capital gain over any net short-term capital loss.

Present law provides that the treatment described above for variable annuities is to terminate with respect to taxable years beginning after December 31, 1962. Your committee's amendment, with only technical modifications, continues the present treatment for these variable annuities for future years.

The variable annuity described above is one form of a segregated asset account. In addition, however, there are segregated asset accounts, primarily pension contracts, where the payments may not be based upon recognized mortality tables. The segregated asset accounts referred to are those which provide for the payment of annuities where as a result of State law or regulation the amounts received are segregated from the general asset accounts of the life insurance company and where either the amounts paid in, or the amounts paid out as annuities, vary with the investment return and the market value of the segregated asset account.

Under the Life Insurance Company Income Tax Act of 1959 Congress attempted to exclude the investment income earned in connection with reserves accumulated for qualified employer pension and profit-sharing plans from the tax base of the life insurance company. To obtain this result it provided that the amount to be attributed to the policyholders, and therefore not taxed, was to be equal to the current earnings rate of the life insurance company multiplied by reserves held for qualified pension and profit-sharing plans. Your committee's report on that act indicated the view that this treatment was desirable because the investment earnings of a noninsured qualified pension or profit-sharing trust are completely exempt from tax while they are accumulated in the trust.

Thus, an attempt was made at that time to treat qualified pension or profit-sharing contracts, handled through an insurance company, in the same manner as tax-exempt qualified pension and profit-sharing trusts. This result was not obtained, however, because the current earnings rate of a life insurance company is based on items of investment yield and assets of the company as a whole and not on those items as they relate to qualified pension plan contracts alone. Moreover, under present law the capital gains of all assets relating to these pension contracts remain subject to tax. Noninsured pension trusts on the other hand, account separately for all assets attributable to qualified pension plans and pay no tax on either the investment income or the capital gains on such assets.

This difference in tax treatment may well be an important factor in the loss of pension business which has occurred in the case of life insurance companies in the last few years. In 1960 the premiums and other consideration they received for insured pension plans, for example, were $145 million lower than in 1959. This difference in tax treatment is damaging, however, not only to the life insurance companies but also to the smaller employers who generally cannot assume the risk or administrative expense of establishing a small pension trust.

In the last few years a number of States have authorized the use of segregated account pension contracts to enable life insurance companies to meet the competition of the pension trusts. These States are Arkansas, Colorado, Connecticut, Florida, Indiana, Iowa, Kentucky, Massachusetts, Nebraska, Nevada, New Jersey, New York, and the District of Columbia. However, to provide tax equality for these segregated pension accounts with the tax-exempt pension trusts, it is necessary that the investment income and capital gains credited to policyholders in these segregated accounts be free of tax in the same manner as is already true in the case of the noninsured pension trusts.

Your committee's amendment is designed to remove this competitive discrimination. First, it provides that the full current earnings rate on assets held in segregated accounts, less any amounts retained by the company in excess of allowable expenses, are to be deducted in computing the life insurance company's investment income tax base. This is provided in the amendment by specifying that in computing the policy and other contract liability requirements of the life insurance company with respect to life insurance reserves on segregated asset accounts, the current earnings rate with respect to these segregated accounts is to be substituted for the use of the adjusted reserve rate and the rate of interest assumed by the taxpayer. However, this current earnings rate is to be reduced for amounts retained by the life insurance company from gross investment income on segregated assets to the extent these retained amounts exceed the investment deductions otherwise allowable. Similarly, with respect to reserves based on segregated asset accounts other than life insurance reserves, the current earnings rate on the segregated assets is to be considered as the interest paid.

Second, capital gains and losses specifically allocated to segregated asset accounts are no longer to be subjected to the flat 25-percent capital gains tax. This treatment is provided, however, only in the case of qualified pension contracts. This is accomplished by adjusting the basis of the segregated assets upward or downward to the extent of the amount of the gain or loss which would otherwise occur.

Third, in determining the "phase two" tax base, or net gains from operation, increases or decreases in reserves for the contracts which would otherwise occur because of appreciation or depreciation in the value of assets is not to be taken into account. This, like the first adjustment described above, applies to qualified and nonqualified pension contracts alike.

Fourth, in determining the "phase one" tax base, namely, the taxable investment income, a completely separate computation is made for the investment income attributable to the segregated account business.

#### 2. Tax on Capital Gains

Under the Life Insurance Company Income Tax Act of 1959 a life insurance company is taxed separately on its capital gains. That act provided that the excess of net long-term

capital gains over net short-term capital losses is to be taxed at a flat 25-percent rate. This method of taxing capital gains differs from that provided for most other corporations in that this 25-percent tax is not an alternative tax but rather is the only procedure provided for capital gains.

As indicated in the report of your committee on the Life Insurance Act, the taxation of capital gains was limited to this one procedure because of complexities encountered in including capital gains in the regular tax base. In this regard the report of your committee on that act stated as follows:

"The tax rate is a flat 25-percent tax on these long-term gains (the excess of the net long-term capital gain over the net short-term capital loss). This differs from the treatment provided in the case of ordinary corporations in that this 25-percent tax is not an alternative tax but the only method of computation provided. This omission of any alternative method of computation avoids the complexity of providing for the inclusion of capital gains in the regular tax base, which in this case consists of three different phases."

The failure to permit life insurance companies on an alternative basis to include capital gains in their regular tax base has resulted in a hardship for those companies operating at a loss. For the most part these are small, new companies. Moreover, they represent an important segment of the industry. In 1958, out of 1,471 life insurance companies, only 741 reported net income. Thus, nearly 50 percent of the industry in terms of numbers of companies operated at a loss. Any of these companies realizing a net long-term capital gain (in excess of any net short-term capital loss) nevertheless are required to pay a flat 25-percent tax on such a gain even though operating at an overall loss for the year.

Your committee's amendment removes this discriminatory treatment against life insurance companies operating at a loss and at the same time avoids the complexities feared at the time of the passage of the 1959 act. Under this amendment a life insurance company will compute its tax on long-term capital gains under two methods—a regular method and an alternative method. The regular method requires that these capital gains be included in the taxable investment income of the life insurance company.[3] Under this method, however, the capital gain income is not taken into account in determining investment yield.

The alternative method of taxing capital gains under your committee's amendment is identical to the method provided by existing law; namely, a separate flat 25-percent tax on the excess of any net long-term capital gain over any net short-term capital loss. The life insurance company, under your committee's amendment, is to determine its tax for the taxable year under whichever of these two methods produces the lesser tax liability.

3. Priority of Deductions Affecting Stock Life Insurance Companies

Under the Life Insurance Company Income Tax Act of 1959 a so-called phase three tax is imposed on life insurance companies in the case of distributions to shareholders. The act provides that after distributions to the shareholders of amounts already taxed to the life insurance company, if additional distributions are made to the shareholders such amounts are taxable at the life insurance company level at the time of the distribution. The amounts so taxed at the time of distribution include the 50 percent of gains from operations (in excess of taxable investment income) not previously taxed to the life insurance company, plus the deduction for nonparticipating contracts (10 percent of the increase in reserves for nonparticipating contracts or 3 percent of the premiums for such contracts, whichever is greater) and the deduction for group life and group accident and health insurance contracts (2 percent of premiums for such contracts).

In computing the deductions for group insurance premiums and nonparticipating insurance and also the deduction for dividends to policyholders, the 1959 act provides that the aggregate of these three deductions (although they may entirely offset gains from operations in excess of taxable investment income) may not offset taxable investment income by more than $250,000. The statute also provides that the group insurance premium deduction is to be taken first, then the nonparticipating contract deduction, and finally the deduction for policyholder dividends in applying this $250,000 limitation.

The effect of this priority in which the deductions are to be taken is in some cases to leave a taxpayer worse off than if he received no deduction at all for group premiums or nonparticipating contracts. This can occur where the company pays out sufficient policyholder dividends to account for the maximum deduction available with this $250,000 limitation. In such a case, if this deduction could be taken first, since it is not just a deferred deduction, it would result in no further tax at the time of the distribution to the shareholder. However, since the other two deductions must be taken first and do result in a tax at the time of a distribution to shareholders, the taxpayer in such case is in a worse position than he would be if these first two deductions were not available.

To remove this hardship your committee's amendment provides that in applying the $250,000 limitation, policyholder dividends are to be allowed as a deduction first and then the deduction for group insurance premiums and finally the deduction for nonparticipating insurance contracts.

4. Effect of an Unused Loss From Operations on "Phase Three" Tax at Time of Distribution to Shareholders

Under the Life Insurance Company Income Tax Act of 1959 provision was made for the taxation at the life insurance company level of any income not previously taxed to the life insurance company which is distributed to the shareholders. First, however, amounts which have already been taxed to the life insurance company may be distributed to shareholders without further tax at the time of distribution. Only when such amounts are used up is a tax imposed with respect to any additional distributions. The amounts already taxed to the life insurance company and which may be distributed without further tax are accounted for in what is called the shareholders' surplus account. The amounts which will result in additional tax at the time of distribution to shareholders are accounted for in the "policyholder's surplus account."

The attention of your committee has been called to a type of situation where these accounts do not achieve the intended result. At present there is added to the policyholder surplus account 50 percent of the gains from operation in excess of taxable investment income; plus the deduction for nonparticipating contracts and the deduction for group life and group accident and health insurance. The deduction for nonparticipating contracts or the deduction for group life and group accident and health insurance contracts may result in a loss from operations which may be carried back 3 years or forward 5 years (or in certain cases carried forward 8 years). If the deduction cannot be fully used to offset gain from operations in one of these years, there is a wastage of these deductions. Nevertheless, these deductions under present law have been added in full to the policyholder's surplus account. This results in a tax at the time distributions are made even though, where the deduction has been wasted, it has not been possible for the life insurance company to gain any benefit from them.

To remove this imperfection in the present statute, your committee's amendments provide that if an amount added to the policyholder's surplus account for any year increases or creates a loss from operations and part or all of that loss cannot be used in any other year to reduce the company's tax liability, then the policyholder's surplus account for the last year to which this loss may be carried is to be reduced by the amount of the unused loss or, if lesser, the amount in the policyholder's account (before making any subtractions for that year).

5. Effective Date

All of the amendments made by your committee relating to life insurance companies apply with respect to taxable years beginning after December 31, 1961.

[3] The excess of the net long-term capital gains over the net short-term capital losses are also included in gains from operations under the "phase two" tax base for life insurance companies. However, since in the final computation of the tax taxable investment income, if smaller, is subtracted from gain from operations, only the "phase one" tax base in the last analysis generally will include this capital gain income.

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## A 7-YEAR NET OPERATING LOSS CARRYOVER FOR CERTAIN REGULATED TRANSPORTATION CORPORATIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 2007, H.R. 12526.

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

The LEGISLATIVE CLERK. A bill (H.R. 12526) to amend section 172 of the Internal Revenue Code of 1954 to provide a 7-year net operating loss carryover for certain regulated transportation corporations.

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

There being no objection, the bill was considered, ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 2041), explaining the purposes of the bill.

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

SUMMARY OF BILL

Corporations generally may carry net operating losses back 3 years and then, if there is any remaining unused loss, forward for 5 years. This bill provides that regulated transportation corporations, in addition to the 3-year carryback, are to have a 7-year, instead of a 5-year, carryforward of net operating losses. This longer period to carryforward net operating losses is to be available to these corporations with respect to

losses occurring in years, or portions of years, occurring since December 31, 1955.

This bill has been reported unanimously by your committee. This bill in large measure follows the recommendation of the President in his message on transportation. In that report he recommended a 7-year, instead of a 5-year, carryforward period for the losses of regulated public utilities.

REASONS FOR THE BILL

The President in his message to Congress on April 5, 1962, relating to the transportation system of our Nation, stressed the importance of an efficient and dynamic transportation system to aid in obtaining domestic economic growth, productivity, and progress. As he indicated, our transportation system affects the cost of every commodity we consume or export and is equally vital to our ability to compete abroad. One recommendation of the President in his transportation message was as follows:

"In addition, I recommend that the Internal Revenue Code be amended to increase from 5 to 7 years the period during which regulated public utilities, including those in transportation, can apply prior year losses to reduce current income for tax purposes."

The regulated transportation companies, particularly the railorads, have greater need for long carryforwards of net operating losses than other companies because they tend to have relatively lower rates of earnings. Because of these lower earnings, such companies when they have losses require a longer period of time, than do most other companies, before these losses can be offset in full against earnings of other years. The fact that these companies are regulated in the price they can charge also tends to make it more difficult for them to recoup these losses in earnings' years. This has been an especially important problem in the case of the railroads whose earnings have declined over 40 percent in the period between 1955 and 1959, with further declines having occurred since that time. In fact, your committee has been informed that at least seven railroads have unused net operating loss carryforwards which lapse at the end of this year. These are the Pennsylvania, the New York Central, the Erie-Lackawanna, the New York, New Haven & Hartford, the Boston & Maine, the Chicago & North Western, and the Lehigh Valley Railroads. In view of these considerations, your committee's bill provides that for losses occurring in taxable years, or a portion of a year, after December 31, 1955, these regulated transportation companies are to have 7 years, rather than the usual 5-year period, over which losses may be carried forward.

GENERAL EXPLANATION

Corporations generally may carry a net operating loss back to the three immediately prior taxable years and then if any loss still remains, this amount may be carried forward to each of the 5 succeeding years. This bill provides, however, that a net operating loss from any taxable year ending after December 31, 1955, in the case of a "regulated transportation corporation" may be carried forward 7 years instead of 5. This is in addition to the 3-year carryback which is generally applicable. For corporations with loss years partially in 1955 and partially in 1956 a special rule described below limits the benefit of the longer loss carryforward to the portion of the year in 1956.

A regulated transportation corporation, for purposes of this 7-year net operating loss carryover includes any corporation receiving 80 percent or more of its gross income (without regard to dividends and capital gains and losses) from the furnishing or sale of certain specified types of transportation. The forms of transportation which are included are—

1. Transportation by common carrier by a railroad subject to the jurisdiction of the Interstate Commerce Commission;

2. Other transportation on an intrastate, suburban, municipal, or interurban electric railroad or trackless trolley system if its rates are established or approved by a governmental body or agency;

3. Transportation on a municipal or suburban bus system if its rates are established or approved by a governmental body or agency;

4. Other transportation by motor vehicle if the rates had been established or approved by a regulated body or agency;

5. Transportation by common carrier by air subject to the jurisdiction of the Civil Aeronautics Board; and

6. Transportation by common carrier by water subject to the jurisdiction of the Interstate Commerce Commission or Federal Maritime Board under the Intercoastal Shipping Act.

Also included are railroad corporations which have leased their railroad properties to another railroad and parent corporations of railroads. Finally, a corporation is included if it is a member of a "regulated transportation system." A regulated transportation system for this purpose is any corporation which is a member of an affiliated group filing a consolidated return if 80 percent of the aggregate gross income is derived from sources described in the listing Nos. 1 to 6 above or from a lessor railroad or common parent railroad. "Aggregate gross income" means the combined gross income of all of the members of the group without any eliminations for intercompany transactions.

The bill provides that for the net operating loss carryover to be available for the sixth year, the taxpayer involved must be a "regulated transportation corporation" for that year. For a loss to be carried to its seventh year the taxpayer involved must have been a "regulated transportation corporation" for both the sixth and the seventh years.

The bill also provides a proration formula which limits the loss which can be carried over from a year beginning in 1955 and ending in 1956. The formula provides that any loss carried over the sixth year in such cases is to be the same proportion of any loss remaining at the end of the fifth year which the number of days in the taxpayer's 1955–56 year which were in the calendar year 1956 bears to the total number of days in that year. Any of this partial loss remaining after the offset against income in the sixth year may then be carried forward and offset against income in the seventh year.

DEPARTMENTAL VIEWS

The Treasury Department has no objection to enactment of this bill.

## ADMITTANCE OF VESSEL, "CITY OF NEW ORLEANS," TO AMERICAN REGISTRY

The Senate resumed the consideration of the bill (S. 3115) to authorize the admittance of the vessel, *City of New Orleans*, to American registry and to permit the use of such vessel in the coastwide trade.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## POSTAL SERVICE AND FEDERAL EMPLOYEES SALARY ACT OF 1962

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 2086, H.R. 7927.

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

The LEGISLATIVE CLERK. A bill (H.R. 7927) to adjust postal rates, and for other purposes.

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 Post Office and Civil Service, with an amendment, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Postal Service and Federal Employees Salary Act of 1962".

PART I—POSTAL SERVICE

*Title I—Postal rates*

First-Class Mail

SEC. 101. Section 4253(a) of title 39, United States Code, is amended by striking out the words "four" and "three" wherever appearing in subsection (a) and inserting in lieu thereof the words "five" and "four", respectively.

Airmail

SEC. 102. (a) Section 4303 of title 39, United States Code, is amended—

(1) by striking out the word "seven" in subsection (a) and inserting in lieu thereof the word "eight";

(2) by striking out the word "five" in subsection (b) and inserting in lieu thereof the word "six";

(3) by increasing each of the rates under the heading "First pound over 8 ounces or fraction thereof" in the table in subsection (d)(1) by 8 cents;

(4) by striking out paragraph (2) of subsection (d) and inserting in lieu thereof the following:

"(2) The rate of postage on air mail of the first class weighing in excess of eight ounces shall be the rate provided by subsection (a) for each ounce not in excess of eight ounces, plus 5 cents for each ounce or fraction thereof in excess of eight ounces, but in no case less than the rate provided under paragraph (1) for air parcels."

Second Class Within County of Publication

SEC. 103. Subsections (a) and (b) of section 4358 of title 39, United States Code, are amended to read as follows:

"(a) Except as provided in subsection (b), the rate of postage on publications admitted as second-class mail when addressed for delivery within the county in which they are published and entered is as follows:

"[In cents]

| | "Mailed after January 6, 1963, and prior to January 1, 1965 | Mailed after December 31, 1964 |
|---|---|---|
| "Rate per pound | 1 | 1¼ |
| Minimum charge per piece | ⅛ | ¼ |

"(b) The rate of postage on the following publications admitted as second-class mail when mailed for delivery, within the county in which they are published and entered, by letter carrier at the office of mailing, shall be—

"(1) publications issued more frequently than weekly, one cent a copy;

"(2) publications issued less frequently than weekly—

"(A) weighing two ounces or less, one cent a copy;

"(B) weighing more than two ounces, two cents a copy."

Second Class Beyond County of Publication

SEC. 104. (a) Section 4359(b) of title 39, United States Code, is amended to read as follows:

"(b)(1) Except as provided by paragraphs (2), (3), and (4), the rates of postage on publications mailed in accordance with subsection (a) are as follows:

"[In cents]

| | "Mailed after January 6, 1963, and prior to January 1, 1964 | Mailed during calendar year 1964 | Mailed after December 31, 1964 |
|---|---|---|---|
| "Rate per pound: | | | |
| Advertising portion: | | | |
| Zones 1 and 2 | 3.4 | 3.8 | 4.0 |
| Zone 3 | 4.4 | 4.8 | 5.0 |
| Zone 4 | 6.4 | 6.8 | 7.0 |
| Zone 5 | 8.4 | 8.8 | 9.0 |
| Zone 6 | 10.4 | 10.8 | 11.0 |
| Zone 7 | 12.0 | 12.0 | 12.0 |
| Zone 8 | 14.0 | 14.0 | 14.0 |
| Nonadvertising portion | 2.6 | 2.7 | 2.8 |
| Minimum charge per piece | .6 | .8 | 1.0 |

"(2) The postage on classroom publications is 60 per centum of the postage computed in accordance with paragraph (1).

"(3) The rates of postage on publications of a qualified nonprofit organization mailed in accordance with subsection (a) are as follows:

"[In cents]

| | "Mailed after January 6, 1963, and prior to January 1, 1964 | Mailed during calendar year 1964 | Mailed after December 31, 1964 |
|---|---|---|---|
| "Rate per pound | 1.6 | 1.7 | 1.8 |
| Minimum charge per piece | ⅛ | ¼ | ¼ |

"(4) In lieu of the minimum charge per piece prescribed by paragraph (1), the minimum charge per piece to be paid by the following publications (other than publications to which paragraph (2) or paragraph (3) is applicable) shall be as follows—

"(A) publications mailing fewer than 5,000 copies per issue outside the county of publication—one-half cent per piece;

"(B) any issue of a publication the advertising portion of which does not exceed 5 per centum of the entire issue—.55 of a cent per piece when mailed after January 6, 1963, and prior to January 1, 1964, .65 of a cent per piece when mailed during calendar year 1964, and .75 of a cent per piece when mailed after December 31, 1964."

(b) Section 4359(e)(2) of title 39, United States Code, is amended by striking out "and fraternal," and inserting in lieu thereof the following: "fraternal, and associations of rural electric cooperatives, and not to exceed one publication published by the official highway agency of a State which meets all of the requirements of section 4354 and which contains no advertising".

(c) Section 4360 of title 39, United States Code, is repealed.

Second-Class Transient Mail

SEC. 105. Section 4362 of title 39, United States Code, is amended by striking out "two cents" and inserting in lieu thereof "four cents".

Controlled Circulation Publications

SEC. 106. Section 4422 of title 39, United States Code, is amended by striking out "12 cents a pound or fraction thereof" and inserting in lieu thereof the following: "12½ cents a pound or fraction thereof when mailed after January 6, 1963, and prior to January 1, 1964, 13 cents a pound or fraction thereof when mailed during calendar year 1964, and 13½ cents a pound or fraction thereof when mailed after December 31, 1964".

Third-Class Mail

SEC. 107. Section 4452 of title 39, United States Code, is amended—

(1) by amending subsections (a), (b), and (c) to read as follows:

"(a) Except as provided in subsection (c) of this section, and subject to the minimum charge per piece provided in subsection (b) of this section, the postage rates on third-class mail are as follows:

| "Type of mailing | Rate | Unit |
|---|---|---|
| | *Cents* | |
| (1) Individual piece | 4 | First 2 ounces or fraction thereof. |
| | 2 | Each additional ounce or fraction thereof. |
| (2) Bulk mailings under subsec. (e) of this section of: | | |
| (A) Books and catalogs of 24 pages or more, seeds, cuttings, bulbs, roots, scions and plants. | 12 | Each pound or fraction thereof. |
| (B) Other matter | 18 | Do. |

"(b) Matter mailed in bulk under subsection (e) of this section is subject to a minimum charge for each piece of 2⅝ cents when mailed subsequent to January 6, 1963 and prior to January 1, 1964, 2⅞ cents when mailed during calendar year 1964, and 2⅞ cents when mailed after December 31, 1964.

"(c) The postage on matter mailed in bulk under subsection (e) by qualified nonprofit organizations is 50 per centum of the postage computed in accordance with subsections (a) and (b)."

(2) by striking out "subsections (a) and (b) of" wherever it appears in subsection (d).

(3) by striking aut "$20" and "twenty pounds" in subsection (e) and inserting in lieu thereof "$30" and "fifty pounds", respectively.

Fourth-Class Mail

SEC. 108. Section 4552(b)(5) of title 39, United States Code, relating to size and weight limitations on fourth-class matter mailed to or from certain areas, is amended by striking out the words "Territory of Hawaii" and inserting in lieu thereof the words "States of Alaska and Hawaii,".

SEC. 109. Section 4554 of title 39, United States Code (relating to books, films, and similar educational materials), is amended by striking out that part of subsection (a) which precedes paragraph (1) and inserting in lieu thereof the following:

"(a) Except as provided in subsection (b) of this section, the postage rate is 9½ cents a pound for the first pound or fraction thereof and 5 cents for each additional pound or fraction thereof when mailed after January 6, 1963 and prior to January 1, 1964, and 10 cents for the first pound or fraction thereof and 5 cents for each additional pound or fraction thereof when mailed after December 31, 1963, except that the rate now or hereafter prescribed for third- or fourth-class matter shall apply in every case where such rate is lower than the rate prescribed in this subsection on—".

Fees for Second-Class Entry and Registration

SEC. 110. Section 4357 of title 39, United States Code, is amended—

(1) by striking out "$25" in subsection (a)(1) and inserting in lieu thereof "$30";

(2) by striking out "$50" in subsection (a)(2) and inserting in lieu thereof "$60";

(3) by striking out "$100" in subsection (a)(3) and inserting in lieu thereof "$120";

(4) by striking out "$10" in the first sentence of subsection (b) and inserting in lieu thereof "$15";

(5) by striking out the second sentence of subsection (b) and inserting in lieu thereof the following: "The fee for each additional entry is $15, except that if the additional entry is made within zones 3 to 8, inclusive, (determined from the office of publication and entry) of the zones established for purposes of fourth-class mail, such fee shall be $50.";

(6) by striking out "$20" in subsection (c) and inserting in lieu thereof "$25"; and

(7) by striking out the last sentence in subsection (d).

Permit Fees for Mailing Without Stamps

SEC. 111. Section 4052(b) of title 39, United States Code, is amended by striking out "$10" and inserting in lieu thereof "$15".

Fixing of Fees by Postmaster General

SEC. 112. Section 507 of title 39, United States Code, is amended by adding at the end thereof the following:

"(12) the issuance of a permit for prepayment of postage without stamps.

"(13) the entry, re-entry, or additional entry of a periodical publication as second-class mail.

"(14) the registry of a news agent.

Fees prescribed by the Postmaster General under paragraphs (12) to (14), inclusive, shall be collected in lieu of the corresponding fees established under section 4052(b) or 4357."

Keys and Other Small Articles

SEC. 113. Section 4651(b) of title 39, United States Code, is amended by striking out "5 cents" and inserting in lieu thereof "6 cents".

Method of Determining Gross Receipts

SEC. 114. Section 711(c) of title 39, United States Code, is amended by striking out "Public Law 85-426" and inserting in lieu thereof "any Act of Congress enacted on or after May 27, 1958".

*Title II—Postal policy*

SEC. 201. (a) Section 2302(c)(4) of title 39, United States Code, is amended by striking out "deemed to be attributable to the performance of public services under section 2303(b) of this title" and inserting in lieu thereof "determined under section 2303 of this title to be attributable to the performance of public services".

(b) Section 2303(a) of title 39, United States Code, is amended—

(1) by amending the heading so as to read

"§ 2303. Identification of public services and costs thereof";

(2) by striking out paragraph 1(A) and inserting in lieu thereof the following:

"(A) reduced rates for certain publications as provided by section 4359 of this title;";

(3) by striking out paragraph 1(C) and inserting in lieu thereof the following:

"(C) second-class mailings at postage rates as provided by section 4358 of this title;"; and

(4) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) 10 per centum of the gross cost of the operation of third-class post offices and the star route system, and 20 per centum of the gross cost of the operation of fourth-class post offices and rural routes."

(5) by adding at the end thereof the following new sentence: "The terms 'total loss' and 'loss' as used in this section mean the amounts by which the total allocated costs incurred by the postal establishment in the performance of the public services enumerated in this subsection exceed the total revenues received by the postal establishment for the performance of such public services."

(c) Section 2303(b) of title 39, United States Code, is amended to read as follows:

"(b) The Postmaster General shall report to the Congress, on or before February 1 of each year beginning with the year 1963, the estimated amount of the losses or costs (or percentage of costs) specified in subsection (a) incurred by the postal establishment in the then current fiscal year in the performance of the public services enumerated in such subsection. The aggregate amount of the losses or costs (or percentage of costs) specified in subsection (a), incurred by the postal establishment in any fiscal year in the performance of such public services, shall be excluded from the total cost of operating the postal establishment for purposes of adjustment of postal rates and fees, including any adjustment pursuant to the provisions of section 207(b) of the Act of February 28, 1925, relating to reformation of classification (39 U.S.C., 1958 ed. 247)."

(d) The table of contents of chapter 27 of title 39, United States Code, is amended by striking out

"2303. Identification of and appropriations for public services."

and inserting in lieu thereof:

"2303. Identification of public services and costs thereof.".

*Title III—Miscellaneous*

Eligibility of Certain Organizations for Second-Class Entry

SEC. 301. Section 4355(a) of title 39, United States Code, is amended—

(1) by inserting after the words "State board of health" in subparagraph (3) a comma and the words "or a State industrial development agency";

(2) by striking out the period at the end of subparagraph (9) and inserting in lieu of such period a semicolon and the word "or"; and

(3) by adding at the end thereof the following new subparagraph (10):

"(10) published by any public or nonprofit private elementary or secondary institution of learning or its administrative or governing body.".

Educational Materials

SEC. 302. Section 4554 of title 39, United States Code, is amended—

(1) by striking out paragraph (5) of subsection (a) and inserting in lieu thereof the following:

"(5) sound recordings, including incidental announcements of recordings and guides or scripts prepared solely for use with such recordings;";

(2) by striking out the period at the end of paragraph (6) of subsection (a) and inserting in lieu thereof a semicolon;

(3) by adding at the end of subsection (a) the following:

"(7) printed educational reference charts, permanently processed for preservation; and

"(8) looseleaf pages, and binders therefor, consisting of medical information for distribution to doctors, hospitals, medical schools, and medical students."

(4) by striking out the word "students'" immediately preceding the word "notations" in paragraph (1) of subsection (a) and in paragraph (2) of subsection (b);

(5) by inserting after the words "loaned or exchanged" in paragraph (1) of subsection (b) the following: "(including cooperative processing by libraries)";

(6) by striking out:

"(D) bound volumes of periodicals;

"(E) phonograph recordings; and"

in paragraph (2) of subsection (b) and inserting in lieu thereof:

"(D) periodicals, whether bound or unbound;

"(E) sound recordings; and"; and

(7) by striking out "and catalog of those items" in subsection (c) and inserting in lieu thereof "scientific or mathematical kits, instruments, or other devices and catalogs of those items, and guides or scripts prepared solely for use with such materials".

Reading and Other Materials for Blind Persons

SEC. 303. Sections 4653 and 4654 of title 39, United States Code, are amended to read as follows:

"§ 4653. Publications for blind persons

"(a) The following matter may be mailed free of postage—

"(1) books, pamphlets, and other reading matter, including pages thereof:

"(A) published (whether prepared by hand, or printed) either in raised characters or in sightsaving-size type, or in the form of sound recordings, for use of blind persons;

"(B) in packages not exceeding the weight prescribed by the Postmaster General;

"(C) containing no advertising or other matter whatsoever;

"(D) unsealed;

"(E) sent—

"(i) by an institution, agency, publisher, organization, or association (including a library or school and including organizations or associations of or for blind people), not conducted for private profit, as a loan to blind readers, or when returned by the blind reader to the lender; or

"(ii) to a blind person without cost to the blind person; or

"(iii) to an institution, agency, publisher, organization, or association (including a library or school and including organizations or associations of or for blind people), not conducted for private profit, to be furnished to a blind person without cost to such blind person.

"(2) magazines, periodicals, and other regularly issued publications;

"(A) published (whether prepared by hand, or printed) either in raised characters or in sightsaving-size type, or in the form of sound recordings, for use of blind persons;

"(B) containing no advertising;

"(C) for which no subscription fee is charged.

"(b) There may be mailed at the rate of postage of 1 cent for each pound or fraction thereof—

"(1) books, pamphlets, and other reading matter, including pages thereof:

"(A) published (whether prepared by hand, or printed) either in raised characters or in sightsaving-size type, or in the form of sound recordings, for use of blind persons;

"(B) in packages not exceeding the weight prescribed by the Postmaster General;

"(C) containing no advertising or other matter whatsoever;

"(D) unsealed;

"(E) sent—

"(i) by an institution, agency, publisher, organization, or association (including a library or school and including organizations or associations of or for blind people), not conducted for private profit, on a rental basis to blind readers, or when returned by the blind reader to such organizations, at a price not greater than the cost price thereof; or

"(ii) to a blind person at a price not greater than the cost price thereof; or

"(iii) to an institution, agency, publisher, organization, or association (including a library or school and including organizations or associations of or for blind people), not conducted for private profit, to be furnished to a blind person at a price not greater than the cost price thereof.

"(2) magazines, periodicals, and other regularly issued publications;

"(A) published (whether prepared by hand, or printed) either in raised characters or in sightsaving size type, or in the form of sound recordings, for use of blind persons;

"(B) containing no advertising;

"(C) when furnished by an institution, agency, publisher, organization, or association (including a library or school and including organizations or associations of or for blind people), not conducted for private profit, to a blind person, at a price not greater than the cost price thereof.

"§ 4654. Reproducers, sound recordings, and other materials and appliances for the preparation of reading matter for blind persons

"(a) Reproducers, or parts thereof, for sound recordings for blind persons which are the property of the United States Government may be mailed free of postage when sent for repair, or returned after repair—

"(1) by an organization, institution, public library, or association for blind persons, not conducted for private profit;

"(2) by a blind person to such an agency not conducted for private profit;

"(3) from such an agency to an organization, institution, public library, or association for blind persons not conducted for private profit; or

"(4) to a blind person.

"(b) The Postmaster General may extend the free mailing privilege provided by subsection (a) of this section to reproducers or parts thereof for sound recordings for blind persons, braille writers and other appliances for blind persons or parts thereof, that are the property of—

"(1) State government or subdivisions thereof;

"(2) public libraries;

"(3) private agencies for the blind not conducted for private profit; or

"(4) blind individuals.

"(c) The Postmaster General may also permit the mailing free of postage of paper, records, tapes, and other materials for use by the recipients for the production (whether by hand or printed) of reading matter either in raised characters or sight saving size type, or in the form of sound recordings, for use of blind persons, where such materials are the property of—

"(1) State governments or subdivisions thereof;

"(2) public libraries;

"(3) private agencies for the blind not conducted for private profit; or

"(4) blind individuals."

Repeals and Technical Amendments

SEC. 304. (a) The following provisions of law are repealed:

(1) The third proviso in section 3 of the Act of October 30, 1951, as amended by the Act of June 23, 1959 (73 Stat. 89; Public Law 86–56);

(2) Sections 204(d), 204(e)(1), and 204(e)(2) of the Postal Rate Revision and Federal Employees Salary Act of 1948, as amended by the Act of July 14, 1960 (74 Stat. 479; Public Law 86–644);

(3) Sections 4361 and 4652 of title 39, United States Code.

(b) Section 4359(a) of title 39, United States Code, is amended by striking out "4358, 4361, and 4362" and inserting in lieu thereof "4358 and 4362".

(c) Section 4451(d) of title 39, United States Code, is amended by striking out "(a)(2)" and inserting in lieu thereof "(a)(3)".

Communist Political Propaganda

SEC. 305. (a) Chapter 51 of title 39, United States Code, is amended by adding at the end thereof the following new section:

"§ 4008. Communist political propaganda

"(a) Mail matter, except sealed letters, which originates or which is printed or otherwise prepared in a foreign country and which is determined by the Secretary of the Treasury pursuant to rules and regulations to be promulgated by him to be 'Communist political propaganda', shall be detained by the Postmaster General upon its arrival for delivery in the United States, or upon the subsequent deposit in the United States domestic mails, and the addressee shall be notified that such matter has been received and will be delivered only upon the addressee's request, except that such detention shall not be required in the case of any matter which is furnished pursuant to subscription or which is otherwise ascertained by the Postmaster General to be desired by the addressee. If no request for delivery is made by the addressee within a reasonable time, which shall not exceed sixty days, the matter detained shall be disposed of as the Postmaster General directs.

"(b) For the purposes of this section, the term 'Communist political propaganda' means political propaganda, as defined in section 1(j) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611(j)), issued by or on behalf of any country with respect to which there is in effect a suspension or withdrawal of tariff concessions pursuant to section 5 of the Trade Agreements Extension Act of 1951 or section 231 of the Trade Expansion Act of 1962, or any country from which any type of foreign assistance is withheld pursuant to section 620(f) of the Foreign Assistance Act of 1961, as amended.

"(c) The provisions of this section shall not be applicable with respect to (1) matter addressed to any United States Government agency, or any library, or to any college, university, graduate school, or scientific or professional institution for advanced studies, or any individual connected therewith, or (2) material whether or not 'communist political propaganda' addressed for delivery in the United States pursuant to a reciprocal international agreement under which the United States Government mails an equal amount of material for delivery in any country described in subsection (b)."

(b) The table of contents of chapter 51 of title 39, United States Code, is amended by adding at the end thereof the following: "4008. Communist political propaganda."

Effective Date

SEC. 306. Except as otherwise provided, the foregoing provisions of this part shall become effective on January 7, 1963.

PART II—FEDERAL SALARY REFORM

*Title I—General policy*

Short Title

SEC. 501. This part may be cited as the "Federal Salary Reform Act of 1962".

Declaration of Policy

SEC. 502. The Congress hereby declares that, whereas the functions of a Federal salary system are to fix salary rates for the services rendered by Federal employees so as to make possible the employment of persons well qualified to conduct the Government's programs and to control expenditures of public funds for personal services with equity to the employee and to the taxpayer, and whereas fulfillment of these functions is essential to the development and maintenance of maximum proficiency in the civilian services of Government, then, accordingly, Federal salary fixing shall be based upon the principles that—

(a) There shall be equal pay for substantially equal work, and pay distinctions shall be maintained in keeping with work and performance distinctions; and

(b) Federal salary rates shall be comparable with private enterprise salary rates for the same levels of work.

Salary levels for the several Federal statutory salary systems shall be interrelated, and salary levels shall be set and henceforth adjusted in accordance with the above principles.

Implementation of Policy

SEC. 503. In order to give effect to the policy stated in section 502, the President: (1) shall direct such agency or agencies, as he deems appropriate, to prepare and submit to him annually a report which compares the rates of salary fixed by statute for Federal employees with the rates of salary paid for the same levels of work in private enterprise as determined on the basis of appropriate annual surveys conducted by the Bureau of Labor Statistics, and, after seeking the views of such employee organizations as he deems appropriate and in such manner as he may provide, (2) shall report annually to the Congress (a) this comparison of Federal and private enterprise salary rates and (b) such recommendations for revision of statutory salary schedules, salary structures, and compensation policy, as he deems advisable.

SEC. 504. (a) Whenever the President shall find that the salary rates in private enterprise for one or more occupations in one or more areas or locations are so substantially above the salary rates of statutory pay schedules as to handicap significantly the Government's recruitment or retention of well-qualified persons in positions compensated under (1) section 603(b of the Classification Act of 1949, as amended (5 U.S.C. 1113(b)), (2) the provisions of part III of title 39, United States Code, relating to personnel in the postal field service, (3) the pay scales for physicians, dentists, and nurses in the Department of Medicine and Surgery of the Veterans' Administration under chapter 73 of title 38, United States Code, or (4) sections 412 and 415 of the Foreign Service Act of 1946, as amended (22 U.S.C. 867 and 870), he may establish for such areas or locations higher minimum rates of basic compensation for one or more grades or levels, occupational groups, series, classes, or subdivisions thereof, and may make corresponding increases in all step rates of the salary range for each such grade or level: *Provided*, That in no case shall any minimum salary rate so established exceed the seventh salary rate prescribed by law for the grade or level. The President may authorize the exercise of the authority conferred upon him by this section by the Civil Service Commission or, in the case of employees not subject to the civil service laws and regulations, by such other agency or agencies as he may designate.

(b) Within the limitations specified in subsection (a), rates of basic compensation established under such subsection may be revised from time to time by the President or by such agency or agencies as he may designate. Such actions or revisions shall have the force and effect of law.

(c) Any increase in rate of basic compensation established under this section shall not be regarded as an "equivalent increase" in compensation within the meaning of section 701(a) of the Classification Act of 1949, as amended, and section 3552 of title 39 of the United States Code.

SEC. 505. The functions, duties, and regulations of the departments and the Civil Service Commission with respect to this title, the Classification Act of 1949, as amended, the provisions of part III of title 39, United States Code, relating to personnel in the postal field service, the Foreign Service Act of 1946, as amended, and the provisions of chapter 73 of title 38 of the United States Code relating to personnel of the Department of Medicine and Surgery in the Veterans' Administration, shall be subject to such policies and rules as the President may issue. Among other things, the President's policies and rules may provide for—

(1) preparing and reporting to him the annual comparison of Federal salary rates with private enterprise rates,

(2) obtaining and reporting to him the views of employee organizations on such annual comparison, and on other salary matters,

(3) reviewing and reporting to him on the adequacy of the Federal statutory salary structures for the Federal programs to which they apply,

(4) reviewing the relationship of Federal statutory salary rates and private enterprise salary rates in specific occupation and local areas, and

(5) providing step-increases in recognition of high quality performance and providing for properly relating supervisory salary rates paid under one system to those of subordinates paid under another system.

*Title II—Pay system of the Classification Act of 1949*

Short Title

SEC. 601. This title may be cited as the "Classification Act Amendments of 1962".

Basic Compensation Schedules

SEC. 602. (a) Section 603(b) of the Classification Act of 1949, as amended (74 Stat. 298; 5 U.S.C. 1113(b)), is amended to read as follows:

"(b) The compensation schedules for the General Schedule shall be as follows.

"COMPENSATION SCHEDULE I

"(To be effective for the period beginning on the first day of the first pay period beginning on or after the date of enactment of this Act, and ending immediately prior to the applicable initial effective date of Compensation Schedule II set forth below)

| "Grade | Per annum rates and steps | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| GS–1 | $3,245 | $3,350 | $3,455 | $3,560 | $3,665 | $3,770 | $3,875 | $3,980 | $4,085 | $4,190 |
| GS–2 | 3,560 | 3,665 | 3,770 | 3,875 | 3,980 | 4,085 | 4,190 | 4,295 | 4,400 | 4,505 |
| GS–3 | 3,820 | 3,925 | 4,030 | 4,135 | 4,240 | 4,345 | 4,455 | 4,580 | 4,705 | 4,830 |
| GS–4 | 4,110 | 4,250 | 4,390 | 4,530 | 4,670 | 4,810 | 4,950 | 5,090 | 5,230 | 5,370 |
| GS–5 | 4,565 | 4,725 | 4,885 | 5,045 | 5,205 | 5,365 | 5,525 | 5,685 | 5,845 | 6,005 |
| GS–6 | 5,035 | 5,205 | 5,375 | 5,545 | 5,715 | 5,885 | 6,055 | 6,225 | 6,395 | 6,565 |
| GS–7 | 5,540 | 5,725 | 5,910 | 6,095 | 6,280 | 6,465 | 6,650 | 6,835 | 7,020 | 7,205 |
| GS–8 | 6,090 | 6,295 | 6,500 | 6,705 | 6,910 | 7,115 | 7,320 | 7,525 | 7,730 | 7,935 |
| GS–9 | 6,675 | 6,900 | 7,125 | 7,350 | 7,575 | 7,800 | 8,025 | 8,250 | 8,475 | 8,700 |
| GS–10 | 7,290 | 7,535 | 7,780 | 8,025 | 8,270 | 8,515 | 8,760 | 9,005 | 9,250 | 9,495 |
| GS–11 | 8,045 | 8,310 | 8,575 | 8,840 | 9,105 | 9,370 | 9,635 | 9,900 | 10,165 | |
| GS–12 | 9,475 | 9,790 | 10,105 | 10,420 | 10,735 | 11,050 | 11,365 | 11,680 | 11,995 | |
| GS–13 | 11,150 | 11,515 | 11,880 | 12,245 | 12,610 | 12,975 | 13,340 | 13,705 | 14,070 | |
| GS–14 | 12,845 | 13,270 | 13,695 | 14,120 | 14,545 | 14,970 | 15,395 | 15,820 | 16,245 | |
| GS–15 | 14,565 | 15,045 | 15,525 | 16,005 | 16,485 | 16,965 | 17,445 | 17,925 | | |
| GS–16 | 16,000 | 16,500 | 17,000 | 17,500 | 18,000 | | | | | |
| GS–17 | 18,000 | 18,500 | 19,000 | 19,500 | 20,000 | | | | | |
| GS–18 | 20,000 | | | | | | | | | |

"COMPENSATION SCHEDULE II

"(To be effective on the first day of the first pay period beginning on or after January 1, 1964, and thereafter)

| "Grade | Per annum rates and steps | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| GS–1 | $3,305 | $3,410 | $3,515 | $3,620 | $3,725 | $3,830 | $3,935 | $4,040 | $4,145 | $4,250 |
| GS–2 | 3,620 | 3,725 | 3,830 | 3,935 | 4,040 | 4,145 | 4,250 | 4,355 | 4,460 | 4,565 |
| GS–3 | 3,880 | 3,985 | 4,090 | 4,195 | 4,300 | 4,405 | 4,525 | 4,650 | 4,775 | 4,900 |
| GS–4 | 4,215 | 4,355 | 4,495 | 4,635 | 4,775 | 4,915 | 5,055 | 5,195 | 5,335 | 5,475 |
| GS–5 | 4,690 | 4,850 | 5,010 | 5,170 | 5,330 | 5,490 | 5,650 | 5,810 | 5,970 | 6,130 |
| GS–6 | 5,235 | 5,410 | 5,585 | 5,760 | 5,935 | 6,110 | 6,285 | 6,460 | 6,635 | 6,810 |
| GS–7 | 5,795 | 5,990 | 6,185 | 6,380 | 6,575 | 6,770 | 6,965 | 7,160 | 7,355 | 7,550 |
| GS–8 | 6,390 | 6,600 | 6,810 | 7,020 | 7,230 | 7,440 | 7,650 | 7,860 | 8,070 | 8,280 |
| GS–9 | 7,030 | 7,260 | 7,490 | 7,720 | 7,950 | 8,180 | 8,410 | 8,640 | 8,870 | 9,100 |
| GS–10 | 7,690 | 7,945 | 8,200 | 8,455 | 8,710 | 8,965 | 9,220 | 9,475 | 9,730 | 9,985 |
| GS–11 | 8,410 | 8,690 | 8,970 | 9,250 | 9,530 | 9,810 | 10,090 | 10,370 | 10,650 | |
| GS–12 | 9,980 | 10,310 | 10,640 | 10,970 | 11,300 | 11,630 | 11,960 | 12,290 | 12,620 | |
| GS–13 | 11,725 | 12,110 | 12,495 | 12,880 | 13,265 | 13,650 | 14,035 | 14,420 | 14,805 | |
| GS–14 | 13,615 | 14,065 | 14,515 | 14,965 | 15,415 | 15,865 | 16,315 | 16,765 | 17,215 | |
| GS–15 | 15,665 | 16,180 | 16,695 | 17,210 | 17,725 | 18,240 | 18,755 | 19,270 | | |
| GS–16 | 16,000 | 16,500 | 17,000 | 17,500 | 18,000 | | | | | |
| GS–17 | 18,000 | 18,500 | 19,000 | 19,500 | 20,000 | | | | | |
| GS–18 | 20,000 | | | | | | | | | |

(b) The rates of basic compensation of officers and employees to whom Compensation Schedule I of the General Schedule set forth in subsection (a) of this section applies shall, subject to the provisions of paragraph (10) of this subsection, be initially adjusted, effective on the first day of the first pay period beginning on or after the date of enactment of this Act, as follows:

(1) If the officer or employee is receiving basic compensation immediately prior to the first day of the first pay period which begins on or after the date of enactment of this Act at the first, second, third, fourth, fifth, sixth, or seventh scheduled rate, or at the first or second longevity rate of a grade below grade 4 of the General Schedule of the Classification Act of 1949, as amended, he shall be advanced as follows: Employees in step 1 to step 2 of the new schedule; step 2 to step 3; step 3 to step 4; step 4 to step 5; step 5 to step 6; step 6 to step 7; sept 7 to step 8; the first longevity step to step 9; and the second longevity step to step 10.

(2) If the officer or employee is receiving basic compensation immediately prior to the first day of the first pay period which begins on or after the date of enactment of this Act at the third longevity rate of a grade below grade 4 of the General Schedule of the Classification Act of 1949, as amended, he shall receive basic compensation at the highest rate of the appropriate grade plus an amount equal to the value of the maximum within grade increment provided for that grade in effect on and after such day.

(3) If the officer or employee is receiving basic compensation immediately prior to the first day of the first pay period which begins on or after the date of enactment of this Act at the first, second, third, fourth, fifth, sixth, or seventh scheduled rate, or at the first, second, or third longevity rate, of grade 4, 5, 6, 7, 8, 9, or 10 of the General Schedule of the Classification Act of 1949, as amended, he shall receive a rate of basic compensation at the corresponding first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, or tenth rate of the appropriate grade in effect on and after such day.

(4) If the officer or employee is receiving basic compensation immediately prior to the first day of the first pay period which begins on or after the date of enactment of this Act at the first, second, third, fourth, fifth, or sixth scheduled rate, or at the first, second, or third longevity rate of grade 11, 12, 13, or 14 of the General Schedule of the Classification Act of 1949, as amended, he shall receive a rate of basic compensation at the corresponding first, second, third, fourth, fifth, sixth, seventh, eighth, or ninth rate of the appropriate grade in effect on and after such day.

(5) If the officer or employee is receiving basic compensation immediately prior to the first day of the first pay period which begins on or after the date of enactment of this Act as the first, second, third, fourth, or fifth scheduled rate, or at the first, second, or third longevity rate of grade 15 of the General Schedule of the Classification Act of 1949, as amended, he shall receive a rate of basic compensation at the corresponding first, second, third, fourth, fifth, sixth, seventh, or eighth rate of such grade in effect on and after such day.

(6) If the officer or employee is receiving basic compensation immediately prior to the first day of the first pay period, which begins on or after the date of enactment of this Act at the first, second, third, fourth, or fifth rate of grade 16 or grade 17 of the General Schedule of the Classification Act of 1949, as amended, he shall receive a rate of basic compensation at the corresponding first, second, third, fourth, or fifth grade of the appropriate grade in effect on and after such day.

(7) If the officer or employee is receiving basic compensation immediately prior to the first day of the first pay period which begins on or after the date of enactment of this Act at the rate of grade 18 of the General Schedule of the Classification Act of 1949, as amended, he shall receive a rate of basic compensation at the corresponding rate of such grade in effect on and after such day.

(8) If the officer or employee is receiving basic compensation immediately prior to the first day of the first pay period which begins on or after the date of enactment of this Act at a rate between two scheduled or two longevity rates, or between a scheduled and a longevity rate, of a grade of the General Schedule, he shall receive a rate of basic compensation at the higher of the two corresponding rates, as specified in paragraphs (1) through (6) of this subsection, in effect on and after such day.

(9) If the officer or employee is receiving basic compensation immediately prior to the first day of the first pay period which begins on or after the date of enactment of this Act at a rate in excess of the maximum longevity rate for his grade, or in excess of the maximum scheduled rate for his grade if there is no longevity rate for his grade, he shall receive (A) the rate of the new schedule, in effect on and after such day, prescribed by paragraphs (1) through (6) of this subsection for employees at the maximum longevity rate or at the maximum scheduled rate, as the case may be, for his grade, or (B) if such rate is less than his existing rate, (i) the lowest rate of the new schedule for his grade which equals or exceeds his existing rate or (ii) if there is no such rate, his existing rate.

(10) Service of officers and employees performed immediately preceding the first day of the first pay period which begins on or after the date of enactment of this Act, in the grade of the General Schedule in which their respective positions were placed on such day, shall be counted toward not to exceed one step increase under the time in grade provisions of subsection (a) of section 701 of the Classification Act of 1949 as amended by this Act.

(11) If the officer or employee, immediately prior to the first day of the first pay period which began on or after the date of enactment of this Act, is receiving, pursuant to paragraph (4) of section 2(b) of the Federal Employees Salary Increase Act of 1955, an existing aggregate rate of compensation determined under section 208(b) of the Act of September 1, 1954 (68 Stat. 1111; Public Law 763, Eighty-third Congress), plus the amount of the increase provided by section 2 of the Federal Employees Salary Increase Act of 1955, by section 2 of the Federal Employees Salary Increase Act of 1958, and by section 112 of the Federal Employees Salary Increase Act of 1960, he shall receive an aggregate rate of compensation equal to the sum of (A) his existing aggregate rate of compensation determined under such section 208(b) of the Act of September 1, 1954, (B) the amount of the increase provided by section 2 of the Federal Employees Salary Increase Act of 1955, (C) the amount of the increase provided by section 2 of the Federal Employees Salary Increase Act of 1958, (D) the amount of the increase provided by section 112 of the Federal Employees Salary Increase Act of 1960, and (E) the amount of the increase made by this section in the maximum rate of his grade, until (i) he leaves his position, or (ii) he is entitled to receive aggregate compensation at a higher rate by reason of the operation of this Act or any other provision of law; but, when such position becomes vacant, the aggregate rate of compensation of any subsequent appointee thereto shall be fixed in accordance with applicable provisions of law. Subject to clauses (i) and (ii) of the immediately preceding sentence of this paragraph, the amount of the increase provided by this section shall be held and considered for the purpose of section 208(b) of such Act of September 1, 1954, to constitute a part of the existing rate of compensation of such employee.

(c) The rates of basic compensation of officers and employees to whom Compensation Schedule II of the General Schedule set forth in subsection (a) of this section applies shall be initially adjusted, effective as of the first day of the first pay period beginning on or after January 1, 1964, as follows:

(1) If the officer or employee is receiving basic compensation immediately prior to the first day of the first pay period which begins on or after January 1, 1964, at one of the rates of a grade in the General Schedule of the Classification Act of 1949, as amended, he shall receive a rate of basic compensation at the corresponding rate in effect on and after such date.

(2) If the officer or employee is receiving basic compensation immediately prior to the first day of the first pay period which begins on or after January 1, 1964, at a rate between two rates of a grade in the General Schedule of the Classification Act of 1949, as amended, he shall receive a rate of basic compensation at the higher of the two corresponding rates in effect on and after such date.

(3) If the officer or employee is receiving basic compensation immediately prior to the first day of the first pay period which begins on or after January 1, 1964, at a rate in excess of the maximum rate for his grade, as in effect on and after such date, he shall receive (A) the rate of the new schedule prescribed for employees at the maximum rate for his grade, or (B) his existing rate of basic compensation if such existing rate is higher.

(4) If the officer or employee, immediately prior to the first day of the first pay period which begins on or after January 1, 1964, is receiving, pursuant to paragraph (4) of section 2(b) of the Federal Employees Salary Increase Act of 1955, an existing aggregate rate of compensation determined under section 208(b) of the Act of September 1, 1954 (68 Stat. 1111; Public Law 763, Eighty-third Congress), plus the amount of the increase provided by section 2 of the Federal Employees Salary Increase Act of 1955, by section 2 of the Federal Employees Salary Increase Act of 1958, and by section 112 of the Federal Employees Salary Increase Act of 1960, and the amount of the initial increase provided by this section, he shall receive an aggregate rate of compensation equal to the sum of (A) his existing aggregate rate of compensation determined under such section 208(b) of the Act of September 1, 1954, (B) the amount of the increase provided by section 2 of the Federal Employees Salary Increase Act of 1955, (C) the amount of the increase provided by section 2 of the Federal Employees Salary Increase Act of 1958, (D) the amount of the increase provided by section 112 of the Federal Employees Salary Increase Act of 1960, and (E) the amount of the increase made by this section in the maximum rate of his grade, until (i) he leaves his position, or (ii) he is entitled to receive aggregate compensation at a higher rate by reason of the operation of this Act or any other provision of law; but, when such position becomes vacant, the aggregate rate of compensation of any subsequent appointee thereto shall be fixed in accordance with applicable provisions of law. Subject to clauses (i) and (ii) of the immediately preceding sentence of this paragraph, the amount of the increase provided by this section shall be held and considered for the purpose of section 208(b) of such Act of September 1, 1954, to constitute a part of the existing rate of compensation of such employee.

Step-Increases

SEC. 603. Title VII of the Classification Act of 1949, as amended (5 U.S.C. 1121–1125), relating to step-increases under such Act, is amended to read as follows:

*"Title VII—Step Increases*

"SEC. 701. (a) Each officer or employee compensated on a per annum basis, and occupying a permanent position within the scope of the compensation schedules fixed by this Act, who has not attained the maximum rate of compensation for the grade in which his position is placed, shall be advanced in compensation successively to the next higher rate within the grade at the beginning of the next pay period following the completion of (1) each fifty-two calendar weeks of service in salary rates 1, 2, and 3, or (2) each one hundred and four calendar weeks of service in salary rates 4, 5, and 6, or (3) each one hundred and fifty-six calendar weeks of service in salary rates 7, 8, and 9, subject to the following conditions:

"(A) That no equivalent increase in compensation from any cause was received during such period;

"(B) That his work is of an acceptable level of competence as determined by the head of the department; and

"(C) That the benefit of successive step-increases shall be preserved, under regulations issued by the Commission, for officers and employees whose continuous service is interrupted in the public interest by service with the Armed Forces or by service in essential non-Government civilian employment during a period of war or national emergency.

"(b) Any increase in compensation granted by laws shall not be construed to be an equivalent increase in compensation within the meaning of subsection (a).

"SEC. 702. (a) Within the limit of available appropriations and in accordance with regulations prescribed by the Commission, the head of each department is authorized to grant additional step-increases in recognition of high quality performance above that ordinarily found in the type of position concerned. Step-increases under this section shall be in addition to those under section 701 and shall not be construed to be an equivalent increase in compensation within the meaning of subsection (a) of section 701.

"(b) No officer or employee shall be eligible under this section for more than one such additional step-increase within any period of fifty-two weeks.

"SEC. 703. This title shall not apply to the compensation of persons appointed by the President, by and with the advice and consent of the Senate."

General Compensation Rules

SEC. 604. (a) Section 802(b) of the Classification Act of 1949, as amended (5 U.S.C. 1132(b)), relating to the salary to be received by an officer or employee who is promoted or transferred to a higher grade, is amended to read as follows:

"(b) Any officer or employee who is promoted or transferred to a position in a higher grade shall receive basic compensation at the lowest rate of such higher grade which exceeds his existing rate of basic compensation by not less than two step-increases of the grade from which he is promoted or transferred. If, in the case of any officer or employee so promoted or transferred who is receiving basic compensation at a rate in excess of the maximum rate for his grade under any provision of law, there is no rate in such higher grade which is at least two step-increases above his existing rate of basic compensation, he shall receive (1) the maximum rate of such higher grade, or (2) his existing rate of basic compensation, if such existing rate is the higher. In case any such officer or employee so promoted or transferred is receiving basic compensation at a rate saved to him under section 507 of this Act upon reduction in grade, such officer or employee shall receive (A) basic compensation at a rate two steps above the rate which he would be receiving if such section 507 were not applicable in his case, or (B) his existing rate of basic compensation, if such existing rate is the higher."

(b) Section 802 of such Act is amended by adding at the end thereof a new subsection to read as follows:

"(d) The Commission may issue regulations governing the retention of the rate of basic compensation of an employee who together with his position is brought under this Act. If any such employee so entitled to receive a retained rate under regulations issued pursuant to this subsection is later demoted to a position under this Act, his rate of basic compensation shall be determined in accordance with section 507 of this Act, except that service in the position which was brought under the Act shall, for purposes of section 507, be considered as service under this Act.".

(c) Section 803 of the Classification Act of 1949, as amended (5 U.S.C. 1133), is amended to read as follows:

"SEC. 803. Each employee in a position under this Act, who regularly has responsibility for supervision (including supervision over the technical aspects of the work concerned) over employees whose compensation is fixed and adjusted from time to time by wage boards or similar administrative authorities as nearly as is consistent with the public interest in accordance with prevailing rates, may, in accordance with regulations issued by the Commission, be paid at one of the scheduled rates for his grade which is above the highest rate of basic compensation being paid to any such prevailing-rate employee regularly super-

vised, or at the maximum rate for his grade, as provided for in such regulations".

Salary Retention

SEC. 605. Section 507 of the Classification Act of 1949, as amended (72 Stat. 830; 5 U.S.C. 1107), is amended—

(1) by striking out "(other than grade 16, 17, or 18 of the General Schedule)" in paragraph (1) of subsection (a) of such section; and

(2) by striking out "(B) in the same grade or in the same and higher grades;" in paragraph (4) of subsection (a) of such section; and by inserting in lieu thereof "(B) in any grade or grades higher than the grade to which demoted;".

Top Grade Positions Under Classification Act of 1949

SEC. 606. (a) Section 505(b) of the Classification Act of 1949, as amended (5 U.S.C. 1105(b)), relating to the limitation on numbers of positions in grades 16, 17, and 18 of the General Schedule of such Act, is amended by striking out "not to exceed an aggregate of nineteen hundred and eighty-nine" and substituting in lieu thereof "not to exceed an aggregate of twenty-four hundred, in addition to any professional engineering positions primarily concerned with research and development and professional positions in the physical and natural sciences and medicine which may be placed in such grades".

(b) Section 505(j) of such Act is amended by inserting after the word "positions" the following: "(in addition to any professional engineering positions primarily concerned with research and development and professional positions in the physical and natural sciences and medicine which may be placed in such grades)".

(c) Section 505 of such Act is further amended by inserting after subsection (j) the following new subsections:

"(k) The Attorney General is authorized, without regard to any other provision of this section, to place a total of ten positions of Warden in the Bureau of Prisons in grade 16 of the General Schedule. Such positions shall be in addition to the number of positions authorized to be placed in such grade by subsection (b).

"(l) The Attorney General is authorized, without regard to any other provision of this section, to place a total of eight positions of Member of the Board of Parole in grade 17 of the General Schedule. Such positions shall be in addition to the number of positions authorized to be placed in such grade by subsection (b)."

Conforming Changes in Existing Law

SEC. 607. (a) The following provisions of law are hereby repealed:

(1) Section 104 of the Department of Commerce and Related Agencies Appropriation Act, 1956 (69 Stat. 234; 5 U.S.C. 592(d)), authorizing grade 17 of the General Schedule of the Classification Act of 1949 for the position of Budget Officer of the Department of Commerce so long as the position is held by the present incumbent.

(2) Section 206 of the Public Works Appropriation Act, 1956 (69 Stat. 360; 5 U.S.C. 483–2), authorizing the Secretary of the Interior to place the position of Director, Division of Budget and Finance, in grade 17 of the General Schedule established by the Classification Act of 1949 so long as the position is held by the present incumbent.

(3) The second paragraph under the heading "Administrative Provisions" in title III of the Public Works Appropriation Act, 1956 (69 Stat. 364; 10 U.S.C. 1335, note), authorizing the Chief of Engineers to place the position of Chief of the Programs Branch, Office of the Assistant Chief of Engineers for Civil Works, in grade 17 of the General Schedule established by the Classification Act of 1949 so long as the position is held by the present incumbent.

(4) Section 24(d) of the Area Redevelopment Act (75 Stat. 62; 42 U.S.C. 2521(d)), authorizing five positions in grades 16, 17, and 18 of the General Schedule established by the Classification Act of 1949 for agencies performing functions under that Act.

(5) The fourth sentence of section 3(a) of the Fish and Wildlife Act of 1956 (70 Stat. 1120; U.S.C. 742b(a)), relating to the annual salary of the Commissioner of Fish and Wildlife in the Department of the Interior, which reads: "He shall receive compensation at the same rate as that provided for grade GS–18."

(6) That part of section 207 of the Agricultural Act of 1956 (70 Stat. 200; 7 U.S.C. 1857), relating to the annual salary of an agricultural surplus disposal administrator in the Department of Agriculture, which reads: ", at a salary rate of not exceeding $15,000 per annum,".

(7) Section 1102 of the Classification Act of 1949, as amended (63 Stat. 971; 5 U.S.C. 1073), relating to the submission of reports with respect to the rates of compensation under, and the administration of, such Act.

(b) The second proviso of the paragraph under the heading "FEDERAL PRISON SYSTEM" and under the subheading "SALARIES AND EXPENSES, BUREAU OF PRISONS" in title II (the Department of Justice Appropriation Act, 1956) of the Departments of State and Justice, the Judiciary, and Related Agencies Appropriations Act, 1956 (69 Stat. 273; Public Law 133, Eighty-fourth Congress; 5 U.S.C. 298a) is amended by striking out "three positions" and inserting in lieu thereof "one position".

SEC. 608. (a) Each position specifically referred to in, or covered by, any repeal made by section 607(a) of this title shall be placed in the appropriate grade of the General Schedule of the Classification Act of 1949, as amended, in accordance with the provisions of such Act.

(b) Positions in grade 16, 17, or 18 as the case may be, of the General Schedule of the Classification Act of 1949, as amended, immediately prior to the effective date of this section, shall remain, on and after such effective date, in their respective grades, until appropriate action is taken under section 505 of the Classification Act of 1949 as in effect on and after such effective date.

Savings Provisions

SEC. 609. (a) The changes in existing law made by this title shall not affect any position existing immediately prior to the effective date of any such changes in existing law, the compensation attached to such position, and any incumbent thereof, his appointment thereto, and his entitlement to receive the compensation attached thereto, until appropriate action is taken in accordance with this title.

(b) The incumbent of each such position immediately prior to the effective date of this title shall continue to receive the rate of basic compensation which he was receiving immediately prior to such effective date until he leaves such position or until he is entitled to receive compensation at a higher rate in accordance with law. When such incumbent leaves such position, the rate of basic compensation of each subsequent appointee to such position shall be determined in accordance with the Classification Act of 1949, as amended.

Effective Dates

SEC. 610. Except as otherwise expressly provided in this title, the provisions of this title shall become effective on the first day of the first pay period which begins on or after the date of enactment of this Act.

*Title III—Postal field service employees*

Short Title

SEC. 701. This title may be cited as the "Postal Employees Salary Adjustment Act of 1962".

Postal Field Service Schedules

SEC. 702. Subsection (a) of section 3542 of title 39, United States Code, is amended to read as follows:

"(a) There are established basic compensation schedules for positions in the postal field service which shall be known as the Postal Field Service Schedules and for which the symbol shall be 'PFS'. Each such schedule shall be in effect for the period specified with respect to such schedule. Except as provided in sections 3543 and 3544 of this title, basic compensation shall be paid to all employees in accordance with these schedules.

"POSTAL FIELD SERVICE SCHEDULE I

"(To be effective for the period beginning on the first day of the first pay period beginning on or after the date of enactment of this Act, and ending immediately prior to the applicable initial effective date of the second PFS schedule set forth below)

| "PFS | Per annum rates and steps | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 1 | $3,595 | $3,725 | $3,855 | $3,985 | $4,115 | $4,245 | $4,375 | $4,505 | $4,635 | $4,765 | $4,895 | $5,025 |
| 2 | 3,905 | 4,040 | 4,175 | 4,310 | 4,445 | 4,580 | 4,715 | 4,850 | 4,985 | 5,120 | 5,255 | 5,390 |
| 3 | 4,230 | 4,375 | 4,520 | 4,665 | 4,810 | 4,955 | 5,100 | 5,245 | 5,390 | 5,535 | 5,680 | 5,825 |
| 4 | 4,565 | 4,725 | 4,885 | 5,045 | 6,205 | 5,365 | 5,525 | 5,685 | 5,845 | 6,005 | 6,165 | 6,325 |
| 5 | 4,965 | 5,130 | 5,295 | 5,460 | 5,625 | 5,790 | 5,955 | 6,120 | 6,285 | 6,450 | 6,615 | 6,780 |
| 6 | 5,365 | 5,545 | 5,725 | 5,905 | 6,085 | 6,265 | 6,445 | 6,625 | 6,805 | 6,985 | 7,165 | 7,345 |
| 7 | 5,805 | 6,000 | 6,195 | 6,390 | 6,585 | 6,780 | 6,975 | 7,170 | 7,365 | 7,560 | | |
| 8 | 6,285 | 6,495 | 6,705 | 6,915 | 7,125 | 7,335 | 7,545 | 7,755 | 7,965 | 8,175 | | |
| 9 | 6,805 | 7,030 | 7,255 | 7,480 | 7,705 | 7,930 | 8,155 | 8,380 | 8,605 | 8,830 | | |
| 10 | 7,395 | 7,640 | 7,885 | 8,130 | 8,375 | 8,620 | 8,865 | 9,110 | 9,355 | 9,600 | | |
| 11 | 8,045 | 8,310 | 8,575 | 8,840 | 9,105 | 9,370 | 9,635 | 9,900 | 10,165 | | | |
| 12 | 8,840 | 9,135 | 9,430 | 9,725 | 10,020 | 10,315 | 10,610 | 10,905 | 11,200 | | | |
| 13 | 9,725 | 10,050 | 10,375 | 10,700 | 11,025 | 11,350 | 11,675 | 12,000 | 12,325 | | | |
| 14 | 10,705 | 11,060 | 11,415 | 11,770 | 12,125 | 12,480 | 12,835 | 13,190 | 13,545 | | | |
| 15 | 11,780 | 12,170 | 12,560 | 12,950 | 13,340 | 13,730 | 14,120 | 14,510 | 14,900 | | | |
| 16 | 12,955 | 13,385 | 13,815 | 14,245 | 14,675 | 15,105 | 15,535 | 15,965 | | | | |
| 17 | 14,260 | 14,730 | 15,200 | 15,670 | 16,140 | 16,610 | 17,080 | 17,550 | | | | |
| 18 | 15,500 | 16,000 | 16,500 | 17,000 | 17,500 | 18,000 | 18,500 | | | | | |
| 19 | 16,750 | 17,250 | 17,750 | 18,250 | 18,750 | 19,250 | | | | | | |
| 20 | 18,000 | 18,500 | 19,000 | 19,500 | | | | | | | | |

"POSTAL FIELD SERVICE SCHEDULE II

"(To be effective on the first day of the first pay period beginning on or after January 1, 1964, and thereafter)

| "PFS | Per annum rates and steps | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 1 | $3,690 | $3,820 | $3,950 | $4,080 | $4,210 | $4,340 | $4,470 | $4,600 | $4,730 | $4,860 | $4,990 | $5,120 |
| 2 | 4,010 | 4,145 | 4,280 | 4,415 | 4,550 | 4,685 | 4,820 | 4,955 | 5,090 | 5,225 | 5,360 | 5,495 |
| 3 | 4,345 | 4,490 | 4,635 | 4,780 | 4,925 | 5,070 | 5,215 | 5,360 | 5,505 | 5,650 | 5,795 | 5,940 |
| 4 | 4,690 | 4,850 | 5,010 | 5,170 | 5,330 | 5,490 | 5,650 | 5,810 | 5,970 | 6,130 | 6,290 | 6,450 |
| 5 | 5,085 | 5,255 | 5,425 | 5,595 | 5,765 | 5,935 | 6,105 | 6,275 | 6,445 | 6,615 | 6,785 | 6,955 |
| 6 | 5,500 | 5,685 | 5,870 | 6,055 | 6,240 | 6,425 | 6,610 | 6,795 | 6,980 | 7,165 | 7,350 | 7,535 |
| 7 | 5,950 | 6,150 | 6,350 | 6,550 | 6,750 | 6,950 | 7,150 | 7,350 | 7,550 | 7,750 | | |
| 8 | 6,440 | 6,655 | 6,870 | 7,085 | 7,300 | 7,515 | 7,730 | 7,945 | 8,160 | 8,375 | | |
| 9 | 6,965 | 7,200 | 7,435 | 7,670 | 7,905 | 8,140 | 8,375 | 8,610 | 8,845 | 9,080 | | |
| 10 | 7,650 | 7,900 | 8,150 | 8,400 | 8,650 | 8,900 | 9,150 | 9,400 | 9,650 | 9,900 | | |
| 11 | 8,410 | 8,690 | 8,970 | 9,250 | 9,530 | 9,810 | 10,090 | 10,370 | 10,650 | | | |
| 12 | 9,270 | 9,575 | 9,880 | 10,185 | 10,490 | 10,795 | 11,100 | 11,405 | 11,710 | | | |
| 13 | 10,210 | 10,545 | 10,880 | 11,215 | 11,550 | 11,885 | 12,220 | 12,555 | 12,890 | | | |
| 14 | 11,240 | 11,610 | 11,980 | 12,350 | 12,720 | 13,090 | 13,460 | 13,830 | 14,200 | | | |
| 15 | 12,370 | 12,780 | 13,190 | 13,600 | 14,010 | 14,420 | 14,830 | 15,240 | 15,650 | | | |
| 16 | 13,625 | 14,075 | 14,525 | 14,975 | 15,425 | 15,875 | 16,325 | 16,775 | | | | |
| 17 | 15,000 | 15,495 | 15,990 | 16,485 | 16,980 | 17,475 | 17,970 | 18,465 | | | | |
| 18 | 15,500 | 16,000 | 16,500 | 17,000 | 17,400 | 18,000 | 18,500 | | | | | |
| 19 | 16,750 | 17,250 | 17,750 | 18,250 | 18,750 | 19,250 | | | | | | |
| 20 | 18,000 | 18,500 | 19,000 | 19,500 | | | | | | | | |

Rural Carrier Schedules

SEC. 703. (a) Section 3543(a) of title 39, United States Code, is amended to read as follows:

"(a) There are established basic compensation schedules which shall be known as the Rural Carrier Schedules, and for which the symbol shall be 'RCS'. Each such schedule shall be in effect for the period specified with respect to such schedule.

"RURAL CARRIER SCHEDULE I

"(To be effective for the period beginning on the first day of the first pay period beginning on or after the date of enactment of this Act, and ending immediately prior to the applicable initial effective date of the second RCS Schedule set forth below)

| | "Per annum rates and steps | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Carriers in rural delivery service: | | | | | | | | | | | | |
| Fixed compensation per annum | $2,027 | $2,127 | $2,227 | $2,327 | $2,427 | $2,527 | $2,627 | $2,727 | $2,827 | $2,927 | $3,027 | $3,127 |
| Compensation per mile per annum for each mile up to 30 miles of route | 75 | 77 | 79 | 81 | 83 | 85 | 87 | 89 | 91 | 93 | 95 | 97 |
| For each mile of route over 30 miles | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 |

"RURAL CARRIER SCHEDULE II

"(To be effective for the period beginning on the first day of the first pay period beginning on or after January 1, 1964, and thereafter)

| | "Per annum rates and steps | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 11 | 11 | 12 |
| Carriers in rural delivery service: | | | | | | | | | | | | |
| Fixed compensation per annum | $2,080 | $2,180 | $2,280 | $2,380 | $2,480 | $2,580 | $2,680 | $2,780 | $2,880 | $2,980 | $3,080 | $3,180 |
| Compensation per mile per annum for each mile up to 30 miles of route | 77 | 79 | 81 | 83 | 85 | 87 | 89 | 91 | 93 | 95 | 97 | 99 |
| For each mile of route over 30 miles | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 25" |

(b) Section 3543(c) of title 39, United States Code, is amended to read as follows:

"(c) The Postmaster General may pay such additional compensation as he may determine to be fair and reasonable in each individual case to rural carriers serving heavily patronized routes."

(b) The first sentence of section 3543(f) of title 39, United States Code, is amended to read as follows: "In addition to the compensation provided in the Rural Carrier Schedule, each rural carrier shall be paid for equipment maintenance a sum equal to—

"(1) 12 cents per mile for each mile or major fraction of a mile scheduled, or

"(2) $4.20 per day, whichever is greater."

(c) Section 3543 of title 39, United States Code, is amended by adding thereto new subsections (i) and (j) as follows:

"(i) Each person serving as a substitute of record on the effective date of this subsection shall be placed in step 2 of the Rural Carrier Schedule and he shall be advanced by step-increases, on the basis of time on the rolls prior to the effective date, in accordance with the schedule of step-increases provided in section 3552, except that no such person shall be so advanced to a step higher than the step to which a regular carrier with the same length of service would have advanced prior to such effective date. Thereafter, he shall be advanced by step-increases, pursuant to the provisions of sections 3552 and 3553 of this title. On and after the effective date of this subsection, each substitute rural carrier shall be paid the daily rate, based on the step attained by him, for the route on which service is performed.

"(j) Each temporary rural carrier who, on the effective date of this subsection, is serving on a vacant route pending the appointment of a regular rural carrier shall be placed in step 2 and shall be advanced by step-increases on the basis of any prior substitute or temporary rural carrier service in accordance with the schedule of step-increases provided in section 3552."

Fourth Class Office Schedules

SEC. 704. (a) Section 3544(a) of title 39, United States Code, is amended to read as follows:

"(a) There are established basic compensation schedules which shall be known as the Fourth Class Office Schedules, and for which the symbol shall be 'FOS', for postmasters in post offices of the fourth class. Each such schedule shall be in effect for the period specified with respect to such schedule. Each such schedule is based upon the gross postal receipts as contained in returns of the post office for the calendar year immediately preceding. Basic compensation shall be paid to postmasters in post offices of the fourth class in accordance with these schedules.

"FOURTH CLASS OFFICE SCHEDULE I

"(To be effective for the period beginning on the first day of the first pay period beginning on or after the date of enactment of this Act and ending immediately prior to the applicable initial effective date of the second FOS schedule set forth below)

| "Gross receipts | Per annum rates and steps | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| $1,300 to $1,499.99 | $3,277 | $3,386 | $3,495 | $3,604 | $3,713 | $3,822 | $3,931 | $4,040 | $4,149 | $4,258 | $4,367 | $4,476 |
| $900 to $1,299.99 | 3,003 | 3,102 | 3,201 | 3,300 | 3,399 | 3,498 | 3,597 | 3,696 | 3,795 | 3,894 | 3,993 | 4,092 |
| $600 to $899.99 | 2,457 | 2,540 | 2,623 | 2,706 | 2,789 | 2,872 | 2,955 | 3,038 | 3,121 | 3,204 | 3,287 | 3,370 |
| $350 to $599.99 | 1,911 | 1,973 | 2,035 | 2,097 | 2,159 | 2,221 | 2,283 | 2,345 | 2,407 | 2,469 | 2,531 | 2,593 |
| $250 to $349.99 | 1,366 | 1,410 | 1,454 | 1,498 | 1,542 | 1,586 | 1,630 | 1,674 | 1,718 | 1,762 | 1,806 | 1,850 |
| $200 to $249.99 | 1,092 | 1,128 | 1,164 | 1,200 | 1,236 | 1,272 | 1,308 | 1,344 | 1,380 | 1,416 | 1,452 | 1,488 |
| $100 to $199.99 | 820 | 846 | 872 | 898 | 924 | 950 | 976 | 1,002 | 1,028 | 1,054 | 1,080 | 1,106 |
| Under $100 | 545 | 562 | 579 | 596 | 613 | 630 | 647 | 664 | 681 | 698 | 715 | 732 |

"FOURTH CLASS OFFICE SCHEDULE II

"(To be effective on the first day of the first pay period beginning on or after January 1, 1964, and thereafter)

| "Gross receipts | Per annum rates and steps | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| $1,300 to $1,499.99 | $3,426 | $3,540 | $3,654 | $3,768 | $3,882 | $3,996 | $4,110 | $4,224 | $4,338 | $4,452 | $4,566 | $4,680 |
| $900 to $1,299.99 | 3,140 | 3,243 | 3,346 | 3,449 | 3,552 | 3,655 | 3,758 | 3,861 | 3,964 | 4,067 | 4,170 | 4,273 |
| $600 to $899.99 | 2,569 | 2,655 | 2,741 | 2,827 | 2,913 | 2,999 | 3,085 | 3,171 | 3,257 | 3,343 | 3,429 | 3,515 |
| $350 to $599.99 | 1,998 | 2,063 | 2,128 | 2,193 | 2,258 | 2,323 | 2,388 | 2,453 | 2,518 | 2,583 | 2,648 | 2,713 |
| $250 to $349.99 | 1,428 | 1,474 | 1,520 | 1,566 | 1,612 | 1,658 | 1,704 | 1,750 | 1,796 | 1,842 | 1,888 | 1,934 |
| $200 to $249.99 | 1,142 | 1,179 | 1,216 | 1,253 | 1,290 | 1,327 | 1,364 | 1,401 | 1,438 | 1,475 | 1,512 | 1,549 |
| $100 to $199.99 | 867 | 884 | 911 | 938 | 965 | 992 | 1,019 | 1,046 | 1,073 | 1,111 | 1,127 | 1,154 |
| Under $100 | 569 | 588 | 607 | 626 | 645 | 664 | 683 | 702 | 721 | 740 | 759 | 778". |

(b) Section 3544(b) of title 39, United States Code, is amended to read as follows:

"(b) The basic salary of postmasters in fourth-class post offices shall be readjusted for changes in gross receipts at the start of the first pay period after the beginning of each fiscal year. When a post office is restored to a gross receipts category held by it prior to relegation to a lower gross receipts category, the postmaster's basic salary shall be adjusted to the highest salary step held by him when the post office was in the higher gross receipts category. In all other cases in adjusting a postmaster's basic salary under this section, the basic salary shall be fixed at the lowest step which is higher than the basic salary received by the postmaster at the end of the preceding fiscal year. If there is no such step the basic salary shall be fixed at the highest step for the adjusted gross receipts of the office. Each increase in basic salary because of change in gross receipts shall be deemed the equivalent of a step-increase under section 3552 of this title and the waiting period, for purposes of advancement to the next step, shall begin on the date of adjustment."

SEC. 705. Section 3552 of title 39, United States Code, is amended to read as follows:

"§ 3552. Automatic advancement by step increases

"(a) (1) Each employee in levels 1 through 6 of the Postal Field Service Schedule, each employee subject to the Rural Carrier Schedule, and each employee subject to the Fourth Class Office Schedule, who has not reached the highest step for his position, shall be advanced successively to the next higher step as follows:

"(A) To steps 2, 3, 4, 5, 6, and 7—at the beginning of the first pay period following the completion of fifty-two calendar weeks of satisfactory service; and

"(B) To steps 8 and above—at the beginning of the first pay period following the completion of one hundred and fifty-six calendar weeks of satisfactory service.

"(2) Each employee in the postal field service in level 7 or above of the Postal Field Service Schedule, who has not reached the highest step for his position, shall be advanced successively to the next higher step, as follows:

"(A) To steps 2, 3, and 4—at the beginning of the first pay period following the completion of fifty-two calendar weeks of satisfactory service;

"(B) To steps 5, 6, and 7—at the beginning of the first pay period following the completion of one hundred and four calendar weeks of satisfactory service; and

"(C) To steps 8 and above—at the beginning of the first pay period following the completion of one hundred and fifty-six calendar weeks of satisfactory service.

"(3) The receipt of an equivalent increase during any of the waiting periods specified in this subsection shall cause a new full waiting period to commence for further step-increases.

"(b) Any increase in basic compensation granted by law on or after the date of enactment of the Postal Employees Salary Adjustment Act of 1962, to employees in the postal field service shall not be deemed to be an equivalent increase in basic compensation within the meaning of subsection (a) of this section.

"(c) The benefit of successive step-increases shall be preserved, under regulations prescribed by the Postmaster General, for employees whose continuous service is interrupted by service in the armed services."

SEC. 706. Section 3554 of title 39, United States Code, is amended to read as follows:

"§ 3554. Compensation of certain temporary employees

"Temporary employees hired for a continuous period of one year or less for a position in the postal field service shall be paid basic compensation at the entrance step of the position to which they are appointed.".

SEC. 707. Section 3559 of title 39, United States Code, is amended to read as follows:

"§ 3559. Promotions

"An employee who is promoted to a position in the Postal Field Service Schedule which is not more than two salary levels above the salary level of the position from which promoted shall be paid basic compensation at the lowest step of the higher salary level which exceeds his existing basic compensation by not less than two steps of the salary level from which promoted. An employee who is promoted to a position in the Postal Field Service Schedule which is more than two salary levels above the level of the position from which promoted shall be paid basic compensation at the lowest step of the higher salary level which exceeds his existing basic compensation by not less than three steps of the salary level from which promoted. If there is no step in the salary level to which the employee is promoted which exceeds his existing basic compensation by at least the amount of the specified difference, the employee shall be paid the rate for the maximum step of the salary level to which promoted, or his existing basic compensation, whichever is higher.".

SEC. 708. Subsection (a) (4) of section 6402 of title 39, United States Code, is amended to read as follows:

"(4) delivery and collection service may not be established or extended under a star route contract on a rural route except when such rural route does not meet the minimum standards established by the Postmaster General, and becomes vacant; and".

SEC. 709. Section 3101 of title 39, United States Code, is amended by deleting paragraphs (5) and (6), and inserting in lieu thereof, the following:

"(5) 'basic salary' and 'basic compensation' mean the rate of annual or hourly compensation specified by law, exclusive of overtime and night differential.".

SEC. 710. Subsection 3541(d) of title 39, United States Code, is amended by (a) inserting in paragraph (3) thereof, after "rural carriers," the phrase "(other than substitute rural carriers,)" and (b) adding a new paragraph (5) as follows:

"(5) To compute the daily rate of basic compensation for substitute rural carriers, the annual rate of compensation shall be divided by 304.".

Conversion As of the First Pay Period Beginning on or After the Date of Enactment of This Act

SEC. 711. (a) The basic compensation of each employee subject to Postal Field Service Schedule I or Rural Carrier Schedule I, as

the case may be, on the effective date of such schedule shall be determined as follows:

(1) Each employee shall be assigned to the same numerical level and step he was in prior to the effective date of such schedule, except that employees in the first four levels of the Postal Field Service Schedule and employees (except employees subject to section 3543(j) of title 39, United States Code) in the Rural Carrier Schedule shall be advanced as follows: Employees in step 1 to step 2 of the new schedule; step 2 to step 3; step 3 to step 4; step 4 to step 5; step 5 to step 6; step 6 to step 7; step 7 to step 8. If changes in level or step would otherwise occur on the effective date of such schedule without regard to the enactment of such schedule, such changes shall be deemed to have occurred prior to conversion under this paragraph.

(2) In addition to conversion under paragraph (1) of this subsection, each employee shall be advanced one additional step for each longevity step which he had earned on or prior to such conversion.

(3) Credit toward the next step-increase (other than toward longevity steps) earned by an employee who had not reached step 7 or who is not advanced to step 7 under paragraph (1) prior to the effective date of such schedule shall be creditable under subsection 3552(a) and section 3553 of title 39, United States Code, toward further step-increases if no step-increases were granted pursuant to paragraph (2) of this subsection. Credit earned toward longevity step-increases prior to the effective date of such schedule shall not be creditable toward further step-increases pursuant to subsection 3552(a), and section 3553 of title 39, United States Code.

(b) The basic compensation of each postmaster subject to the Fourth Class Office Schedule I on the effective date of such schedule shall be determined as follows:

(1) Each postmaster shall be assigned to the same receipts category and numerical step he was in prior to the effective date of such schedule. If changes in receipts category or step would otherwise occur on the effective date of such schedule without regard to the enactment of such schedule, such changes in receipts category or step shall be deemed to have occurred prior to conversion.

(2) Postmasters who, as of the effective date of this schedule, have not reached step 7, shall retain credit for advancement to the next step under section 3552(a) and section 3553 of title 39, United States Code, if no step-increases are granted pursuant to paragraph 3 of this subsection. Credit earned toward longevity step-increases prior to the effective date of such schedule shall not be creditable toward further step-increases under section 3552(a) and section 3553 of title 39, United States Code.

(3) For each longevity step earned on or prior to the effective date of such schedule postmasters shall be advanced one step.

(c) If the existing basic compensation of any employee subject to the Postal Field Service Schedule, Rural Carrier Schedule, or Fourth Class Office Schedule, as the case may be, is greater than the rate established by subsection (a) or (b) of this section, he shall be placed in the first step of such schedule which exceeds his existing basic compensation; if the existing basic compensation is greater than any numerical step, his existing basic compensation shall be established as his basic compensation.

Conversion as the First Pay Period Beginning on or After January 1, 1964

SEC. 712. The basic compensation of each employee subject to the Postal Field Service Schedule II, Rural Carrier Schedule II, or Fourth Class Office Schedule II, as the case may be, on the effective date of such schedule shall be determined as follows:

(1) Each employee shall be assigned to the same numerical step for his position which he had attained prior to the effective date of such schedule. If changes in levels, receipts categories, or steps would otherwise occur on the effective date of such schedule without regard to enactment of such schedule, such changes shall be deemed to have occurred prior to conversion.

(2) If existing basic compensation is greater than the rate to which the employee is converted under paragraph (1) of this section, the employee shall be placed in the lowest step which exceeds his basic compensation; if the existing basic compensation exceeds the maximum step of his position, his existing basic compensation shall be established as his basic compensation.

SEC. 713. Subject to sections 711(c) and 712(2) of this title, rates of compensation fixed by reason of section 3560 of title 39, United States Code, shall not be increased by this title, notwithstanding any provision of such section to the contrary.

Basic Salary in Cases of Assignments of Postal Employees

SEC. 714. (a) Section 333(b) of title 39, United States Code, is amended by adding at the end thereof the following sentence: "The Postmaster General may pay, as he deems advisable, in cases of such assignments, a basic salary computed in accordance with the provisions of such section 3559 without regard to the requirement in this subsection of asignment for more than thirty days in a calendar year.".

(b) Each payment of an increase in basic salary which was made prior to the date of enactment of this section for services performed for periods of thirty days or less in any calendar year in the course of an assignment referred to in section 3335(b) of title 39, United States Code, by a postal field service employee assigned to duties and responsibilities of a higher salary level, and which would have been authorized by such section 3335(b), if such services had been performed in the course of such assignment after the completion by such employee of thirty days of service in any calendar year in such higher salary level, are hereby validated to the same extent as if such services had been performed after the completion of thirty days of service in any calendar year in the course of such assignment. Payments of increases validated by this subsection shall be considered as basic salary for the purposes of the Civil Service Retirement Act (5 U.S.C. 2251–2267).

Salary Protection Revision

SEC. 715. (a) Section 3560(a)(1) of title 39, United States Code, is amended to read as follows:

"(1) basic salary and salary level, with respect to the Postal Field Service Schedule,".

(b) Section 3560(b)(4) of title 39, United States Code, is amended to read as follows:

"(4) who, for two continuous years immediately prior to such reduction in salary standing, served in the postal field service with any salary standing higher than the salary standing to which he is reduced; and".

(c) Section 3560(c) of title 39, United States Code, is amended—

(1) by striking out the period at the end of paragraph (B) and inserting "; or" in lieu of such period, and

(2) by adding at the end of such section 3560(c) the following paragraph:

"(C) the amount of the rate in the lowest salary standing which such employee held during the two years immediately preceding such reduction in salary standing augmented by each step-increase which he would have earned in such salary standing and by each increase provided by law in such salary rate.".

(d)(1) Subject to paragraph (2) of this section, the amendments made by this section to sections 3560(a)(1), 3560(b)(4), and 3560(c) of title 39, United States Code, shall apply only with respect to reductions in salary standing occurring on or after the date of enactment of this Act.

(2) Payments not authorized by section 3560 of title 39, United States Code, which were made prior to the date of enactment of this Act to employees in the postal field service in connection with reductions in salary standing and which would have been authorized under such section 3560 if the amendments made by this section to subsections (b)(4) and (c) of such section 3560 had been in effect at the time such payments were made, are hereby validated to the same extent as if such amendments had been in effect at such time.

Rules for special compensation

SEC. 716. Chapter 41 of title 39, United States Code, is amended by adding immediately following section 3105 a new section 3106 as follows:

"§ 3106. Special compensation rules

"In order that the basic compensation schedules in sections 3542, 3543, and 3544 of this title may be used equitably and with maximum effect to attract and motivate employees, the Postmaster General may prescribe regulations pursuant to which he may, within the limit of available appropriations, grant to any officer or employee before the expiration of the periods prescribed by section 3552, step-increases in recognition of extra competence: *Provided*, That no officer or employee shall be eligible under this section for more than one such additional step-increase within any period of fifty-two weeks, and such increase shall not be considered to be an equivalent increase."

Personnel requirements

SEC. 717. (a) Section 3301 of title 39, United States Code, is amended to read as follows:

"§ 3301. Personnel requirements

"The Postmaster General shall determine the personnel requirements of the postal field service, and fix the number of supervisors and other employees in that service, except that there may not be at any one time more than one assistant postmaster employed at any post office or a total of seventy employees assigned to salary levels 18, 19, and 20 in the postal field service."

(b) Section 1310(a) of the Act of November 1, 1951 (65 Stat. 757), as amended, which fixes a ceiling on permanent employees in the Federal Government, is amended by inserting after the word *"Provided,"* the following: "That increases in the number of permanent personnel in the Postal Field Service not exceeding 10 per centum above the total number of its permanent employees on September 1, 1950, shall not be chargeable to this limitation: *And provided further,*".

Conforming amendment

SEC. 718. (a) The table of contents of chapter 41 of title 39, United States Code, is amended by adding after the heading entitled "EMPLOYEES GENERALLY", the following: "3106. Special compensation rules".

(b) The table of contents of chapter 45 of title 39, United States Code, is amended by deleting "3558. Longevity step-increases".

Repeals

SEC. 719. Sections 101 through 105 of the Act of July 1, 1960 (74 Stat. 296, Public Law 86–568), and section 3558 of title 39, United States Code, are repealed.

Effective Dates

SEC. 720. Except as otherwise expressly provided in this title, the provisions of this title shall become effective on the first day of the first pay period which begins on or after the date of enactment of this Act, except that section 712 (conversion rules for second postal field service salary increases) shall become effective on the first day of the first pay period which begins on or after January 1, 1964.

*Title IV—Department of Medicine and Surgery in the Veterans' Administration*

SEC. 801. (a) Section 4103 of title 38 of the United States Code, relating to the appointment and annual salaries of the Chief Medical Director and certain other officers of the Department of Medicine and Surgery of the Veterans' Administration, is amended by striking out the words "not to exceed eight Assistant Chief Medical Directors" in subsection (a) and inserting in lieu thereof the words "not to exceed five Assistant Chief Medical Directors, such Medical Directors as may be designated to suit the needs of the Department,".

(b) Such section in further amended by striking out subsections (d) to (i), inclusive, and inserting in lieu thereof the following:

"(d) Each Assistant Chief Medical Director shall be appointed by the Administrator upon the recommendation of the Chief Medical Director and shall be paid a salary of $20,000 a year.

"One Assistant Chief Medical Director shall be a qualified doctor of dental surgery or dental medicine who shall be directly responsible to the Chief Medical Director for the operations of the Dental Service.

"(e) Medical Directors, during their period of service as such, shall be paid a salary of $18,500 minimum to $19,500 maximum a year.

"(f) The Director of Nursing Service shall be a qualified registered nurse, appointed by the Administrator, and shall be responsible to the Chief Medical Director for the operation of the Nursing Service. During the period of service as such, the Director of Nursing Service shall be paid, effective on the first day of the first pay period beginning on or after—

"the date of enactment of the Federal Salary Reform Act of 1962, a salary of $14,565 minimum to $17,925 maximum a year;

"January 1, 1964, a salary of $15,665 minimum to $19,270 maximum a year.

"(g) The Administrator may appoint a chief pharmacist and a chief dietitian. During the period of his service as such, the chief pharmacist and the chief dietitian shall be paid, effective on the first day of the first pay period beginning on or after—

"the date of enactment of the Federal Salary Reform Act of 1962, a salary of $14,565 minimum to $17,925 maximum a year;

"January 1, 1964, a salary of $15,665 minimum to $19,270 maximum a year.

"(h) Except as provided in subsection (j), any appointment under this section shall be for a period of four years but persons so appointed shall be subject to removal by the Administrator for cause.

"(i) Reappointments may be made for successive like periods.

"(j) The Administrator may designate a member of the Chaplain Service of the Veterans' Administration as Director, Chaplain Service, for a period of two years, subject to removal by the Administrator for cause. During the period that any such member serves as Director, Chaplain Service, he shall be paid a salary, as determined by the Administrator, within the minimum and maximum salary limitations prescribed for grade GS–15 positions by the Classification Act of 1949, as amended. Redesignations under this subsection may be made for successive like periods. An individual designated as Director, Chaplain Service, shall at the end of his period of service as Director revert to the position, grade, and status which he held immediately prior to being designated Director, Chaplain Service, and all service as Director, Chaplain Service, shall be creditable as service in the former position."

Physicians, Dentists, and Nurses

SEC. 802. Section 4107 of such title 38 relating to the minimum and maximum rates of annual salary of certain physicians, dentists, and nurses of the Department of Medicine and Surgery of the Veterans' Administration is amended to read as follows:

"§ 4107. Grades and pay scales

"(a)(1) Effective on the first day of the first pay period beginning on or after the date of enactment of the Federal Salary Reform Act of 1962, the grades and per annum full-pay ranges for positions provided in paragraph (1) of section 4104 of this title shall be as follows:

"Physician and Dentist Schedule

"Director grade, $16,000 minimum to $19,000 maximum.

"Executive grade, $15,250 minimum to $18,750 maximum.

"Chief grade, $14,565 minimum to $18,405 maximum.

"Senior grade, $12,845 minimum to $16,245 maximum.

"Intermediate grade, $11,150 minimum to $14,070 maximum.

"Full grade, $9,475 minimum to $11,995 maximum.

"Associate grade, $8,045 minimum to $10,165 maximum.

"Nurse Schedule

"Assistant Director grade, $12,845 minimum to $16,245 maximum.

"Chief grade, $11,150 minimum to $14,070 maximum.

"Senior grade, $9,475 minimum to $11,995 maximum.

"Intermediate grade, $8,045 minimum to $10,165 maximum.

"Full grade, $6,675 minimum to $8,700 maximum.

"Associate grade, $5,820 minimum to $7,575 maximum.

Junior grade, $5,035 minimum to $6,565 maximum.

"(2) Effective on the first day of the first pay period beginning on or after January 1, 1964, the per annum full pay ranges for positions provided in paragraph (1) of section 4104 of this title shall be as follows:

"Physician and Dentist Schedule

"Chief grade, $15,665 minimum to $19,785 maximum.

"Senior grade, $13,615 minimum to $17,215 maximum.

"Intermediate grade, $11,725 minimum to $14,805 maximum.

"Full grade, $9,980 minimum to $12,620 maximum.

"Associate grade, $8,410 minimum to $10,650 maximum.

"Nurse Schedule

"Assistant director grade, $13,615 minimum to $17,215 maximum.

"Chief grade, $11,725 minimum to $14,805 maximum.

"Senior grade, $9,980 minimum to $12,620 maximum.

"Intermediate grade, $8,410 minimum to $10,650 maximum.

"Full grade, $7,030 minimum to $9,100 maximum.

"Associate grade, $6,090 minimum to $7,890 maximum.

"Junior grade, $5,235 minimum to $6,810 maximum.

"(b) No person may hold the director grade unless he is serving as a director of a hospital, domiciliary, center, or outpatient clinic (independent). No person may hold the executive grade unless he holds the position of chief of staff at a hospital, center, or outpatient clinic (independent), or the position of clinic director at an outpatient clinic, or comparable position."

SEC. 803. (a) Section 4108 of such title 38 which formerly prescribed the maximum amount of pay and allowances for medical, surgical, or dental specialists of the Department of Medicine and Surgery of the Veterans' Administration is amended, effective on the date of enactment of this Act, to read as follows:

"§ 4108. Administration

"Notwithstanding any law, Executive order, or regulation, the Administrator shall prescribe by regulation the hours and conditions of employment and leaves of absence of physicians, dentists, and nurses.".

(b) The table of contents of chapter 73 of such title 38 is amended by striking out

"4108. Specialist ratings."

and inserting in lieu thereof

"4108. Administration."

Directors of Hospitals, Domiciliaries, and Centers

SEC. 804. Section 4111(b) of such title 38, relating to the annual salary of certain individuals serving as director of a hospital, domiciliary, or center, is amended, effective on the date of enactment of this Act, to read as follows:

"(b) Notwithstanding any other provision of law, the per annum salary rate of each individual serving as a director of a hospital, domiciliary, or center who is not a physician in the medical service shall not be less than the rate of salary which he would receive under section 4107 of this title if his service as a director of a hospital, domiciliary, or center had been service as a physician in the director grade. This subsection shall not affect the allocation of any position of director of a hospital, domiciliary, or center to any grade of the General Schedule of the Classification Act of 1949, except with respect to changes in rate of salary pursuant to the preceding sentence, and shall not affect the applicability of the Performance Rating Act of 1950 to any individual."

SEC. 805. Except as otherwise expressly provided in this title, this title shall become effective on the first day of the first pay period which begins on or after the date of enactment of this Act.

*Title V—Foreign Service Act of 1946*

Short Title

SEC. 901. This title may be cited as the "Foreign Service Salary Reform Act of 1962".

Foreign Service Officers

SEC. 902. The fourth sentence of section 412 of the Foreign Service Act of 1946, as amended (22 U.S.C. 867), is amended to read as follows:

"On the first day of the first pay period which begins on or after the date of enactment of the Foreign Service Salary Reform Act of 1962, the per annum salaries of Foreign Service officers within each of the other classes shall be as follows:

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| "Class 1 | $18,975 | $19,650 | | | | | |
| Class 2 | 15,900 | 16,400 | $16,900 | $17,400 | $17,900 | $18,400 | $18,900 |
| Class 3 | 13,440 | 13,885 | 14,330 | 14,775 | 15,220 | 15,665 | 16,110 |
| Class 4 | 11,150 | 11,515 | 11,880 | 12,245 | 12,610 | 12,975 | 13,340 |
| Class 5 | 9,315 | 9,620 | 9,925 | 10,230 | 10,535 | 10,840 | 11,145 |
| Class 6 | 7,705 | 7,960 | 8,215 | 8,470 | 8,725 | 8,980 | 9,235 |
| Class 7 | 6,475 | 6,690 | 6,905 | 7,120 | 7,335 | 7,550 | 7,765 |
| Class 8 | 5,540 | 5,725 | 5,910 | 6,095 | 6,280 | 6,465 | 6,650 |

"On the first day of the first pay period which begins on or after January 1, 1964, the per annum salaries of Foreign Service officers within each of the other classes shall be as follows:

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| "Class 1 | $18,975 | $19,650 | | | | | |
| Class 2 | 15,900 | 16,400 | $11,900 | $17,400 | $17,900 | $18,400 | $18,900 |
| Class 3 | 14,265 | 14,735 | 15,205 | 15,675 | 16,145 | 16,615 | 17,085 |
| Class 4 | 11,725 | 12,110 | 12,495 | 12,880 | 12,265 | 13,650 | 14,035 |
| Class 5 | 9,695 | 10,015 | 10,335 | 10,655 | 10,975 | 11,295 | 11,615 |
| Class 6 | 8,090 | 8,355 | 8,620 | 8,885 | 9,150 | 9,415 | 9,680 |
| Class 7 | 6,810 | 7,035 | 7,260 | 7,485 | 7,710 | 7,935 | 8,160 |
| Class 8 | 5,795 | 5,990 | 6,185 | 6,380 | 6,575 | 6,770 | 6,965" |

Foreign Service Staff Officers and Employees

SEC. 903. Section 415 of such Act is amended to read as follows:

"SEC. 415. (a) Effective on the first day of the first pay period which begins on or after the date of enactment of the Foreign Service Salary Reform Act of 1962, there shall be ten classes of Foreign Service staff officers and employees, referred to hereafter as staff officers and employees, and the per annum salaries of staff officers and employees within each class shall be as follows:

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| "Class 1 | $13,440 | $13,885 | $14,330 | $14,775 | $15,220 | $15,665 | $16,110 | $16,555 | $17,000 | |
| Class 2 | 11,150 | 11,515 | 11,880 | 12,245 | 12,610 | 12,795 | 13,340 | 13,705 | 14,070 | |
| Class 3 | 9,315 | 9,620 | 9,925 | 10,230 | 10,535 | 10,840 | 11,145 | 11,450 | 11,755 | |
| Class 4 | 7,705 | 7,960 | 8,215 | 8,470 | 8,725 | 8,980 | 9,235 | 9,490 | 9,745 | |
| Class 5 | 6,910 | 7,140 | 7,370 | 7,600 | 7,830 | 8,060 | 8,290 | 8,520 | 8,750 | $8,980 |
| Class 6 | 6,225 | 6,435 | 6,645 | 6,855 | 7,065 | 7,275 | 7,485 | 7,695 | 7,905 | 8,115 |
| Class 7 | 5,610 | 5,800 | 5,990 | 6,180 | 6,370 | 6,560 | 6,750 | 6,940 | 7,130 | 7,320 |
| Class 8 | 5,060 | 5,230 | 5,400 | 5,570 | 5,790 | 5,910 | 6,080 | 6,250 | 6,420 | 6,590 |
| Class 9 | 4,575 | 4,725 | 4,875 | 5,025 | 5,175 | 5,325 | 5,475 | 5,625 | 5,775 | 5,930 |
| Class 10 | 4,110 | 4,250 | 4,390 | 4,530 | 4,670 | 4,825 | 4,980 | 5,135 | 5,290 | 5,445 |

"On the first day of the first pay period whcih begins on or after January 1, 1964, the per annum salaries of staff officers and employees within each class shall be as follows:

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| "Class 1 | $14,265 | $14,735 | $15,205 | $15,675 | $16,145 | $16,615 | $17,085 | $17,555 | $18,025 | |
| Class 2 | 11,725 | 12,110 | 12,495 | 12,880 | 13,265 | 13,650 | 14,035 | 14,420 | 14,805 | |
| Class 3 | 9,695 | 10,015 | 10,335 | 10,655 | 10,975 | 11,295 | 11,615 | 11,935 | 12,255 | |
| Class 4 | 8,090 | 8,355 | 8,620 | 8,885 | 9,150 | 9,415 | 9,680 | 9,945 | 10,210 | |
| Class 5 | 7,295 | 7,535 | 7,775 | 8,015 | 8,255 | 8,495 | 8,735 | 8,975 | 9,215 | $9,455 |
| Class 6 | 6,570 | 6,785 | 7,000 | 7,215 | 7,430 | 7,645 | 7,860 | 8,075 | 8,290 | 8,505 |
| Class 7 | 5,890 | 6,085 | 6,280 | 6,475 | 6,670 | 6,865 | 7,060 | 7,255 | 7,450 | 7,645 |
| Class 8 | 5,270 | 5,445 | 5,620 | 5,795 | 5,970 | 6,145 | 6,320 | 6,495 | 6,670 | 6,845 |
| Class 9 | 4,715 | 4,870 | 5,025 | 5,180 | 5,335 | 5,490 | 5,645 | 5,800 | 5,955 | 6,110 |
| Class 10 | 4,215 | 4,355 | 4,495 | 4,635 | 4,775 | 4,915 | 5,060 | 5,215 | 5,370 | 5,525 |

"(b) Notwithstanding the provisions of subsection (a) of this section, the Secretary may, under such regulations as he may prescribe, classify positions at levels below class 10, and establish salary rates therefor at lower rates than those prescribed by this section, for American employees recruited abroad who are not available or are not qualified for transfer to another post and who perform duties of a more routine nature than are generally performed at the calss 10 level."

Conversion

SEC. 904. Foreign Service officers, Reserve officers, and Foreign Service staff officers and employees who are entitled to receive basic compensation immediately prior to the effective date of this title at one of the rates provided by section 412 or 415 of the Foreign Service Act of 1946, shall receive basic compensation on and after the effective date of this title at the rate of their class determined to be appropriate by the Secretary of State: *Provided*, That staff officers and employees shall be transferred to the new staff classes established by this Act as follows:

| Present class under section 415 of the Foreign Service Act of 1946 | Corresponding new class under section 415 of the Foreign Service Act of 1946, as amended |
|---|---|
| FSS- 1 | FSS- 1 |
| FSS- 2 | FSS- 1 |
| FSS- 3 | FSS- 2 |
| FSS- 4 | FSS- 2 |
| FSS- 5 | FSS- 3 |
| FSS- 6 | FSS- 3 |
| FSS- 7 | FSS- 4 |
| FSS- 8 | FSS- 5 |
| FSS- 9 | FSS- 6 |
| FSS-10 | FSS- 7 |
| FSS-11 | FSS- 8 |
| FSS-12 | FSS- 9 |
| FSS-13 | FSS-10 |
| FSS-14 and below | (1) |

[1] Remain at present class and salary rate until revised pursuant to new section 415(b).

Conforming Amendments

SEC. 905. The heading of section 642 of the Foreign Service Act of 1946 is amended by deleting the words "and longevity" and section 642 is amended by deleting "(a)" in the first paragraph and by deleting subsection (b) in its entirety.

Effective Date

SEC. 906. Except as otherwise expressly provided in this title, this title shall become effective on the first day of the first pay period which begins on or after the date of enactment of this Act.

*Title VI—Miscellaneous salary provisions*

Revision of Salary Limitations for Certain Scientific and Professional Positions

SEC. 1001. (a)(1) Section 2(b) of the Act of August 1, 1947 (Public Law 313, Eightieth Congress, as amended (75 Stat. 789; 5 U.S.C. 1161–1163)), relating to the rates of compensation of certain scientific or professional positions, is amended to read as follows:

"(b) The per annum rates of compensation for positions established pursuant to the provisions of this Act shall not be less than the minimum rate of grade 16 of the General Schedule of the Classification Act of 1949, as amended, nor more than the highest rate of grade 18 of the General Schedule of such Act and shall be subject to the approval of the United States Civil Service Commission.".

(2) The first section of such Act is amended by adding at the end thereof the following new subsection:

"(g) the Librarian of Congress is authorized to establish and fix the compensation for not more than eight scientific or professional positions in the Library of Congress, each such position being established to carry out research and development functions of the Library which require the services of specially qualified personnel. Section 2(a) shall not apply to positions established under this subsection."

(b) Section 1581(b) of title 10 of the United States Code, relating to the rates of compensation of certain scientific or professional positions in the Department of Defense, is amended to read as follows:

"(b) Subject to the Civil Service Commission's approval as to rates, the Secretary may fix the compensation for positions established under subsection (a). However, the per annum compensation may not be less than the minimum rate of grade 16 of the General Schedule of the Classification Act of 1949, as amended, nor more than the highest rate of grade 18 of the General Schedule of such Act.".

(c) Section 4 of the Act of May 29, 1959 (73 Stat. 63; Public Law 86–36), as amended by section 204 of the Act of October 4, 1961 (75 Stat. 791; Public Law 87–367), authorizing scientific and professional positions in the National Security Agency, is amended by striking out ", as amended by paragraph (34)(B) of the first section of the Act of September 2, 1958 (72 Stat. 1456; Public Law 85–861)".

(d) The proviso contained in the first sentence of section 208(g) of the Public Health Service Act, as amended (42 U.S.C. 210(g)), relating to the rates of compensation of certain scientific, professional, and administrative personnel in the Public Health Service, is amended to read as follows: ": *Provided*, That the rates of compensation for positions established pursuant to the provisions of this subsection shall not be less than the minimum rate of grade 16 of the General Schedule of the Classification Act of 1949, as amended, nor more than the highest rate of grade 18 of the General Schedule of such Act, and shall be subject to the approval of the Civil Service Commission.".

(e) The proviso contained in the second sentence of section 12 of the Act of May 29, 1884 (62 Stat. 198 as amended and supplemented; 21 U.S.C. 113a), authorizing the Secretary of Agriculture to employ and fix the compensation of technical experts and scientists for research and study of foot-and-mouth disease and other animal diseases, is amended to read as follows: ": *Provided*, That the number so employed shall not ex-

ceed five and that the maximum compensation for each shall not exceed the highest rate of grade 18 of the General Schedule of the Classification Act of 1949, as amended.".

(f) Section 203(b)(2) of the National Aeronautics and Space Act of 1958 (72 Stat. 429; 42 U.S.C. 2473(b)(2)), as amended, authorizing the Administrator of the National Aeronautics and Space Administration to establish and fix the compensation of four hundred and twenty-five scientific, engineering, and administrative positions, is amended by striking out, in the second sentence, ", except that (A) to the extent the Administrator deems such action necessary to the discharge of his responsibilities, he may appoint and fix the compensation (up to a limit of $19,000 a year, or up to a limit of $21,000 a year for a maximum of thirty positions) of" and by inserting in lieu thereof ", except that (A) to the extent the Administrator deems such action necessary to the discharge of his responsibilities, he may appoint and fix the compensation (at not to exceed the highest rate of grade 18 of the General Schedule of the Classification Act of 1949, as amended, or, for a maximum of thirty positions, not to exceed $21,000 a year) of".

(g) That part of the proviso in section 161d. of the Atomic Energy Act of 1954, as amended (71 Stat. 613; 42 U.S.C. 2201), fixing a limit of $19,000 on the compensation of scientific and technical personnel, is amended by striking out the words "up to a limit of $19,000)" and inserting in lieu thereof "up to a limit of the highest rate of grade 18 of the General Schedule of the Classification Act of 1949, as amended)".

(h) Section 302(f) of the Federal Aviation Act of 1958 (72 Stat. 746; 49 U.S.C. 1343(d)), as amended, authorizing the Administrator of the Federal Aviation Agency to select, employ, and fix the compensation of 23 positions at rates not to exceed $19,500 per annum, is amended by striking out "$19,500 per annum" and inserting in lieu thereof "the highest rate of grade 18 of the General Schedule of the Classification Act of 1949, as amended".

(i) Section 2 of the Act of June 14, 1948, as amended (62 Stat. 441; 66 Stat. 43; 22 U.S.C. 290a), relating to the compensation of the United States representative and alternate on the Executive Board of the World Health Organization, is amended by striking out "Such representative shall be entitled to receive compensation at a rate not to exceed $12,000 per annum and any such alternate shall be entitled to receive compensation at a rate not to exceed $10,000 per annum", and inserting in lieu thereof "Such representative and any such alternate shall each be entitled to receive compensation at one of the rates provided by section 412 of the Foreign Service Act of 1946, as amended,".

(j) Section 104(b) of the Mutual Educational and Cultural Exchange Act of 1961 (75 Stat. 530; Public Law 87–256) authorizing the fixing of the compensation of not to exceed ten employees without regard to the Classification Act of 1949, is amended to read as follows:

"(b) The President is authorized to employ such other personnel as he deems necessary to carry out the provisions and purposes of this Act, and of such personnel not to exceed ten may be compensated without regard to the provisions of the Classification Act of 1949, as amended, but not in excess of the highest rate of grade 18 of the general schedule established by such Act. Such positions shall be in addition to the number authorized by section 505 of the Classification Act of 1949, as amended."

(k)(1) Section 625(b) of the Foreign Assistance Act of 1961 (75 Stat. 449; Public Law 87–195), as amended, is amended by striking out "and of these, not to exceed eight may be compensated at a rate in excess of the highest rate provided for grades of such general schedule but not in excess of $19,000 per year" and inserting in lieu thereof "but not in excess of the highest rate of grade 18 of such general schedule".

(2) Section 625(c) of such Act is amended by striking out "and of these, not to exceed three may be compensated at a rate in excess of the highest rate provided for grades of such general schedule but not in excess of $19,000 per year" and inserting in lieu thereof "but not in excess of the highest rate of grade 18 of such general schedule".

(l) Section 7(b) of the Peace Corps Act (75 Stat. 615; Public Law 87–293) is amended by striking out "and of these not to exceed two may be compensated at a rate in excess of the highest rate provided for grades of such general schedule but not in excess of $19,000 per year" and inserting in lieu thereof "but not in excess of the highest rate of grade 18 of such general schedule".

Agricultural Stabilization and Conservation County Committee Employees

SEC. 1002. The rates of compensation of persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be increased by amounts equal, as nearly as may be practicable, to the increases provided by title II of this part for corresponding rates of compensation in the appropriate schedule or scale of pay.

Assistant United States Attorneys

SEC. 1003. (a) The last paragraph of section 508 of title 28 of the United States Code is amended to read as follows:

"Assistant United States attorneys and attorneys appointed under section 503 of this title—not more than $17,500."

(b) The rates of basic compensation of assistant United States attorneys whose basic salaries are fixed by section 508 of title 28, United States Code, shall be increased by 7½ per centum effective on the first day of the first pay period which begins on or after the date of enactment of this Act.

Employees in the Judicial Branch

SEC. 1004. (a) The rates of basic compensation of officers and employees in or under the judicial branch of the Government whose rates of compensation are fixed by or pursuant to paragraph (2) of subdivision a of section 62 of the Bankruptcy Act (11 U.S.C. 102(a)(2)), section 3656 of title 18 of the United States Code, the third sentence of section 603, section 604(a)(5), or section 672 to 675, inclusive, of title 28 of the United States Code, or section 107(a)(6) of the Act of July 31, 1956, as amended (5 U.S.C. 2206(a)(6)), are hereby increased by two amounts, the first amount to be effective for the period beginning as of the first day of the first pay period which begins on or after the date of enactment of this Act, and ending immediately prior to the first day of the first pay period which begins on or after January 1, 1964, and the second amount to be effective on the first day of the first pay period which begins on or after January 1, 1964, and thereafter, which reflect the respective applicable increases provided by title II of this part in corresponding rates of compensation for officers and employess subject to the Classification Act of 1949, as amended.

(b) The Limitations provided by applicable law on the effective date of this section with respect to the aggergate salaries payable to secretaries and law clerks of circuit and district judges are hereby increased by two amounts, the first amount to be effective for the period beginning as of the first day of the first pay period which begins on or after the date of enactment of this Act, and ending immediately prior to the first day of the first pay period which begins on or after January 1, 1964, and the second amount to be effective on the first day of the first pay period which begins on or after January 1, 1964, and thereafter, which reflect the respective applicable increases provided by title II of this part in corresponding rates of compensation for officers and employees subject to the Classification Act of 1949, as amended.

(c) Section 753(e) of title 28 of the United States Code (relating to the compensation of court reporters for district courts) is amended by striking out the existing salary limitations contained therein and inserting a new limitation to be effective for the period beginning as of the first day of the first pay period which begins on or after the date of enactment of this Act, and ending immediately prior to the first day of the first pay period which begins on or after January 1, 1964, and a second new limitation effective on the first day of the first pay period which begins on or after January 1, 1964, and thereafter, which reflect the respective increases provided by title II of this part in corresponding rates of compensation for officers and employees subject to the Classification Act of 1949, as amended.

Employees in the Legislative Branch

SEC. 1005. (a) Each officer and employee in or under the legislative branch of the Government whose rate of compensation is increased by section 5 of the Federal Employees Pay Act of 1946 shall be paid additional compensation at the rate of 7 per centum of his gross rate of compensation (basic compensation plus additional compensation authorized by law).

(b) The basic compensation of each employee in the office of a Senator is hereby adjusted, effective on the first day of the first pay period which begins on or after the date of enactment of this Act, to the lowest multiple of $60 which will provide a gross rate of compensation not less than the gross rate such employee was receiving immediately prior thereto, except that the foregoing provisions of this subsection shall not apply in the case of any employee if on or before the fifteenth day following the date of enactment of this Act the Senator by whom such employee is employed notifies the disbursing office of the Senate in writing that he does not wish such provisions to apply to such employee. In any case in which, at the expiration of the time within which a Senator may give notice under this subsection, such Senator is deceased such notice shall be deemed to have been given.

(c) Notwithstanding the provision referred to in subsection (d), the rates of gross compensation of the elected officers of the Senate (except the Presiding Officer of the Senate), the Legislative Counsel of the Senate, the Official Reporters of Debates of the Senate, the Parliamentarian of the Senate, the Senior Counsel in the Office of the Legislative Counsel of the Senate, and the Chief Clerk of the Senate are hereby increased by 7 per centum.

(d) The paragraph imposing limitations on basic and gross compensation of officers and employees of the Senate appearing under the heading "SENATE" in the Legislative Appropriation Act, 1956, as amended (74 Stat. 304; Public Law 86–568), is amended to read as follows:

"No officer or employee whose compensation is disbursed by the Secretary of the Senate shall be paid basic compensation at a rate in excess of $8,880 per annum, or gross compensation at a rate in excess of $18,880 per annum, unless expressly authorized by law."

(e) The limitation on gross rate per hour per person provided by applicable law on the effective date of this section with respect to the folding of speeches and pamphlets for the Senate is hereby increased by 7 per centum. The amount of such increase shall be computed to the nearest cent, counting one-half cent and over as a whole cent. The provisions of subsection (a) of this section shall not apply to employees whose compensation is subject to such limitation.

(f) Each officer or employee of the House of Representatives, whose compensation is disbursed by the Clerk of the House of Representatives and is not increased automatically, or is not permitted to be increased administratively, by reason of any other provision of this section, shall receive additional compensation at the rate of 7 per centum of the rate of his total annual compensation in effect immediately prior to the effective date of this section.

(g) The limitations on gross rate per thousand and gross rate per hour per person provided by applicable law on the effective date of this section with respect to the folding of speeches and pamphlets for the House of Representatives are hereby increased by 7 per centum. The amount of each such increase shall be computed to the nearest cent, counting one-half cent and over as a whole cent.

(h) The additional compensation provided by this section shall be considered a part of basic compensation for the purposes of the Civil Service Retirement Act (5 U.S.C. 2251 and the following).

(i) Notwithstanding any other provision of this section, no rate of compensation which exceeds $21,500 shall be increased by this section, and no increase provided by this section shall cause the gross rate of compensation (basic plus additional compensation authorized by law) or the total annual compensation of any officer or employee to exceed $21,500.

Saving Provision

SEC. 1006. Notwithstanding any provision of this Act, no rate of basic, gross, or total annual compensation or salary shall be reduced by reason of the enactment of this Act.

Absorption of Costs

SEC. 1007. (a) The departments, agencies, establishments, and corporations in the executive branch shall absorb the costs of the increases in basic compensation provided by this Act to the fullest extent possible without seriously affecting the immediate execution of essential functions.

(b) No request for additional or supplemental appropriations to meet the increases in basic compensation provided by this Act shall be transmitted to the Congress unless it is accompanied by a certification of the Director of the Bureau of the Budget that the amounts requested are necessary to provide for the continued execution of essential functions of the department, agency, or corporation concerned.

(c) Pursuant to the objective of this section, heads of the executive branch activities concerned are directed to review with meticulous care each vacancy resulting from voluntary resignation, retirement, or death and to determine whether the duties of the position can be reassigned to other employees or whether the position can be abolished without seriously affecting the execution of essential functions.

(d) Nothing contained in subsection (a) of this section shall be held or considered to require (1) the separation from the service of any individual by reduction in force or other personnel action or (2) the placing of any individual in a leave-without-pay status.

Effective date

SEC. 1008. Except as otherwise expressly provided, this title shall become effective on the first day of the first pay period which begins on or after the date of enactment of this Act.

PART III—ADJUSTMENT OF ANNUITIES

SEC. 1101. The annuity of each person who, on the effective date of this section, is receiving or entitled to receive an annuity from the civil service retirement and disability fund shall be increased by 5 per centum of the amount of such annuity.

(b) The annuity of each person who receives or is entitled to receive an annuity from the civil service retirement and disability fund commencing during the period which begins on the day following the effective date of this section and ends five years after such date, shall be increased in accordance with the following table:

| If the annuity commences between— | The annuity shall be increased by— |
|---|---|
| January 2, 1963, and December 31, 1963. | 4 per centum |
| January 1, 1964, and December 31, 1964. | 3 per centum |
| January 1, 1965, and December 31, 1965. | 2 per centum |
| January 1, 1966, and December 31, 1966. | 1 per centum |

(c) In lieu of any other increase provided by this section, the annuity of a survivor of a retired employee or Member of Congress who received an increase under this section shall be increased by a percentage equal to the percentage by which the annuity of such employee or Member was so increased.

(d) No increase provided by this section shall be computed on any additional annuity purchased at retirement by voluntary contributions.

(e) The limitation reading "or (3) the sum necessary to increase such annuity, exclusive of annuity purchased by voluntary contributions under the second paragraph of section 10 of this Act, to $2,160" contained in section 8(c)(1) of the Civil Service Retirement Act of May 29, 1930, as amended by the Acts of July 16, 1952 (66 Stat. 722; Public Law 555, Eighty-second Congress), and August 31, 1954 (68 Stat. 1043; Public Law 747, Eighty-third Congress), shall not be effective on or after the effective date of this section.

(f) The limitation contained in the next to the last sentence of section 8(d)(1) of the Civil Service Retirement Act of May 29, 1930, as amended, as enacted by the Act of August 11, 1955 (69 Stat. 692; Public Law 369, Eighty-fourth Congress), shall not be effective on and after the effective date of this section.

(g) The increases provided by this section shall take effect on the effective date of this section, except that any increase under subsection (b) or (c) shall take effect on the beginning date of the annuity.

(h) The monthly installment of annuity after adjustment under this section shall be fixed at the nearest dollar.

SEC. 1102. (a) Section 1 of the Civil Service Retirement Act is amended by adding at the end thereof the following new subsection:

"(t) The term 'price index' shall mean the annual average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics."

(b) Such Act is further amended by redesignating section 18 as 19, and by inserting after section 17 the following new section:

"Cost-of-Living Adjustment of Annuities

"SEC. 18. (a) After January 1, 1964, and after each succeeding January 1, the Commission shall determine the per centum change in the price index from the later of 1962 or the year preceding the most recent cost-of-living adjustment to the latest complete year. On the basis of such Commission determination, the following adjustments shall be made:

"(1) Effective April 1, 1964, if the change in the price index from 1962 to 1963 shall have equaled a rise of at least 3 per centum, each annuity payable from the fund which has a commencing date earlier than January 2, 1963, shall be increased by the per centum rise in the price index adjusted to the nearest one-tenth of 1 per centum.

"(2) Effective April 1 of any year other than 1964 after the price index change shall have equaled a rise of at least 3 per centum, each annuity payable from the fund which has a commencing date earlier than January 2 of the preceding year shall be increased by the per centum rise in the price index adjusted to the nearest one-tenth of 1 per centum.

"(b) Eligibility for an annuity increase under this section shall be governed by the commencing date of each annuity payable from the fund as of the effective date of an increase, except as follows:

"(1) Effective from the date of the first increase under this section, an annuity payable from the fund to an annuitant's survivor (other than a child entitled under section 10(d)), which annuity commenced the day after the annuitant's death, shall be increased as provided in subsection (a)(1) or (a)(2) if the commencing date of annuity to the annuitant was earlier than January 2 of the year preceding the first increase.

"(2) Effective from its commencing date, an annuity payable from the fund to an annuitant's survivor (other than a child entitled under section 10(d)), which annuity commences the day after the annuitant's death and after the effective date of the first increase under this section, shall be increased by the total per centum increase the annuitant was receiving under this section at death.

"(3) For purposes of computing an annuity which commences after the effective date of the first increase under this section to a child under section 10(d), the items $600, $720, $1,800, and $2,160 appearing in section 10(d) shall be increased by the total per centum increase allowed and in force under this section, and, in case of a deceased annuitant, the items 40 per centum and 50 per centum appearing in section 10(d) shall be increased by the total per centum increase allowed and in force under this section to the annuitant at death. Effective from the date of the first increase under this section, the provisions of this paragraph shall apply as if such first increase were in effect with respect to computation of a child's annuity under section 10(d) which commenced between January 2 of the year preceding the first increase and the effective date of the first increase.

"(c) No increase in annuity provided by this section shall be computed on any additional annuity purchased at retirement by voluntary contributions.

"(d) The monthly installment of annuity after adjustment under this section shall be fixed at the nearest dollar."

SEC. 1103. (a) Section 9(g) of the Civil Service Retirement Act is amended to read as follows:

"(g) The annuity as hereinbefore provided (excluding any increase because of retirement under section 7) for any married employee or Member retiring under this Act, or any portion of such annuity designated in writing for purposes of section 10(a)(1), shall be reduced by 2½ per centum of so much thereof as does not exceed $3,600 and by 10 per centum of so much thereof as exceeds $3,600, unless the employee or Member notifies the Commission in writing at the time of retirement that he does not desire his wife or husband to receive an annuity as provided in section 10(a)(1)."

(b) Section 10(a)(1) of such Act is amended to read as follows:

"(1) If an employee or Member dies after having retired under any provision of this Act and is survived by a wife or husband to whom the employee or Member was married at the time of retirement, such wife or husband shall be paid an annuity equal to 55 per centum of an annuity computed as provided in subsections (a), (b), (c), (d), (e), and (f) of section 9, as may apply with respect to the annuitant, or of such portion

thereof as may have been designated in writing for such purpose by the employee or Member at the time of retirement, unless the employee or Member has notified the Commission in writing at the time of retirement that he does not desire his wife or husband to receive such annuity."

(c) Section 10(b) of such Act is amended by striking out "50 per centum" and inserting in lieu thereof "55 per centum".

(d) Section 10(c) of such Act is amended by striking out "50 per centum" and inserting in lieu thereof "55 per centum".

(e) Section 10(e) of such Act is amended by striking out "50 per centum" and inserting in lieu thereof "55 per centum".

SEC. 1104. Notwithstanding any other provision of law, the benefits made payable under the Civil Service Retirement Act by reason of the enactment of this part shall be paid from the civil service retirement and disability fund.

SEC. 1105. Section 1101 of this part shall take effect on January 1, 1963. The amendments made by section 1103 shall not apply in the case of employees or Members retired or otherwise separated prior to the date of enactment of this Act, and the rights of such persons and their survivors shall continue in the same manner and to the same extent as if these amendments had not been enacted.

Mr. MANSFIELD. Mr. President, it is not the intention of the leadership to consider the bill tonight. It will be the pending business. It has been called up for the purpose of making it the pending business at the conclusion of the morning hour tomorrow. In accordance with the agreement made with the Senator from Maryland [Mr. BUTLER], the Senator from California [Mr. ENGLE], and the Senator from Alaska [Mr. BARTLETT], it is anticipated that following the consideration of the postal rate bill, either late tomorrow or on Thursday, the bill which has just been temporarily laid aside will become the pending business.

## ORDER FOR ADJOURNMENT TO 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the session for today has been concluded, the Senate adjourn until 11 o'clock tomorrow morning.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## COMMENDATION OF SENATOR SAM J. ERVIN BY NORTH CAROLINA DEPARTMENT OF AMERICAN LEGION

Mr. JORDAN of North Carolina. Mr. President, on January 19, 1962, the executive committee of the North Carolina Department of the American Legion adopted a resolution commending my colleague, Senator SAM J. ERVIN, JR., for his devotion to the "principles and ideals of the Constitution of the United States of America and the individual rights thereby guaranteed to all citizens." I ask unanimous consent that the text of 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 SAM J. ERVIN, JR., senior U.S. Senator from North Carolina, through his service in the Armed Forces of the United States gained deep personal insight into the principles and ideals of Americanism; and

Whereas Senator ERVIN has been throughout his long career of public service for his community, State, and Nation a devoted public servant interested in all of the constitutional rights of all American citizens; and

Whereas Senator ERVIN, through his long service in the U.S. Senate and as a member of the Committee on the Judiciary, is fully aware of the dangers of encroachment by foreign isms on the individual rights of the American citizen; and

Whereas Senator ERVIN is deeply interested in the preservation of the written Constitution of the United States of America and the individual rights thereby guaranteed to all of its citizens; and

Whereas Senator ERVIN has continuously served and emphasized the principles, aims, and objectives of the Americanism programs and principles of the American Legion: Now, therefore, be it

*Resolved*, That the executive committee of the North Carolina Department of the American Legion, in regular meeting assembled in Winston-Salem, N.C., this the 19th day of January 1962, commend and congratulate Senator ERVIN for his devotion and courageous leadership in preserving the principles and ideals of the Constitution of the United States of America and the individual rights thereby guaranteed to all citizens; be it further

*Resolved*, That a copy of this resolution be entered on the minutes of this meeting, copies be sent to all members of the Committee on the Judiciary of the U.S. Senate, Senator ERVIN, and the national commander of the American Legion.

## RELIEF OF WILLIAM MACKIE AND HAMISH SCOTT MacKAY

Mr. MORSE. Mr. President, I appreciate the opportunity to explain to the Senate, in some detail, the case for the passage of S. 420 and S. 421. These bills are for the relief of two residents of Portland, Oreg., William Mackie and Hamish Scott MacKay, who were deported from the United States in November 1960, and would allow them to return to this country, if they so desire.

Mr. President, I must speak on these two bills at this late hour today for several reasons. First, I assured the leadership of the Senate that, in this instance, as is my common practice in making speeches in the Senate which are not related to the pending business of the Senate, I would speak after the Senate was ready to dispense with further debate on the pending business for the day.

I strongly support a reform in the rules of procedure of the Senate which would adopt a rule of germaneness to prevail throughout any given day until 4:30 or 5 o'clock, after which there would be no rule of germaneness for that day. Senators then would be privileged to take the floor and discuss subjects which did not pertain to the pending business of the Senate. I think that that rule alone would greatly improve the efficiency of the Senate, if all Senators followed it.

For the past several years the senior Senator from Oregon has followed such procedure as his personal policy. The timing of this speech is in accordance with this policy.

### NECESSITY FOR MAKING A COMPLETE RECORD

The second reason for speaking on these two bills tonight is because tomorrow I shall appear before the Committee on the Judiciary with respect to S. 420 and S. 421, and in order to make a complete record on the bills, I need to speak at much greater length than would be possible at the hearing before the Committee on the Judiciary.

Therefore, I talked with the chairman of the Judiciary Committee, the Senator from Mississippi [Mr. EASTLAND], and asked him whether he would have any objection to my discussing these bills in the Senate Chamber, prior to my appearance and my testimony at a meeting of the Judiciary Committee. Not only did he assure me that he would have no objection, but he agreed with me that I should do just that, because he felt that my remarks on the floor of the Senate, in making the detailed record tonight, would be of material assistance to the Judiciary Committee when I testify there tomorrow. Tomorrow, when I appear before the Judiciary Committee, I propose to and shall be able to summarize the record I shall make tonight on these two bills.

### NATIONAL SENSE OF JUSTICE IS INVOLVED

The third and substantial reason for my speech tonight on these two bills is because, in my opinion, the persons involved in the bills have been done a shocking injustice by our Government of the United States; and I want to believe, and as a free people we must believe, that our Government will never become so large and so cumbersome that it will lose a sense of conscience in respect to the rights of individuals within our country—in regard to doing justice to human beings. Too frequently government can become cold; too frequently the administrative processes of government can take on a color that shadows or conceals individual rights.

Tonight I am speaking about two cases which in my judgment illustrate government's inhumanity to man; they are all too good examples of man's inhumanity to man. As I discuss these cases, I am satisfied that anyone who will put himself, figuratively speaking, in a jury box and pass judgment on the facts in these two cases will agree with my conclusion.

These cases represent shocking injustice, and our Government has the moral obligation and responsibility to see to it that justice is done to these two persons, irrespective of the fact that, as jurors, we would not condone or approve of certain courses of action and behavior by those two persons.

But I wish to point out that they are human beings; and I point out that it is difficult to justify the inhumane course of action which our Government has followed through a literal and strict and

harsh application of the immigration law to two residents of Portland, Oreg. These individuals—whatever they are—were made what they are as the result of the action upon them of our American system.

I well know that when—and particularly in an election year—I stand on the floor of the Senate and make a plea for the doing of justice to two persons who have been deported from the United States on the ground that the Immigration Service found them to be either Communists or associated with Communists, that is not good politics. But in my 18 years in the Senate, I never have—and I never will start it in the midst of an election—run away from responsibilities. I have an obligation of raising my voice in the interest of doing justice to any human being, no matter what may have been his course of conduct, if the Government's action toward him has not resulted in justice.

CASES ARE MATTERS OF WIDE CONCERN

Mr. President, I do not speak alone. As will be noted as I bring out the facts in connection with these two cases, they have become causes celebre in Oregon, in Canada, in Finland, and in many places in between. The injustice done these two persons has become a matter of concern to many persons in Oregon, regardless of their political party affiliation. As I set forth in my report on these two bills, and as I shall point out during my remarks tonight, the matter is one of grave concern to a former Republican Governor of Oregon, one of the recognized leaders of my State, the publisher and editor of the Salem Statesman, Charles Sprague. As I submit the evidence in support of my bills, I shall point out that one Republican newspaper after another in Oregon has written castigating editorials against the policy of the U.S. Government in regard to these two cases. The reaction has been completely bipartisan. The reaction has been almost unanimously opposed to these deportations.

As I call attention to the petitions which I shall place in the RECORD before I finish—petitions signed by scores and hundreds and, indeed, thousands of residents of the State of Oregon, Democrats, Republicans, and Independents, alike—there will be no doubt about the fact that tonight I am talking about two cases in regard to which citizens of Oregon, of all political faiths, have been deeply stirred, and are urging that our Government do justice now, because great injustice has been done. It does not sit well with the conscience of Oregon.

THE BILLS ARE AN OPPORTUNITY TO DO JUSTICE

It is my hope that the Senate Judiciary Committee, which will consider these bills tomorrow, will act speedily upon them and will grasp this opportunity to right a shocking wrong. I hope that after the Judiciary Committee hears the evidence tomorrow on these two bills, it will agree with me that the thousands of people in Oregon who support me in the stand I am taking here tonight are correct, and will recognize that these two bills should be passed quickly by both Houses of Congress and signed by the President, so that these two men will be given an opportunity to return to the United States.

In discussing the deportation of Mackie and MacKay, I wish to make very clear that I hold no brief for them, and do not imply any approval of their actions. I do not approve their actions, but I think even less of the actions of the U.S. Government in exiling two such insignificant men.

In my judgment, the Department of Justice, through the Immigration Service, failed to make a case that justified these deportations. I hope this discussion of these two immigration cases will also serve notice upon the Congress of its dereliction in permitting the vesting in any department or agency of Government such arbitrary discretionary power of the Immigration Service, in the Department of Justice, as is exhibited in these two cases. I hope my speech tonight will also be the opening salvo in a bombardment against immigration legislation now on the statute books which should be modified, and in some respects repealed, because, in my judgment, the sweeping discretionary powers which Congress has given the immigration authorities of this country just cannot be squared with our ideal of government by law. The statutes which have been enacted into the law of the land, rests in the officials of the immigration authority personal power that can be described only as government by men, not by law. It is a power which does not have attached to it the necessary procedural safeguards which are essential in denying to mere men in administrative positions in the government the power to make decisions which really destroy precious human rights which a system of freedom should guard and enshrine.

This is not the first time in my 18 years in the Senate that I have deplored the arbitrary power of the Department of Justice in respect to immigration cases, for I take the position that no man or woman should ever be deported from the United States, under any circumstance, unless an American jury of his or her peers makes the findings of fact that support a deportation.

These cases involved precious rights of personal liberty, and we cannot reconcile them with the declarations about freedom and protection of individual rights. There is arbitrary power vested in the immigration officials under existing statutes, and its crushing weight has been felt upon Mackie and MacKay. But as long as those powers are in the law, the senior Senator from Oregon and the remainder of this body must confront individual cases such as the two cases I will review tonight. As long as those powers are in the law, all I can plead for on the floor of the Senate and before the Judiciary Committee tomorrow is that the decision of the immigration authorities be reversed. However, I hope to live to see the day when the immigration laws of this country will be so amended that, before the immigration authorities can order anyone deported from this country, they will have to take their case to the jury box, prove its case to the jury, which the Constitution makes a part of American law.

If the cases of MacKay and Mackie had been taken to the jury box anywhere in America, in my judgment, there would have been a unanimous vote in favor of Mackie and MacKay. The action taken by the immigration authorities violates the sense of justice and fairplay and decent treatment which has traditionally inspired the sense of values of this great Nation.

THE PRESENT LAW GRANTS ARBITRARY POWER

When arbitrary power is vested in mere men, with all their human frailties, it leads to capriciousness, for there is a long recognized tendency for mere men, given arbitrary power, to become intoxicated by that power and their own importance. In my judgment, it has, in too many instances, characterized action on the part of the Immigration Service of the U.S. Department of Justice for many years past, some of which I shall summarize later in my remarks.

We have two shocking cases here, in my judgment. I hope this speech, and perhaps later developments, will at least put the American people on warning with respect to the arbitrary power that has been vested in the immigration authorities of this Government.

Come next January, I shall hope to offer a series of amendments to our immigration laws that will seek to condition the power of the Immigration Service of our Government upon appropriate legal safeguards.

APPRECIATION DUE TO CHAIRMAN OF JUDICIARY COMMITTEE

I believe it is appropriate for me to express my very sincere gratitude to the chairman of the Judiciary Committee, the distinguished Senator from Mississippi [Mr. EASTLAND]. When I was first preparing to introduce these measures, I discussed with the chairman my hope that hearings could be held on them. He urged me to introduce these bills, saying he did not know very much about their subject matter, but that he did recall very distinctly reading in the press about the Mackie case in November of 1960. He was good enough to say that he had been very much surprised, on the basis of the facts which were published in the newspapers, that Mackie had been deported.

The Senator assured me that very thorough consideration would be given to my two bills, because, he said, if injustice has been done it ought to be righted. It is very much to the credit of the Senator from Mississippi that a hearing is to be convened and that there is an opportunity to consider what constitutes justice as to these two men.

I want to make very clear that the Senator from Mississippi made no value judgment in regard to these two cases. He made very clear that, of course, the burden of proof was on the senior Senator from Oregon to show that the action of the immigration authorities should be reversed by the passage of these two bills. I assured the Senator from Mississippi that I would be very happy to assume that burden of proof.

OTHER AVENUES EXPLORED

It might be asked why we are so late in these hearings. There are very many reasons why the hearings have not been held and will not be held until tomorrow, but the Senator from Mississippi is not responsible for the lateness of the hearings; nor is the senior Senator from Oregon. It was necessary, in preparing to support these two bills involving the immigration cases of Mackie and MacKay, to collect and consider a considerable body of information. As a lawyer, I never go to trial unless I am satisfied that I am prepared for trial. Furthermore, it was necessary for us to obtain certain reports from the Department of Justice in regard to the cases.

Furthermore, Mr. President, I had also hoped we could obtain administrative action on these two cases. This would perhaps have avoided the necessity for me to make the legislative fight I have started tonight.

It was my hope that a way could be found for the Department of Justice administratively or procedurally to correct these injustices. There has been every opportunity to do so. I do not know how anyone could have been more conciliatory, more cooperative, or could have proved more clearly his desire to reach an amicable solution to the two cases than did the senior Senator from Oregon. But finally it became clear that there was no possible avenue for a final determination of these cases except through action by the Congress itself in respect to the bills. It then became necessary to seek, and to fight for hearings and other action on these bills.

As I have explained to innumerable groups in the State of Oregon who are so much concerned about these two cases, the Judiciary Committee found itself facing a heavy schedule of hearings. I know the importance in the Senate of cooperating with my colleagues and of taking my turn when schedules are drawn up.

The Senator from Mississippi agreed on several occasions to have hearings, but interruptions in schedule prevented going through with them. Hearings were scheduled for today, but the agenda of unfinished business having priority over my bills was so long in the Committee on the Judiciary this morning that it was impossible to reach my two bills today. This was perfectly understandable.

The Senator from Mississippi, seeking to cooperate with the Senator from Oregon, assured me that he would schedule hearings on S. 420 and 421 before the subcommittee tomorrow. It was then I suggested that we might save a good deal of the time of the committee if I made my record on the two bills on the floor of the Senate tonight, after the Senate finished whatever other business it might wish to consider today. Then, tomorrow we could submit the CONGRESSIONAL RECORD to the subcommittee of the Committee on the Judiciary. I could summarize the RECORD. The Committee members would have the RECORD before them, in the best possible form for their consideration.

It was our thought that by following such a procedure we could expedite the handling of the bills tomorrow, and that it would give us the best possible assurance that the committee might be able to reach a decision on the two bills in time for action in the Senate and action in the House during this session of the Congress.

THE FORUM OF LAST RESORT

As will become apparent during the next few minutes, the Senate constitutes the forum of last resort for Mackie and MacKay. The high qualifications of the Members of this body assure that the cases will be judged fairly in the light of the matter of conscience involved, which touch and concern not only the State of Oregon but also the image of the United States.

I wish to say a word by way of laying a foundation for a discussion of the cases themselves, about the law of expulsion in the United States compared to the U.S.S.R.

THE LAW OF EXPULSION: UNITED STATES VERSUS U.S.S.R.

I believe that few men in this country would disagree with a statement that this country should not imitate Communist police state methods. We all know that the best way to beat the threat of communism is to stand strongly for freedom and justice, and to back it up with economic, military, and political strength. The adoption or acceptance of police state methods in this country does not add to our strength.

I might add, it does not aid our image abroad.

Let us examine the law of the Soviet Union on the expulsion of foreigners from the U.S.S.R. The decree of the Council of People's Commissars of August 29, 1921, which according to the Library of Congress, was still in force as of July 5, 1962, reads as follows:

1. Foreign nationals whose way of life, activities and behavior are considered incompatible with the principles and social order of the Soviet State may be expelled from the territory of the RSFSR by order of the all-Russian extraordinary commission—Vecheka—or by course sentence regardless of whether residence permits have been granted to them previously.

2. The explusion shall be executed by the organs of the Vecheka.

The Library of Congress memorandum, which I shall ask permission to insert at the conclusion of my remarks, points out that the Vecheka is the Russian secret police organization, the predecessor of the GPU, NKVD, NVD, and now the KGB, about which we have heard so much. The regulations pursuant to this decree go even further:

1. A foreigner may be expelled in administrative proceedings on the basis of an order of the Vecheka if during the trial of a foreigner accused of any offense the court finds that his continued stay would be incompatible with the principles and social order of the Soviet state.

It is worth noting that, until 1959, the U.S.S.R. could expel its own nationals, its own citizens, as well. The new criminal code of 1958, however, mitigated this somewhat so that now the Soviet citizen can only be exiled or banished. The first is forcing a person to reside in a specified locality for not more than 5 years, and the second is prohibition of a person ever residing in certain localities.

This is very broad and sweeping power, and says much about the relative values placed upon the rights of the state and the rights of the individual in the Soviet Union.

It is, of course, unthinkable that we should try deliberately to imitate the Russian governmental policy in a democracy such as the United States.

Of course, there are no provisions in American law providing for the expulsion of citizens. However, let us now compare the state of American law as to the expulsion of aliens.

DEVELOPMENT OF U.S. LAW OF EXPULSION

Originally, and prior to 1917, no statute authorized expulsion of aliens for post-entry conduct not considered initially excludable. In that year, and by the act of October 16, 1918, which as an amendment to the 1917 act, a statutory exception was made for persons who were found, within 5 years of entry, to be anarchists. This legislation still rested upon the theoretical basis that aliens within these classes would have been initially excludable.

It was not until 1940, when Congress passed the Smith Act during the grave national danger created by the fall of France, that Congress confirmed by statute the power to deport an alien for conduct having no relation to his original entry into this country.

An excellent summary of the intervening development of Mr. Justice Jackson in the case of Harisiades against Shaughnessy is quoted in 66 Harvard Law Review, pages 19–20, as follows:

Originally the power of deportation was merely ancillary to the right to exclude; that is, it was the power to rid the country of an alien who should not have been admitted in the first place. From those early days, the policy has been expanded. The power of deportation was expanded to those aliens who, after entry, abused the Nation's hospitality in resorting to crimes or similar types of misconduct. In 1910, for example, new classes of resident aliens were listed for deportation, including for the first time political offenders such as anarchists and those believing in or advocating the overthrow of the Government by force or violence. In 1917, aliens who were found after entry to be advocating anarchist doctrines or the overthrow of the Government by force and violence were made subject to deportation, a 5-year time limit being retained. A year later, deportability because of membership in certain proscribed subversive organizations was introduced. When the Supreme Court, in 1939, held that that act reached only aliens who were members when the proceedings against them were instituted, Congress promptly enacted the present statute (the Smith Act) making deportation mandatory for any alien who was at the time of entering the United States "or has been at any time thereafter" a member of a proscribed organization. In so doing it also eliminated the time limit for institution of proceedings thereunder.

Subsequently, when the Supreme Court held that deportation proceedings must comply with the Administrative Procedure Act, Congress exempted such proceedings from the requirement of the act—64 Statutes at Large, page 1048, 1950; 8. U.S.C. 155a.

I would ask the Senate's permission, at this point, to file at the conclusion of my remarks a memorandum of law tracing this development in greater detail.

In fact, I may discuss, before I finish my subject tonight, some parts of that legal memorandum, because I believe it to be a basic foundation for the consideration by the Judiciary Committee and subsequently by the Congress of the United States in respect to the relief sought by my two bills.

It would, therefore, appear that S. 420 and S. 421 deal with a substance of law which provides for the expulsion of alien residents at any time for membership in, or affiliation with, an organization advocating overthrow of the Government by force or violence. There is power to expel, no matter how long the alien has resided here, and no matter how long before the deportation this membership of affiliation may have terminated.

We are also dealing with a procedure which *does not allow* a jury trial. A deportation can, under the law, be consummated without the privilege of a judgment by a man's peers. It is left to the broad discretion of an administrative officer in a strictly administrative proceeding, and one not even bound by the Administrative Procedures Act, at that.

In order to get a court to reverse the finding of such an officer, there must be a showing that there was an abuse of discretion or a capricious or arbitrary act. *This is a far* different standard than even the standard operative in civil trials of a fair preponderance of the credible evidence. It is a radical departure from the standards of conviction beyond a reasonable doubt, which are a part of criminal justice and to which deportation seems to be closely analogous.

I wish to say, at this point in my speech, that one of the arguments used by those who seek to support the deportations is that the immigration authorities acted under the law in accordance with the discretionary power that the law gives them.

That is true. That is one reason why the law ought to be amended. It is another reason why we ought to see to it that an injustice that is created by the exercise of such legal discretion is corrected. It is another reason why we ought to look with favor upon such bills as I have introduced tonight. As individual jurors, I believe an overwhelming majority of the Members of the Senate and the House would reach if they were in the jury box, that it is not fair, just, or right to keep those two men deported merely because an immigration administrative officer, exercising a broad power that the law gives him, has decided they should be deported.

ISSUE CAN BE VIEWED MERELY AS ONE OF LIMITS TO ADMINISTRATIVE DISCRETION

That is another reason why the senior Senator from Oregon believes it is important that he call the attention of the Senate tonight to the difference between government by men and government by law. It is said, using this as a major premise, that the immigration authorities had the legal power to do what they did—and I do not deny it. The question for the court to determine was whether or not they violated any authority given to them by law or followed a course of action that could be deemed to be arbitrary and capricious.

Of course, that is a pretty difficult standard by which to judge. Because it is so difficult, we move into the minor premise in this syllogism. Let us not forget that appeals on these deportations were taken to the district court, to the circuit court of appeals, and to the U.S. Supreme Court.

However, they were appeals, not on the merits of the facts in the cases. It was not for the district judge to decide whether or not on the basis of the facts he would order the deportation. It was not for the members of the Circuit Court of Appeals to decide that on the basis of the facts in the cases those individual judges would order the deportation. It was not for the U.S. Supreme Court to decide, as I shall show in a moment, on the basis of the facts in the individual cases, that the two men should be deported. However, as I read the dissenting opinion in a 5-to-4 decision of the U.S. Supreme Court, it is apparent that the judges who wrote the dissenting opinion thought the facts showed such an injustice that they refused to limit themselves to the very narrow legal principle that had been applied in the district court and in the circuit court. Five of their colleagues did so limit themselves, and took refuge in the judicial statement that we read in so many cases, to the effect that, after all, it is a legislative matter, and that if a wrong has been done by administrative officers, acting under power given to them by Congress, it is for Congress to right that wrong with a legislative reform.

If in the particular legislation enacted by Congress we had included, rather than excluded, the Administrative Procedures Act, in my judgment there is no doubt that the decision of the district court, the circuit court, and the U.S. Supreme Court would have been just the opposite.

In this case a great injustice has been done to two human beings on the basis of an impersonal, cold, legal technicality, with the question for review, as the distinguished lawyer who occupies the chair, the Senator from North Dakota [Mr. BURDICK], so very well knows, the question whether or not the administrative officer acted within the administrative power vested in him by a statute.

One can follow, as an administrative officer, authority given in a statute, and do a great wrong and injustice. One can follow discretionary authority given in a statute, as the immigration authorities too frequently do, and as these cases clearly do, and wreak upon fellow human beings shocking inhumanity.

I do not criticize the judges who handed down the decision or say that they did not stay within the narrow confines of the technical rules of statutory interpretation. However, I believe they were wrong. I believe the district judge and the court of appeals and the majority of the Supreme Court could very well have made the interpretation made by the four dissenting judges of the U.S. Supreme Court, and been within the framework of existing judicial rules.

What the senior Senator from Oregon, as a lawyer, is saying, is that the decisions of the district judge and the judges of the court of appeals and the majority of the U.S. Supreme Court were not the only decisions that could have been made under the facts of the cases, and remain within the law.

SUCH AN APPROACH DENIES THE HUMAN CONSEQUENCES OF THE CASES

As I used to try to teach my law students in the course of jurisprudence, we have presented here, in the operative facts of these two deportation cases, a dramatic example of the difference between the dynamics of law and the statics of law. It is the great conflict in approach to the nature of jurisprudence and the judicial processes; the difference between the law as a living thing, subject to doing justice between men in light of the facts in each case; and the law as a dead hand, a cold rule blindly applied without regard to the great human factors of heart and mind and the dignity and rights of human beings standing before the bar of justice.

When I say that, I wish to make clear that I mean no disrespect to the judges who have sustained the exercise of discretionary administrative power on the part of the immigration authorities. However, I say that the opinion of the dissenting judges of the U.S. Supreme Court really represented a sounder jurisprudence.

Since the courts take the position that as long as this discretion, which Congress has vested in the immigration authorities, remains on the books the courts will sustain the exercise of the authority, it behooves us to amend the law in whatever manner is necessary to take such discretion away from the immigration authorities and put the decision in safer, sounder decisionmaking bodies; that is, in the jury boxes of America.

But, we have these administrative standards now, Mr. President, and let us see where the application of those laws and procedures have gotten us. The Law Review of the University of Kansas, in the summer of 1959, conducted a very illuminating study of 307 cases, all of them political deportations, which reached the Supreme Court in recent years. This is what was found: 66.4 percent of the deportees were over 55 years of age; 60 percent entered the United States when they were under 20 years of age; 87 percent resided in this country for more than 31 years; 70 percent were married at the time of the proceedings; 75 percent had no close relatives in their country of birth; 62 percent had severed Communist Party membership more than 11 years before arrest; more than 50 percent had children who were citizens, and about one-third had grandchildren who were citizens.

I cite these statistics because I would have Senators never forget that we can never separate the administration of law

from human consequences of the administration. When all is said and done, our standards of justice will be evaluated in terms of whether or not they do justice to human beings.

This is the concept of the dynamics of the law that is shared by us who hold the point of view that the strength of our juridicial system must be found in its adaptability to preserving and protecting human values, in contrast with the notion that the administration of the law is a cold, impersonal, automatic machine that should not take human values into account.

The latter conception of jurisprudence is the Communist conception. It is the police state conception. It is the totalitarian conception. It makes the law an instrument of control of the people. This conception that fails to recognize that the state should be the servant of the people, and that the people are the masters of the state.

It fails to recognize our faith in the law to liberate men's energies by rationally and fairly ordering and regulating affairs. These tenets of our republican form of government are used by many in lip service to our values. Unfortunately, they are too often used as cliches and slogans. As soon as they pass into the realm of cliche, however, their meaning is lost and the rights of a free people begin their decline. The tenet that the people must be masters and not the servants of the state becomes meaningless unless it is carried out throughout our juridicial system on a case by case basis.

We have not been vigilant enough in this area—the treatment of longtime resident aliens. We must take a closer look.

CASES MARK DEPARTURE FROM TRADITIONAL AMERICAN VALUES

I cite tonight a breakdown, in respect to these two deportation cases, of the great ideal that the people are the masters and not the servants of the state. I say that the Immigration and Naturalization Service of the Department of Justice, in cases such as these, would become the master, not the servant of the people of the United States. Whenever any administrative agency is given such power to administer a law and such discretion, that consequences such as we find in these cases ensues, that agency must be checked, and the law which gives it that kind of power must be amended.

But, confronted with these two concrete examples of injustice done by the Immigration and Naturalization Service of the Department of Justice, the senior Senator from Oregon pleads with the Senate to first pass these two private bills, which will rectify injustice so far as these two human beings are concerned. Then next January 1 Congress can get on with the job, which I think confronts us, of revising and amending the Immigration Acts.

In one case on the books, *Latva* v. *Nicholls* (106 F. Supp. 658, 1952) which is closely analogous to that of William Mackie, a man emigrated from Finland at the age of 13, had lived in the United States for 36 years, had an American-born wife, had two sons who were honorably discharged veterans of World War II, and had belonged to the Communist Party for less than 6 months in 1934, paying about $1 in dues.

In another case the courts upheld the action of the Attorney General in excluding without a hearing, and upon undisclosed information, the alien wife of a soldier, who was thereafter confined to Ellis Island for almost 3½ years—*U.S. ex rel. Knauff* v. *Shaughnessy* (338 U.S. 537 (1950)).

Note my reference to the fact that in the case of U.S. ex rel Knauff against Shaughnessy, which was the last case I cited, the Attorney General did the excluding without a hearing and on the basis of undisclosed information. Try that out, Mr. President, when you get home. Ask your neighbors and friends if they are aware of the fact that the Attorney General has any such power. Ask your neighbors and friends if they are aware of the fact that the Attorney General has the power to order a deportation on the basis of undisclosed information, and that a person cannot learn the source or the nature of the information which is causing the exclusion. Let Senators try it out on their neighbors, and listen to what they say.

I daresay that they will be shocked. They will say they do not believe you. They will say that that cannot happen in America.

Mr. President, it can happen, and it does. Similar things have happened at least 307 times in recent years. Oh, if in some way we could make the people of the country understand the relationship between their procedural rights and their substantive rights, if we could in some way make them understand that when such a procedure is authorized by Congress, precious substantive rights are denied, I hazard a guess that we would not have to wait so long for legislative reform.

A part of the problem which faces the senior Senator from Oregon tonight, as he discusses this subject, is that many legal abstractions are involved. These are questions of legal procedure which the average citizen will never encounter or will never come in contact with, and therefore he will not be aware that such a discretionary, arbitrary and capricious power has been vested by Congress in mere administrative officers.

They are powers of a police state, totalitarian powers, powers of communism and fascism. They cannot be reconciled with the democratic ideal of government under law. Those are harsh words, Mr. President, but they are true. There are rationalizations as to the necessity of vesting such power in administrative officials, and for the sake of national security that they must be given authority to order deportation without a confrontation of the witnesses against the deportee and without a disclosure of the information and the alleged evidence presented against him. There is the alibi that to do otherwise would close the sources of information of the agencies.

But rationalize all you like, such deportation decisions cannot be reconciled with simple fairplay in the administration of justice.

I have such abiding faith in the fairness of the average American citizen that I am convinced that if in some way, somehow, we could get every American citizen to understand the existence of such arbitrary discretionary powers as those I am relating here, tonight, there would be in this country a rising demand for the enactment of legislation to abridge and regulate those powers.

Mr. President, how do such powers ever become vested in the first place? In many instances—and, in my judgment, the power involved in the Mackie and MacKay cases are good examples—they become legislatively vested during waves of hysteria that sweep a country.

Our country has experienced such waves of hysteria from time to time in the last 25 years. During those waves there is always the danger that arbitrary power of this type will be vested by the enactment of a piece of legislation such as the immigration laws to which I have previously referred. When that happens, there develop celebrated cases, such as the Mackie and MacKay cases, that stir the sense of fair play and justice of most Americans who learn about the cases.

DEPORTATIONS LEGALLY VALID

Mr. President, now let me say a few words about the legal validity of these deportations. Upon the statement of the law which I have described, the deportations of Mackie and MacKay for their activities during the 1930's are certainly legally valid.

No contention can be made that the length of residence, the severing of family ties, the disruption of business, community or personal life, the stigmatizing of the deportee, and the banishment to an unfamiliar country, or the combined injustice of all of these consequences, constitute any legal grounds for action contrary to an order for deportation. In this regard, the remarks of the judge of the U.S. district court, who refused to dismiss the deportation order, are instructive. Quoting from the Oregon Journal of April 11, 1958, I read:

If I had been President,

The judge said in explanation—

I would have vetoed the bill, because I think it is outrageous that a man who is brought into the United States at the age of 10 months and who has lived here all his life should be deported.

But when the President of the United States appointed me to do this job, he didn't tell me I could change the laws.

He told me that I had to enforce the laws that are on the books.

It has been said, as sort of a grim joke, that the deportation of longtime resident aliens constitutes a cruel but not unusual punishment. The cold statistics we have examined—give evidence of frequency.

THE POSSIBILITY OF EXECUTIVE CLEMENCY

However, in some cases the executive agencies involved have relented, and have granted relief as a matter of executive clemency. I had hoped that might be true in these cases.

Let me say again to the people of Oregon who have been very much concerned as to why we in Congress have not been disposing of these two cases, that I have

done my best to exhaust every possible avenue for obtaining executive elemency in regard to these two cases. I have said and I have thought that it would be better to have these two cases handled by way of executive clemency, rather than by legislation. But time is running out. I now make this final attempt at this session of Congress to right the great wrong that has been done to these two human beings, by seeking in the closing days of this session of Congress to get my colleagues in Congress to pass these private bills. I hope and pray the Congress will do so.

FURTHER REMEDIES WILL BE PURSUED IF NECESSARY

Perhaps I should stop there, and should say no more until we find whether Congress will do it. Yet, Mr. President, I owe it to my constituency to make perfectly clear, tonight, that if Congress fails in the closing days of this session to do justice in connection with these two shocking cases of injustice, I have no intention of quitting in my fight to have justice done.

So I bespeak a word to the President of the United States at this moment in my speech. The President of the United States has executive responsibilities. Under the Constitution, the President of the United States has the power of executive clemency, too. I do not think the President of the United States should have to be bothered with two cases of injustice to two individuals, as in this case, but I think the Congress should correct that injustice for him. But under our constitutional system, however, there is no President who does not have an obligation to see to it that justice is done when justice can appropriately be accomplished by the exercise of his power of executive clemency.

I believe any President, knowing the facts about these cases—and I shall bring them out—should do justice. If I fail through legislative channels, I intend to give my President an opportunity to do justice in these cases between now and the next session of Congress.

If I should fail then—God forbid—to obtain justice through executive clemency, I shall be back at this desk next January—the people of my State willing—reintroducing not only these bills, but introducing a series of bills, amending the Immigration Act, which will prevent in the future, immigration administrative officers from having the discretionary power to inflict such terrible human damage to fellow human beings.

In the Latva case—previously referred to—after national publicity, the proceedings were arrested by executive decision. In the War Bride case—previously cited—the Attorney General, after 3½ years reversed his order and permitted the woman to enter the United States.

Both Mackie and MacKay have sought executive clemency and have been refused, as will more fully appear in my brief outline of the facts of these two cases.

HISTORY OF MACKIE

It is against this background of substantive and procedural law, this lowering threshold of justice for aliens, that these two individual deportations can be viewed in perspective.

William Mackie was born in Finland in 1908. There is some doubt as to whether his parents were both American citizens, but they had previously become the parents of two children with whom they returned to Finland for a short visit. While there, it is reported by one newspaper that Mackie's mother became ill, delaying her return to the United States until Mackie was born and for 10 months thereafter. It is probable that she was pregnant before she left the United States.

The father of Mackie is now 82 years old and lives in Portland, Oreg. He is, for the most part, dependent upon his son for support in the latter years of his life. I have talked to this grand old man. He is a naturalized citizen; a patriotic, fine citizen. He has borne the heartaches of this family trouble for years. Yet he holds no condemnation for the acts of the son who involved him in his difficulties, but, being a father, also understands human frailties. This grand old man is a tailor. Some 2 or more years ago I went into a men's shop in Portland to buy a suit. I did not even know that Mr. Mackie worked there, but the proprietor brought him out of the tailor shop. I sat down and talked to this man. He could not work many hours a day each week, but he could work a little. His fingers, which at one time were so nimble, then showed the stiffness of old age. But as I talked to him about his sadness and about the case, I became more determined to do what I am doing tonight and what I have done the past couple of weeks as I have sought to have justice done in connection with this human tragedy.

What have we really gained by sending the son of this old man to Finland? How have we strengthened the security of the United States? I have more faith in the ability of the FBI and the other law-enforcement agencies of this country to believe it is necessary to deport a man who has lived all but 10 months of his life in the United States; who has never been heard to utter a syllable about violent overthrow of the U.S. Government and who became whatever he is as the result of the operation of American social forces upon his being.

What have we gained by deporting our troubles to Finland? It is doubtful that there could be any real gain in our collective security. Further, Mr. President, as will be seen before I finish, we have not gained goodwill and understanding in Finland. How much better it would have been to make clear to Mr. Mackie, if we had any suspicion as to his loyalty, "You will be kept under surveillance"—the Government has the right to do it—"and you will be required to report as to your comings and goings"—and we have the right to do that too.

But, instead, our immigration department decided to show the power of the United States against this uneducated, uninformed, and in some respects misguided house painter.

We have not advanced our tradition of justice by this act of power. We have not kept faith, in my judgment, with our church pews, for I do not see how one can reconcile this course of action with our religious faith.

I said that the mother of Mackie, now dead—she has been dead only a few years for Mackie supported for many years both his mother and father, for the most part—was probably pregnant before she left the United States. Mr. Mackie says she was, and he had expected to bring her back to the United States before the baby was born.

The only reason the baby was born in Finland was because the doctors advised that it would not be safe for the mother to take the trip by boat to the United States prior to the birth of the baby. But by the most perverse kind of an accident he was not. Had the baby been born in the United States the case would have been quite different, for then he would have been a citizen. Then he would have had some rights the immigration authorities could not have taken away from him.

The Mackie name in Finland had been Niukkanen and it is that name by which William Albert Mackie was carried in the immigration files. The "m" in his first name was erroneously dropped, so that it appears as "Willia Nieukkanen."

At the age of 10 months, Mackie was brought to the United States. He never saw Finland again for 54 years. He lived his entire life in the United States, did not speak Finnish, never revisited Finland to renew ties with relatives or make friends, and had no connection whatever with the Finnish nation. Mackie lived most of his life in Portland, Oreg. One of his brothers was a civilian construction worker at Wake Island at the time of the Japanese attack in 1941, and was presumed lost during that battle. Mackie, himself, served 1 year in the National Guard in 1928 and was called into military service in 1940. He was discharged by reasons of age, receiving an honorable discharge. In 1942, he was again considered for military service, but was not accepted at that time for medical reasons.

During the remainder of World War II, Mackie worked in the shipyards of Washington or Oregon, a place where he could certainly have caused much mischief if that had been his desire. In 1947 he became a house painter in Oregon, where he lived with his family including two sisters and his aged father, who is now 82. His record with the law includes two petty offenses, including stealing a chicken at The Dalles, Oreg., and possession of beer in the State of Idaho during prohibition.

The Eugene (Oreg.) Register-Guard of Thursday, January 19, 1961, reports that when Mackie was released from the Army he applied for his first citizenship papers, and on January 27, 1942, filed for his final papers. All the proceedings were complete except for his appearance before the Federal District Judge for questioning in naturalization but, for some unknown reason, he did not appear.

In 1952, the Immigration Service brought deportation proceedings against him on the grounds, that as an alien, he had participated in Communist activities during the years 1937, 1938, and

1939, and was deportable for that reason.

I ask Senators to follow the chronlogy. This action was brought in 1952. The Communist activities with which he was charged were supposed to have taken place in 1937, 1938, and 1939.

There is not the slightest evidence anywhere in the case that he engaged in any questionable conduct which could in the slightest degree be associated with communism from 1940 to 1952.

But under the law—its letter and strict interpretation, which the immigration authorities have followed—the case could be brought in 1952. They are not limited by any statute of limitations. But there should be one, Mr. President. I am going to introduce one. I am going to introduce it for the record before we adjourn in this session, and I shall reintroduce it next January.

As one who taught the history of the statute of limitations and the essentiality of such a statute for the doing of justice, I have never seen any reason why a statute of limitations should not apply to immigration cases. It is just as difficult in an immigration case to produce rebuttal evidence and rebuttal witnesses as it is in other cases in which the precious right of a statute of limitations is guaranteed the defendant. It is just as true in an immigration case as it is in any other case that the memories of witnesses become befogged, hazy, and confused. It is just as true in an immigration case as it is in any other case where the precious protection of a statute of limitation exists that witnesses, sorely needed for defense, die or move away and are lost so far as availability is concerned.

It is just as true in an immigration case as it is in any other case where this precious protection and guarantee of a statute of limitations prevails that the defendant himself suffers lapses of memory; he loses or misplaces evidence and documents. That factor is involved in these cases.

The procedure followed in immigration cases should not make us proud as defenders of justice. One of the proposed amendments to the Immigration Act that I shall offer at the next session of Congress will deal with the subject of the statute of limitations.

QUESTIONS AND ANSWERS ILLUSTRATE STATE OF MIND

At the hearing in 1952, the questions and answers as to Mackie's membership or affiliation with the Communist Party are illuminating. I shall read them. Senators will note when I reach the dissenting opinion of the U.S. Supreme Court that the four dissenting judges thought they were illuminating, too, for those four dissenting judges set them out verbatim in the dissenting opinion.

They found, as I believe any juror would find, that the questions put to Mackie by the immigration authorities, and the answers, clearly demonstrated that they were dealing with a man who should not have received the punishment which was inflicted upon him. They were dealing with an uninformed man. They were obviously dealing with a man who is not very intellectual. They were dealing with a man whose answers show he had never had much schooling. They were dealing with a man who obviously was no match for his inquisitors.

There is always danger of injustice when we do not have the check of the jury box. There is always danger of injustice when we do not have a law on the books that gives to the courts the right to review the evidence and pass judgment upon the evidence, but is so limited, as the Congress has limited the courts in reviewing immigration cases under the Immigration Act, that they can look and see only whether or not the immigration authorities have complied with the letter of the law.

I repeat that we can comply with the letter of the law and wreak the havoc of injustice upon human beings appearing before such a so-called alleged bar of justice.

I ask Senators to listen to the questions and answers at this administrative hearing. The questions were put to Mr. Mackie not by a judge but by an immigration administrative officer, who in these cases is both judge and prosecutor. Yes, he is also juror.

We talk about a government by law. Time and time again in the Senate this Senator has opposed proposed legislation on a great variety of subjects when such measures have contained procedures that would give to mere administrators the power of being judge, prosecutor, and jury all in one human being.

Senators will recall that a part of the fight I made against the Taft-Hartley bill and one of the reasons I voted against the Taft-Hartley bill was the broad, unchecked discretionary power it gave to administrative officers. It will be recalled that I fought the Landrum-Griffin bill in part because it also gave unchecked discretionary power to administrative officers. When we put that kind of power in a measure, we invite injustice.

The Congress invited the injustice that was done Mackie and MacKay, because the Congress did not even apply the Administrative Procedures Act to that part of the Immigration Act that gives to an immigration administrative officer the authority to be prosecutor, judge, and juror.

That is why I say there is additional reason for the Congress to pass these two bills. Their passage would help to right a wrong for which the Congress is in part responsible.

The immigration administrative officer said to Mackie:

Question. In the Finnish Hall or anywhere else did you attend Communist Party meetings?

Answer. Well, if I said yes and if I said no maybe I wouldn't be telling the truth, because I really couldn't tell one way or the other. I went to meetings there. Sometimes maybe they were Communist and maybe they wasn't. It could have been and maybe they wasn't.

There may be a variety of reactions to that testimony. There are those who might say that Mackie was evasive. There are those who might read into his answer that he was seeking to cover up. But I think the truth is that he was merely an uninformed, ignorant, frightened man. He was no match for his inquisitors. As I proceed with the testimony, Senators and those in my State by the hundreds who share the point of view that I now express and who have taken such an interest in the case will see that Mackie undoubtedly did not have the slightest conception of the nature of the meetings he attended. If one sought to give him an examination as to what communism was, Mackie could not have told. But do not forget that these meetings which he was charged with attending were held in the depths of the depression, and in my State it was a deep one. Mackie had been told that at these meetings they were going to discuss jobs, relief, and employment. The meetings were seeking to do something for the thousands of people who were suffering great pangs of agony and deprivation in the depths of the depression.

The next question put to him by the immigration administrative officer was:

Question. Have you ever been a member of the Communist Party of the United States or any branch or affiliate organization by that name or any similar name?

Answer. Knowingly I haven't, no.

There is no doubt that the record in this case shows that this man has consistently denied that he was ever a Communist, and signed affidavits that he was never a Communist.

I am inclined to believe, as a lawyer and as I have examined the record, that he did not know what communism was. It is so easy for those of us with our background, with our education, with our familiarity with examination and cross-examination, to read into a case such as this a knowledge and an understanding that we possess, but it is far beyond the power of comprehension of the defendant concerned. If we do that in case after case, we do a grave injustice.

The next question was:

Question. Do you believe that membership in the Communist Party is now a lawful political purpose?

Answer. Naturally I don't. * * * Communism or socialism I don't care what party it is here or any place else, if it has anything to do with overthrowing the Government by force and by violence, I don't agree with it, no.

Question. What was your impression of what the Communist Party was trying to do?

Answer. Well the only thing I heard in those days was more relief and more work, and I never heard anything else; no violent overthrow of the Government or anything of that sort, but any place I went to meetings there was always more work and more food.

Those are his answers. Do they prove him to be a flaming Communist bent upon sabotage or espionage or stirring up America into revolution? It is said, "Mr. Senator, if that is the man's testimony, on what basis did they decide that he should be deported?"

Let us take a look at the testimony against him.

Two ex-Communist witnesses, two stool pigeons, appeared against Mackie. They stated that he had paid dues of 25 cents a month to the party and attended its meetings, and that he had once assisted in the circulation of a newspaper

called the Labor New Dealer, which apparently was an organ of the party, or, perhaps of a front organization. However, the opinion of the Supreme Court notes that even these two witnesses stated that there was no discussion of ways or means to overthrow the Government at those meetings, but that only problems such as labor conditions, relief, and the like were discussed.

In other words, these two Government witnesses, allegedly ex-Communists, corroborated what Mackie said about the subject matters that were discussed at the meetings, and the Supreme Court took note of that. They discussed labor conditions, relief, and the like. That is what Mackie said was discussed. He wanted a job. He wanted to see what kind of economic relief he could get. When we consider his economic status, when we consider his ignorance, when we consider the fact that there is not a scintilla of evidence in the record which shows that he advocated the overthrow of the Government, one must have a little understanding of how people suffering the economic deprivations that he was suffering at the time could get hooked into such an association as that into which apparently he was hooked.

I do not believe there is any doubt that these meetings were meetings of Communist-front organizations. If we were to start deporting—which cannot be done under law—every person in this country who is sucked into some meeting or assembly of an organization that later turns out to be a Communist-front organization, we would deport a great many people. I ask the question, Would that be a service to our country?

The legal question, which was confided to the Department of Immigration, and later to the courts, was whether the test of "meaningful association" laid down in the case of *Rowoldt* v. *Perfetto* (355 U.S. 115 (1957)) had been met.

Mr. President, we cannot understand what happened in the Mackie-MacKay cases unless we understand this doctrine of Rowoldt versus Perfetto, for it was in that case that the U.S. Supreme Court laid down the doctrine of meaningful association, which means that it is necessary to find—applying this to Mackie—that he went to these meetings in meaningful association with communism, and it is necessary to find that in carrying out this meaningful association, he was aware that a Communist organization is a conspiracy to overthrow the Government by force.

I am at a complete loss to understand how the immigration authorities could reach the judgment, on the basis of this record, that Mackie ever engaged in such meaningful association.

KENNEDY-HUMPHREY-MORSE BILL OUTLAWS COMMUNISM

Some years ago in the Senate, I believe in 1954, the Senator from Massachusetts, John Fitzgerald Kennedy, the Senator from Minnesota [Mr. HUMPHREY], and the senior Senator from Oregon coauthored—we did not cosponsor—we coauthored and wrote a bill which is now the law of the United States, outlawing the Communist Party. It was the Kennedy-Humphrey-Morse bill that passed the Senate and the Congress that makes the Communist Party illegal in the United States.

As I discuss the Mackie and MacKay cases, I would take the Senate back to the speeches of the senior Senator from Oregon as we fought for the passage of that bill by the Senate in connection with the procedural guarantees which we wrote into that bill, for there were those who were not particularly desirous of having procedural guarantees in connection with any bill involving communism.

We were on the crest of a wave of hysteria. But Kennedy, HUMPHREY, and the senior Senator from Oregon took the position on the floor of the Senate that reason should prevail. We stated our recognition of the fact that there was a serious Communist threat in the country. Do not forget, Mr. President, that that great debate took place at the height of McCarthyism. Under McCarthyism, procedural guarantees were out the window. Too few were willing to take the whiplashes of McCarthyism in those days, on the floor of the Senate. But we included in the Kennedy-Humphrey-Morse bill, which outlawed the Communist Party in the United States, the procedural protection that one charged with being a member of the Communist Party, and thereby a member of a conspiracy to overthrow the country by force, was entitled to trial by indictment, was entitled to trial by a jury, was entitled to be convicted in accordance with all the procedural guarantees which free men and women have the precious right to enjoy in this Government of law, in contrast to a totalitarian government by men.

Reason prevailed, and the bill passed. But those procedures are not in the Immigration Act. Had those procedures been in the Immigration Act, Mackie would not be in Finland tonight. Can such a double standard of justice be justified? Can we justify not requiring in a trial on the issue as to whether an individual is a member of the Communist Party, and therefore guilty of the criminal conspiracy established by the Kennedy-Humphrey-Morse bill, protection by procedural guarantees based upon the precious presumption that men are presumed to be innocent until proved guilty? It is to guarantee the protection of that presumption that we have such procedural rights as exist throughout criminal law.

Can we justify those precious rights of procedural protection on the issue as to whether or not you, Mr. President, or anyone else—and it may be anyone tomorrow—is charged by indictment with being a Communist, but deny the same procedural protection to one who by circumstances and biological events was born in Finland, and 10 months later, a babe in arms, was brought to the United States and reared here and made whatever he is by the forces of American society acting and reacting upon him? That is what is involved. In effect, in the dynamics of the jurisprudence alluded to by the four dissenting Justices of the Supreme Court of the United States, there is a dramatic recognition.

I plead that the injustice be corrected. I plead that we move, first, on these two specific cases; and then next January enact legislation which will prevent a repetition in any future case; for, given the kind of procedure I am arguing for tonight, basic in our whole conception of American justice, the Mackie and MacKay cases cannot happen. Deny the procedural protections, and the door is wide open to such flagrant manifestations of government by men instead of by law.

Abstraction? But it happens that abstract principles of government and justice, put into effect, determine whether or not we remain freemen. The senior Senator from Oregon is greatly concerned about the movement which he sees developing in the threats which are emerging, limiting more and more and excluding more and more in any legislation passed by Congress checks to prevent the arbitrary exercise of discretion such as prevailed in the Mackie and MacKay cases.

Mr. President, on April 18, 1960, the Supreme Court of the United States, by a vote of 5 to 4, held:

> We cannot say that his—
>
> The district judge's—
>
> findings, affirmed by the court of appeals, were clearly erroneous and do not support the conclusion of both the lower courts.

That finding on the part of the majority was related to the doctrine of Rowoldt against Perfecto, for the immigration authorities made a finding that there was meaningful association on the part of Mackie, with the objectives of communism, a major objective being the overthrow of our Government by force. That was their finding. The Immigration Act of Congress gave them the authority to make that finding under the exercise of discretion vested in them.

So all that was left to the Court was to determine whether or not that finding by the immigration authority was an abuse of discretion. If we take that narrow, strict, literal interpretation, there is no quarrel with the decision so far as its legalisms are concerned. But let us consider the other school of jurisprudence, which unfortunately was not applied by the majority.

The dissenting opinion written by Mr. Justice Douglas, in which the Chief Justice, Mr. Justice Black, and Mr. Justice Brennan concurred, ended with the following words:

> Apart from that, the evidence would be far too meager to establish the "meaningful association" which we required in the Rowoldt case.
>
> * * * * *
>
> A man who has lived here for every meaningful month of his entire life should not be sent into exile for acts which this record reveals were utterly devoid of any sinister implication.

Mr. President, now I turn to the decision of the U.S. Supreme Court on April 18, 1960. First, I point out that it is a per curiam decision. The majority said:

> The petitioner sought relief from an order directing his deportation on the ground that as an alien he had become, after entering the United States, a member of the Communist Party within the meaning of the act of October 16, 1918, as amended by section 22 of the Internal Security Act of 1950 (64 Stat. 987, 1006). The district court,

after hearing, denied the petition (148 F. Supp. 106) and the court of appeals affirmed (241 F. 2d 938). Invoking *Rowoldt* v. *Perfetto*, 355 U.S. 115, decided after the order for his deportation, petitioner sought an administrative reconsideration of his status. Upon its denial by the Board of Immigration Appeals he began the judicial proceeding immediately before us for review. After a hearing, the district court again denied his petition for relief and the court of appeals affirmed the order of the district court (265 F. 2d 825). The ultimate question is whether petitioner is subject to deportation under *Galvan* v. *Press*, 347 U.S. 522, or is saved from it under *Rowoldt* v. *Perfetto, supra*. The determination of this issue turns on evaluation of the testimony before the district court, in light of *Galvan* v. *Press, supra*, and *Rowoldt* v. *Perfetto, supra*. Such assessment largely depends on the credibility of the testimony on which the district judge based his judgment, particularly that of the petitioner himself whom the judge saw and heard. An able judge found that petitioner in denying membership in the Communist Party, unlike Rowoldt who admitted membership (see 355 U.S., at 116–117) but accounted for its innocence, "perjured himself before, and I believe perjured himself today." We cannot say that his findings, affirmed by the court of appeals, were clearly erroneous and do not support the conclusion of both the lower courts.

Judgment affirmed.

But, Mr. President, no jury found him to be a Communist. The district judge believed the two ex-Communist witnesses of the immigration authorities. The district judge concluded that Mackie perjured himself. But read Mackie's statements. In my judgment, they are the statements of an ignorant, uninformed, undoubtedly frightened man. He said he was not a Communist. He said he did not believe in the overthrow of the Government by force. He said the meetings he attended—he did not deny he attended them, and that is not the course of action of a liar—dealt with relief, unemployment, and jobs. Yet the decision was sustained by a vote of 5 to 4 on so scanty a record.

APPRAISAL OF SUPREME COURT ACTION

I leave it to any juror to decide who had the better of the argument in the U.S. Supreme Court, as I read now the brief dissenting opinion of the four dissenting Justices, written by Mr. Justice Douglas, and concurred in by the Chief Justice, Mr. Justice Black, and Mr. Justice Brennan:

Petitioner was born in Finland in 1908; and came here when he was less than a year old and has resided here ever since. He is married to a native-born citizen; he served honorably in our Army; and he has no criminal record of any kind except for a petty offense, back in 1930.

The evidence against petitioner was given by two witnesses who had once been Communists, one of whom petitioner swore he never knew. They testified that petitioner was a member of the Communist Party from 1937 to 1939 in Portland, Oreg. One of them testified that petitioner had assisted in the circulation of a paper, Labor New Dealer, which apparently was an organ of the party. There was evidence he paid dues to the party of 25 cents a month and that he attended both open and closed meetings of the party. But even these two ex-Communists who appeared against petitioner said that there was no discussion of ways and means to overthrow the Government at those meetings, that only problems such as labor conditions, relief, and the like were discussed. One also swore that petitioner never advocated the overthrow of the Government. Petitioner's interest in the party, according to one of these hostile witnesses, was as a result of "the sufferings of the people in the depression"; and he was "very sympathetic toward their welfare." This witness agreed that petitioner was not an intellectual interested in theory or political discussion. His interests were "in bread-and-butter topics of the day, what to do for unemployment and relief." Nor had petitioner ever taught the Communist doctrine nor distributed its literature, except for the Labor New Dealer.

These two ex-Communists testified that petitioner attended dances that the party arranged in Portland. But they said he never held an office in the party; nor was ever employed by the party; nor was ever a functionary in the sense of representing the party. He attended a regional meeting at Aberdeen, Wash., where various speakers, according to one ex-Communist, gave glowing accounts of their work for the party, more or less fabricating their achievements.

We know from petitioner's lips that he was not acquainted with the conventional Communist literature; and nothing came from the lips of his accusers that denied it. One who reads the whole of this record cannot put it down without feeling that here is a man neither conspiratorial, dangerous, cunning, nor knowledgeable. Petitioner—a painter by trade—represents a microscopic element in the ranks of our labor force who was caught up in a movement whose ideology he did not understand and whose leaders spoke in terms of bread for the hungry, and jobs for the unemployed. He has recently earned about $4,000 a year; he bought a home for $3,100 (which is now worth from $6,000 to $6,500 subject to a $2,500 mortgage); and he has personal property, including a car, worth $2,000.

This is the background against which the following testimony can be best understood.

"Question. In the Finnish Hall or anywhere else did you attend Communist Party meetings?

"Answer. Well, if I said yes and if I said no maybe I wouldn't be telling the truth, because I really couldn't tell one way or the other. I went to meetings there. Sometimes maybe they were Communist, and maybe they wasn't. It could have been and maybe they wasn't.

* * * * *

"Question. Have you been a member of the Communist Party of the United States or any branch or affiliate or organization by that name or any similar name?

"Answer. Knowingly, I haven't, no.

* * * * *

"Question. Do you believe that membership in the Communist Party now is a lawful political purpose?

"Answer. No. I can't answer questions about that because I don't know. If Congress says it is unlawful, it is unlawful. If it isn't it isn't. I don't know. If I got the question right, I don't know.

"Question. I am not trying to confuse you, * * * I am trying to find out your feelings toward communism.

"Answer. Naturally I don't—communism or socialism, I don't care what party it is here or anyplace else, if it has anything to do with overthrowing the Government by force and violence I don't agree with it, no.

* * * * *

"Question. What was your impression of what the Communist Party was trying to do?

"Answer. Well, the only thing I heard in those days was more relief and more work, and I never heard anything else; no violent overthrow of the Government, or anything of that sort, but anyplace I went to meetings was always more work and more food.

"Question. As far as you know, that was what the Communist Party stood for during that period?

"Answer. I don't know if they stood for that, but I never heard anything against it."

The case is on all fours with *Rowoldt* v. *Perfetto*, 355 U.S. 115. The "solidity of proof" (id., at 120) required for the severe consequences of the deportation of a man who came here when he was less than 1 year old, whose only memory of life is in this land, and who has lived here over 50 years has not been met. The "meaningful association" with the party which the *Rowoldt* case requires (id., at 120) simply has not been established here. In this case, as in *Rowoldt*, petitioner's association with the party was "wholly devoid of any 'political' implications" (id., at 120).

The testimony of the two ex-Communists upon which petitioner is being banished has never been heard by a court. The only testimony taken by the District Court was that of the petitioner and his character witnesses. The district judge believed the witnesses against Niukkanen by virtue of having read the same record that is now before this Court. His impression of their credibility can be no more reliable than our own. Certainly then his conclusion that petitioner "perjured himself before, and * * * perjured himself today" does not preclude this Court's review of the evidence against him. Apart from that, the evidence would be far too meager to establish the "meaningful association" which we required in the *Rowoldt* case.

The unanimity of all the finders of fact in the *Rowoldt* case (id., at 119) that Rowoldt was a "member" of the party and his refusal to answer when asked in the deportation proceedings whether he had ever been a member of the Community Party, did not stop us from declaring that "the record before us is all too insubstantial to support the order of deportation" (id., at 121). The unanimity of the finders of fact in the present case should likewise be no barrier to our entry of a just decree. A man who has lived here for every meaningful month of his entire life should not be sent into exile for acts which this record reveals were utterly devoid of any sinister implication.

Mr. President, that dissenting opinion is unanswerable. The majority opinion in the U.S. Supreme Court case never came to grips with the operative facts in the case. The majority of the U.S. Supreme Court obviously never examined the evidence against or for the petitioner. They limited themselves, as their decision shows, to the strict, literal interpretation of the Immigration Act and whether or not the immigration authorities had the power to exercise the discretion they did exercise. But justice requires an analysis such as the dissenting opinion gave, because, do not forget, what the majority did was dismiss the case, in effect, on the ground of finding that a district court and a court of appeals had affirmed the finding of the immigration authorities.

Mr. President, adding nothing three times still adds up to nothing. The legal dynamics of the case called for a valued judgment on the facts shown by the evidence. I respectfully submit that judgment was never rendered by the district judge, by the court of appeals, or by the majority of the Supreme Court.

Here is an example of what happens when Congress lays down in a statute the procedures which were laid down in the Immigration Act. The doors are opened for the marching in of this kind of shocking injustice. The district judge had nothing before him that the Supreme Court did not have.

I emphasize the point that the dissenting judges stressed the fact that there was no examination of the witnesses by the district judge. The district judge had to take the record—the same record the Supreme Court had and the same record we have. These four dissenting judges reached an opposite value judgment from the district judge.

Senators might say, "What about the other five?" The other five did not go into the substantive subject matter. The other five judges of the Supreme Court passed no value judgment upon the testimony. They were passing judgment on the strict, narrow, legal technicality, in effect, as to whether the actions taken by the Immigration officer was within his power and his area of discretion under the statute.

But I ask Senators to listen to what the dissenting judges said:

> The only testimony taken by the district court was that of the petitioner and his character witnesses. The district judge believed the witnesses against Niukkanen by virtue of having read the same record that is now before this court. His impression of their credibility can be no more reliable than our own.

The court said, most respectfully and tactfully, "We have the same record the district judge had, and we have reached the opposite conclusion."

The majority did not say, "We have the same record that the district judge had, and we have reached the same conclusion." What the majority passed judgment on was whether or not procedurally the administrative officer of the immigration authority had acted within his jurisdiction and power. And there was no showing of arbitrary or capricious abuse.

But the dissenters came to grips with the dynamics involved in the case. The dissenters went on to say:

> Certainly then his conclusion—

Meaning the conclusion of the District judge—

> his conclusion that petitioner "perjured himself before, and * * * perjured himself today" does not preclude this Court's review of the evidence against him.

Those four dissenting judges reviewed the case. They came to the opposite conclusion from that reached by the District judge.

Let me tell Senators who I think should prevail. It is not the District judge.

Let me make perfectly clear that it is no "out" to say, "But five judges went the other way." They did not touch this issue. They did not go the other way, because they did not take this issue into account in the majority opinion.

The dissenters said:

> Apart from that, the evidence would be far too meager to establish the "meaningful association" which we required in the Rowoldt case.

Merely because a district judge found it was not too meager, and a court of appeals found it was not too meager, because of their understanding of the case, does not justify substituting their findings for a finding by the court itself.

RECORD DOES NOT SHOW "MEANINGFUL ASSOCIATION"

I leave it to Senators to decide how anyone in a jury box, on the basis of Mackie's testimony, could find a "meaningful association" on his part with the Communist Party, find an advocating on his part of an agreement with the purpose of the Communist Party to overthrow the U.S. Government by force. Such a finding defies all reason. One cannot even read it into his language, let alone find it there in the first place.

The dissenting judges say:

> The unanimity of all the finders of fact in the Rowoldt case (id., at 119) that Rowoldt was a member of the party and his refusal to answer when asked in the deportation proceedings whether he had ever been a member of the Communist Party, did not stop us from declaring that "the record before us is all too insubstantial to support the order of deportation."

Rowoldt did not even answer the question as to whether or not he had ever been a member of the Communist Party. But, as the dissenting judges point out, even when he refused to answer the question as to whether he had ever been a member of the Communist Party, it "did not stop us from declaring that 'the record before us is all too insubstantial to support the order of deportation.' "

Mackie not only swore that he was not a member of the Communist Party and knowingly had never been a member of the Communist Party, but also that he was opposed to any policy advocating the overthrow of our Government by force. Still they found that he had a "meaningful association" with the Communist Party under the Rowoldt doctrine.

As a lawyer, I never like to disagree with a court decision, but all I can say is that this is a shocking miscarriage of American justice, no matter from what angle one approaches the problem. It is a shocking miscarriage of justice if one follows the decision of the district court and of the court of appeals and the majority of the U.S. Supreme Court, for they failed to point out in their decisions any evidence in the record against Mackie which shows a "meaningful association" with the Communist Party in keeping with the standards laid down in the Rowoldt case. The Rowoldt case is the controlling precedent.

Perhaps if Mackie had "taken the fifth amendment" he would have been better off. What an awful thought.

Perhaps if he had followed Rowoldt's policy of not answering questions he would have been better off.

But this was an ignorant, uninformed, confused witness, who answered the questions. He did not deny that he went to the meetings. But I will state what the Government, in effect, did. The Government put words in his mouth, in the sense that, with the admission that he went to the meetings, the Government then charged him with all the conspiracies, with all the designs, with all the Communist purposes of those in charge of the meetings.

As Mr. Justice Douglas said in the dissenting opinion, it is admitted by the Government's own two ex-Communist witnesses that Mackie never was a party functionary. He never held office. He was never part of the brass, so to speak, other than distributing the Communist paper. The evidence would seem to indicate that he had something to do with distributing the paper, although it would be interesting to know whether he knew what he was distributing. That was not proved. It would be interesting to know what he was paid for distributing the paper. It might have been a case, as so often was the case during the depression, in which a group of unemployed men were called in to distribute handbills, store sales announcements, and, in this case, a paper that was known as the Communist paper.

I am spending this amount of time on the question for the RECORD because I do not care from what angle we approach the legal record of this case. I think any juror would end up with the conclusion that Mackie was done an injustice.

There he is over in Finland tonight. He has no connections over there. But every hour he is there, his deportation casts a dark shadow over American justice. I am pleading to remove it. Passage of my bill would do so.

I conclude my comments in relation to the dissenting opinion of the four U.S. justices of the U.S. Supreme Court by saying that they came to grips with the facts of the case. They did not render their decision on a point of procedure. They did not render their decision on a legal technicality. They rendered their decision on the basic principles of justice that cried out for attention in the case.

There are more observations that could be made on the Mackie case. But, Mr. President, I shall insert them in the form of certain memorandums and exhibits at the close of my remarks. I shall not ask for unanimous consent at this time to do so, but before I finish I shall.

INSERTION OF LEGAL MEMORANDUM

But because I have had so much to say in my discussion of the Mackie case about the law as it presently exists in connection with the treatment of aliens in the United States, I ask unanimous consent to have printed at this point in the RECORD a memorandum of the law dealing with the treatment of aliens in the United States during the 20th century, which has, to paraphrase John Lord O'Brian, as the memorandum shows, been a great departure from American historical standards of justice, and which finding has been set out in a brilliant scholarly article entitled "New Encroachments on Individual Freedom," 66 Harvard Law Review, 1962, including references set forth in the bibliography at the end of the memorandum.

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

MEMORANDUM OF LAW ON TREATMENT OF LONG-TERM RESIDENT ALIENS

The treatment of aliens in the United States during the 20th century has, to paraphrase John Lord O'Brian, been a great departure from American historical standards

of justice. (See O'Brian, "New Encroachments on Individual Freedom," 66 Harvard Law Review 1, 1952.)

It has been marked by the following developments. Prior to the Immigration Act of 1924 (43 Stat. 153, reenacted in scattered sections of the Immigration and Nationality Act of 1952, 66 Stat. 163), there was no regular method of accounting for the time and manner of entry of immigrants. The 1924 act created the requirement of a visa which entailed a uniform system of preexamination, a determination of whether the entrant was coming for temporary or permanent residence and other information such as the time and manner of entry.

The difficulty of proving time and entry during the first decade of this century lead Congress to eliminate the time limitations within which a conclusive presumption of erroneous admittance could be raised with respect to prostitutes and procurers. (Act of Mar. 26, 1910, providing for deportation of prostitutes, etc., without regard to time of entry.) This was done despite the fact that Mr. Justice Holmes' dissent in *Keller* v. *U.S.* (213 U.S. 138, at pp. 149–51, 1909) had indicated that the entire court felt the power to regulate immigration did not subsume unlimited power to regulate postentry conduct of resident aliens.

According to the interpretation of one commentator, the cases which first arose under the 1910 act did not present factual situations which tested the extent of congressional power over postentry conduct, but they could be interpreted as upholding unlimited power over resident aliens. (Hesse, "The Contitutional Status of the Lawfully Admitted Permanent Resident Alien: The pre-1917 Cases," 68 Yale Law Journal 1578, 1959.)

According to this commentator, Congress in the act of 1917, in reliance on this questionable interpretation of court action, undertook a regulation of postentry conduct unrelated to its power to exclude, although it did so on the basis of the theoretical necessity of a causal relationship between the postentry and the preentry characteristics or conditions. (C. Hesse, "The Inherent Limits of the Power to Expel," 69 Yale Law Journal 262, at 269, 1959.)

This interpretation is supported by Senate Report 352, 64th Congress, 1st session (1916) which reads as follows on page 14:

"(The purpose of the change) is to make perfectly clear the intent to continue to practice is established when the act of 1907 was passed of expelling from the United States every alien who, after having secured admission in one way or the other, was found here within the limitation fixed and was found to have been at the time of his entry a member of any one of the list of classes enumerated in section two."

Then, according to Hesse, when the Supreme Court was finally presented with a case the facts of which could legitimately have tested the inherent limits of Congress power to expel, the theory of plenary congressional power in this area was generally conceded although the Court had never considered the problem of banishment under its merits.

Landmark cases involved *Ng. Fung Ho* v. *White* (259 U.S. 276, 1922) and *Costanzo* v. *Tilinghast* (287 U.S. 341, 1932).

Ng. Fung Ho actually dealt with illegal entrance of Chinese under the Chinese Exclusion Act and concerned a procedural issue (the administrative procedures of the 1917 act). However, Brandeis' opinion contained unnecessarily broad language as follows: "Congress has the power to order at any time the deportation of aliens whose presence in the country it deems hurtful; and it may do so by appropriate executive proceedings." Further, since the aliens involved have been residents less than 5 years, no substantive questions could have been raised.

Costanzo had entered the country as an infant in 1905 and was arrested for deportation as a manager of a house of prostitution in 1926. Applied to him, the 1917 act involved both retrospective application and unreasonable presumption of excludability. "But during the 15 years between the passage of the 1917 act and the arrival before the Court a genuine banishment case, the concept of an unlimited congressional power had become an accepted premise." (Hesse, "The Inherent Limits of the Power To Expel," 69 Yale Law Journal 262, at 268.)

With this power well accepted, the next step was legislation with the specific objective of banishment. In 1939, after *Kessler* v. *Streker* (307 U.S. 22, 1939) held that past membership in the Communist Party was not a valid ground for expulsion, persons seeking the deportation of Harry Bridges introduced a bill in the House providing that "notwithstanding any other provision of law" Bridges, "whose presence in this country the Congress deems hurtful," be expelled. (H.R. 9766, 76th Cong., 3d sess., 1940.) The Senate committee to which this was presented determined that the bill would constitute a bill of attainder.

In 1940, however, Congress enacted section 23 of the Alien Registration Act of 1940 (54 Stat. 670, 1940; presently part of the Immigration and Nationality Act of 1952, 8 U.S.C., secs. 1301–1306, 12–51). This provided, in general terms, that past membership in an organization advocating the overthrow of the Government by force and violence was an expellable act.

The Government still had the burden of establishing that the organization involved advocated the overthrow of the Government by force or violence. This requirement was eliminated for the Communist Party by the Internal Security Act of 1950. (64 Stat. 1006–1010, 1960; also presently part of the Immigration and Nationality Act of 1952, 8 U.S.C., secs. 101–1503, 1958.)

The Immigration and Nationality Act of 1952 (66 Stat. 204; 8 U.S.C., sec. 1251, 1958) gave very few new grounds for expulsion. However, it did extend the assertion of the power to banish long-term residents in certain respects. (See Hesse, "The Inherent Limits of the Power to Expel," 69 Yale Law Journal at page 271, particularly footnote 76.)

During the past decade, the judiciary has squarely upheld the banishment of long-term resident aliens. The decisive decisions are *Carson* v. *Landon* (342 U.S. 524, 1952), *Harisaides* v. *Shaughnessy* (342 U.S. 580, 1952), and *Galvan* v. *Press* (347 U.S. 522, 1954).

In the Carlson case, which deals with the validity of detention of Communists without bond pending an ultimate determination as to the right to expel, Mr. Justice Reed went on to state by way of dictum:

"The basis for the deportation of presently undesirable aliens resident in the United States is not questioned and requires no examination. When legally admitted, they have come at the Nation's invitation, as visitors of permanent residents * * * so long, however, as aliens fail to obtain and maintain citizenship by naturalization, they remain subject to the plenary power of Congress to expel them under the sovereign right to determine what noncitizens shall be permitted to remain within our borders" (342 U.S. at 534, 1952).

Expulsion of Harisaides was sought under the Alien Registration Act of 1940, making past membership in undesirable political organizations a ground for expulsion. Since the three men involved in that decision have entered the ages of 13, 13, and 16, respectively, the ex post facto clause was raised in their defense. The Court found it not to apply to deportation cases.

A second issue raised was that of substantive due process as a consequence of lengthy residence and family ties. Mr. Justice Jackson confounded the issue by prefacing his analysis with the following language:

"Their basic intention is that admission for permanent residence confers a 'vested right' on the alien, equal to that of a citizen, to remain within the country, and that the alien is entitled to constitutional protection in that manner to the same extent as a citizen" (342 U.S. 580 at 584–85).

Jackson avoided consideration of a third, intermediate status, analogous to "denizen" at common law and introduced the theory that the alien retains a claim upon the state of citizenship for diplomatic intervention in his behalf, which seems to be quite speculative. The ex post facto argument was disposed of on the grounds that the legislation of the 1920's (aimed at present Communist Party membership) stood as "a standing admonition to aliens, on pain of deportation, not to become members of any organization that advocates overthrow of the U.S. Government by force or violence, a category repeatedly held to include the Communist Party."

*Galvin* v. *Press*, in 1954, dealt with the validity of the Internal Security Act of 1950 pursuant to which it was proposed to deport Galvin without giving him an opportunity to prove that he had not been aware of the party's principles.

The opinion of Justice Frankfurter, in pertinent part, is as follows:

"In the light of expansion of the concept substantive due process as a limitation upon all powers of Congress, even the war power, * * * much could be said for the view, were we running on a clean slate, that the due process clause qualifies the scope of political discretion heretofore recognized as belonging to Congress in regulating the entry and deportation of aliens. And since the intrinsic consequences of deportation are so close to punishment for crime, it might fairly be said also that ex post facto clause, even though applicable through punitive legislation, should be applied to deportation."

It is the thesis of Hesse, that Frankfurter, as had Jackson and Reed before him, appealed to an erroneous interpretation of precedent, stating:

"But the slate is not clean. As to the extent of the Congress under review, there is nearly 'a page of history' * * * but a whole volume. Policies pertaining to the entry of aliens and their right to remain here are peculiarly concerned with the political conduct of Government * * * the formulation of these policies is entrusted exclusively to Congress. The policy has become about as firmly embedded in the legislative and judicial tissues of our body politic as any aspect of our Government. And whatever might have been said at an earlier date for applying the ex post facto clause, it has been the unbroken rule of this Court that it has no application to deportation.

"We are not prepared to deem ourselves wiser or more sensitive to human rights than our predecessors" (347 U.S. at 530–32).

Thus, although the inhumanity of banishment has been recognized in many Supreme Court cases, these cases have been upheld relying heavily on precedent, which at least one rigorous analysis has shown to be misconceived.

A further legal analysis, the thesis of which is that deportation is a punishment, can be found in an article by Victor S. Navasky, entitled "Deportation as Punishment," 27 University of Kansas City Law Review 213.

Another cogent legal analysis, concluding that deportation is a denial of due process can be found in an article by Stimson Bullit, "Deportation as a Denial of Substantive Due Process," 28 Washington Law Review 205 (1953).

A bibliography on deportation, compiled by the Library of Congress, follows:

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
*Washington, D.C., July 10, 1962.*

To: Hon. WAYNE MORSE (attention of Mr. Spira).
From: American Law Division.
Subject: Bibliography on deportation as a political act, and historical aspects of deportation.

This will refer to your inquiry of July 6, 1962, requesting citations to law review articles on the above subjects. The bibliography furnished here is selective, but lists virtually all the articles on deportation as a political act; as to historical aspects of deportation, the list is selective. In both cases our search went back to 1908.

A. DEPORTATION AS A POLITICAL ACT

"Deportation as Punishment," Victor S. Navasky. University of Kansas City Law Review. Summer 1959 (also contains some historical background).

"Loyalty-Security Program—Its Effect in Immigration and Deportation," B. L. Friedman. Lawyers Guild Review. Winter 1955.

"Deportation as a Denial of Substantive Due Process." Washington Law Review. August 1953 (also has good historical background).

"Political Deportations in the United States: A Study in the Enforcement Procedures." Lawyers Guild Review. Fall 1954.

"Right of Asylum in the United States." Columbia Law Review. May 1947.

"The Bridges Case in the Circuit Court of Appeals." Lawyers Guild Review. June–July 1944.

"Bridges Case—The End And After." Lawyers Guild Review. January–February 1946.

"The Bridges Deportation Bill." Lawyers Guild Review. October 1940.

"The Bridges Deportation Bill," J. Hafner. Oregon Law Review. December 1942.

"The Concentration Camp Bill Refurbished." International Juridical Association Bulletin. May 1941 (beginning with February 1943, published with Lawyers Guild Review).

"The Hobbs Concentration Camp Bill; A Long Step in the Wrong Direction." Lawyers Guild Review. August 1941.

"In Re Harry Bridges." Yale Law Journal. December 1942.

"Second Bridges Hearing." International Juridical Association Bulletin. March 1942.

"The Bridges Cases." International Juridical Association Bulletin. February 1940.

"Dean Landis Reports in Bridges Case." American Bar Association Journal. February 1940.

"The Hobbs Bill and the Constitution." National Lawyers Guild Quarterly. April 1940.

B. HISTORICAL ASPECTS OF DEPORTATION

"The Constitutional Status of the Lawfully Admitted Permanent Resident Alien: the pre-1917 Cases." Siegfried Hesse, 68 Yale Law Journal 1578 (1959).

In two parts: the second part (69 Yale Law Journal 262) discusses the inherent limits of the right to expel. This article in two parts furnishes an excellent and extensive historical background of deportation; it is also useful for deportation as a "political act."

"The Immigration and Nationality Act of 1952—our new alien and sedition law." Jack Wasserman. Temple Law Quarterly. Summer 1953 (an excellent and concise summary of the historical background of the immigration and nationality laws, including deportation; covers also the Alien Registration Act of 1940 and the Internal Security Act of 1950—see especially pp. 83–86).

"Immigration—exclusion and deportation, proceedings, and review, under the McCarran-Walter Act of 1952." Boston University Law Review. Spring 1961.

"Immigration and naturalization service." C. Gordon. Chicago Bar Record. October 1960 (brief historical background of deportation at pp. 15–18).

"Immigration: a symposium." Law and Contemporary Problems. Spring 1956 (deals with, among other topics, American immigration policy in historical perspective, some political aspects of immigration, the philosophy of our immigration laws, and some defects in the administration of these laws).

HUGH C. KEENAN,
*Legislative Attorney.*

Mr. MORSE. Mr. President, I wish to express my very deep and sincere thanks to those in the Library of Congress who cooperated with me in the preparation of this research study, which includes not only the findings of their research, but many of my own as well. If Senators will read the memorandum they will also come to the conclusion that I reached upon my first analysis of these cases and I think some might even want to join me in taking up the cudgels in behalf of the protection of justice in relation to those two cases.

I gave my assurance to some very responsible civic leaders in my State that I would do what I could to help them obtain justice for both Mackie and MacKay.

I close my discussion about the Mackie case and turn now to the MacKay case. But in closing my discussion of it, I plead with the members of the Committee on the Judiciary, who will have the case before them tomorrow, and with other Senators, that they should never forget that one of the tests of government by law is whether or not the Government will take the steps necessary to right injustices that have been done individuals. If the Judiciary Committee of the Senate will be true to the obligation that rests upon us as Members of the Congress, I should think my two private bills for Mackie and MacKay would be passed by both Houses before the week is over.

To complete the record, I now turn to the history of the MacKay case. It is not as dramatic. It is not as complicated as the Mackie case, but it is also a case that represents a wrong that should be righted and an injustice that should be corrected.

HISTORY OF MACKAY

In brief, the facts as to MacKay are these: He was born near Calgary, Canada, in 1905. His father, James MacKay, was a native of Scotland who became an American citizen by naturalization. His mother was a native-born American. The family moved to Canada in 1903, and James MacKay became a Canadian citizen in 1905, the year Hamish was born.

In 1924, the family moved to the United States, and then after a brief return to Canada, became a resident of Portland, Oreg., in the 1930's, after having lived in Illinois, where he served in the National Guard, and in North Dakota. They then moved to North Dakota, the State of the Presiding Officer of the Senate, the Senator from North Dakota [Mr. BURDICK], whose stick-to-itiveness and understanding are very much appreciated tonight.

The Senator from North Dakota, the present Presiding Officer of the Senate, is also a lawyer. I am sure that he is well aware of the fact that when we are dealing with a complex legal subject such as the one before the Senate, and we really have only one opportunity to make the full record, if we are going to do justice to those whose rights we are trying to protect, we must necessarily make it a full record in order to avoid the possibility of some who may not share one's views seeking to rationalize a failure on their part to follow those views by saying, "You did not have such and such in the record."

I do not know of any pertinent fact or legal principle involved in these two cases that I am not getting into the record tonight. If I have missed anything, I must be charged with not preparing the case as fully as I think I have prepared it.

In 1949, the Immigration Service brought deportation proceedings against MacKay, alleging that he had been a member during the late 1930's of an organization that advises, advocates, or teaches the overthrow by force and violence of the U.S. Government, and that he was subject to deportation under the act of October 16, 1918 (40 Stat. 12) as amended. After the enactment of the Internal Security Act of 1950, proceedings were brought against MacKay under that act.

Over the years MacKay has followed a trade, raised a family, and participated in many community affairs in Portland. He is a carpenter; father of two sons, one of whom served for 2 years in the U.S. Army and received an honorable discharge. His other son was, in 1960, at Sunset High School in Portland where he was captain of the football team, and held elective office in the student body.

MacKay obtained a divorce from his first wife on the grounds of abandonment, and received custody of their two children.

I digress to point out that the court, in the divorce action, had every opportunity to pass judgment as to the parents. It had an opportunity to decide which of the two parents would receive custody of the minor children. As distinguished lawyers of this body know, in practice children almost always go to the mother, unless there is a very strong case that they should not. I only want to point out that the record shows that in this case the court assigned custody of the two minor children to the father.

Mr. MacKay then remarried. He and his present wife own a home and 3 acres of land near Portland, which together with furnishings is valued at $5,500. This property is rented for $30 a month at the present time. When the deportation action was brought, the chief witness of the Government against him was his former wife.

We lawyers would weigh very carefully evidence submitted by a former wife who abandoned the husband but to which husband the court granted a divorce because of the abandonment and awarded minor children to the husband.

There is no indication in the record of any criminal involvement whatsoever. However, in fairness, it must be stated

that Mr. MacKay, on occasion, is subject to bad judgment. The report of the Immigration and Naturalization Service of March 15 of this year indicates that, in connection with interrogation under oath in connection with private bill S. 3587, the predecessor of S. 421, MacKay had declined on constitutional grounds to answer some of the questions put to him concerning his attendance at various meetings and various organizations and also declined to answer whether or not he had at one time been a subscriber to "People's World."

I think it was very bad judgment. I think he should have answered the questions.

Let us not forget that in the Rowolt case, however, Rowolt had not answered all the questions, and that that did not stop the Court from preventing his deportation.

I want to make it crystal clear for the record, as the Members of the Senate already appreciate, that my remarks in favor of S. 421 do not in any way condone the exercise of MacKay's bad judgment. It is my position that this country is big enough and strong enough and has a Federal Bureau of Investigation which is efficient enough that we do not have to worry about the presence of a 57-year-old carpenter who occasionally displays bad judgment.

On this point there is a sound legal precedent for overlooking this lapse. It is the opinion of Justice Douglas that "the unanimity of all the finders of fact in the Rowolt case—page 119—that Rowolt was a member of the party, and his refusal to answer questions when asked in the deportation proceedings whether he had ever been a member of the Communist Party, did not stop us from declaring that the record before us all is too insubstantial to support the order of deportation."

MacKay's deportation was sustained after numerous court actions, with the Supreme Court finally denying certiorari on November 14, 1960.

Rightly or wrongly, in Oregon many civic leaders, many very responsible people of my State, representing political organizations of both major parties, representing chambers of commerce, labor unions, and most of the other civic organizations, have the lurking suspicion that because MacKay refused to answer some of the questions put to him by the immigration authorities and the examiner, and exercised bad judgment, and gave the impression that he was somewhat defiant, received the ill will of the immigration authorities, the feeling that they went out to get him, and they got him. I think it is too bad that such a feeling exists. That is one of the dangers, when we have an Immigration Act on the books such as this, which does not provide for the necessary checks upon the exercise of discretion by the administrative officer.

It is not fair, in my judgment, to our public officials to put them in an administrative position by asking them to work under such a law.

When we have that kind of law, there is danger that we will arouse the kind of public prejudice that exists against agents in such cases as the MacKay case.

When this case was first presented to me, and I learned that MacKay had refused to answer those questions and had created the impression that he was somewhat defiant and uncooperative, I had to guard myself against forming an adverse opinion not only of MacKay, but also of the case. Yet as a lawyer, I knew I had the responsibility of excluding from my value judgment any personal attitude toward the individual involved and to confine myself to an analysis of the question as to whether or not the facts and the procedure followed in the case resulted in the injustice to MacKay which was alleged. So I studied the case. I conferred with many leaders in Oregon who were urging me to take action in the case by way of the introduction of a private bill.

After a careful study of the facts of the case, I introduced S. 3543 on May 13, 1960, to terminate the deportation proceedings against Mackie; and on May 24, 1960, I introduced a similar bill, S. 3587, in behalf of MacKay. Because those bills were introduced late in the session, the Committee on the Judiciary had no time to consider or act upon them.

Then, on October 25, 1960, I addressed a request for executive clemency to the Secretary of State, stating that—

> If these men are deported, their deportations are going to do us great harm in our foreign relations and will play right into the hands of those who stir up Communist propaganda. We cannot reconcile our sending them out of the country with our claim of fair and impartial justice for the individual in the United States. This is a matter that I would not bring to your attention if I did not think it is of serious importance.

On November 15, 1960, I received a letter from the Assistant Secretary of State denying the request for executive clemency on the grounds, first, that "the Board of Immigration Appeals denied the applications of Mackie and MacKay for a suspension of deportation proceedings on the grounds of 10 years good behavior."

The basis of the denial—and I ask that members of the committee note the effect of the presumption—is that there was "no evidence of a clear break from their former political ideologies."

Second, the State Department asserted "it is believed that the deportation of these two persons would have no significant impact on our foreign relations." On November 18, William Mackie and Hamish MacKay were deported from the United States, Mackie to Finland and MacKay to Canada.

CASES HAVE STIRRED INTEREST BOTH INSIDE AND OUTSIDE OF THE UNITED STATES

Mr. President, few cases of individuals involved with the Federal Government have aroused as much public notice, interest and protest in the State of Oregon, as the deportation of these two long time Portland residents. All over the State of Oregon, a terrific outcry went up. It was just not the radical fringe which always try to make America look bad, no matter what it does. Editors, lawyers, clergymen, union officials, chamber of commerce leaders, university people, including presidents, deans, and groups of professors; Republicans, Democrats, and parents groups have all stood up to be counted protesting this action.

My office was deluged with letters, telegrams and petitions opposing these deportations. To give the committee an idea of the magnitude of this grassroots protest, I had my office get out the adding machine before I prepared this speech, and I can inform the Senate that I have heard from about 3,409 persons individually and by way of petition in opposition to these deportations during the 87th Congress. At the end of 1960, there were communications from 116 more making a total of 3,525. Most of these are from Oregon, but letters have reached me from California, Texas, Michigan, Colorado, Maryland, Montana, New York, Virginia, Washington, and Canada. In contrast to the 3,525 who opposed this action, I received 37 letters in support of it.

Included among those who opposed these deportations were 119 members of the bar of the State of Oregon, reputable attorneys who were willing to sign special petitions in favor of Senate bills 420 and 421 for the return of these two aliens. I need not point out to this body that such an action on the part of an attorney is not taken lightly. Another petition was signed by 17 members of the Legislative Assembly of British Columbia.

The newspaper reaction in Oregon, was about as extensive and acid as I have ever seen it on any subject except, I might add good naturedly, when those Republican editors have dipped their pen in my blood. But aside from those political editorials, I do not believe I have ever read anything more acid than the editorials of Oregon newspapers in criticism of the handling of the Mackie and MacKay cases. Almost every Oregon newspaper made these deportations the subjects of lead stories on its front pages as well as in its editorials. I should like to read two brief excerpts from leading Oregon newspapers which are indicative of the substance and tone of this reaction. This excerpt is from the Oregonian editorial of November 19, 1960. It is entitled "The Law at Fault." The Oregonian, by the way, is the largest newspaper in my State.

> We do not weep for Mackie and MacKay, but these facts do not alter the certainty that the execution of the law in these cases will substantially damage the image of America in the eyes of the world.
>
> It suggests that the nation that leads the world is so fearful of its security that it must expel two insignificant men * * * it suggests that American liberty is not all it is cracked up to be, else why would we have laws in which the punishment appears so incongruous in relation to the events?
>
> It is, to paraphrase Mr. Bumbel, idiotic to bind ourselves with a law which in its execution makes our country appear so ridiculous, not only to observers abroad, but also to those Americans who cherish the spirit of liberty and tolerance that brought this Nation into being.

I refer also to an editorial entitled "Unjust Deportation," published in the Capitol Press, of Salem, Oreg., on November 25, 1960. In pertinent part, it reads as follows:

> The deportation from the United States of * * * Mackie, Portland house painter, and * * * MacKay, Portland carpenter,

both foreign born, will stand as an indictment against the United States until it is reversed.

The legal technicalities of this basically unfair and inhumane decision to uproot two men from their families and their life's work, under the legal pretext that they are dangerous to American society, will be lost upon the people of the world, as indeed they are lost upon a great many American citizens. The impression will be created, and correctly so, that the American Government, in this instance, at least, does not exist for the protection of the people, but for their persecution.

The former dean of the school of journalism of the University of Oregon—he was the dean until just recently; we have lost him to Colorado—has been one of the great scholars in the field of academic journalism in this country. The courageous position which Dean Duncan took in regard to these two cases is to his everlasting credit. I shall place in the RECORD by way of insertions some of his representations as set forth in correspondence. They are typical of the attitude that was taken in the academic world of my State. They are typical of the attitude among lawyers, businessmen, farm leaders, labor leaders, chamber of commerce, and newspaper editors.

Thus I shall refer to another newspaper which has spoken out against the two deportations—the Oregon Statesman. As I have said, its editor is Charles Sprague, a distinguished Oregonian and an outstanding citizen of Oregon, and a former Republican Governor of Oregon. He is one of the recognized leaders of the Republican Party in Oregon. He has raised his voice against these deportations; and on May 7 and on May 17, 1960, he took his pen in hand to protest the injustice of these two deportations. As a result of his efforts, a committee in support of Senate bill 420 was formed, and it accumulated 376 of the total petition signatures.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks tonight the full text of these editorials from the Oregonian, the Capitol Press, and the Oregon Statesman, as well as editorials from the Coos Bay World and the Astorian Budget, which are unanimous in their criticism of the deportations.

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

(See exhibit 1.)

Mr. MORSE. Mr. President, I wish to say that I mean no offense to the other editors of Oregon who have written editorials on this subject; but I feel that the editorials I have selected are quite representative, and I do not desire to burden the CONGRESSIONAL RECORD with more than this very fair sampling of the editorial reaction in Oregon. However, let me say to the Senate that I could multiply these editorials several times over if I were to put into the RECORD all the editorial protests against these two deportations.

Mr. President, the Oregon newspapers were not the only ones to report the deportations and to editorialize about them. I ask unanimous consent also to have printed in the RECORD at the conclusion of my remarks a news story from the New York Times of April 19, 1960, and an editorial from the New York Times of April 21, 1960, entitled "Deportation Cruelty," in regard to Mackie's case.

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

(See exhibit 2.)

Mr. MORSE. But, Mr. President, what about the reaction abroad? It will be remembered that in my communication to the State Department, I said the deportation of these two aliens was not going to help America's image abroad, but would have an adverse effect on American foreign policy. I quoted from the reply of the State Department that it did not share my view that the deportations would have an adverse effect on our foreign policy. But, unfortunately, the State Department "shot from the hip," and did not speak from the mind; unfortunately, the State Department did not wait really to make its soundings as to what would be the effect on our foreign policy.

Mr. President, I wish to say that in Canada, in Finland, and in the other Scandinavian countries, as well as in other countries of Europe, there was a pronounced adverse reaction regarding these two examples of shocking injustice for which the U.S. Government will have to assume responsibility in the councils of the world.

REACTION IN SCANDINAVIA

Mr. President, if the the Senate will permit a personal reference, I can inform Senators, from my experience as a delegate to the United Nations in 1960, that the Scandinavian delegates at the United Nations session of that year were fully informed as to these cases, and many of them came forward to speak to me about them. They were very critical of the action taken by the United States in the Mackie case. Interestingly enough, they also linked the MacKay case with the Mackie case, as another example of United States injustice. The Finnish delegates were especially disturbed that the United States would act as it had done in the Mackie case. They referred to Mackie as a refugee from America.

In fact, they were particularly incensed that, if we were going to deport him at all, we did not deport him to the part of Europe in which he was born, for he was born in territory which then was a part of Finland, but now is a part of Soviet Russia. They said to me, "Why didn't you deport him to Russia? Why did you pass him off on us? You did not deport him to Russia because you could not, for you cannot send a deportee into Russia; Russia will not take deportees."

Earlier in my speech tonight I covered the Russian law. Russia has a law which prohibits the acceptance of deportees. Those Finnish delegates at the United Nations, who were very critical of the United States in their conversations with me, were also very appreciative of the information I gave them about the case and in regard to how it came about and in regard to the legal theory on which the action was taken. They said that if we were going to deport Mackie, we should have deported him to Russia, not to Finland; and they also said that if we could not deport him to the territory in which he was born—now a part of Russia—certainly he should not have been deported by our Government to Finland. I think there is considerable merit to their protest.

But the United States did deport Mackie to Finland, on the theory that Finland was the country of his birth, although the territory—then a part of Finland—in which he was born is no longer a part of Finland.

As to the newspaper comment in Finland, these cases also received front-page coverage, with pictures, in the daily newspapers of Helsinki, as reported in one excellent editorial published in the Oregonian on November 18, 1960, which I also ask unanimous consent to have printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 3.)

Mr. MORSE. Mr. President, it is with a sense of sadness that I bring to the attention of the Senate and to the attention of the Senate Judiciary Committee and to the attention of the American people these excerpts.

Only today I talked to my charming and delightful colleague, the junior Senator from Oregon [Mrs. NEUBERGER], who has just returned from the Scandinavian countries. During her trip she paid a visit to Finland. She said, "I had a press interview in Helsinki, and one of the first questions I was asked was about the Mackie case; and they continued to examine me about the Mackie case." Of course my colleague can speak for herself on that subject; but there is no doubt that while she was in Finland, they made very clear to her that they are still very much disturbed about what the United States did in the Mackie case. We should bring him home. We should stop creating in Finland and in the other Scandinavian countries the shocking impression that we are even capable of doing such an injustice to a human life.

Mr. President, in a section of Oregon known as the Astoria area, one of the great fishing centers of my State, there is a large population of Norwegians, Swedes, and Finns. Ever since these shocking cases of injustice arose, I have never been able to go into that area without having the Mackie case and the MacKay case called to my attention. Let me say that they do not limit themselves to the Mackie case, just because he is a Finn. I cannot go into the Astoria area, with its heavy Scandinavian population, without having the Mackie case and the MacKay case made some of the major subjects of conversation with me by many, many persons there who talk to me, for all of us know the keen sense of justice of the Scandinavians.

We all know the value that the Scandinavian places upon justice and fair play, and we all know how deep is the feeling of the average Scandinavian if he thinks that justice and fairplay are not being done.

In the Scandinavian section of my State there is deep resentment over the Mackie-MacKay cases. We ought to correct that injustice. The course of action I am recommending to the Senate will correct the injustice. I hope Sena-

tors who have any doubt about the public attitude of my State concerning the cases will talk to my colleague [Mrs. NEUBERGER] and me, if they have any question about these cases, or if they have any question about whether or not the opposition to the Government's action in these cases represents a very deep and broad cross section of public opinion in my State.

I preface the introduction of these quotations by saying that neither of these two newspapers is a Communist or a Communist-line newspaper.

I base that value judgment on the fact that I have had it looked into very carefully by those who are qualified to give me the facts about these two newspapers in Finland.

It is my understanding that the first is an organ of the Social-Democrat Party, and the second is a paper representing the rightwing of the Finnish Social-Democratic Party, which is allied to Finland's conservatives of the Kokoomus Party, and I ask unanimous consent that they be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 4.)

Mr. MORSE. Mr. President, a columnist in the Paivan Sanomat—the Daily Dispatch—had this to say on November 23, 1960:

> William Mackie * * * sits in the lobby of the Hotel Torni writing letters to send across the Atlantic. From there a great power, called the advance guard of the free world, rushed him here to a barren soil of the North, where he happened to be born sometime during the first decade of our century.
>
> After all he has sacrificed his labor power in building that great country and, during those years, fought—arms in hand—for its defense. His brother was killed in the war for America at Wake Island; his father is over 80 and sorely needs the support of his son, but none of these facts have helped William Mackie. He has been declared an undesirable citizen; he has been accused of communism; President Eisenhower rejected his appeal, and now he is here—a man without papers or chattels—a penniless refugee in a borrowed coat amid wintry frosts and blizzards.

That is a nice image of the United States—an image designed to win us friends and influence. It is shameful on the part of this great, powerful country, which has the largest and I think most effective law enforcement series of agencies in the world.

Why was it necessary to deport a man who, under oath, said he was not a Communist, a man who said he was against the doctrine of overthrowing the Government by force, a man who did not deny that he went to some meetings, which undoubtedly were Communist-front meetings, but a man who, on the basis of the record, in my judgment, no jury would find really was aware of what he was attending?

And so to protect America, although America made him what he is, we sent him to Finland.

If it were not such a human tragedy, it would really be a comic mockery of the American way of life. But it is not a true representation of the American way of life, and we ought to correct the false representation that it is.

If there are those who think it will be forgotten, if there are those who are playing for the passage of time, let me warn them that when celebrated cases, become fixed as images in the minds of people elsewhere in the world, they are not forgotten with the passage of time. This image was not forgotten when my junior colleague the other day walked into the hotel lobby at Helsinki to face a press conference. That image is not forgotten when one walks into the General Assembly of the United Nations. We will find that, as Americans go to Finland, this image will become crystallized more and more, year by year, until we square the Mackie case with our professings about protecting human rights and administering justice that does no wrong to the individual.

The editorial written in the Suomen Sosialideloskratti on November 21, 1960 seems to be very similar to the Republican editorials published in my State, protesting this case. It begins:

> Freedom in the great Western power behind the puddle (Atlantic Ocean) is esteemed so dear that it cannot be afforded to quite everybody. Some Finnish-born house painter might be a person of such insignificance that an exception must be taken in his case, so that others will understand the value of their freedom.

That is not a pleasant reference to American injustice.

Yet we deserve it, so long as we permit this injustice to Mackie to go uncorrected.

This is a sarcastic editorial, and is a needless editorial. I favor following a course of action in these cases which will produce editorials that will cheer America, rather than jeer at it.

I am attempting not to make an emotional argument but it is difficult to avoid emotion altogether, since it is the foundation of justice and religion and all that is worthwhile in human society.

I cannot reconcile the course of action in these two cases with Christian teachings. I daresay that the followers of other faiths would have equal difficulty in reconciling this action with the teachings of their religions also.

DEPORTATIONS ARE NOT JUSTICE

Neither can I square this action with any concept of fairness, justice or humanity. MacKay has lived almost his entire adult life in the United States, and Mackie has lived here all but 10 months of his entire life. Both have dependents, both worked and helped support the Government by paying taxes, both performed military service, both owned homes, raised children and were shaped and molded and influenced by conditions in this country. They did not have to be deported. If they were found to have committed offenses, they could be punished under our law. If they were found to have, out of human frailty, committed errors in judgment short of crime, they could have been appropriately dealt with, without banishing them from the only life that they ever knew and the only life that was meaningful to them.

As a nation, with these two actions remaining on the books, it is a little more difficult to come before the world to say that the lamp still burns beside the golden door.

To summarize, the cases of Mackie and MacKay are before the Senate as the court of last resort. Administrative remedies have long been exhausted. Judicial relief on the basis of the present state of the law has been denied; in the case of Mackie by a 5 to 4 decision of the Supreme Court.

I urge that we proceed now to make amends and to make it clear to the world that once the Congress of the United States is aware of such an example of inhumanity, we will seek to right a wrong. S. 420 and S. 421 would accomplish this purpose.

I shall commend these bills to the committee and commend them now to the Congress of the United States, and ask that they be given prompt, full, sympathetic and favorable consideration, before Congress adjourns on October 5 or thereabouts.

Mr. President, tonight the senior Senator from Oregon is not speaking to or for the record. The senior Senator from Oregon tonight is speaking to the Senate and through the Senate to the entire Congress, for action to rectify a great injustice, to correct a sordid proof to the world that sometimes in the United States our Government is guilty of inhumanity to man.

THERE IS TIME TO CORRECT INJUSTICE

I say to the Senate, to the Congress, and to the Judiciary Committee, "Do not tell me you do not have the time to correct this injustice before we adjourn some time next week or the week thereafter, for you do not have the time to continue the injustice. The hour is already too late for that. This is an injustice which never should have been committed in the first place. This is an injustice which should have been righted long ago. This is an injustice that you either will right now, before adjournment, or else you will continue to present to the world a sordid, ugly image of American justice."

Those of us who have dared to crusade in support of two wronged men are not going to be intimidated because of threats of political consequences, nor are we going to be willing to accept alibis in the Senate, in the House, or from the White House, seeking to rationalize a failure to correct this injustice. We speak so much and so frequently about the Mistress of Justice and how important it is that we keep American justice pure.

I plead with the elected representatives of the people, and I plead with the administrators of American justice to delay no longer in righting these two great wrongs.

My two private bills offer the instrumentality for the correction of these injustices. I make perfectly clear once more that I hold no brief for nor do I approve of the frailties and the conduct of the men concerned, but they will be no danger or threat to the security of America if they are brought back, for they can be placed under whatever security surveillance the facts can be shown to justify.

I ask unanimous consent that the adverse reports of the Immigration Service of March 15, 1962, and the prior Justice Department reports of June 15, 1960, on the MacKay and the Mackie cases be printed at this point in the RECORD. I also ask unanimous consent that certain other material be included. I refer particularly to the correspondence of Dean Duncan, and my correspondence with the Secretary of State in an effort to attain executive clemency.

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

I. REPORT OF THE IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE ON WILLIAM ALBERT MACKIE

MARCH 15, 1962.

Hon. JAMES C. EASTLAND,
*Chairman, Committee on the Judiciary,*
*U.S. Senate, Washington, D.C.*

DEAR SENATOR: In response to your request for a report relative to the bill (S. 420) for the relief of Willia Niukkanen (also known as William Albert Mackie), there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Portland, Oreg., office of this service, which has custody of those files.

The bill would authorize and direct the Secretary of State notwithstanding any other provisions of law, upon a request being made by the beneficiary, to take such action, including the payment of all traveling expenses, as may be necessary to effect the immediate return of the beneficiary to the United States. It would also provide that, for the purposes of the Immigration and Nationality Act, the beneficiary shall, upon his return to the United States, have the same residence status as that which he had immediately prior to the commencement of deportation proceedings against him in 1952 and that he shall not again be subject to deportation proceedings by reason of the same facts upon which such deportation proceedings were commenced. The bill would not remove the beneficiary's inadmissibility to the United States as an alien who was deported from the United States and as an alien who was a member of the Communist Party of the United States.

Private bill S. 3543, 86th Congress, introduced in Mr. Niukkanen's behalf, was not enacted.

Sincerely,

R. F. FARRELL,
*Commissioner.*

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MEMORANDUM OF INFORMATION WITH IMMIGRATION AND NATURALIZATION SERVICE FILES RE S. 420

Information concerning the case was obtained from the beneficiary's father, William Petter Mackie.

The beneficiary, who was born on November 24, 1908, is a native and citizen of Finland. Although the beneficiary's name is Willia Niukkanen, he uses and is known by the name of William Albert Mackie. The beneficiary attended public schools in the United States, completing high school in Portland, Oreg. He resides in Helsinki, Finland, where he is employed intermittently as a painter. His income is not known. From November 1960 until April 1961, the beneficiary's father contributed $490 to the support of the beneficiary, who is now supporting himself. The beneficiary's assets in Finland consist of his personal effects. Prior to his deportation, the beneficiary relinquished possession of a 1956 Pontiac automobile and a 1956 Ford truck to his father, who is keeping them stored, together with tools and other personal effects, in anticipation of the beneficiary's return to the United States.

Mr. Niukkanen was married on June 24, 1945. This was his only marriage and terminated in a divorce on September 25, 1957. He has no one dependent upon him for support. Mr. Niukkanen has two sisters, who are citizens of the United States and live in Portland. One sister lives with their 82-year-old-father, a legally resident alien of the United States.

The beneficiary enlisted in the Oregon National Guard in 1928, serving for a period of 1 year. In his application for enlistment he claimed birth in the United States. He was inducted into the Army on June 23, 1941, and transferred to the Enlisted Reserve Corps on September 21, 1941. He was recalled to active duty on February 16, 1942, found to be physically disqualified, and transferred to the Enlisted Reserve Corps on February 19, 1942. Mr. Niukkanen was honorably discharged on June 8, 1945, for the convenience of the Government by reason of being physically disqualified for active military service.

The beneficiary was admitted to the United States for permanent residence on September 5, 1909. He resided in the United States continuously until his deportation on November 18, 1960. In deportation proceedings commenced on September 12, 1952, Mr. Niukkanen was found deportable because of membership in the Communist Party from 1937 until 1939. All administrative remedies were exhausted. The deportation decision was sustained by the courts after numerous actions, reaching the Supreme Court on four occasions. That body last denied certiorari on November 14, 1960.

Mr. Niukkanen was arrested and convicted of the crime of petty larceny in The Dalles, Oreg., on July 18, 1929, receiving a sentence of 30 days. In addition, the beneficiary has had several citations for traffic violations. According to Portland Police Department records, the last was on May 27, 1960.

According to the beneficiary's father, Mr. Niukkanen was invited to join a union in Finland, but declined the invitation upon being informed that he must join the Communist Party before becoming a union member.

Private bill S. 3543, 86th Congress, introduced in the beneficiary's behalf prior to his deportation, was not enacted.

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II. REPORT OF THE IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE, ON HAMISH SCOTT MACKAY

MARCH 15, 1962.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 421) for the relief of Hamish Scott MacKay, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Portland, Oreg., office of this Service, which has custody of those files.

The bill would authorize and direct the Secretary of State, notwithstanding any other provision of law, upon a request being made by the beneficiary, to take such action, including the payment of all traveling expenses, as may be necessary to effect the immediate return of the beneficiary to the United States. It would also provide that, for the purposes of the Immigration and Nationality Act, the beneficiary shall, upon his return to the United States, have the same residence status as that which he had immediately prior to the commencement of deportation proceedings against him in 1949 and that he shall not again be subject to deportation proceedings by reason of the same facts upon which such deportation proceedings were commenced. The bill would not remove the beneficiary's inadmissibility to the United States as an alien who was deported from the United States and as an alien who was a member of the Communist Party of the United States.

Private bill S. 3587, 86th Congress, introduced in Mr. MacKay's behalf, was not enacted.

Sincerely,

R. F. FARRELL,
*Commissioner.*

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MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE S. 421

Information concerning the case was obtained from Mrs. Anna Belle MacKay, the beneficiary's wife.

The beneficiary, Hamish Scott MacKay, a native and citizen of Canada, was born on June 10, 1905. He resides in Vancouver, Canada. Mr. MacKay attended public school to the third grade and has attended trade and vocational schools. He is a carpenter and his employment in Canada has been seasonal. He is presently unemployed. He contributed approximately $600 to the support of his wife and son during the past year. Mrs. MacKay netted $700 during the past year from commissions as a saleslady. The beneficiary and his wife own a home and 3 acres of land near Portland, Oreg., which together with furnishings is valued at $5,500. This property is rented for $30 a month. Their other assets total $200.

Mr. MacKay and his present wife, who was born in Douglas, Kans., on November 9, 1905, were married on September 2, 1949. This is the second marriage for each, both having been divorced previously. Mr. MacKay had two sons by his first marriage. Mrs. MacKay had six children by her first marriage. Mr. MacKay contributes to the support of his wife and 18-year-old son by his first marriage. This son is a student at Portland State College in Portland. Mrs. MacKay has indicated that she will go to Canada to live if the beneficiary is unable to return to the United States. The beneficiary's mother and a brother are naturalized U.S. citizens and reside in Portland, as does his 26-year-old married son. The beneficiary claims service in the Illinois National Guard for a period of 18 months commencing in 1929. He has no other military service.

Mr. MacKay has two periods of residence in the United States. First, from 1923 until 1927, and again as a permanent resident from November 24, 1928, until November 18, 1960. In deportation proceedings commenced on August 29, 1949, he was found deportable because of membership in the Communist Party from 1936 until 1941. All administrative remedies were exhausted. The deportation decision was sustained by the courts after numerous actions, reaching the Supreme Court on three occasions. That body last denied certiorari on November 14, 1960. The beneficiary applied for permission to reapply for admission into the United States as a permanent resident. His application was denied on January 13, 1961. In December 1961 he applied for permission to enter the United States as a nonimmigrant visitor. The application was returned as he failed to submit the required fee.

Private bill S. 3587, 86th Congress, introduced in the beneficiary's behalf prior to his deportation, was not enacted. The beneficiary, while being interrogated under oath in connection with this private bill, declined on constitutional grounds to answer some of the questions put to him concerning his attendance at various meetings of various organizations. He also declined to answer whether or not he was, or had been, a subscriber to the "People's World." Since his deportation to Canada several letters, over his signature, have appeared in that publication. One, on January 28, 1961, requested that the paper be sent to him in Vancouver. The most recent letter was published on December 9, 1961.

III. REPORT OF THE UNITED STATES DEPARTMENT OF JUSTICE, IMMIGRATION AND NATURALIZATION SERVICE, WASHINGTON, D.C.

JUNE 15, 1960.

Hon. JAMES O. EASTLAND,
*Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.*

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3587) for the relief of Hamish Scott MacKay, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Portland, Oreg., office of this Service, which has custody of those files.

The bill would authorize and direct the Attorney General to cancel deportation proceedings against the beneficiary. It would also provide that the beneficiary shall not again be subject to deportation by reason of the same facts upon which current deportation proceedings were commenced.

Sincerely,

J. M. SWING,
*Commissioner.*

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MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE HAMISH SCOTT MACKAY, BENEFICIARY OF S. 3587

The beneficiary, a native and citizen of Canada, was born June 10, 1905. He is married and resides in Portland, Oreg. Mr. MacKay attended public school to the third grade and has attended trade and vocational schools. He is employed as a carpenter. His home and 3 acres of land, fully paid for, are valued at $7,000. His other assets, consisting of household furnishings, tools, equipment, and a small bank account total $2,500. Joint income for the beneficiary and his wife last year was $5,000, $600 of which his wife netted from commissions as a saleslady.

The beneficiary and his present wife, who was born in Douglas, Kans., November 9, 1905, were married in Vancouver, Wash., on September 2, 1949. This is the second marriage for each, both having been divorced previously. Mr. MacKay supports his wife and 17-year-old son by his first marriage. Beneficiary's mother and a brother are naturalized U.S. citizens and reside in Portland, Oreg., as does his 25-year-old married son. He claims service in the Illinois National Guard for a period of 18 months commencing in 1929. He has no other military service.

Mr. MacKay has resided in the United States continuously since he was admitted for permanent residence on November 24, 1928. The beneficiary has been found subject to deportation because of membership in the Communist Party from 1936 to 1941. These proceedings were commenced on August 29, 1949. All administrative remedies have been exhausted. The deportation decision has been sustained in the courts, reaching the Supreme Court twice. That body last denied certiorari on April 18, 1960.

The beneficiary, while being interrogated under oath in connection with this private bill, declined on constitutional grounds to answer some of the questions put to him concerning his attendance at meetings of various organizations. He also declined to answer whether or not he now or during the past 10 years subscribed to the "People's World."

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IV. REPORT OF THE U.S. DEPARTMENT OF JUSTICE, IMMIGRATION AND NATURALIZATION SERVICE, WASHINGTON, D.C.

JUNE 15, 1960.

Hon. JAMES O. EASTLAND,
*Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.*

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3543) for the relief of Willia Niukkanen, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Portland Oreg., office of this Service, which has custody of those files.

The bill would authorize and direct the Attorney General to cancel deportation proceedings against the beneficiary. It would also provide that the beneficiary shall not again be subject to deportation proceedings by reason of the same facts upon which current deportation proceedings were commenced.

Sincerely,

J. M. SWING,
*Commissioner.*

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MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE WILLIA NIUKKANEN, BENEFICIARY OF S. 3543

The beneficiary, who was born November 24, 1908, is a native and citizen of Finland. Although beneficiary's name is Willia Niukkanen he uses and is known by the name of William Albert Mackie. He is divorced and resides alone in Portland, Oreg. He attended public schools in the United States, completing high school in Portland, Oreg. Mr. Nuikkanen is self-employed as a painter, earning $5,500 last year. He has assets of approximately $7,200, consisting of household furnishings, tools, a 1956 Pontiac automobile, and a 1958 Ford truck. He states his liabilities amount to approximately $2,700.

Mr. Niukkanen was married on June 24, 1945. This was his only marriage and terminated in a divorce on September 25, 1957. He has no one dependent upon him for support, but does contribute $1.50 per week to his stepson as an allowance. Mr. Niukkanen's sister, a U.S. citizen, and his father, 80 years of age, a legally resident alien, reside together in Portland.

The beneficiary enlisted in the Oregon National Guard in 1928 serving for a period of 1 year. He was inducted into the Army on June 23, 1941, and transferred to the Enlisted Reserve Corps on September 21, 1941. He was recalled to active duty on February 16, 1942, found to be physically disqualified, and transferred to the Enlisted Reserve Corps on February 19, 1942. Mr. Niukkanen was honorably discharged June 8, 1945, for the convenience of the Government by reason of being physically disqualified for active military service.

The beneficiary was admitted to the United States for permanent residence on September 5, 1909. He has resided in the United States continuously since that time. Mr. Niukkanen has been found subject to deportation on the ground that he had been a member of the Communist Party from 1937 to 1939 after his entry to the United States. The proceedings were commenced on September 12, 1952, and all administrative remedies have been exhausted. The deportation order has been challenged in the courts since its entry on June 30, 1953. The case has been before the Supreme Court three times, a petition for rehearing being denied on June 6, 1960.

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LETTERS OF DEAN, UNIVERSITY OF OREGON, SCHOOL OF JOURNALISM, EUGENE, OREG.

DECEMBER 16, 1960.

The Honorable WAYNE L. MORSE,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR MORSE: Thank you for your letter of December 9 dealing with the Mackie-MacKay matter.

It is very heartening to know that this case has your personal interest. I am sure that your knowledge, skill, and determination can bring about a rectification if anything can. I have pledged my strong support in this effort and if there is any way I can possibly be helpful I would be happy to have you tell me.

Please accept my very best wishes to you and Mrs. Morse for a joyful holiday season.

Sincerely,

CHARLES T. DUNCAN,
*Dean.*

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JANUARY 17, 1961.

Senator WAYNE L. MORSE,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR MORSE: The Sunday papers carried a report that you had introduced separate private bills for the return to the United States of William Mackie and Hamish MacKay. I applaud the promptness with which you have acted, true to your promise.

I have no way of estimating the chance of success of these bills, nor do I know in what way, if any, I might be helpful. If you can suggest anything I could do, please let me know. I'll write letters, send telegrams, bend ears—anything within my means and power to aid in the rectification of this monstrous error.

Sincerely,

CHARLES T. DUNCAN,
*Dean.*

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V. MORSE IN 1960 URGED EXECUTIVE CLEMENCY IN DEPORTATION CASES OF WILLIAM MACKIE AND HAMISH MACKAY

In a letter addressed to Secretary of State Herter on October 25, 1960, Senator MORSE urged the Secretary to discuss with the President the possibility of Executive clemency in the cases of William Mackie and Hamish MacKay, against whom deportation proceedings were then pending in Oregon.

The text of Senator MORSE's letter to Secretary Herter is as follows:

OCTOBER 25, 1960.

The Honorable CHRISTIAN A. HERTER,
*Secretary of State,*
*Washington, D.C.*

DEAR MR. SECRETARY: I have just returned from Oregon where I found a great deal of public criticism, both in the press and among leaders in the State, with respect to the proposed deportation actions of the Immigration and Naturalization Service concerning two residents of Oregon, William Mackie and Hamish MacKay.

These two cases represent a shocking example of inhumanity to man. After a careful study of the facts, I introduced the bill, S. 3543, on May 13, 1960, to terminate the deportation proceedings against Mackie. On May 24, 1960, I introduced a similar bill, S. 3587, on behalf of MacKay Due to the lateness of the dates upon which these bills were introduced, the Senate Judiciary Committee did not have time to complete action on them.

The extremely harsh nature of the actions proposed by the Immigration and Naturalization Service in these cases becomes evident when we consider these facts: William Mackie was born in Finland of naturalized American citizens, who had returned to Finland for a short visit. Actually, Mackie spent only 2 or 3 months in Finland during his infancy and then was brought back to the United States. He does not speak the Finnish language and he has not been in Finland since he was an infant. Mackie attended grade school and high school in Portland, Oreg., and became a house painter by trade. He served in the U.S. Army in World War II and was given an honorable discharge. He married an American citizen and they have a son, who is captain of his football team in one of the Oregon schools. William Mackie is a law-abiding citizens, owns his own home and takes care of his parents.

Hamish MacKay was born in Canada and came to the United States with his parents

for permanent residence in 1924. After returning to Canada for a brief period, MacKay returned to the United States in 1928 and in the early 1930's came to Portland, Oreg. He married an American citizen and has two sons. MacKay is a carpenter, and has clearly established that he is a law-abiding citizen.

Both men were guilty of some indiscretion in the 1930's in that they attended some Communist-front meetings, but they strongly contend that they are not Communists. In a dissenting opinion on Mackie's appeal to the U.S. Supreme Court, Justice Douglas observed that a man "should not be sent into exile for acts which this record reveals were utterly devoid of sinister implication."

In my opinion, the only thing that can save these men now is Executive clemency. I am satisfied, after reviewing the facts, that these are cases in which the President of the United States should take affirmative action to assure that justice is done. If these men are deported, their deportations are going to do us great harm in our foreign relations and will play right into the hands of those who stir up Communist propaganda. We just cannot reconcile our sending them out of the country with our claim of fair and impartial justice for the individual in the United States.

This is a matter that I would not bring to your attention if I did not think it is of serious importance. I believe that someone should see to it that the President's personal attention is called to these two cases and I feel that you, as Secretary of State, are the person to do this because of their impact on our foreign relations.

It is my hope that the President will take action to prevent a miscarriage of justice with respect to these Oregon residents.

Sincerely yours,

WAYNE MORSE.

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NOVEMBER 8, 1960.

DEAR SENATOR MORSE: The deportation of aliens is a matter coming entirely within the jurisdiction of the Immigration and Naturalization Service. Upon informal inquiry of the central office of that Service, it has been ascertained that Mr. MacKay applied for a suspension of deportation proceedings on the ground that he has 10 years of good behavior. This application was denied by the Board of Immigration Appeals and his case is now pending before the courts.

Mr. Mackie also made application for suspension of deportation on the basis of 10 years' good behavior. His application was denied by the Board of Immigration Appeals on the ground that there was no evidence of a clear break from his former political ideologies. Arrangements have been made several times for Mr. Mackie's deportation. However, each time his deportation has been held up by various court actions. He was last scheduled for deportation on Sunday, October 23. At the time he applied for a restraining order from the district court, but this was not granted. On October 25, Mr. Mackie submitted his case to the Honorable William O. Douglas, Associate Justice of the Supreme Court.

It is believed that the deportation of these two persons would have no significant impact on our foreign relations. The deportation proceedings in both of these cases are based on subversive activities of the persons involved. The Department of State does not consider, therefore, that it would be appropriate to approach the President in behalf of these men.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,
*Assistant Secretary*
(For the Secretary of State).

Mr. MORSE. Mr. President, as I close I ask unanimous consent to have printed in the RECORD certain materials and memorandums to which I have referred in my speech but which I have not incorporated in full, as well as certain materials to which I have not referred in my speech but which support the premises of my speech.

Furthermore, Mr. President, because I think I owe it to the dedicated citizens of my State and to the various organizations in my State who have worked so hard in behalf of seeking justice for Mackie and MacKay, I ask that certain petitions which they have had signed and the signatures also be incorporated in the RECORD. I ask unanimous consent that all these materials be incorporated in the RECORD.

There being no objection, the materials, memorandums, and petitions were ordered to be printed in the RECORD, as follows:

COMMUNITY METHODIST CHURCH,
*Snoqualmie, Wash., July 3, 1961.*

Senator WAYNE MORSE,
*Senate Office Building,*
*Washington, D.C.*

MY DEAR SENATOR MORSE: I have written my Senators and Representative to give their support to S. 420 and S. 421 along with H.R. 6208. I count it a privilege to give my support to help correct this seeming injustice in our immigration laws. I am hoping you will be able to get your bills from committee that the Senate can take some needed action.

Sincerely yours,

MYRON H. SHARRARD.

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EDWALL METHODIST CHURCH,
*Edwall, Wash., July 4, 1961.*

Senator WAYNE MORSE,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR MORSE: I have just received information regarding the deportation of Hamish MacKay and William Mackie. I am appalled by the actions of my Government in the deportation of these two men. Such conduct hardly befits a nation which claims to allow freedom of thought.

I wish to indicate to you my support for S. 420 and S. 421 and for a statute of limitations on deportations. You also can inform the Senators from Washington State that one of their constituents supports these bills. I trust they will too.

Thank you for your concern.

Sincerely,

Rev. DEAN C. KALLANDER.

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COMMUNITY METHODIST CHURCH,
*Seaside, Oreg., August 25, 1961.*

Senator WAYNE MORSE,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR MORSE: Just a note of appreciation for your work on the MacKay-Mackie problem. I am in support of S. 420 and S. 421 as I understand them.

I was in a group of ministers that you met with in the spring in Washington, but at that time I was living in Maryland. I want you to know how much I admire your kind of leadership in Washington. Keep up your good work. If I can be of any help to you on this end at any time please let me know.

I am a Republican who believes in giving credit where credit is due and in your case this is certainly true.

Sincerely yours,

WILLIAM B. HOFFHINES.

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AUGUST 22, 1961.

*To the 87th Congress:*

I wish to give my personal endorsement of Senate bills 420 and 421 to allow Hamish Scott MacKay and William Albert Mackie (or Willia Niukkanen), now under deportation, to return to the United States to reside with their families.

ALFRED S. LOMA.

EUGENE, OREG.

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LAKE OSWEGO, OREG.,
*August 26, 1961.*

Senator WAYNE MORSE,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR MORSE: I heartily endorse Senate bills 420 and 421 which would return Hamish Scott MacKay and William Albert Mackie to this country and would alter the present laws which have allowed this travesty of justice to happen in the United States.

It is a crying shame that we have to be saddled with petty officials who cannot see beyond the letter of the law to the welfare of the individual person and our national character.

I wish you every success in pressing this issue.

Sincerely yours,

RAY M. MATHSEN,
*Pastor, Our Savior's Lutheran Church.*

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MEDFORD, OREG., *August 22, 1961.*

Re Senate bills 420 and 421.

Senator WAYNE MORSE,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR MORSE: I am writing to you for the purpose of registering my approval and support of Senate bills 420 and 421 and for the imposition of a statute of limitations on deportations. Please be advised that anything that I can do I will do in support of these measures.

I am extremely concerned that in this country that the term "justice" has come to be considered more and more as a strictly legal term without moral implications whatsoever, and that too often that those who are charged with the administration of the law and the application thereof seem to consider that men were made for the laws rather than the laws were made for men. I think that under our system injustice occurs perhaps as often as does justice. The cases of Hamish MacKay and William Mackie reflect adversely upon the honesty integrity, and intelligence of the legal profession, and the legislative, administrative, and judicial branches of our Government. Although I find myself more often disagreeing with you than otherwise politically, you have my wholehearted support in your efforts to return MacKay and Mackie to their homes and families.

Yours very truly,

WALTER D. NUNLEY.

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FIRST PRESBYTERIAN CHURCH,
*Coos Bay, Oreg., August 21, 1961.*

Hon. WAYNE MORSE,
*Member of Congress,*
*Washington D.C.*

MY DEAR SIR: I am in receipt, today, of a letter from the committee in defense of Hamish MacKay and William Mackie, and I have been asked to put my name to a petition urging your passage of the bills S. 420 and S. 421. I have followed with great concern this un-American action on the part of our Immigration Commission. I am sure that few Americans can honestly say that such action does not affect our foreign relations. One need but scan very briefly the reports of reactions in the countries of Canada and Finland as well as other nations not directly affected by such action, to see the impact it has made. Even though we may undo the act in some fashion much damage has already been done. If you do nothing more than get this legislation through during your tenure of office, your service there deserves great commendation.

With every good wish for the passage of this bill.

I am, very sincerely yours,

OSCAR W. PAYNE,
*Pastor.*

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EUGENE, OREG., *August 26, 1961.*

Senator WAYNE MORSE,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR MORSE: We would like to give our support for S. 420 and S. 421 which you have introduced in the Senate to correct the grave injustice done to Messrs. Hamish MacKay, and William Mackie.

Yours very truly.

JUNE and JOHN POWELL.

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PORTLAND, OREG., *August 22, 1961.*

Re Senate bills 420 and 421 for return of Hamish Scott MacKay and William Albert Mackie following deportation.

Hon. WAYNE MORSE,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR MORSE: I am writing a personal note in support of your efforts upon behalf of these men because I wish to express a particular thought.

In my opinion, the citizen families of these men have substantive rights to happiness through their presence. They have the right to petition for their restoration on that basis.

If they have such right to petition, then unless a contrapublic purpose of equal importance to these individual rights is being served by the separation, their Government is obligated to heed and grant their request.

That the restoration would be of like benefit to these men is no answer. Whatever these men are supposed to have forfeited, has been earned by their families for themselves. These affirmative rights are superior to anything other than a specific public purpose.

Very truly yours,

DAVID M. SPIEGEL.

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NORTHWEST REVIEW,
*Eugene, Oreg., August 24, 1961.*

Hon. WAYNE L. MORSE,
*U.S. Senate,*
*Washington, D.C.*

DEAR MR. SENATOR: I wish to give my endorsement to your Senate bills 420 and 421. I have written Mr. Lenske, of the MacKay-Mackie Defense Committee and asked him if someone of them might write an article for the Northwest Review in support of your bills.

I also wish to invite you to defend in our pages the Warren Court. If you would see fit to do so, I should suggest a special highlighting of Mr. Justice Douglas, who is, deservedly I think, very popular in the area of our leadership. If you would prefer, an article on the career and opinions of William O. Douglas would also be very welcome.

I hope you will respond kindly to my proposal. If these subjects do not interest you, please think of us whenever you wish to speak out on an issue you think important. I am anxious that your voice be heard as much as possible. (The final copy dates for our three issues are as follows: October 2, 1961; January 2, 1962; and April 2, 1962.)

I will look forward to hearing from you.

Very truly yours,

EDWARD VAN AELSTYN,
*Editor.*

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SEPTEMBER 6, 1961.

*To the 87th Congress:*

I wish to give my personal endorsement of Senate bills 420 and 421 to allow Hamish Scott MacKay and William Albert Mackie (or Willia Niukkanen), now under deportation, to return to the United States to reside with their families.

Mr. and Mrs. NORMAN E. TAYLOR.
EUGENE, OREG.

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KENILWORTH PRESBYTERIAN CHURCH,
*Portland, Oreg., September 6, 1961.*

Hon. WAYNE MORSE,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR MORSE: Your action in introducing S. 420 and S. 421 to secure the return from deportation of Hamish MacKay and William Mackie is highly commendable.

Your courage in refusing to allow the Nation to forget these blots on our claims to be the supporters of individual freedom deserves our deep appreciation. Please be assured of my support of your position, and of continued action to amend the "witch-hunting" provisions of our present immigration policies.

Sincerely,

DAVID H. WEED.

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FIRST METHODIST CHURCH,
*Coos Bay, Oreg., January 24, 1961.*

Hon. WAYNE MORSE,
*U.S. Senator,*
*Washington, D.C.*

DEAR SENATOR MORSE: We, the undersigned citizens of Oregon, hereby express to you our most hearty support in your effort to return to this country two recently deported long-time residents of Oregon, Mr. Hamish Scott MacKay and Mr. Wm. Mackie.

Their banishment to another land we believe to have been inhuman and cruel, both to the men themselves, and to their families and friends. This action has not been in harmony with our established ideas of freedom, nor with our ideals of justice and fair play. Moreover their deportation has not been in the best interests of our Nation in relation to the other nations of the world.

We express to you our sincere appreciation for your effort in their behalf and in support of our Amercan way of life.

Sincerely,

JAMES W. HARRISON.
RUSS BUDIN.
BETTY RICHARDS.

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JANUARY 10, 1961.

DEAR SENATOR WAYNE MORSE: Owing to the fact that Wild Bill Langer was a personal friend of mine, and of course from North Dakota, let's say this. I was born in Wisconsin the same as you and I don't know just where to address Langer at this time. Above all things, please, WAYNE, investigate the deportation of William Mackie from Portland, Oreg. I sincerely believe it stinks.

Sincerely yours,

DON LAIRD.

PORTLAND, OREG.

P.S.—I may run for a seat in Congress from North Dakota in 1962, even though I have been here in Oregon 20 years this spring. I am basing this on maintaining my voting residence in North Dakota.

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SPOKANE, WASH., *December 31, 1960.*

WAYNE MORSE,
*Washington, D.C.*

DEAR SENATOR MORSE: I hope you will either see the new President and have both these men from Portland, McKay and Mackie, returned at once to this country. If he will not do this let's get a bill up to revoke this rotten piece of legislation, the Walter-McCarran law. If a man was not a Communist this sort of business sure should make one of him. I myself took part in this same sort of organization back in '31 and '32. We called it the Producers League and there were no more Communists in it than in the Democrat or Republican Parties. It was a beginning of a barter-cooperative organization, and we did a lot of good. Let's clean out this rotten mess, and fast.

You need not reply to this.

Sincerely,

J. E. MCGORAU.

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PORTLAND, OREG., *January 9, 1961.*

Senator WAYNE MORSE,
*Washington, D.C.*

MY DEAR SENATOR: The Justice Department goofed. They have hurt themselves in the eyes of America and they have hurt America in the eyes of the world. This is not just a passing remark but an absolute God's fact.

I strongly urge the return of MacKay and Mackie to their rightful homes and revision of the Walter McCarren law with a 5-year statute of limitations added.

As one who has voted for you every time I could, I wish to offer my help in any way possible to keep America free and democratic.

Very truly yours,

R. R. MACKAY.

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PORTLAND, OREG., *January 10, 1961.*

Senator MORSE,
*Washington, D.C.*

DEAR SIR: I just heard you talk on TV concerning the deportation to Finland of Mr. Mackie. I want to thank you for fighting for justice.

I noticed in the press not long ago where that convicted spy and Judas in the Green Glass case was pardoned and we pardon murderers and our own people who spied for Japan.

Those superpatriots who passed that retroactive law, they did not know where there was a job in those days but they could wave the flag in a hungry man's face, they condemn a man because he may have attended a meeting where there may have been a chance of hearing of a job.

In view of us throwing our billions all over the world for nothing, we can well afford to pay the man's way back.

I am also sending for the CONGRESSIONAL RECORD. I want to know how the other Oregon Members are voting on this.

Thank you, Senator.

JOHN M. PANEK.

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VERNONIA, OREG., *January 9, 1961.*

Mr. WAYNE MORSE,
*Washington, D.C.*

DEAR MR. MORSE: It was with a chuckle that I viewed on TV this evening your championing the two men recently deported from Portland to Canada. And who wasn't thinking on the edge, if not into communism in the dirty thirties. I, for one, espoused Upton Sinclair, because I had been taught to do my own thinking as a history major at Berkeley. I had lost my schoolteaching job because I joined the local WCTU and that was the last year I even applied for a teaching position. I returned to farming, my first love, in which the robins and chipmonks never say me nay.

All public servants possess my sympathy and particularly those with "guts." The pure injustice of the Mackie case turned my stomach. Only contempt can be felt for martinets so heartless as to pass such judgment. It is what these two men are now that counts.

More power to you.

Sincerely,

CLINT M. SEIBERT.

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PORTLAND, OREG., *January 12, 1961.*

Senator WAYNE MORSE,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR MORSE: Thank you for your past and continued efforts in behalf of William A. Mackie exiled to Finland in November—where he does not speak the language and the weather is bitterly cold. He is so unhappy, bewildered and I am sure, positively ill. He worries so much about his aged and ill father and of course, the father worries about him and it aggravates his heart condition.

Certainly hope you will have more cooperation from the new administration and I feel sure you will.

Much success, good health and happiness to you in the future. You are a very good and kind person.

Thank you and kindest regards.

RUTHE PETERS.

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DECEMBER 29, 1960.

Senator WAYNE MORSE,
*Senate Office Building,*
*Washington, D.C., United States of America*

DEAR SENATOR: I am pleased to learn that you plan to present a bill concerning the deportation of Bill Mackie and Hamish MacKay.

There are many thousands of citizens of Canada active in the belief that the time has long past for witch hunting and the persecution of persons for their political beliefs, past or present.

As long as they abide by the laws of the country in which they live there should be no restrictions on unorthodox opinions.

Prating of democracy and freedom is a sham and a farce unless we allow freedom of thought and speech.

All success to your efforts and the gratitude of many Canadians.

Yours truly,

ARTHUR J. TURNER.

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PORTLAND, OREG., *December 26, 1960.*

Senator WAYNE MORSE,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR MORSE: I am writing this letter in behalf of Hamish Scott MacKay and William Mackie, who were recently deported and exiled, under terms of the Walter-McCarran immigration law, to the lands of their birth.

I could write considerable in behalf of these two men and their families, but I do not deem it necessary in the face of these newspaper clippings which are enclosed.

I believe the law is ridiculous and unconstitutional and should be amended so that it would not be retroactive and a time limit should be applied the same as in criminal cases whereby a person would be immune from prosecution after a certain length of time. If this law is allowed to stand as it is, there will be hundreds of other similar cases to occur in our country to bring ridicule and condemnation on our Government.

I know you have taken a deep interest in these cases and I hope and believe you will do all that you can to have the law amended and also try to get these men returned to their families and their homeland.

Yours respectfully,

CHAS. E. WOODWARD.

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UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA,
LOCAL UNION NO. 343,
*Winnipeg, Manitoba, January 20, 1961.*

Senator WAYNE MORSE,
*U.S. Senate Office, Washintgon, D.C., United States of America.*

DEAR SIR: At a recent meeting of local 343 we were advised of your intention to champion the cause of two workingmen: Hammish Scott McKay and William Mackie. It is a terrible condemnation of democratic procedure when actions committed in 1930 can be resurrected in 1960 to penalize citizens.

This is assuredly a case of the alleged remedy being a greater crime than the original misdemeanor. It is an appalling miscarriage of justice, for no man 50 years of age can build himself a new life in a strange county, separated from his family and friends.

As Canadians, the members of my local feel it would be unbecoming and illogical for us to venture any criticism of U.S. officialdom, but we shall follow your efforts to remedy this situation with the greatest interest and approbation.

In conclusion may I say your name is known and respected in Winnipeg, and as one member stated when advised of your intention to challenge the ruling of the immigration department, "if it can be done, WAYNE MORSE will do it."

So, Mr. Senator, we hope and trust you will be successful in your efforts in the cause of justice and the rights of the individual when opposed by oppressive bureaucracy.

Yours for democratic freedom.

JOHN E. TOOTH,
*Recording Secretary.*

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LEWIS AND CLARK COLLEGE,
*Portland, Oreg., November 18, 1960.*

LYNDON B. JOHNSON,
*Johnson City, Tex.*

SIR: We respectfully urge you to use your influence to prevent the deportation of Hamish Scott MacKay and William A. Mackie of Portland, Oreg. These men are Americans in every sense of the word except for technicalities of birth. A just conscience cannot permit this miscarriage against common individual rights to go through to its unjust conclusion.

Very truly yours,

RICHARD W. BOETGER.

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Senator WAYNE MORSE.

DEAR SIR: I am writing you in regards to the recent deportation of Mr. Mackie and Mr. MacKay. If the charges against them are as stated in the paper, then they joined the Communist Party during the depression. I was a boy at home at that time and can recall meetings and talking in which my father participated. I do not know whether the Communist Party was involved or not but the main objective as I recall was work so the family could be fed. These men were grasping at straws as was my father, with no thought of harm to our country but only of the bellies of their children. It is my hope if this be the case of these two men that you may still see that justice is done.

Thank you.

WILLARD J. ROLOW.

CORVALLIS, OREG.

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CLATSKANIE, OREG.,
*January 14, 1961.*

Senator WAYNE MORSE,
*Senate Office Building,*
*Washington, D.C.*

HONORED SIR: May I offer my applause for your efforts to rectify the miscarriage of justice in the cases of William Mackie and Hamish MacKay?

Americans, like myself, who were born free, will never live otherwise and will always be alert to any threat to our great Nation and rise up vigorously to its defense, but the deportation of these citizens, to me, was a grave error.

In the immediate community where I reside are people who present a greater measure of danger to our security than anything ever indicated by either of these men. If and when we find ourselves embroiled in war with a Communist foe the identity of these people will be immediately revealed to the proper authorities. I promise.

Thank you for your forthright and fearless approach to the problems confronting the citizens of this great Commonwealth.

May I offer my best wishes to you for your continued good work for your constituents in Oregon.

Sincerely yours,

REX O. LAMBERT.

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MCMINNVILLE, OREG., *January 17, 1961.*

Hon. WAYNE MORSE,
*U.S. Senator, Washington, D.C.*

DEAR SENATOR MORSE: As a citizen of the State of Oregon I would like to express to you my hearty support in your effort to return to this country two recently deported long-time residents of Oregon, Mr. Hamish Scott MacKay and Mr. William Mackie.

I believe their banishment to another land to have been an inhuman, cruel and despicable act both to the men themselves and to their families and friends. This action has not been in harmony with our established ideas of freedom, nor with our ideals of justice and fair play. Moreover, I do not believe their deportation to have been in the best interest of our Nation in relation to the other nations of the world.

I would like to express to you my sincere appreciation for your effort in their behalf.

Sincerely yours,

T. ASKEW CRUMBLEY.

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PORTLAND, OREG., *January 20, 1961.*

Hon. WAYNE MORSE,
*U.S. Senator,*
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR MORSE: Your stirring and forthright remarks before the Senate on January 13 last in behalf of the proposed remedial measures for two deported aliens may happily usher in a new day and enlightened approach, more in keeping with American principles and tradition, than the restrictive and punitive immigration laws of the last half century, particularly aggravated by the Internal Security Act of 1950 and the Immigration and Naturalization Act of 1952.

Confirming your citation of Finnish press opinions, I enclose two front pages of the Columbian, Vancouver, Wash., edition of November 22, 1960, presenting in right lower corner a dispatch from Oslo, Norway, quoting the Dagbladet to the effect that the Mackie case "is more effective anti-American propaganda than any major speech by Soviet Premier Khrushchev."

It will be very significant of the trend to be anticipated in the next 8 years to see what the fate of these private bills may be.

Sincerely,

ERNEST J. HOVER.

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WADENA, SASKATCHEWAN, CANADA,
*January 16, 1960.*

Senator WAYNE L. MORSE,
*U.S. Senate Office Building,*
*Washington, D.C.*

DEAR SIR: I have noted that the U.S. Department of Immigration has deported two men, William Mackie and Hamish Scott MacKay, to Finland and Canada respectively, although they have always lived in the United States and have families there.

Their main crime, apparently, was participating during the depression in organizations which have been declared subversive under the Walter-McCarran law.

It seems to me that belonging to any organization many years ago does not make much difference. One can belong to an organization, change his thinking and drop out of it entirely, perhaps becoming more confirmed against the organization because of having belonged to it and thus finding out more about it. Also one can change a great deal from when he was young, and the past should not be held against him if he is honestly attempting to do right. It is what these two men are at present that should count. Unless they are a definite menace to their country, and have been proved so, they should never be forced to leave their families. This is inhuman. How would any of us like to be sent away from our families and our familiar homes? Leaving our families and our country would surely be the same as being torn up by the roots.

This brings to my mind a radio program which I heard, in which a famous playwright was being interviewed. He was asked whether he had belonged to any organizations during the depression. "Yes," he replied, "I belonged to the young Communist

Party. I am not a Communist, nor have I ever been one, but I think that any young man worth his salt belonged to the young Communist Party during the thirties."

This illustrated, to my mind, the fact that conditions were bad enough during those days that many were ready to turn to most anything for relief, and the young are always the most venturesome, are they not?

I hope those in charge will remember the Golden Rule and consider my protest in this matter.

Yours truly,

Mrs. T. A. BENWELL.

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DEPORTATION HURTING UNITED STATES

OSLO, NORWAY.—The liberal afternoon paper Dagbladet said Tuesday the case of William Mackie, of Portland, Oreg., deported to Finland on charges of being linked to Communists in the 1930's, is more effective anti-American propaganda than any major speech by Soviet Premier Khrushchev.

"The drama of the deported house painter is, politically speaking, a comedy," the paper said. "And be sure that those who occupy the front seats in the East are enjoying themselves.

"This fits badly with the principles of freedom, justice and humanity about which the Western countries talk so loudly at the Paris NATO parliamentarians meeting these days.

"This case makes us think of the novel 'The Ugly American'—the biting satire of American relationships with foreign countries and foreigners, of official America's lack of the most elementary psychological understanding."

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WILLAMETTE UNIVERSITY,
*Salem, Oreg., January 25, 1961.*

Senator WAYNE MORSE,
*Washington, D.C.*

DEAR SENATOR MORSE: I wish to commend you for your bill concerning Mackie and MacKay and express my sincere hope that you will be able to push it to adoption. These cases are excellent illustrations of the fact that our basic law in this field needs a drastic reworking—for I have no doubt that the administration and the courts followed the law. Is there any chance that the law might be reworded and made more reasonable?

Sincerely yours,

ROBERT MOULTON GATKE,
*Professor of Political Science.*

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FIRST METHODIST CHURCH,
*Oregon City, Oreg., January 24, 1961.*

Hon. WAYNE MORSE,
*U.S. Senator,*
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR MORSE: I hereby express my hearty support of your effort to return to this country two longtime Oregon residents, Mr. Hamish Scott MacKay and Mr. William Mackie.

I believe their deportation to be cruel to them and their families, as well as, to have had an adverse effect upon our foreign relations.

Sincerely,

CLARK S. ENZ.

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COOS BAY, OREG., *April 21, 1962.*

Senator WAYNE MORSE.

DEAR SIR: I strongly approve of the two bills you have introduced; namely S. 420 and S. 421 to bring Hamish S. MacKay and William Mackie back home, and I approve of the statutes of limitations.

And further more, I heartily approve of your stand on Cuba. For this country to stage an invasion of Cuba or even back an invasion would be murder pure and simple.

Yours truly,

JOHN M. GILLIS.

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PORTLAND, OREG., *April 28, 1962.*

Senator WAYNE MORSE: My wish to support the bills S. 420 and S. 421 to bring Hamish S. MacKay and William Mackie back home. The case concerning these two men is absurd.

SULO J. JUONI.

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LAUNDRY, DRY CLEANING AND DYE HOUSE WORKERS' INTERNATIONAL UNION LOCAL NO. 292
*Vancouver, B.C., March 1, 1961.*

Senator WAYNE MORSE,
*U.S. Senate Office Building,*
*Washington, D.C., United States of America.*

DEAR SIR: I am in receipt of correspondence regarding Mr. Hamish Scott MacKay, who was deported to Canada from his home in Portland, Oreg., and now resides in Vancouver, British of Columbia.

Before presenting this letter to my members at our general meeting I would greatly appreciate a letter from you giving facts and your opinions on this matter.

Trusting to hear from you soon regarding this.

Sincerely yours,

CATHERINE BROWNE,
*Secretary-Treasurer.*

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SALEM, OREG., *January 26, 1961.*

Hon. WAYNE L. MORSE,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR MORSE: A series of recent events have prompted we to write this letter.

I read about the deportation of Hamish Scott MacKay and William Mackie in the newspapers last November. Having been aroused by this seemingly unfair action, I wrote a letter pleading the cause of these two men to "The Open Forum" in the Capitol Journal. As a result of that letter the Capitol Journal received another written by Mrs. R. A. Tillman. It stated that the United States was entirely justified in deporting these men under the Walter-McCarren Act.

A few days later I received through the mail a document from an anonymous person about communism and its threat to our country. In a personal note which accompanied the literature this person cautioned me to learn the facts before I spoke and never to be sympathetic toward Communists.

My U.S. history instructor, Mary Eyre, wrote to the Oregon Civil Liberties Union and requested more information concerning the case of these men and the Walter-McCarren Act. She received an interesting and informative answer from the chairman of the group. He revealed in his letter that the union was continuing its work to bring these men back to their homes and to repeal the Walter-McCarren Act.

I know that you have been personally interested in the plight of these two men and have argued endlessly in their behalf. I am appealing to you to help me learn more about this act. Does anyone other than the Civil Liberties Union uphold the rights of men such as these? Why if communism was not illegal in the thirties, are these men being punished now? Isn't that regarded as an ex post facto law?

These and many other questions are still unanswered. I would be very grateful if you could help me learn.

Thank you very much.

Sincerely yours,

MARCIA BURBIDGE,
*Junior, North Salem High School.*

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THE EUGENE HIGHLANDERS BAG PIPE BAND,
*Eugene, Oreg., September 11, 1961.*

Re Hamish MacKay and William Mackie, S. 420 and S. 421.

Senator WAYNE MORSE,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR: Please be advised of the wholehearted support of our members and myself for the above bills.

We also favor the establishment of a reasonable time limitation on this type of governmental prosecution.

We will not belabor the obvious reasons favoring passage of the above legislation but merely close with a sufficient reference to Robert Burns: "A man's a man for a' that."

I, personally, as a member of the Oregon State Bar Association, wish to endorse the above bills and also to congratulate you for your efforts on behalf of Messrs. MacKay and Mackie.

Thanking you for your attention in this matter, we are,

Yours sincerely,

HECTOR E. SMITH,
*Pipe Major.*

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NEW WESTMINSTER, CANADA,
*January 26, 1962.*

Senator WAYNE L. MORSE.

DEAR SIR: My hearty support for your efforts to cancel the deportation of MacKay and Mackie.

As a veteran I feel U.S. prestige is hurt by the petty actions of these immigration officials.

Sincerely yours,

NELS B. J. RYDBERG.

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UNITED FISHERMEN AND ALLIED WORKERS' UNION,
*Vancouver, British Columbia,*
*January 31, 1961.*

Senator WAYNE MORSE,
*U.S. Senate Office Building,*
*Washington, D.C., United States of America*

DEAR SIR: On instruction from the general executive board of the United Fishermen & Allied Workers' Union, I am writing you to express our support for the private bill which you are presenting in order to cancel the deportation orders against Hamish Scott MacKay and William Mackie, and to allow them to reenter the United States in order to rejoin their families.

The members of our trade union include some 7,000 fishermen, shoreworkers and packer crew members. All of us were deeply shocked by the cruel, inhuman acts performed against these two individuals whose only crime apparently was to participate in movements in defense of their right to work in the United States.

We sincerely hope that your attempt will prove successful.

Yours sincerely,

HOMER STEVENS,
*Secretary Treasurer.*

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GRAHAM, OREG., *January 17, 1962.*

Senator WAYNE MORSE,
*Senate Office Building, Washington, D.C.*

DEAR SENATOR MORSE: We wish to express to you our sincere appreciation for introduction of private bill for William Mackie and Hamish MacKay.

Ronnie and Annabell MacKay, Mrs. Grace MacKay, Jim and Sharon MacKay, Rod and Dorothy MacKay, William Mackie, Sr., Lillian and Karen Mackie, Edna and Bill Smith, Mark and Corine Chamberlain.

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ALAMOGORDO, N. MEX.,
*January 17, 1961.*

Senator DENNIS CHAVEZ,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR CHAVEZ: I am writing this letter to ask that you support a bill S. 420, introduced by Senator WAYNE MORSE, which is a bill for the relief of Willia Niukkanen (also known as William Albert Mackie). I have informed myself concerning the facts of the bill and I believe it to be a wise measure.

Respectfully yours,

ALBERT J. RIVERA.

SPRINGFIELD, OREG., *January 13, 1961.*
Senator WAYNE L. MORSE,

DEAR SENATOR: I note an article in the Oregonian of this date concerning your intention to introduce private bills on behalf of the two Portland men deported last year.

I wish here to express my complete agreement with your sentiments and I say more power to you.

I have not always been in accord with you but in this matter you couldn't be more right.

It certainly has come to a sorry pass in this country when two ordinary inoffensive workmen can be treated in such a manner, particularly to be penalized now for an ill-advised action taking place 25 to 30 years ago and particularly when the enabling legislation, the infamous Walter-McCarran Act was not enacted until many years after both of these men had come to realize the real purpose of these organizations they had been persuaded to join and had unceremoniously severed their connections. I contend the application of this act to these men is unconstitutional in that in its application it becomes an ex post facto act and is clearly unconstitutional. However, it seems in the past nearly 30 years that the sacred document, the basis of all law in this country, the Constitution, has become just another scrap of paper. I am not a lawyer, but even to the average layman it appears that the action of the Immigration Department in this matter has been unconstitutional.

I have heard such expression from many common citizens since this outrage was perpetrated.

Had these men been dedicated Communists and actually engaged in subversive activities against the Government and the people, the deportations might have been justified, however, then it would hardly have constituted a friendly act against countries with which the United States have always maintained the best of relations, it would have amounted to the same as throwing garbage across the fence onto your neighbor.

In view of the expressions from officials in both Canada and Finland against these acts, it has mystified me as to just why both of them did not summarily reject these acts of the Government and refuse entry to these men, as Sweden did in the case of the elderly woman from Portland deported a few years ago to Sweden.

Sincerely,

RUSS STEWART.

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NORTH VANCOUVER, BRITISH COLUMBIA,
*January 29, 1961.*
Senator WAYNE L. MORSE,
*U.S. Senate Office Building,*
*Washington, D.C.*

DEAR SIR: I wish to add my name to the supporters of your private bills to cancel these deportations and permit these two longtime residents of Portland to return to their homes and families; namely, William Mackie of Finland and Hamish Scott MacKay of Vancouver.

These deportation orders to my mind are, to say the least, a very undemocratic and I would add a very childish act.

We feel that with your choice of President J. F. Kennedy, many things will change for the better.

Adlai Stevenson will, I feel, be an added and very much needed person to negotiate for peaceful relations.

I listened to your interview here on CBS June 2, 1960, with Doug Collins, and was thoroughly a hundred percent impressed. A most thorough masterpiece of eloquence and spoken like a very wise man, Senator MORSE.

My very best wishes to your new democratic Government.

Very sincerely,

FRANCES M. COLEMAN.

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OREGON STATE SENATE,
*Salem, Oreg., January 12, 1961.*
Hon. WAYNE MORSE,
*U.S. Senate,*
*Washington, D.C.*

MY DEAR SENATOR: Would you kindly forward me a copy of your bill to permit the return of deportee MacKay.

It is my intention to introduce a memorial urging passage of your bill.

Respectfully,

THOMAS R. MAHONEY,
*State Senator.*

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SASKATCHEWAN, CANADA,
*January 15, 1961.*
Senator WAYNE L. MORSE.

DEAR SENATOR: I am very pleased to hear of your humanitarian activity in your promoting private bills to cancel the deportation of Hamish Scott MacKay and William Mackie by the U.S. Immigration Department.

Many of us here were mystified and horrified on reading of this action of the U.S. Immigration Department in deporting these two men—mystified because they were charged with participation in the Oregon Workers Alliance of 30 years ago, which I take it, was an average unemployed relief association, and that their main activity was in aiding those without jobs to obtain relief, and to prevent them being evicted from their homes.

We were horrified by the inhuman sentence of deportation to Finland of William Mackie, and all it implies for him.

Approximately a third of the population of Saskatoon were on relief from about 1930 to 1938 and it was the worst experience of our lives. The great majority of us belonged to unemployed associations for our mutual support, and to help others obtain relief.

As everyone knows, the depression of the 1930's was a national calamity, and it affected the thinking of the majority of people. Therefore, I consider the sentence of deportation on the above-mentioned men is unwarranted and inhuman.

Wishing you success in your efforts in this matter, I am,

Yours sincerely,

VICTOR BEECH.

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AMERICAN COMMITTEE FOR
PROTECTION OF FOREIGN BORN,
*New York, N.Y., January 19, 1961.*
Senator WAYNE MORSE,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR MORSE: Congratulations and long life to the democratic spirit of your review and arguments for the return of deportees, Mr. Hamish Scott MacKay and Mr. William Mackie.

Your two bills, S. 420 and S. 421—blow fresh winds into the dark, dank corridors of the Immigration and Naturalization Service.

Our organization is undertaking a nationwide campaign to win support for your two bills. We have long been on record against the police-state tactics of our Immigration and Naturalization Service and their corrosive effects on our national prestige and traditional concepts of democracy through due process.

We wholeheartedly endorse your initiative in calling for a reexamination of the Walter-McCarran law.

The American Committee for Protection of Foreign Born believes that any single victory against the countless instances of deliberately wicked and cruel treatment—the traditional hallmark of our Immigration Service—of our foreign born neighbors is an accumulative victory toward which a statute of limitations on the deportation provisions of the Walter-McCarran law will ultimately be won.

Sincerely yours,

MARVIN STERN,
*Educational and Legislative Director.*

P.S.—Would you kindly forward us six copies each of bills S. 420 and S. 421.

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CLATSOP COUNTY OREGON CENTRAL
LABOR COUNCIL,
*Astoria, Oreg., January 31, 1961.*
Hon. WAYNE MORSE,
*U.S. Senator,*
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR MORSE: The Clatsop County Oregon Central Labor Council, AFL–CIO has noted and wishes to commend you on your efforts on behalf of Mr. William Mackie and Mr. Hamish McKay, who were deported recently.

We feel that while the law so provided for the deportation of these men, circumstances of their cases should have dictated a more humane approach to the problem.

We further feel that the McCarran-Walter Act should be amended so that a less rigid approach could be made in dealing with these cases.

Kindest regards.

Respectfully yours,

WALTER LOFGREN,
*Secretary.*

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MEDIMONT, IDAHO,
*February 20, 1961.*
Senator WAYNE MORSE,

DEAR SIR: I personally know Hamish MacKay and William Mackie, and feel they have been unjustly treated.

I urge that a bill be introduced in Congress calling for a 5-year statute of limitations against deportations.

We appreciate very much the good work you have been doing for these deportees.

Sincerely,

ADA DEDRICKSON.

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PORTLAND, OREG.,
*February 20, 1961.*
Hon. WAYNE MORSE,
*U.S. Senator,*
*Washington, D.C.*

DEAR SENATOR MORSE: The board of the Oregon conference of the Methodist Church meeting in the Rose City Park Church, Portland, desire to express to you our gratitude for your efforts on behalf of Messrs. Hamish Scott MacKay and William Mackie in introducing private bills in the Senate for the return of these men to their homes and families.

We are in agreement with the opinion expressed by so many of the editors of Oregon papers, which like the one by former Gov. Charles Sprague has referred to the deportations as cruel and unjust.

It affects most adversely our relations with the rest of the world as you have so well stated, and as the Eugene Register-Guard has said, "It is a shameful thing this cruel deportation of William Mackie * * * if Uncle Sam gets a black eye over this it will be the best deserved black eye he ever got."

In order that such tragedies as this may be averted in the future we respectfully request that you introduce a bill calling for a revision of the McCarran-Walter law which would provide that any person having legally entered and residing here for a period of 10 years or more could not be deported. A resolution to this effect, as you may recall, was passed by the Oregon Annual Conference last June at the Rose City Park Church, Portland, by some 250 to 300 delegates, lay and ministerial, representing approximately 55 Methodists of the State of Oregon.

Again in sincere appreciation of your excellent efforts in this matter, we are

Respectfully yours,

HOWARD D. WILLITS.
REV. RAYMOND OTTO.
GERALD W. GEAR.
ERIC L. ROBINSON.
ROBERT G. KINGSBURY.

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LOS ANGELES COMMITTEE FOR PROTECTION OF FOREIGN BORN,
*Los Angeles, Calif., February 3, 1961.*

Senator WAYNE MORSE,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR MORSE: We extend our congratulations to you for introduction of two bills, S. 420 and S. 421 into the Senate, calling for the immediate return by the Immigration and Naturalization Service of deportees Mr. Hamish Scott Mackay and Mr. William Mackie.

The Reverend Stephen H. Fritchman, of the First Unitarian Church of Los Angeles, who is an officer in our organization, forwarded to our office your letter to him, of January 9, 1961, which reflected your sensitivity to the damage caused to the image of American democracy, and families of the foreign born, by the absence of a statute of limitation in our immigration codes.

Senator MORSE, in light of the urgency for such needed legislation, would you please introduce to the Senate a bill amending the Walter-McCarran law to include a 5-year "statute of limitation" in deportation and denaturalization. Senator PAUL DOUGLAS, in a letter to Rev. Stephen Fritchman, stated that there are humanitarian grounds for a "statute of limitation" on immigration prosecution, and if any proposals for this purpose are brought in the Senate, he will give them careful study.

May we again thank you for your interest in this very grave situation, as it affects the foreign born.

Respectfully yours,

CLEVELAND HARRIS,
*Legislative Director.*

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INTERNATIONAL LONGSHOREMEN'S AND WAREHOUSEMEN'S UNION,
LOCAL NO. 12,
*February 18, 1961.*

DEAR SIR: A resolution of the ILWU Columbia River district council was concurred in by our executive board on January 26 and our membership at our regular monthly meeting, February 2, 1961. This resolution requested a change in the Walter-McCarran law by enacting a 10-year statute of limitations to the present law to prevent unjust deportations and denaturalizations of the foreign born.

As Secretary of local 12, I was instructed to write this letter and make our wishes known.

Sincerely,

WILLIS SUTTON,
*Secretary-Treasurer.*

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EUGENE, OREG., *April 29, 1961.*

Hon. WAYNE L. MORSE,
*Washington, D.C.*

DEAR SENATOR: I wish to commend you on the stand you have taken on the deportation of those two men last winter also on the moving of the regional post office to Seattle.

There should be some way to stop so much arbitrary action in the executive branch of our Government. We ought to be truthful about what is going on.

I do not believe we Americans are as dumb as some of our leaders believe.

We are so entangled with the world situation now, that there seems no way out for us.

I think we are doing wrong to send money—tax money—to foreign countries. We had no business to send all that money to Tito.

I hope you will not vote against the Conley bill.

Sincerely,

Mrs. EFFIE W. AUSTEN.

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PORTLAND, OREG.,
*January 22, 1961.*

Hon. WAYNE L. MORSE,
*Senator From Oregon,*
*Washington, D.C.*

DEAR SIR: First of all I wish to thank you very much for what you have done and are still doing for the deportees, William Mackie and Hamish Scott MacKay, and I hope that your efforts will soon bring results and bring them home.

Now there is another matter, which has some of us greatly concerned, namely the mistreatment of former Premier Patrice Lumumba of the Congo and his aids.

To commit the U.N. soldiers to inaction, while they watch the merciless periodic beatings of these chained prisoners both in prison and between prisons, is clearly an insane perversion of justice.

Nor can we accept the pseudologic in the cliche that is used to justify this inaction, that they would be interfering in the internal affairs of the nation if they prevented this sadism.

According to this reasoning, it is clear that the U.N. soldiers can do nothing—so—for what purpose are they there? If they have to stand by helplessly and condone this savagery, they might as well be withdrawn, as their presence can only be a mockery of modern civilization.

I urge that you recommend to the United Nations that the U.N. soldiers be given immediate authority to prevent such senseless cruelties, everywhere and at all times.

Respectfully,

ESTELLE MANION.

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DISTRICT COURT OF
KLAMATH COUNTY, OREG.,
*Klamath Falls, Oreg., August 17, 1961.*

Re Senate bills 420 and 421, return of Hamish Scott MacKay and William Albert Mackie.

Hon. Senator WAYNE MORSE,
*Senate Building,*
*Washington, D.C.*

DEAR SENATOR MORSE: It has recently come to my attention that you have introduced the above indicated bills to return these men to the United States of America. I feel that these acts of deportation were a miscarriage of justice and that their deportation was another in a long series of acts damaging to our foreign relations. You have my wholehearted support in these bills.

If I can be of any assistance to you in the Klamath Falls area I will be happy to do so.

Very truly yours,

HAL F. COE.

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ASTORIA, OREG., *January 16, 1961.*

Hon. WAYNE MORSE,
*U.S. Senate, Senate Office Building, Washington, D.C.*

DEAR SENATOR MORSE: At the last meeting of our ladies auxiliary, I was instructed to write you, urging passage of a limitation in deportation cases which would prevent any recurrences of the double tragedy which occurred at the airport in Portland just before Thanksgiving, when two Oregon men of long residence were exiled.

We are concerned about the impact of such deportations not only on the families left behind, but the feelings of family security of all other families having a member who is foreign born.

We urge you to work for a 10-year statute of limitations amendment to the immigration law. We hope your bill to bring Mr. MacKay and Mr. Mackie back to their families is passed, and we thank you for your concern for human values, which are the foundation of a free nation.

Sincerely,

ROSANNA PAULSEN.

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WILLAMETTE METHODIST CHURCH,
*West Linn, Oreg., January 30, 1961.*

Hon. WAYNE MORSE,
*U.S. Senate,*
*Washington, D.C.*

MY DEAR SENATOR MORSE: I want to express to you my appreciation for your efforts for the return to this country of Hamish Scott MacKay and William Mackie.

If there had been a statute of limitations in the Walter-McCarran Act neither of these men would have been deported. I hope you will introduce legislation to have a statute of limitations to this act.

Cordially yours,

ORMAL B. TRICK,
*Pastor.*

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FIRST CHRISTIAN CHURCH,
*Pendleton, Oreg., September 2, 1961.*

Hon. WAYNE MORSE,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR MORSE: May I assure you of my approval of S. 420 and S. 421 and of my desire to see them passed within this session or introduced at every subsequent session until passage so that the moral injustices of the treatment of Hamish MacKay and William Mackie may be corrected.

Sincerely,

Rev. DON ROGERS.

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FIRST CONGREGATIONAL CHURCH,
*Hillsboro, Oreg., August 31, 1961.*

Senator WAYNE L. MORSE,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR MORSE: I would like to thank you for introducing Senate bills 420 and 421 to permit the return of Mr. MacKay and Mr. Mackie to their homes and families in Portland. These men have been done a grave injustice by our Government and by the outmoded laws which deported them. I hope very much that these bills will receive favorable treatment and that you will perhaps find an interest in revising some of these laws which have made this injustice possible.

Please communicate my thoughts to anyone else that you wish and I hope very much that this support will help in the passage of these bills.

Sincerely,

WILLIAM O. SMITH,
*Minister.*

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CHRISTENSEN LUMBER CO.,
*Eugene, Oreg., September 6, 1961.*

Hon. WAYNE L. MORSE,
*Senator from Oregon,*
*U.S. Senate,*
*Washington, D.C.*

DEAR SIR: This is to signify my support of your Senate bills Nos. 420 and 421, providing for the return to the United States of Mr. Hamish MacKay and Mr. William Mackie, so that they can come back to their homes and families in Portland, Oreg.

Thank you.

Yours very truly,

C. DAN CHRISTENSEN.

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VALE, OREG.

DEAR SENATOR MORSE: I wish to express my support of the bills 420 and 421 which you introduced in the Senate. I have read carefully the folder prepared by the MacKay-Mackie defense committee and am very much concerned that something be done to stop deportations such as these.

I wish also to voice my support on Senate bill 2180 for the establishment of a "U.S.

Disarmament Agency for World Peace and Security." This is a step in the right direction and demands the support of the American people.

May I also call to your attention alarming reports I have received of conditions in Angola, Africa, as reported by Ira E. Gillet, returned missionary from Africa now living at 216 North 14th Street, Corvallis, Oreg. Political prisons are full. At the "Paiol prison just outside Luanda, the report is that prisoners use neither plates nor cups, but eat and drink from troughs, as animals. At night, they sleep on the cold concrete floor without any bedding." Reports come of restrictions in Mozambique. Is it right for the United Nations and the United States to stand by and see these things happen simply because Portugal is a member of NATO? It is time we try to bring to a halt the imminent extermination of millions of Africans whose only crime is their attempt to force their oppressors to treat them like human beings. I suggest that if you want more information on this matter that you write to Rev. Ira Gillet at the above address.

Sincerely,

ROBERT MCNEIL,
*Pastor, Vale Methodist Church.*

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PARKROSE HEIGHTS METHODIST CHURCH,
*Portland, Oreg., September 22, 1961.*

Hon. WAYNE L. MORSE,
*U. S. Senate, Washington D.C.*

DEAR SENATOR MORSE: The Portland Methodist Ministers Association, meeting on September 6, 1961, voted unanimously to declare their support for Senate bills 420 and 421, which would permit the return of Hamish Scott MacKay and William Mackie to their homes and families in Portland.

We are writing you to inform you of our action, and to express the hope that you will exert all efforts to secure passage of this legislation as it moves through the Congress.

At the same meeting, the Methodist ministers expressed their concern regarding the Berlin situation and the resumption of nuclear testing. It is our hope that, as a Member of the legislative branch of our Government, you will do all that you can to move our Nation in the direction of disarmament and the elimination of all nuclear testing.

Most sincerely,

DAVID POINDEXTER,
*Chairman, Committee on Civic Affairs.*

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JANUARY 25, 1962.

Hon. WAYNE MORSE,
*Senate Office Building,*
*Washington, D.C.*

MY DEAR SENATOR: I respectfully urge you to give all possible effort to legislation necessary to return Hamish MacKay to his family and community. I am acquainted with the MacKay family, and I am sickened by this rank injustice to them.

Sincerely,

W. P. VINSON.

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MONTAVILLA METHODIST CHURCH,
*Portland, Oreg., January 30, 1962.*

Senator WAYNE MORSE,
*Senate Office Building,*
*Washington, D.C.*

DEAR SIR: Let me join with those who are supporting you in Senate bills 420 and 421 to provide for the return of Mr. William Mackie from his home in Finland and Mr. Hammish MacKay from Canada. As you know, these men have committed no crime against our country. In fact, they have lived, from all reports, very exemplary lives for years in this State and certainly deserve being returned to their families. Their alleged membership in the Communist Party, if true, occurred years ago in the days of the depression when many were tempted to feel that drastic changes were needed in our social order. These men need to be returned to their homes also to clear the good name of America as a free nation.

It must take some courage on your part to espouse the rights of individuals such as these and I wish to join with others in congratulating you on that kind of political courage.

Yours cordially,

WALTER R. WARNER,
*Minister.*

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FEBRUARY 17, 1962.

DEAR SENATOR MORSE: May I commend you for your part in bills 420 and 421, pertaining to the rescinding of the deportation of Mr. Hamish MacKay and Mr. William Mackie.

It seems such a cruel thing to do to a human being, to deport him to a land he doesn't know, I'm sure we can afford to be a little magnanimous to these poor men.

Sincerely,

NORMA EUBANKS.

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PORTLAND, OREG., *March 7, 1962.*

Senator WAYNE MORSE,
*Washington, D.C.*

DEAR SENATOR: I believe you worked hard on the Mackie bill you introduced, and hope you are continuing.

This clipping I feel is of vital interest to you to know of not only the publicity but feeling of support toward you and efforts.

Senator NEUBERGER and Representative GREEN should know of this clipping as their names are in it too and perhaps you will see fit to see they are made acquainted with the feeling in this article.

I have great admiration for your sense of justice; and of the many, many people I meet personally, they all feel the Mackie case is, as you express it, inhumanity to man; and laws and courts not tempered with justice are bad laws for our country.

Respectfully,

CARL E. OPPERMAN.

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PORTLAND POSTSCRIPTS

(By Harry Dutton)

A note from the Reverend Mark A. Chamberlain of Gresham reminds that last Sunday was the 25th observance of the Lincoln Brigade, some members of which are among the more than 6,000 political prisoners still in Franco's Spain.

A wild mixture of humanity was included in that band of Americans who felt, along with Hemingway and others, that there was a cause of liberty to fight for in those unhappy times around the vintage year of 1937. They were defying fascism fruitlessly, it proved, in the bloody blocks around Madrid. Probably there were many Communists mixed up in the emotionalism of that era and in those grim, determined ranks—men who believed communism was preferable to the Fascist state. Most of us are convinced Khrushchev's doctrines are as deadly to freedom as Franco's—then, and now. Many of the Lincoln Brigade were just inspired idealists, dedicated to freedom with a devotion they were willing to gamble their lives. Of some 3,200 American volunteers, only about 1,000 are left. Some 1,500 died in Spain, fighting troops of Franco, Hitler, and Mussolini. Franco still flourishes, although 25 years since, Hitler and Il Duce have faded from the scene. The Lincoln fighters lost their cause, but the survivors haven't forgotten the men who died beside them in Spain.

As all veterans who cherish memories of tragedy on the battlefield, their memorial to their fallen comrades deserves more than passing notice.

Giving a thought to lost causes, I'm reminded of two luckless Portlanders, William Mackie, a house painter, and Hamish MacKay, a carpenter. By an accident of fate, Mackie was born in Finland when his parents were visiting that far country. MacKay was born in Canada. Yet both had lived most of their lives in Portland. Their families and friends are still here. Some 2 years ago this pair was deported, through the tricky legalities of the Walter-McCarran Act. I recall the news media did quite a bit to bring that injustice to public notice at that time. Four of our nine Supreme Court Justices voted to prevent the deportation. Representative EDITH GREEN and Senator WAYNE MORSE made pitches in Congress. But it all proved futile. These two Portlanders, with little political, social, or economic prestige, didn't find much effective support. They were a couple of "little guys" in the parlance of the day. Who, particularly in places of high power and effective pressure, was interested in going out on a limb for them? Time perhaps is dimming the injustice as far as the general public conscience is concerned. But these two men are still victims of injustice. They are citizens of Portland and the United States in every moral and realistic sense (except for a legal technicality that was never invented to entangle harmless men such as they—or to cause the personal tragedies that have crushed them).

I am curious to know whether Representative GREEN, Senator MORSE, and Senator NEUBERGER have tucked away the cases of MacKay and Mackie in the lost battles file. Do these injustices remain alive and in the memory of anyone else besides the families and friends of the luckless pair?

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WARWICK, N.Y., *April 2, 1962.*

Senator WAYNE MORSE,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR: In reading the CONGRESSIONAL RECORD, of March 13, today, I came across the recording of your statement regarding the relief of Willia Niukkanen (William Mackie) and Hamish Scott MacKay.

Unfortunately, the page following is missing in my copy (given to a friend), so I do not know if you spoke regarding Hamish MacKay. But your story of Mr. Niukkanen's deportation made such an impression on me that I feel impelled to write you, despite the fact that I am not a constituent of yours.

I would like to register my support of your bill, S. 420, and my hope that the Senate will recognize, as you say, the need for social conscience, justice, and elementary fairplay.

I realize that I am rather late, to say the least, in writing this letter, but I hope that if action has already been taken on this bill that I am not "too late" and that Mr. Mackie's return to his country, the United States, is a fait accompli.

Sincerely,

LUCY LE BLANC.

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MACMILLAN & BENWELL,
*Wadena, Saskatchewan, February 3, 1961.*

Senator WAYNE MORSE,
*U.S. Senate, Washington, D.C.*

DEAR SIR: Thank you very much for your kind letter of January 24. I am very happy to note that you have introduced legislation on behalf of William Mackie and Hamish MacKay and that you plan to introduce further legislation to safeguard the rights of other Americans.

I am sure that you will continue to champion the rights of individuals and also pray that you and others in positions of power will do everything possible to maintain world peace. I am very sure that this is a foremost desire in the hearts of all humane persons.

Yours sincerely,

GEORGINA BENWELL.

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KEARSARGE, MICH.,
*March 8, 1961.*

Senator MORSE,
*Washington, D.C.*

DEAR SENATOR: I understand you are interested in the William Mackie (Ninkkanen)

case. I appreciate it very much as I have had similar experience.

Perhaps you know the Finns and even we, citizens, born here, but of Finnish extraction, are the "niggers" of the north.

In 1939 during depression here, I (born here in 1895) contacted officials for food for the people. That made me a Communist. In 1941 I applied for postmaster in this town. I was told I could not have it on account of "my objectionable activities." I knew of none and inquired, and begged to be told—but always had the same answer, "I wouldn't get it." Finally the new postmaster left, so I got in but was hounded, threatened, frightened, abused, inspectors continually snooping around town to the extent that I was at the point of a breakdown.

I consulted doctors for what I am sure all resulted from this. It went on for over 8 years, but I stayed on. My post office (rented) was in a building not fit, as it was cold and the owner didn't want to repair. I wanted to build a new building as no other was available, but under these circumstances, not knowing when I would be thrown out, I couldn't.

Finally in 1949, I got a hearing. I was told I took orders from Russia and have read the Lyomies paper. The first was for asking for relief, the paper came to my men folks during the "strike" in 1914 and I was in Detroit at the time, and here in 1949 when no one in town was getting the paper, I was being accused. I've never been a member of the Communist Party, don't drink nor smoke, but am interested in the welfare of the unfortunates.

If the Un-American Committee will not be abolished it sure should be amended. It is very wrong, and I sure have suffered through it. Anyone can send in false reports just through jealousy or politics and they are accepted and the accused is not allowed to know. I feel they should be made to face the accused, or let the accused know, so they can explain what it results from—for example:

A man in our town who wanted my job started a gossip through town that we were snooping through his brother's letters containing $2,000 (that was to turn the people against us). On investigation the brother said "Hell, we never even got our checks yet, we'll fix him." I do not know Mackie, but on hearing of his case, I'm wondering if he innocently is going through what I did. If he came to this country at 8 months, and served in the Army, he should be entitled to justice. My brother came here at 2 years. Father got citizenship papers immediately. Brother voted for 30 years with no complaints. During depression when birth certificates were requested for work, it spelled the last name with a D (fault of the registrar), and brother wrote it with T (which is correct with either in the Finnish language). For this he was not given work, and had to apply for citizenship papers (mind you, after voting 30 years, and never had been in any trouble). In my 18 years in the Post Office, I have only found one (1) name in the F.B.I. files which was a Finn so I don't think they are the worst, and I object to all the discrimination, and anyone making people suffer as I did, should be punished, or I compensated.

If you wish to see my book on my case, with pictures, I'd be glad to send it to you.

Thanks again for your interest in the Mackie case. Hope it will be dealt with justice.

Sincerely,

Miss LEMBI TIMONVEN.
*Postmaster, Kearsarge, Mich.*

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WHITE ROCK, BRITISH COLUMBIA,
*January 26, 1961.*

Hon. Senator WAYNE L. MORSE,
*Washington, D.C.*

SIR: Respectfully request you assist the return of Mr. MacKay and Mr. Mackie to the United States and Portland having in mind the enclosed letter from the Vancouver Sun January 25, 1961.

There are probably a million people from Canada in the United States and am sure they would share the same views and again there are almost as many U.S. people in Canada counting their descendants. In 1911 to 1913 there were 300,000 from the United States to the prairies as homesteaders of which you see hundreds in British Columbia on retirement. I was with the Southern Pacific Railway as operator at Woodburn, Oreg., in 1912 when I met my wife. We were married in 1913 and came up here to follow railroading, which we did and stayed. We were born in the United States as well as our parents and now retired. My father and four of his brothers were in the Union Army from Illinois (Civil War) and afterward settled in Cowley County, Kans., where I was born in 1884. We starved out there. Thanks for your attention.

Respectfully,

IRA E. BARR.

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PORTLAND, OREG.,
*April 15, 1962.*

Senator MORSE,
*Senate Office Building,*
*Washington, D.C.*

DEAR MR. MORSE: I am writing to ask you to please introduce a measure for the statute of limitations for the protection of the foreign born, which is needed so very much.

Thank you.

ALICE HEDGKETH.

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PORTLAND, OREG.,
*April 15, 1962.*

DEAR SENATOR MORSE: I would like to voice my support for the bill for the statute of limitations on deportations. Having read a lot about numerous unjust deportations, and having known a number of deportees personally, I know how important this measure would be for many foreign born.

Sincerely,

SUSAN HAMERQUIST.

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SAN ANTONIO, TEX.,
*June 3, 1962.*

Senator WAYNE MORSE,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR MORSE: After I signed a petition concerning the William Mackie and Hamish MacKay cases, you wrote me last March a statement of your position in this matter.

I have showed your letter to a number of friends, for I think the deep belief in democracy and fair play that it expresses is something to share.

I wish there were many more Senators with your convictions and the courage to act on them.

I would not trade my native Texas for any other State in the Union. But I do regret not being able to vote for you.

Many thanks for the copies of your newsletter, which I have enjoyed very much.

Sincerely yours,

JOHN W. STANFORD.

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INTERNATIONAL LONGSHOREMEN'S
& WAREHOUSEMEN'S UNION,
*Portland, Oreg., December 23, 1960.*

Hon. WAYNE MORSE,
*U.S. Senator from Oregon, Senate Office Building, Washington, D.C.*

DEAR SENATOR MORSE: At a recent meeting of this council, we again discussed the unfortunate deportations of Mr. William Mackie to Finland and Mr. Hamish Scott MacKay to Canada. We believe that you will agree with us that this is one of the most unfortunate incidents that has happened to the people of the United States for some time. We believe that this has gone a long way to lower the prestige of this Nation throughout the world.

We ask that you reintroduce your bills to bring these men back to the United States and to their families and friends. We believe that this would be the humane thing to do; it is never too late to correct the mistakes of the past. In view of this, then it would also be fitting to repeal the Walter McCarran Act.

I am writing to some of your colleagues to see if they will give you some help. Hoping that you will see fit to continue your splendid efforts, even in 1962, Hatfield or no Hatfield, I am

Sincerely yours,

ERNEST E. BAKER,
*Secretary.*

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CAMAS VALLEY, OREG.,
*April 20, 1961.*

Hon. WAYNE MORSE.

DEAR SENATOR: Thanks for the interesting information in regular letters, they are so enlightening to me.

I do especially feel encouraged by your efforts for our two-fellow Oregonians—Hamish MacKay and William Mackie. Coming here in 1900—a stranger, I have never regretted these 60 years and should by some foul fate my status as a citizen be questioned, I would be terribly disappointed. Fortunately I have my citizenship papers, but with the HUA Commission it would be possible that some stray remarks may be misinterpreted.

Once upon a time I stuck my neck out fighting the KKK and God knows what the said committees might make of that.

Sincerely yours,

H. W. BANKS.

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GREELEY, COLO., *October 24, 1960.*

DEAR SENATOR MORSE: I hope your efforts for Messrs. MacKay and Mackie are successful I have read and reread this article and can't comprehend the reason for the deportation. Could you help me with these questions?

1. Doesn't the Bill of Rights declare a man cannot be tried for an offense if it was committed before there was a law forbidding the deed.

2. Weren't we allies with Russia in 1930?

3. Does the McCarran Act mean any organization today can be declared subversive tomorrow?

4. How is it today we admit political defectors who have been active Communists yet deport two men for a deed committed 30 years ago?

We are a brave and free Nation and I feel sure witch hunts such as this are not needed to preserve our fine traditions and ideals. Again let me wish you success.

Sincerely.

SHARON BRIGGS DODSON.

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BEAUMONT, TEX.,
*November 20, 1960.*

DEAR SIR: In the event this letter should reach you, I would like to be added to the several I know who have already contacted you concerning Mr. Mackie.

I fail to see where this man committed a crime. I feel he should be brought home immediately.

This is comparable to sentencing a man to life in prison for running a stop sign.

Thank you for your interest.

JACK COOK.

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FREEZING WINDS, WARM SYMPATHY GREET WILLIAM MACKIE, 51, DEPORTEE TO FINLAND FROM UNITED STATES

HELSINKI, FINLAND, November 19.—Icy winds and freezing cold but also warm sympathy from countrymen he had never seen, met William Mackie in his arrival here Saturday night as a deportee after 50 years in the United States.

Mackie, 51, a house painter of Portland, Oreg., did not have a single relative or old friend to meet him. He speaks only a few Finnish words. All he had with him was a small overnight bag and $85 cash.

NO PLANS

He did not know where to go or what to do here.

"I have no plans, no idea where to go," he said. "I just want to go back to America, where I belong."

Mackie, who has lived in the United States since he was 8 months old, was born during a visit by his parents to "the old country." He does not even have a home district anymore, as he was born at Viborg, which has since been ceded to the Soviet Union.

THIN TOPCOAT

The deportee, shivering in a thin topcoat given him by his father before his sudden departure, soon got a warm coat and one easily recognized by several of the large crowd of newsmen out to meet him. It came from the widow of Mackie's likewise expelled countryman William Heikkila, who was deported in similar circumstances 2 years ago.

Heikkila, who also arrived on a bitterly cold winter eve, received the coat from the then U.S. Ambassador to Helsinki, John Dewey Hickerson.

WITHOUT PASSPORT

Mackie, deported Friday under the McCarran-Walter Act, did not have a passport on him, just a document from a Finnish consul in the United States saying that Mackie "as far as can be established is a Finnish citizen."

Mackie said he does not know how he was going to make a living in Finland. He is being taken care of by a Finnish newspaperman for the time being. He said he hopes to be able to take a temporary painter's job during his wait to go back.

STILL HOPEFUL

"The American people do not want me expelled and I know many there will do their best to have me back," he said. "I still hope Senator [WAYNE] MORSE, Democrat, of Oregon, can do something, but it will not be until Congress convenes in January. I applied four times for U.S. citizenship and each time I was rejected.

"I never was a member of the Communist Party. I attended only a few meetings for relief work during the depression where Communists may have been present and those organizations may later have been regarded as subversive."

The Mackie case has aroused much interest in Finland. One Finnish newspaper urged Finland's President to turn back Mackie, but according to the Constitution any Finnish citizen is entitled to enter the country.

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THE FIRST METHODIST CHURCH,
*Corvallis, Oreg., April 25, 1958.*

Senator WAYNE MORSE,
*U.S. Senate Building,*
*Washington, D.C.*

DEAR SENATOR MORSE: The deportation this past week of William Heikkila from San Francisco and the threatened deportation of William Mackie from Portland are matters of grave concern. Can you give us information additional to that received in the newspapers which might in any way justify the procedure of the U.S. Immigration Service? This appears to be a blatant use of authoritarian methodology which bears a frightening resemblance to the very thing against which America is dedicated.

Secondly, how do you personally stand on the McCarran-Walter Act? Are you willing to lead in a fight to correct this legislation which has led to grossly unjust occurrences?

Sincerely,

ROBERT N. PETERS,
*Minister to the Campus.*

PORTLAND, OREG.,
*December 28, 1960.*

Senator WAYNE MORSE: I hope you will reenter a bill in Congress as reported, covering the case of William Mackie deportation from Portland, Oreg.

I am in business and meet many people, and those who know the case, I still have to find one who feels it has been just, nor have I heard, or seen a paper that didn't criticize the act.

I personally know and dealt with Mackie for about 12 years. He is a good man. Thanks in his behalf for your past effort and whatever you can do in the future.

Respectfully,

CARL E. OPPERMAN.

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MACKIE CASE DRAWS PROTEST

OSLO.—The liberal afternoon paper Dagbladet said Tuesday the case of William Mackie of Portland, Oreg., deported to Finland on charges of being linked to Communists in the 1930's, is more effective anti-American propaganda than any major speech by Soviet Premier Nikita S. Khrushchev.

"The drama of the deported house painter is, politically speaking, a comedy," the paper said. "And be sure that those who occupy the front seats on the East are enjoying themselves.

"This fits badly with the principles of freedom, justice and humanity about which the Western countries talk so loudly at the Paris NATO parliamentarians meeting these days.

"This case makes us think of the novel 'The Ugly American'—the biting satire of American relationships with foreign countries and foreigners, of official America's lack of the most elementary psychological understanding."

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EUGENE, OREG.,
*January 26, 1961.*

HON. WAYNE MORSE,
*U.S. Senate,*
*Washington, D.C.*

DEAR SIR: I would like to express my appreciation of the action which you plan to take in the Hamish MacKay-William Mackie deportation case. Your willingness as a Senator to step in and right a wrong which has been perpetrated by the administrative branch of Government and ignored or silently condoned by the former President is truly an action of responsibility.

As a registered Republican I have never expected to find myself writing you, nonetheless paying tribute, but this case cuts across party lines right down to the moral fiber of any American citizen.

In November I wrote to President Eisenhower about this matter; I did not expect a personal reply but I did expect some general reply because I am sure there must have been many others—apparently yourself included—whose voice must have went up in an uproar of protest. My only acknowledgment was my certified mail receipt; not even an explanation from an assistant undersecretary.

My main concern I expressed was that a great injustice had been done these men, not so much because they had possibly been affiliated with some obscure Communist front organizations, but because by quirk of fate they happened to be aliens. A citizen could and can be an active member in a Communist organization and need never fear of being sent from the native land he has betrayed. But these aliens are dangerous.

I told Mr. Eisenhower that I felt the effect this action had on the morale of the American people (not to mention the impact abroad) was doing more harm than the Communists could hope to inflict through their own propaganda techniques. I feel that a great strengthening of our people into a country with a national purpose to wage a war of freedom in the world as truly a "nation under God" must do—is what we really need—not a fearful witch hunting, nit picking watch against the type of enemies which should cause us no fear.

I'm assuming now that MacKay and Mackie may have been guilty of something—if so they have received a cruel and unusual punishment as it does not fit the meager nature of their crime. There also appears to be a very good chance that they are innocent; for surely the trial which they received does not sound like the example of the American justice system we are proud of.

I have spoken to many people about this and have heard opinions from many including the local press and some people from the university. The feeling I've expressed seems to be unanimous—there is only one other thing—a bitter disappointment that the Nation did not shake with protest last November (not political protests). Perhaps too many people bow to the laws of the land as irrevocable and useless to protest against. I know this is not the case with you and I hope you will prove these people wrong.

It is my hope that you will be successful and that you will be able to transcend the political rivalries and feelings which sometimes run against you. Perhaps through such mutually accepted people as Mrs. NEUBERGER and you can gain some ground. At any rate an old pro needs no advice. I just want to let you know that in this cause you've accepted you have many friends and we count very heavily on you.

Respectfully yours,

ROBERT E. METZGER.

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SASKATOON, SASKATCHEWAN, CANADA.

Senator WAYNE L. MORSE,
*U.S. Senate Office Building*
*Washington, D.C.:*

In a recent edition of our local paper, the Saskatoon Star Phoenix, there was an appeal by Carl Ericson of the MacKay defense committee urging support for your private bills to cancel the deportations of Hamish Scott MacKay and William Mackie.

Please be advised that my wife and I give you our full support in this matter and will give any assistance that we can.

Wishing you success, we remain

Yours very truly,

Mr. and Mrs. MARVIN A. REICHHELD.

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THE HAYES MEMORIAL
METHODIST CHURCH,
*Fremont, Ohio, July 27, 1961.*

Senator WAYNE MORSE,
*U.S. Senate, Washington, D.C.*

DEAR SENATOR MORSE. I have been reading of your struggle to give aid to Hamis MacKay and William Mackie, who have been deported under the most unacceptable methods.

May I urge you to push forward to a happy conclusion of this, and pledge you my personal support in it. I hope, too, that you will work with others, or give leadership to them, in the creation of a more equitable law, including as a minimum a statute of limitations.

I am, frankly, frightened at the prospect of what is slowly happening to our country through the Walter-McCarran law, but also through the actions of some of our "legislative committees"—particularly the House Un-American Activities Committee. I spoke in my community for a sane evaluation of the film, "Operation Abolition," and found that some of my former friends and even church members would no longer speak to me—not until many other papers and news weeklies began to speak up on the same issue. This is frightening. And fear is destruction to freedom as is no other single

emotion (I feel hate is based on fear, hence fear is the destructive force behind hate.)

I didn't intend to write so much. But do know that there are many of us concerned with our Nation, our freedom, our democracy.

Sincerely yours,

DAVID H. WEAVER.

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ARLINGTON, VA.,
*January 16, 1961.*

Hon. WAYNE MORSE,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR MORSE: I wish to express my firm support of your efforts to have William Mackie returned to the United States.

One can only feel shame, and a fear for the future of our country, when its efforts against communism are directed toward such a person. Surely we indicate a lack of faith in the strength of our democracy through such action as his deportation.

May your efforts in his behalf be successful.

Sincerely yours,

MARY H. COMSTOCK
Mrs. Austin B. Comstock.

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NEWBERG, OREG.,
*March 8, 1961.*

Senator WAYNE MORSE,
*Senate Office Building,*
*Washington, D.C.*

DEAR SIR: I thank you very much for your letter and newsletter which I like very much. Now in regard to those two that were deported this winter. If there is anything I can do to help these two men I will be glad to do what I can. It was more than 20 years to get my papers even if I lived here all except the first 16 months of my life.

The Seattle Immigration and Naturalization and district court sure gave me a bad time; also the Portland office didn't do too well.

Yours truly,

E. R. PEARSON.

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PENDLETON, OREG.,
*January 19, 1961.*

Senator WAYNE MORSE,
*Washington, D.C.*

DEAR SIR: I am writing to you primarily about the deportation cases of Hamish Scott MacKay and William A. Mackie. I was very pleased to read recently that you are going to introduce a bill in this session of Congress which would allow the two men to return to their homeland.

The Government's action in the cases was unbelievably stupid. The Finnish press was justified in branding the action barbaric. The circumstances surrounding the deportation of the unfortunate men must have created doubts in the minds of many concerning the processes of justice in America. And it must have seemed extremely infantile in a country such as France, for instance, where one can easily engage in a conversation with a Communist. This was a case of bungling bureaucracy at its very worse. If we as a Nation are to be worthy of leading the free world, we simply must act more mature in such matters.

Of course, a bill enabling the two men to return to America is of primary importance. And they should be returned in fairness to them and their families, rather than beacuse of any effect on America's prestige. Of almost equal importance, however, is a revision of the Walter-McCarran Act to prevent a reoccurrence of a similar situation.

On a different subject, I was amused at the recent complaint of the editor of the Oregonian to the effect that so many working journalists supported John F. Kennedy in the last election. It was indeed fortunate that one could read columns by Walter Lippmann and Joseph Alsop, to cite only two, to counter the extreme anti-Kennedy position of the editors of the two largest papers in Oregon. Perhaps it was because I felt that this election was so important, and that a Nixon victory would have been a real catastrophe, that I noticed for the first time the extreme bias shown by the Oregonian toward any Democratic candidate that they felt could be defeated. It is unfortunate that Oregon and other western States do not possess a two-party press.

I know that there are many vital and pressing problems which must make the plight of two relatively unknown men seem unimportant to many. Our relations with the uncommitted nations and the many implications of a real disarmament agreement come immediately to mind. Indeed, I think that one of our gravest dangers is the fact that the vital issues are so complicated that the average citizen will withdraw from any involvement in them as a result of a feeling of helplessness. The injustice inflicted upon MacKay and Mackie can be rectified by relatively simple action, which perhaps is one reason that I became interested in the cases. I might mention that I know neither of the men nor any members of their families.

Needless to add, I certainly hope that you are successful in your efforts to enable the two men to return to their homeland. And I wish you continued success in the future in your progressive actions in behalf of the State of Oregon and all of America. Best wishes.

Sincerely,

DICK KORVOLA.

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BORING, OREG.,
*January 16, 1961.*

Hon. WAYNE MORSE,
*U.S. Senate,*
*Washington, D.C.*

DEAR SIR AND FRIEND: I see by the press that you are preparing a bill for the Senate that will prevent sending men out of our country, that had once in their youth been convicted of Communist activities. Well, more power to you. I can always count on your being counted on the side of the oppressed. I sincerely hope you get the legislation you want. You have always stood for what you believed to be right even when it runs counter to your colleagues. I sincerely hope you reintroduce the so-called Neuberger bill that passed the Senate unanimously in 1955 but was pocket vetoed by the House Rules Committee and there let die. It will be necessary to reintroduce the Neuberger bill which had as its main idea a pension or compensation where 100 percent permanent, making all who could qualify due for a pension of $250 a month. (I get $248 compensation now.) But this law would if enacted as directed by the junior Senator from Oregon, give the wife $100 a month extra when she reached 62 years old. My wife will have to wait 3 more years but there are 40,000 more people who have reached 65 years or older, and in 10 more years they'll all be gone. Then there are thousands who for one reason or another cannot qualify for social security or compensation, so a bill should be introduced to pay these old people (our senior citizens who built what we now call our country). A pension of $100 a month should be allowed each one qualifying; it could be met by the Government furnishing 80 percent of the money and the State 20 percent. You can enlist the help of our other Oregon statesmen, Mrs. EDITH GREEN, House of Representatives; MAURINE B. NEUBERGER, Senator; and Hon. WALTER NORBLAD, Representative from Oregon, 1st District.

Thank you.

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JAMES L. CARDEN.
PORTLAND, OREG.,
*January 24, 1961.*

DEAR SENATOR WAYNE MORSE: I am a member of the Multnomah Friends Quaker Meeting in Portland. I know of no one in the meeting who is not happy that you are introducing bills to provide for the return to the United States of William A. Mackie and Hamish Scott MacKay.

We betray our faith in democracy by our cruel and unreasonable fears of these men even if they were Communists. They claim not to be.

You are right. I wish you success.

Sincerely yours,

GEORGE J. CLAUSS.

P.S.—I'm urging Senator MAURINE NEUBERGER to support you.

*Table of petitions on S. 420 and S. 421 in chronological order*

| No. | Date | Number of names | Sponsor |
|---|---|---|---|
| 1 | Jan. 11, 1961 | 110 | United Brotherhood of Carpenters & Joiners, Local Union 452, Vancouver, British Columbia. Oil, Chemical & Atomic Workers International Union, Local 16-601. |
| 1A | Jan. 16, 1961 | 17 | MacKay Defense Committee. |
| 1B | Jan. 17, 1961 | 22 | |
| 2 | do | 99 | Committee of Friends and Relatives. |
| 4 | Jan. 24, 1961 | 20 | International Brotherhood of Electrical Workers, Local Union 213, Vancouver, British Columbia. |
| 3 | Jan. 28, 1961 | 10 | MacKay Defense Committee. |
| 5 | Feb. 5, 1961 | 59 | Committee of Friends and Relatives. |
| 6 | Feb. 6, 1961 | 19 | MacKay Defense Committee |
| 7 | do | 86 | Do. |
| 8 | Feb. 7, 1961 | 18 | Members of United Fishermen & Allied Workers Union. |
| 9 | do | 27 | Friends and Relatives Committee. |
| 10 | Feb. 10, 1961 | 15 | Lodge No. 55, Finnish Organization of Canada. |
| 11 | Feb. 11, 1961 | 51 | MacKay Defense Committee. |
| 12 | Feb. 14, 1961 | 20 | MacKay and Mackie Defense Committee. |
| 13 | do | 185 | Do. |
| 14 | Feb. 15, 1961 | 182 | Do. |
| 15 | Feb. 16, 1961 | 65 | Committee of friends and relatives. |
| 16 | Feb. 17, 1961 | 60 | MacKay and Mackie Defense Commmittee. |
| 17 | Feb. 21, 1961 | 12 | MacKay Defense Committee. |
| 18 | Feb. 23, 1961 | 8 | Defense Committee, San Francisco, Calif. |
| 19 | Feb. 27, 1961 | 15 | MacKay and Mackie Defense Committee. |
| 20 | do | 47 | Do. |
| 21 | do | 37 | International Union of Brewery, Flour, etc., Distillery Workers of America, Local 300. |
| 22 | Feb. 28, 1961 | 37 | Toronto and District Council, United Brotherhood of Carpenters & Joiners, Ontario, Canada. |
| 23 | March 1961 | 23 | Committee of Friends and Relatives. |
| 24 | do | 31 | Do. |
| 25 | Mar. 1, 1961 | 17 | Members of the Legislative Assembly, Province of British Columbia. |
| 26 | Mar. 4, 1961 | 74 | MacKay and Mackie Defense Committee. |
| 27 | Mar. 10, 1961 | 11 | Do. |
| 28 | Mar. 13, 1961 | 20 | Do. |
| 29 | do | 165 | Do. |

*Table of petitions on S. 420 and S. 421 in chronological order*—Continued

| No. | Date | Number of names | Sponsor |
|---|---|---|---|
| 30 | Mar. 14, 1961 | 44 | United Brotherhood of Carpenters & Joiners, Prince George, British Columbia. |
| 31 | Mar. 16, 1961 | 12 | Committee of Friends and Relatives. |
| 32 | Mar. 22 ,1961 | 34 | Oregon Federation for Social Action, Gresham, Oreg. (1 sheet from Texas). |
| 33 | Mar. 24, 1961 | 15 | Labner, British Columbia. |
| 34 | Mar. 30, 1961 | 35 | MacKay and Mackie Defense Committee. |
| 35 | April 1961 | 20 | Committee of Friends and Relatives. |
| 36 | Apr. 3, 1961 | 46 | MacKay and Mackie Defense Committee. |
| 37 | Apr. 8, 1961 | 33 | Do. |
| 38 | Apr. 14, 1961 | 38 | Do. |
| 38A | Apr. 27, 1961 | 40 | Finnish-Americans. |
| 39 | May 1, 1961 | 115 | Committee of Friends and Relatives. |
| 40 | do | 92 | MacKay and Mackie Defense Committee. |
| 41 | May 26, 1961 | 14 | Oregon Federation for Social Action. |
| 42 | May 29, 1961 | 103 | Committee of Friends and Relatives. |
| 43 | Sept. 2, 1961 | 119 | Members of the Bar of the State of Oregon. |
| 44 | Sept. 6, 1961 | 637 | Beaverton-Hillsboro Seventh-Day Adventist and others (By Proxy). |
| 45 | Sept. 20, 1961 | 47 | Committee for Support of S. 420 and 421 (the Sprague Committee). |
| 46 | Sept. 26, 1961 | 67 | Peace Committee, Hillside, Oreg. |
| 47 | August and September 1961. | 104 | Sprague Committee. |
| 48 | do | 225 | Do. |
| 49 | Undated | 7 | MacKay and Mackie Defense Committee. |

[1]

PETITION OF UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA, VANCOUVER, BRITISH COLUMBIA, JANUARY 5, 1961

This petition is signed by executive members of Local No. 452, United Brotherhood of Carpenters in support of Hamish Scott MacKay to which this brother of ours transferred after he was deported from his place of making a livelihood in Portland, Oreg.

We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

R. A. Smith, Carl Erickson, Harold F. Book, M. H. Coombe, R. A. F. Clark, J. Martin, H. Bird, Joe Alterio, Wm. J. Cameron, L. Anderson, L. Robson, R. G. Dodson, R. Gronet, F. Gooch, A. G. Cragg, John Anatoshkin, L. B. Graham.

PETITION OF OIL, CHEMICAL, AND ATOMIC WORKERS INTERNATIONAL UNION, NORTH BURNABY, BRITISH COLUMBIA, JANUARY 10, 1961

We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane Nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

R. Corden, R. Fost, H. C. Buchanan, E. H. Porter, W. R. Sutherland, Ian B. Dawson, J. R. Cook, J. R. Davis, R. H. Kensington, J. S. Morrison, R. W. Wilson, R. Runnels, J. E. LeSage, E. Conners, W. E. Davis, W. M. Waddington, E. G. Humphreys, Albert S. Gillis.

R. Ortust, G. D. Stitt, H. J. Phillips, U. N. Bissky, P. J. Dumonceau, Dick Sisson, I. F. Penfold, John Benson, W. A. McFarlane, Alfred Styles, Daumfort, N. B. Livingston, H. L. Jackson, J. Pendio, C. Alpio, Walter Plasman, G. C. Hitchens, J. Klaver, A. R. Davidson, Harold Houghton, D. G. Gardner, Leonard Stuckey, A. G. Blair, W. Potts, F. L. Letter, R. G. Burns, S. Sawshuk, J. O. Battersby, W. E. Orr, D. Hopkins, G. S. Layfield, A. Parlane, C. Gowdyk, Hank Harris, W. A. Taugh, G. Leon, J. L. LeBourdais, J. P. McElligott, Mac Feyter.

P. Putruck, Alex A. Cobott, F. Leader, T. Turner, A. Katz, R. Flagman, A. Anderson, Eric Odmark, Emil Schmidt, K. Hinlen, R. Norberg, T. Sigundson, John A. MacLeod, Otis Franile, Felix Hammel, Wm. David, Al Snider, A. Bergeron, Sandor Kirs, W. W. Henderson, L. Walker, K. Hanboy, Charles Yakansen, Alex McNevin, L. Wilson, S. Predyk, O. Molley, E. Hoptetter, W. Peltal, K. Rode, L. Smith, A. Main, R. Moskin, Bill Payne, A. Nikone, R. Meinczinyer, J. W. Stefanson, Harold Petersen.

F. Gooch, J. Jakach, J. Alterio, K. Francis, H. Anderson, R. Gromet, L. Black, H. Slastaunish, R. L. Sundberg, Terry M. Coy, N. Zinden, A. Sistad, James R. Barton, Tony Bourget, E. U. Hesstrom, H. Ranch, C. V. Brown, Wm. Mazdin, W. Waywood, W. Stewart, D. B. Greenwell, Emil Hawrysio, F. Cronis, Gerald Quink, Harry C. Woodman, Jack Gilbert, C. Kirkman, John F. Seaten, Carl Erickson, Andy Brogan, Gene Younsen, Fink Klueschlacht, H. J. Baft.

R. W. Bullock, P. Larochelle, M. C. Anchrelle, Kenneth Grieve, Ruth Bullock, A. Cohen, J. W. Jukes, James Fisher, Frank Ricketts, Mona S. Hawken, Chas. Shane, R. Blanchard, K. Orchard, J. Cook, David J. Luni, D. McDougall, V. Grimes, Astof Jensen, H. Wamuzh, W. Lagodo, G. Henderson, M. Clorchoch, J. Spasie, P. Thicssen, H. Holmberg, N. J. Meredith, T. Anderson, J. Kristanoc, J. Konopliff, C. Nylund, Fred Roberts, H. T. Sartaunik, John Ogbonone, T. Rivane, T. Wellen.

H. Timkens, Wm. N. P. Spacel, W. H. Widdowson, T. G. Clarke, Ed Leclere, Alex Szakal, C. McArthur, Jack P. Wancillar, J. Houbiff, H. Eastwood, P. Pawkert, S. Shusterman, Paul J. Houle, A. Abesenchuk, Alf. T. Padghaus, Karl Amon, I. A. Worabitz, C. Hathaway, Wyatt C. Hillman, H. Treysan, R. Kelly, E. G. Soull, W. Lylack, E. Brown, J. Sovhachoff, A. Lefurrier, M. Stokes, Dan Ewschece, H. Kunz, J. W. Robbins, A. Valcourt, D. S. Lindell.

[1A]

(Received, Jan. 16, 1961)

We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

Nicholas Poloviminkoff, B. Nilsson, N. Dromer, E. J. Dux, E. Jacobson, John Hurbs, F. Sookin, A. Roznomski, P. M. Gierys, E. Pedersen, Mary Schoolhate, L. Heinrich, W. Ericson, Kurt Johansson, H. Watson, E. Martin, Roy A. Carlson.

[1–B]

(Received Jan. 17, 1961)

We support you unanimously in your presentation of a private bill to cancel deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane Nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

Helena Flauscos, Harry E. Neuranter, P. Lamont, Geo. B. Chesley, John B. F. Flanders, R. Cox, D. R. Hooper, T. Bownmeester, R. L. George, A. Easton, A. Cairns, L. E. Blakeway, S. J. Wick, Donald Thompson, George Brown, A. C. Bockus, James Innes, Norm Howell, D. J. Wood, G. E. Walker, Wm. Winship, Gene Hansen.

[2]

COMMITTEE OF FRIENDS AND RELATIVES TO BRING BACK HAMISH MACKAY AND BILL MACKIE

Recently two Portland area men, Mr. Hamish Scott MacKay and William Mackie, were deported to Canada and Finland, respectively, without a trial by jury. The deportation of these men has injured U.S. prestige abroad and also it has dimmed the shining example of democracy that the United States holds up to the world.

Those men committed only the "crime" of joining unions during the great depression which had been organized for the purpose of helping the unemployed. At the time many were out of work and felt that unions were the only solution. The so-called "subversive" organizations were not even associated with the Communist Party.

We, the undersigned citizens of the United States, petition our Senators to do all they can to see that Hamish MacKay and William Mackie are returned to their true homeland and reunited with their families where they belong. We further petition them to introduce a bill to revise the Walter-McCarran law which was responsible for their cruel deportation, to the effect that all foreign-born Americans who have legally entered the United States cannot be deported after a residence of 5 years.

Herman Hildreth, H. L. Womack, J. O. Riner, Harold A. Paulsen, Willilam Nickila, Rosanna Paulse, A. C. Christensen, H. F. Hjorten, T. Staffelsen, Vesta Brons, Kate Staffelsen, Doyle E. Cary, Mary C. Womack, E. Niemi, J. L. Hayrynen, Eva McNabb, Vale W. McNabb, Lincoln D. Devaney, Clifford C. Haskins.

Arthur J. Schoenlein, E. E. Isaacson, Groyw W. W. Zengu, Robert Thompson, Anthony Monncowich, Thos. H. Johnson, John H. Nikka, Nelma M. Perita, Paul Perita, F. D. Kanes, Eli Riutta, Don Cheney, Stanley W. Nilssen, E. J. Wilson, W. J. Miller, A. H. Haukaas, Velma J. Rantanen, Eunice Rantanen, Fred. A. Davis, Tekla Larson, John A. Larson, Charles J. Mackie, Shane Reanttila,

Kalle Kokko, Mrs. Edla Moilan, Anna Mattila, Andrew Markus, Walter Rangas, Urilma Kangas, Hilda Nickila, K. A. Milchaler, Hilda Sauvola, J. G. Sarpola, Vilja R. Sarpola, Ed Kiviaho, Hilja Kiviako, John F. Tayra, Alice Birch.

Merl E. Jones, R. T. Hendren, Irvin E. Renber, M. D. Richardson, Reuben Wolfe, Joseph W. Patterson, J. Vernon Burke, Jos. Cereghino, John E. More, W. H. Martin, Peter M. Clausen, C. J. Lohman, Warren T. Judd, Ralph W. Alexander, R. O. McEntee, Frank Lindquist, Eldon J. Baller, T. E. Danzn, Chas. E. Woodward, Raymond R. Grice, Caroline D. Grice, Selma A. Grice, Stella Rasovich, Ella Wald, Amy V. Reynolds, George Luckman, Oodentine Premzic, Peter Bolen, Paul Rice, Glenn G. Kinney, Ernest E. Searle, Helen Searle, Violet Russell, Jeanne A. Johnson, Vera Rice, Ruth Emerson, Sofia Husa, Frank White, Cecilia Corr, Marion Kinney.

[3]

PETITION OF INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL UNION 213, VANCOUVER, BRITISH COLUMBIA, JANUARY 24, 1961

(Petition in support of Hamish Scott MacKay and William Mackie)

SIR: We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

E. A. Knight, H. J. Clarke, N. C. Read, S. Fenero, I. Gow, F. Allison, George Sharpe, Robert G. Blair, J. P. Milner, A. K. Stell, H. G. Summers, S. Scharf, S. Miller, D. Wells, D. L. Terlson, O. Beach, A. Murphy, Robert Miller, C. Rider, Les Pearce, Bud Snyder, Margaret Carter, M. W. Chamberlain.

[4]

Petition in support of Hamish Scott MacKay and William Mackie

We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

J. K. Laforce, David Leone, Fernand Gallier, Laurent Dubois, Reni Muchaud, Stanley Kriyaech, John Le Blanc; Camille Grenier, E. Leresque, R. J. Morgan.

[5]

Committee of friends and relatives to bring back Hamish MacKay and Bill Mackie

Recently two Portland area men, Mr. Hamish Scott MacKay and William Mackie, were deported to Canada and Finland respectively without a trial by jury. The deportation of these men has injured the U.S. prestige abroad and also it has dimmed the shining example of democracy that the United States holds up to the world.

These men committed only the "crime" of joining unions during the great depression which had been organized for the purpose of helping the unemployed. At the time many were out of work and felt that unions were the only solution. The so-called subversive organizations were not even associated with the Communist Party until years later when they had gone out of existence.

We, the undersigned citizens of the United States petition our Senators to do all they can to see that Hamish MacKay and William Mackie are returned to their true homeland and reunited with their families where they belong. We further petition them to introduce a bill to revise the Walter-McCarran law which was responsible for their cruel deportation, to the effect that all foreign-born Americans who have legally entered the United States cannot be deported after a residence of 5 years.

Ralph H. Thayer, Mahlon F. Hamilton, William S. Winter, Mrs. K. Iversen, Maxine Elliott, Mrs. Corrie Lowery, J. W. Cooper, Helen Katzky, Anna Welch, Norwood Parrish, Mrs. McCulloch, Margaret Sullivan, George Shelton, William D. Mills, Marion E. Taylor, James E. Blackson, Louis Kacin, W. J. Wheeler, Doris G. Wheeler.

Ellen Cullins Nelson, Carl E. Opperman, Alice E. Opperman, Helen E. Gibson, Sigrid Hendrickson, Lillian E. Krebs, Arvid O. Ernquist, Theo. F. Koski, W. P. Sager, Anna Lundberg, Buell D. Grady, Alice N. Erickson, John T. Kolu, Jerome E. Katzky, Ennis B. Waters, Mrs. Jack Vetter, Jack Vetter, W. P. Baxter, Mrs. James Baxter.

Lily Juan, Robert Juan, Percy B. Long, Leslie M. Busby, Nancy Ann Busby, Richard P. Knippl, Thomas R. Smych, Albert Schuster, Charles Roy, Lawrence D. Goeckitz, Helen Highfield, Lynn Ray, John Kotewa, Ellen Kotewa, Dale R. Fry, D. H. Laird, C. E. Hahs, Leo. W. Langan, Mrs. Hannah M. Laird, Beula M. Kaiser.

TEACHERS, PRINCIPAL, AND VICE PRINCIPAL OF JEFFERSON HIGH SCHOOL, PORTLAND, OREG.

Lenny Clarke, Charles C. Edmonds, Michael P. Rocke, R. W. Clint, Dorothy J. Warren, M. E. Yeomans, Pauline S. Ussing, G. Kanas, Laura Scott, Pat Barney, Roy Malo, Jack King, Robert F. Henderson, Adraen E. Douglass, Evelyn K. Klopfenstein, Alice E. Huffsmith, M. Roche, C. Jeppesen, Wilma Jean White, Stanley Schmidt, Carl M. Knudsen, Herbert Brahn, Robert V. Crosier.

STUDENTS OF JEFFERSON HIGH SCHOOL, PORTLAND, OREG.

Lorraine Mittke, Edwina Hill, Kari Ungstad, Vicki English, Floyd Smith, Mike Flego, Bill Scott, Larry Moore, Harold Magnuson, Mary J. Haggerty, Lynnette Bohlander, Margaret Rose, Harry M. Hilton, Sandra Cooper, Dorothy Davidson, Gary Blank, Tom Peterson, Ray Sherwood, Linda Hohnstein, Mike Sheehan, Bob Calkins, Ed Yakimcheck, Don Charleson, Ken. Carls, Sandy Srye, Chuck Smith, Sandy Sessler, Pam Manley, Brian Judd, Sheryl Robb, Mary Maureen Divine, Louise Robillard, Rich Bremmer, Mike Harry, Gene Anderson, Terry Howell, Ted Galey, Barlare Clift, Wendy Sullivan, Sharon Clearwater, Glen Childs, Dave Hansen.

STUDENTS AND TEACHERS OF CENTRAL CATHOLIC HIGH SCHOOL, PORTLAND, OREG.

Leser Migneault, George Laurel, Thomas Ludwig, Brian Lynch, Paul Fosdick, Michael Goold, Steve Daron, James Greenwood, Herman Greenwood, Fred Cavanaugh, Milton Cavanaugh, Jack F. Greenwood, Mike Maginus, Robert Rocter, John Roberts, Denny Prazeau, John Muller, Eugene Knight, Bob Lee Prenz, Jerry Marcella, George Yager, Dan Kilner, Bob Soumie, Ralph Sauer, John Matteo, Gary Thornton, Robert Guite, Harry Wolf, Victor Maffia, Vince Dillon, Walt Ablock, Don Dohne, Danny Brown, Bob Bany, Timmy Burke, David Stahl, S. M. Marcelle, Jack Mumford, John Murphy, Big Don Luck, Richard McKenna, Pat McNamee.

[6]

(Received Feb. 6, 1961)

We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

Chas. Crate, Elaine Pactorinnckoff, Frank Kennedy, Mary Yorke, May Martin, J. A. Martin, W. L. Greenwood, W. Perry, Anne E. Perry, Barbara McKelvie, Katherine Perry, Mrs. P. N. Riedweg, H. Mason, Mrs. L. Kraushaar, Mrs. J. Brewer, Carol Brazie, Roy Canbed, R. L. McKinley, Rob. Riedweg, Ethel Gordon.

[7]

We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

A. T. Alsbury, R. Thompson, Colin Lowery, D. W. Bhacols, John McCinch, C. F. Neale, O. Stashyn, E. Harkness, Margaret Robinson, Mrs. E. R. Roberts, C. C. Cowan, I. H. Mae Aulery, Marion Linnill, Hoefort Wilson, R. Hirtle, G. Byburn, J. B. Pilmer.

Stan Brook, Cedric Cox, Gisela Schwanc, Larry Nozaki, Jan MacPhel, Reta Olsson, Malcolm Bruce, Patricia Bradley, Gladys Rogers, Glenn G. Gerchshel, O. Vanderhaven, W. Forest, D. R. Dyson, R. Rubkowski, F. Lyttle, Ian Blair, Hamish Scott Mackay, A. J. van Hriel, W. Hammond, A. Fergus, R. G. Colthoy, D. E. MacLeast, J. Johnson, W. G. Osborne, Al Bruce, J. McGaughey, B. A. Ward, George Stremel, Harry Sudom, R. E. Penehibihl, Wm. Francis, Neil McLeod, N. Thibault, L. McPhlen, E. W. Olson, J. L. Garritty, R. Braden.

Mrs. Harold Johnson, Harold Johnson, R. McDonnell, M. Annabel, C. F. Morrison, Al Evans, S. L. Rogers, Mabel Bruce, Alex Fergusson, W. L. McNeil, J. McKenzie, G. C. Jones, D. Olsen, Robert E. Horn, Nick Shuguto, Ruth Robertson, T. Matterson, P. Larochelle, P. S. Courneyeur, A. E. McManus.

A. J. Kornberger, Geo. Kraft, A. E. Klapoweschak, John Nahornoff, Geo. Wilderman, James Detehkopt, Ted Szelew, A. Gautron, F. Betke, C. E. Simkins, W. Saeoreoff, T. Odland, M. Silbernagel.

[8]

(Received Feb. 7, 1961)

PETITION OF THE EXECUTIVE MEMBERS OF THE UNITED FISHERMEN AND ALLIES WORKERS' UNION

We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane

Nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

A. L. Gordon, Pete Ravelich, Harvey Proctor, H. Corlett, A. Kaano, H. Onotico, R. H. Payne, Adeline Patchford, R. L. Gaichin, F. E. Parkin, Harold Wilcox, T. Foort, Mae Aiken, B. Swzuki, Don Cox, J. Jacobs, J. Cook, H. Stauenes.

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[9]

Recently two Portland area men, Mr. Hamish Scott MacKay and William Mackie, were deported to Canada and Finland, respectively, without a trial by jury. The deportation of these men has injured the U.S. prestige abroad and also it has dimmed the shining example of democracy that the United States holds up to the world.

These men committed only the crime of joining unions during the great depression which had been organized for the purpose of helping the unemployed. At the time many were out of work and felt that unions were the only solution. The so-called subversive organizations were not even associated with the Communist Party until years later when they had gone out of existence.

We, the undersigned citizens of the United States, petition our Senators to do all they can to see that Hamish MacKay and William Mackie are returned to their true homeland and reunited with their families where they belong. We further petition them to introduce a bill to revise the Walter-McCarran law which was responsible for their cruel deportation, to the effect that all foreign-born Americans who have legally entered the United States cannot be deported after a residence of 5 years.

Roderick R. MacKay, Maude M. Vanzant, E. S. Vanzant, Dorothy MacKay, Darrell MacKay, Rhoda MacKay, Angie MacKay, Mary Johnson, Melvin Johnson, Norma Wickiges, Grace L. MacKay (mother), Karl R. Bierly, Jr., Mrs. Karl R. Bierly, Jr., Mrs. John P. Schackman, H. H. Schultz, Nick Malzone, Gus Nelson, Mrs. H. H. Schultz, Connie Schackman, Billie Schultz, Helen Schisler, L. W. Schultz, Lois O. Schultz, Randy Schultz, C. J. LaSalle, John P. Shulman, O. R. Haloven.

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[10]

PETITION BY MEMBERS OF LODGE 55, THE FINNISH ORGANIZATION OF CANADA, VANCOUVER, BRITISH COLUMBIA

(Received Feb. 10, 1961)

(Petition in support of Hamish Scott MacKay and William Mackie)

To Senator WAYNE L. MORSE,
*U.S. Senate Office Building,*
*Washington, D.C.,*

SIR: We support you unanimously in your presentation of private bills to cancel the deportation orders against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

Minnie Vainia, Anna Wairmaa, Jemine Niske, Anna Yaraton, Karl Vainio, H. Kangos, H. Hahtr, Manda Ramla, W. Liekala, E. Ketoho, P. Joukaine, Otto Johansson, Math Maki, Mr. Kielinem and family.

[11]

(Received Feb. 11, 1961)

(Petition in support of Hamish Scott MacKay and William Mackie)

To Senator WAYNE MORSE,
*U.S. Senate Office Building,*
*Washington, D.C.*

SIR: We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane Nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

Rodney Young, T. J. Bradley, J. P. Precto, Stanley Woolgar, P. N. Crickzon, Elva Thompson, Edward M. Hepner, Vera Sharko, Frank Rickett, Dick Schengo, N. Gumcke, D. E. Kinno, W. F. Govett, Bill Shoebotham, Don Fletcher, Syd Thompson, Red Leland, A. R. Leland.

Vera MacKenzie, Shuber Light, Helen Moor, Rod Stewart, Joe Warnock, S. Mear, Ernest Riddell, Lillian Crate, Alousy LeBourdoir, Swanson Dagne, Adeline Rowat, Doris Leland, Gladys Broaten, Louisa E. Kowluk, J. W. Atkinson, R. J. Hoffman, Mrs. C. C. Hoffman, Levy Freistad, Sam Lewis.

Mrs. S. Barrett, Ben Clifford, Jane Clifford, E. Rowat, F. Ryttersgaard, Neil Runggren, J. Nolis, D. Morgan, M. Phelps, N. H. Skaarize, Ella Skaarize, E. P. Brown, Ian McPhee, W. Y. Bennett, Fred W. Moebes.

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[12]

(Received Feb. 14, 1961)

(Petition in support of Hamish Scott MacKay and William Mackie)

To Senator WAYNE L. MORSE,
*U. S. Senate Office Building,*
*Washington, D.C., U.S.A.*

SIR: We support you unanimously in your presentation of private bills to cancel the deportation orders against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane Nation is seriously challenged by this present Walter-McCarran Act, and we can only hope your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

Elmer R. Kaila, Ivy Kaila, Rina Kaskinen, P. J. Kaskinen, Matt Savola, Flora Savola, O. Hendrickson, A. Amala, M. Anderson, G. Maunus, H. Snikker, Mr. and Mrs. George Loos, Verner Pahkala, V. J. Macky, Mr. and Mrs. T. Ahola, Lylric Lemd, Charlie Alho, E. Hayrynu, Mr. and Mrs. A. Loakso.

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[13]

(Petition in support of Hamish Scott MacKay and William Mackie)

To Senator WAYNE MORSE,
*U.S. Senate Office Building,*
*Washington, D.C., U.S.A.*

SIR: We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

P. Nilsson, K. Mies, W. Meis, M. Leyland, E. Dimopsilz, F. Kalmsmaki, T. P. Wilburn, C. Lehan, L. Lehan, I. Downie Kirk, M. Kirk, E. Tomblad, L. Johnson, A. Blakey, H. Feldt, S. Toustykes, N. Epstein, H. C. Oberg, Menn Mark, Mrs. Stoneman.

Elaine Kelley, Dale Kelly, Eve Burns Miller, H. Pothorn, L. Tomblad, S. Pothorn, C. Anderson, R. L. Clubb, H. B. Hall, W. W. Esaton, Helen Derewenke, R. G. Thiel, S. Porcellah, F. Williams, T. P. Roughsedge, J. Riddell, Alex Tabbsen, Farrel A. Orcutt, Helene Honekley, G. Wcubenges, L. Horn, M. Leonty, W. P. Mandale, Ken Jackson, Val Quakenbush, G. Whens, L. M. Grett, E. Dale Guidice, D. S. McKumon, M. Trites, D. Beck, Pat Savage.

Bert Myers, R. D. Colly, M. Pederson, B. M. Engesent, Mrs. A. Blaschik, Mr. P. J. Bedner, Mrs. Lena Bedner, H. Rush, Reniede, Sybille Peacock, Callos West, J. J. Smith, P. M. Starson, Ceurstal, Nina Baker, Pvt. Miller, Lauretta Berg, Tom Miller, Florence Dubno, F. W. Smith, Lillian Margolese, Mrs. O. Promink, Mr. J. J. Johnson, John Boylan, Mrs. Ed Stelp, W. Polaski, Sadie Davis, Olive Sellers, R. Down, Alexander Suthdid.

Gwendolyn McMartin, Mary B. Brandon, Dale M. Lawrence, G. M. Dowding, J. Kermy, E. J. Rass, D. L. Ron, Ann Yarston, G. K. Yarston, R. H. Taylor, K. Taylor, N. Lothrop, S. R. Lothrop, W. Willmott, R. C. Willmott, P. C. Floran, Mary Holden, George Palmer, D. Palmer, E. W. Poulter, Linda Stevens, F. Roby, B. Pickwell, John Bene, R. S. Stewart, M. Jewell, K. Sellins, I. Maliobur, June Black, Vera Warobetz, Sonia Warobetz, John R. Barrett.

Emil Job, Henry Murphy, Isabel Murphy, Dorothea Hill, D. S. Drake, Doris Drake, Wm. Sarcosky, G. Pinnell, R. Nicholson, E. Drexler, Mrs. E. Wood, Mrs. Drexler, Harry Paulson, V. T. Hortsworth, Alice Martin, Verna L. Dyck, D. J. Ray, Dave Dyck, Joan Bailey, Ian Bleasdale, P. Whittaker, Doris Whittaker, P. Williams, J. R. Hays, D. Urquhart, M. Warren, Doris M. Kirk, Mrs. E. Munro, P. C. Munro, G. M. McIntosh, Mrs. H. Clarkson, Mrs. W. Anderson, J. E. Pedersen.

P. Melville, W. Strand, G. Homey, Timothy Coonin, M. Klym, C. Lawson, N. Fort, J. E. Jones, John A. McCuish, D. Baker, Thomas Notsuoha, D. S. Plummer, C. Phillip, F. Rangrga, Roberta Roleson, L. Browerman, J. N. Prutt, A. L. Sellwood, R. E. Hawthorne, J. F. Rutka, George Kucher, Ted Eliuk, O. Moysiuk, H. Moysuik, K. A. McClure, D. Kinney, E. Smith, G. T. McDargoll, Bryan Roberts, Ben Margolese, Jim Kankan, Maxine Schnee, Yvonne Szakal, Melvin Haugen, Dibys Poole, F. Abner Poole, Maurits Mann, T. Boylon, Anne Boylon.

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[14]

(Received Feb. 15, 1961)

(Petition in support of Hamish Scott MacKay and William Mackie)

To Senator WAYNE MORSE,
*U.S. Office Building,*
*Washington, D.C., U.S.A.*

SIR: We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to

once again place the United States in a correct light in the eyes of the rest of the world.

B. D. Kelly, A. Newfield, George A. Portions, Mrs. Mae Smith, Rose Ogrin, J. R. Robertson, D. Mackie, E. Pritchett, J. S. Bursby, W. H. Hill, Wm. Ozaruk, T. Walder, J. Chapman, Neil Fullen, M. Hamyzon, L. J. Bresnahan, John Rots, Berry McLaughlin, Geo. Heidebrecht, John Holt, Ker Jackey, Wm. Konekevil, Chris Bruksar, Joe Kliwayk, Geo. Molde, Barge Tjunwold, G. Saarikorki, Mike Chanenkoff, Harold Stewart, P. Gerrits, E. Lachance, W. Gaurychin, S. Sheyman.

J. Warelss, Andrew Malar, William Harris, Helmut Arnold, Swaphin Znukle, Toern Habicht, Franz Grubmueller, O. L. Pinchkie, W. Funcrubieki, Tony Feler, John Pomper, Frank Homers, Jim Pappal, W. Stuckey, B. Evans, David West, N. A. Mackpherson, Jr., Mike James, Bob Arland.

M. Rabik, William Hreheschik, Gino Pagnossin, A. Kruzie, Vocroin Pavlo, William Bowdering, Capaldo Vito, D. J. MacCreish, Dick Cownlifcki, A. Ankenor, Pasquino Delucchi, G. L. Wallace, D. Graham, William Faliboga, Mr. H. Pawkirk, N. J. Rezansoff.

Alex. Ryan, Walter Lesinaun, S. Lenar, Bill Lielke, W. P. Chilland, A. Chadwick, Vic Redman, Phil Hughes, M. Hughes, M. Blaine, C. Briere, E. Briere, D. A. Martin, T. W. McCalf, J. A. Felian, S. M. O'Brien, G. S. Scott, J. Dara.

Ernest Burke, J. Crawford, M. Gayskin, J. E. Sumer, V. Berg, Stanislor Reenik, G. Nagel, T. L. Carlson, O. J. Rovers, Jack Wiens, Jack Cook, W. G. Robison, John Lylick, Theodore Young, R. McKerson, C. Bartlen, A. J. McArthur, F. Ferentz.

C. H. Pritchett, John Berry, V. Woodford, John Hamilton, Roy E. Smith, Leo W. Labinsky, Hal Griffin, M. Pallisen, J. F. Rutka, R. Andrews, B. O. Cox, M. Beagle, H. Stevens, E. Hooge, E. C. Greweltd, R. G. Greaves.

Eaddie Hone, Suzanne MacKenzie, W. H. MacKenzie, Wilma Linke, Rand McKeo, C. J. Christopherson, Joe Graham, H. Sauback, Mary Rowan Smith, Marilyn Thompson, W. H. Thompson, I. Harding, C. B. Thompson, R. S. Thompson, L. M. Weston, Walter Walma, Charles R. Townsend, D. Stewart.

Mrs. R. Whyte, Mr. A. M. Ronayne, Nagel Morgan, Mona Morgan, A. Armson, Roy Lowther, Dr. Joseph Blumes, Ted Cole, Clara Cole, Ruth Haney, D. W. Cameron, Jill Stewart, A. Sopper, W. F. Bissett, E. Schwartz, C. W. Gregory, O. S. Culhane, J. A. Wood, D. H. Ristor, C. A. Blorhill, M. Windish, Mrs. Elizabeth Luhtala, Mrs. N. Hansson, Mrs. E. Fox, John Luhtala, Herb Clark, B. Franholt.

Percy Anwich, A. Kourives, Jr., U. Kourives, F. Lynkule, J. Mitchell, R. Legge, J. R. Bronson, D. B. Machean, Hewig J. H. Bartling, Hazel Legge, Joseph Brown, Mrs. J. Brown, L. A. Theime, A. V. Tominke, A. L. Hartley, M. M. Hartley.

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[15]

PETITION BY COMMITTEE OF FRIENDS AND RELATIVES TO BRING BACK HAMISH MACKAY AND BILL MACKIE

Recently two Portland area men, Mr. Hamish Scott MacKay and William Mackie, were deported to Canada and Finland respectively without a trial by jury. The deportation of these men has injured the U.S. prestige abroad and also it has dimmed the shining example of democracy that the United States holds up to the world.

These men committed only the crime of joining unions during the great depression which had been organized for the purpose of helping the unemployed. At the time many were out of work and felt that unions were the only solution. The so-called subversive organizations were not even associated with the Communist Party.

We, the undersigned citizens of the United States petition our Senators to do all they can to see that Hamish MacKay and William Mackie are returned to their true homeland and reunited with their families where they belong. We further petition them to introduce a bill to revise the Walter-McCarran law which was responsible for their cruel deportation, to the effect that all foreign born Americans who have legally entered the United States cannot be deported after a residence of 5 years.

Albert Kozlosky, Barbara Beglereis, Hazel Demase, Mary Sells, Nick Begleries, Louis Rigar, Andrew Marencinh, Velma Vlastelicia, Gargo Vlastelica, Richard Lawrence, Ray Davis, Veo Puckett, Glennace Puckett, Jessie Puckett, John E. Puckett, Arthur Helwig, Aletha N. Helwig, J. F. Brozeale, C. F. Lynn, Mary Ann Lynn, Mrs. H. F. Johnson, Barry K. Fineberg, Maidith Campbell, M. J. Anderson, Claude Johns, Leslie L. Erickson, Mrs. Ray P. Butler, Ray P. Butler, Vera M. Tikka, Donald A. Tikka.

Ruth Peters, Mr. and Mrs. Bywn Rector, Alberta La Roque, Helen Fullerton, Ruby Smith, Rubye L. Wolfe, Mr. and Mrs. O. I. Sovunen, Louis McMullin, Lucile McMullin, Frank M. Gillespuj, E. M. Werner, Leitia Steffen, Alex Steffen. Winifred Fern Heinrich, Rose Weimer, Reba M. Adams.

Bernard I. Ivarie, Mrs. Ben Ivarie, Dorothy Adolphson, Helen L. Freeman, Gertrude Kallio, Robt. Oueby, Mrs. Sylvia Laine, Alice Williams, Mrs. Esther Porko, Mrs. Brigitta E. Uunila, Mrs. J. Ninkhanen.

Paul O. Jewell, Homer G. Wadsworth, Jr., Harold I. Schnell, Carl S. Bell, Mrs. Paul Jewell, Mrs. Madge Tufford, Mrs. Hans Schnoor, Robert W. Lee, Marjorie Lee.

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[16]

(Received Feb. 17, 1961)

(Petition in support of Hamish Scott MacKay and William Mackie)

To Senator WAYNE L. MORSE,
*U.S. Senate Office Building,*
*Washington, D.C.,*
*United States of America.*

SIR: We support you unanimously in your presentation of private bills to cancel the deportation orders against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

Tyyne and Abe Karme, Sivia Hill, Martin Hill, Frank J. Robinson, Kaarl Huavrmen, Jack Hill, Kusti Tyback, Olli Kokko, Mikko Terava, Matt Soon, Emil Ihaksi, Emil Wilen, Teemu Farwinen, Paaro Roittite, Milla Karagas, David Muhojarre, Toiro Lantto, James Ruddick, Jim Bishop, Mr. Hill, M. Magnassn, J. Yale, G. Webb, John Hormula, Gyo Jarverno, Wm. Beatson, Vaino Harmunen.

J. Crosley, Ole Rosvold, P. M. Johnson, M. Lettiers, W. Hall, R. A. Haberer, Glyn Jones, P. Jordan, J. Hall, E. MacLean, E. Pucey, F. Reynolds, J. March, B. Mehmal, J. Lompe, E. W. Parker, D. J. Arsant, S. W. Stelfore, G. Struckin, R. Escott, J. Watkinson, C. Newman, W. G. Pundzer, J. Wigh, A. Oliphant, G. Lilyblad, Ray Pintor, D. Mahoney, Jas. E. Davison, Robert T. Callahan, and Jeannette Callahan.

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[17]

(Received Feb. 21, 1961)

(Petition in support of Hamish Scott MacKay and William Mackie)

To Senator WAYNE MORSE,
*U.S. Senate Office Building,*
*Washington, D.C., U.S.A.*

SIR: We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane Nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

D. Minnear, Rev. Thos. Moore, W. G. Wilson, J. MacKinnon, Mrs. G. E. Smith, Len Hopkins, Mrs. W. Caplan, Rae Lefe, Mrs. C. Burnett, Mrs. K. R. Spratt, Mrs. R. Aleey, R. C. Spee.

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[18]

(Received Feb. 23, 1961)

(Petition in support of Hamish Scott MacKay and William Mackie)

To Senator WAYNE MORSE,
*U.S. Senate Office Building,*
*Washington, D.C., U.S.A.*

SIR: We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

Viola Susian, Clara Tilberrta, Bernard Druckman, Duma Medic, Anne Medic, Carl C. Riggle, Mrs. Carol St. Helen, Roger St. Helen.

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[19]

(Received Feb. 27, 1961)

(Petition in support of Hamish Scott MacKay and William Mackie)

To Senator WAYNE L. MORSE,
*U.S. Senate Office Building,*
*Washington, D.C., U.S.A.*

SIR: We support you unanimously in your presentation of private bills to cancel the deportation orders against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

O. Kay, A. Pellin, Mrs. J. Blumes, Mrs. E. McCafferty, S. Ralston, Ruth Bennett, Olive Johnson, Ross Johnson, Alice Johnson, David Bennett, Mrs. Buckatt, Hulda Hansen, M. J. Hasz, Finn Haldrup, Murray McPherson.

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[20]

(Received Feb. 27, 1961)

(Petition in support of Hamish Scott MacKay and William Mackie)

To Senator WAYNE L. MORSE,
*U.S. Senate Office Building, Washington, D.C.*

SIR: We support you unanimously in your presentation of private bills to cancel the deportation orders against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane

nation is seriously challenged by this present Walter-McCarran Act, and we can only hope your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

C. Ross, J. N. Phelps, S. T. Wybourn, Evelyn Faulkner, W. A. Weaver, L. Faulkner, Norman Hill, Esther Birney, C. N. Gibson, D. C. Reeves, Cliff Green, A. J. Marshall, Thomas Meehan.

W. Rowland, N. Padovsky, R. Garneau, Allan Young, Ken Hodkinson, G. Prentice, A. McKay, E. W. Gray, W. Mewhort, M. Will, L. D. Popovich, M. Mackie, H. E. Madsen, Ted Elink, W. Greenwood, P. Karlie, Barbara Stewart.

K. Jalsey, Alex Tabbson, Jean Waugh, S. E. Bean, S. B. Smith, Ken Ettimer, V. J. Foster, Bill Axland, E. Wauge, A. Padghau, John A. McCluth, A. Brogan, J. Cook, Stan Garrett, E. Nielsen, W. E. Nielsen, Ivan Birchard.

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[21]

(Received Feb. 27, 1961)

We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane Nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

B. E. Hill, F. Glan, W. Miller, R. B. Hansen, J. F. Hawkins, B. Timmons, L. Symonds, E. Synder, B. Moorhouse, F. Clary, E. Hamilton, A. Simmons, F. Moore, H. Dragon, M. L. McVeety, E. Spear, R. Richard, E. R. Gagne, H. Kingsnouk, J. Mathie, E. S. Morse, W. Blatter, E. Jensen, A. J. Bank, Jim Pedurm, George Martin, Don Bryon, C. William, F. Quiskovish, Gordy Stewart, James Kline, Edward E. Cox, Alex Pasholk, D. Daterman, C. H. Roach, K. J. Calder, J. Klinger, M. Mayer, S. Tapping.

All the foregoing signatures are members of Local 300 Brewery Workers Union, Vancouver, British Columbia.

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[22]

(Received February 28, 1961)

We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane Nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

Boyce Smith, C. H. McClelland, J. Mitchell, Albert Emory, Alfred Ward, W. H. Garden, S. E. Oldfield, R. S. Haul, Thomas F. Guief, Michael Scanlon, A. Zanbaye, H. Fields, Wm. Woronchek, Y. Avery, L. W. J. Suskland, J. Offenbecker, Joseph Turk, Oscar Schusan, W. H. Park, Garfield Smith, D. J. Frazer, L. Parkman, Robert R. Kaice, Joseph D. McFaul, Victor Pinto, H. L. Knight, T. A. Hamill, A. J. Woods, R. Cunningham, Arthur Bouser, Charles Duncan, Philip Robchand, Burthill Smith, James J. Lawrence, Jack Gillis, H. C. Hilton.

The above signatures are from members of local unions affiliated to the Toronto & District Council of Carpenters & Millmen, 169 Gerrard Street East, Toronto.

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[23]

Recently two Portland area men, Mr. Hamish Scott MacKay and Mr. William Mackie, were deported to Canada and Finland, respectively, without a trial by jury. The exile of these men has injured the United States prestige abroad and dimmed the shining example of democracy that the United States holds up to the world.

These men are accused of membership in the Communist Party over 25 years ago at a time when such membership was not grounds for deportation. Passage of the Walter-McCarran law in 1952 provided this belated punishment.

We, the undersigned citizens of the United States, petition our Senators to do all they can to see that Hamish MacKay and William Mackie are returned to their true homeland and reunited with their families where they belong, particularly by supporting the private bills to be introduced by Senator WAYNE MORSE of Oregon for this purpose.

We further petition them to introduce and support a bill to revise the Walter-McCarran law which was responsible for their cruel deportation, to the effect that all foreign born residents of the United States having legally entered this country cannot be deported after a residence of 5 years.

Clyde R. Appleton, Man M. MacEwan, Mary G. MacEwan, Arthur MacEwan, John A. Wilson, David Perlman, Andrew W. MacEwan, Harold C. Fretts, John A. Salyer, Ann H. Salyer, David M. Perkins, Vernon Elfbrandt, Barbara Elfbrandt, Robert M. Harris, Lillian M. Harris, Byrd Schweitzer, Winifred Osta, Nan Hedgcock, Frances B. Mott, Francis E. Mott, George Heitsman, Constance L. Fischer, Maria White.

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[24]

(Received Mar. 1961)

Recently two Portland area men, Mr. Hamish Scott MacKay and William Mackie, were deported to Canada and Finland respectively without a trial by jury. The deportation of these men has injured the United States prestige abroad and also it has dimmed the shining example of democracy that the United States holds up to the world.

These men committed only the "crime" of joining unions during the great depression which had been organized for the purpose of helping the unemployed. At the time many were out of work and felt that unions were the only solution. The so-called subversive organizations were not even associated with the Communist Party until years later when they had gone out of existence.

We, the undersigned citizens of the United States, petition our Senators to do all they can to see that Hamish MacKay and William Mackie are returned to their true homeland and reunited with their families where they belong. We further petition them to introduce a bill to revise the Walter-McCarran law which was responsible for their cruel deportation, to the effect that all foreign-born Americans who have legally entered the United States cannot be deported after a residence of 5 years.

E. E. Rowlee, Harree R. Dillon, Guy T. Ricto, Mrs. D. C. Howard, Mrs. Daisy Moore, R. E. Levy, Otis Butler, W. J. Smith, Sharon M. MacKay, R. D. Walker, W. H. Curl, L. D. Harris, Johnnie Benford, James E. Thompson, Albert H. Wright, Frank C. Dobson, M. M. Mehling, J. E. Servath, Herb Simpson, H. M. Hubbard, Louis Whispell, Martha B. Foley, G. A. Young, Camilius Johnson, Daniel Mooney, Arthur Bond, Russell House, Lloyd A. Bates, George Wise, Angelo Bigone, Maldor Gabrielson.

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[25]

(Received Mar. 1, 1961)

PETITION OF LEADER OF THE OPPOSITION, FEBRUARY 21, 1961

As Mr. Strachan is in the legislative chamber at the moment, I am replying to your letter of January 30 regarding the Hamish Scott MacKay and William Mackie Defense Committee, and I am enclosing, with pleasure, the petition signed by all of our MLA's, and myself.

Yours sincerely,

JOHN H. WOOD,
*Administrative Assistant.*

We support you unanimously in your presentation of private bills to cancel the deportation orders against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

R. M. Strachan, Arthur J. Turner, David Barrett, Coy Longson, G. H. Dowding, Cedric Cox, James H. Rhodes, Camilie Mather, George Hobbs, Jackson Haggen, Leo F. Nimsick, Stanley John Squire, Rae Eddie, Randolph Harding, Frank Calder, Alex Treadwell, J. Wood.

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[26]

(Received Mar. 4, 1961)

We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to join their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

James Ascmdff, Charles Murdoch, Russ Hicks, J. E. Parr, S. B. Third, Charles Artsensi, Jim Taylor, G. White, Chas. Bridge, W. B. Burrough, E. C. Trison, C. Stewart, W. Davidson, W. Bicknell, B. Y. Shindler, J. Dever, Geo. Schnow, D. F. Jackman, J. E. Burnell, C. A. Foster, John Harlow, W. H. Menkin, N. Prichard, J. W. Sisk, Wm. Maculis, G. Healy, N. G. White, W. H. Edwards, W. Bradley, O. Harrison, J. R. Clinkul, Z. L. Dunn, A. E. Ehielyns, C. Hilland, Anna Parkin, Violet Cordone, M. Michtoke, G. W. Simpson, V. Buckle, Barvard, W. Carson, A. R. Parkin, S. Zlotnick, D. Ramkin, D. B. Grunewell, S. Siegel, J. Dukin, Peter Chutskoff, Josephine Foort, D. Georgis, W. M. Moojelsky, A. Brogan, A. Makorloff, Paul Hanna, Garryog Culhane, Columbia Smith, Thayaret Anne, G. Roman, H. Rush, W. Melnchuk, Frankie Pohtano, George Leyebok, Sandy Nelson, Tom Bullen, J. Livingston, J. J. Olson, J. McLean, A. E. Rankin, Arnold Webster, M. E. Mollinson, J. P. Tharp, John Krasnikov, G. Healy, N. G. White, W. H. Edwards, W. Bradley, and O. Harrison.

[27]

(Received Mar. 10, 1961)

We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

Osmo Lahto, Selma Lahti, J. Billisop, E. Johnston, T. Koalinainer, A. Reaviam, G. Ouellette, Cino Markin, J. B. Tester, A. Grant, A. O. Norwick.

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[28]

We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

Sonia Rutka, Hannah Palowey, Wally Stefnik, E. O. Honcharuk, D. Bratko, N. Honcharuk, N. Sawchuk, K. Kobylansky, E. Komar, J. Szach, R. Turlok, E. Polowey, Wm. Philipovich, Marion Philipovich, M. Kobylansky, M. Szach, S. Achtemichuk, O. Bigelow, Vern Bigelow, Mary Fedasenko.

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[29]

(Received Mar. 13, 1961)

We support you unanimously in your presentation of private bills to cancel the deportation orders against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane Nation is seriously challenged by the present Walter McCarran Act, and we can only hope your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

Lloyd Cox, H. M. Johnson, N. F. Sneesly, A. O. Bovin, C. Borly, Paul Emile Lilul, Bon Vados, Joseph Balaze, James A. Pennock, P. Julerl, L. Laurchsus, Alex Zakal, G. Russell, J. Avery, S. Mackie, G. Holm, Fran Weeks, Lumnar Jackson, R. G. Carson, Alta Maclean, M. Freylinger, George Thomas, H. Looney, M. Morstin, J. Fenton, Fred Billingsley, Stanley Young.

Melvin A. Ronan, Paul Leblane, James Wood, Jack L. Wright, Martin Jones, D. Byrkxra, R. Croucher, S. Johnson, G. Johnson, Robert Landey, J. Karpuk, F. Gann, Ming K. Wong, E. Lawrence, R. D. Peterson, R. W. June, C. P. Gramborg, Pete Fessler, John Moore, Leo Deoerreau, M. Sorocan, O. Norrell, R. Towle, A. N. Lurray, A. L. Turney, Orville Mowers, Jack Mowers.

J. Martinez, F. Landry, Gordan Fung, Denie James, J. Iashausheltz, R. S. Stenail, Anitti, Adolf Hietanen, Ivend Pedersone, Johnny Teidsderer, Frank J. Wagler, Henry Kühn, Harry Hane, L. Lembre, J. Montgomery, Jino Ganattu, Harold Doed, Alex Parkydails, Hubert Guertin, Peter Aifen, O. P. Olson, W. J. Sncesby, R. G. Thompson, John Robel, P. Weston, E. Bon, W. Kruger, E. Santrova.

H. H. Elmour, D. Dragoo, Charles Rouleau, Grace Tukson, Doris Blakey, Mrs. Mortenson, E. J. Dal Garfire, Guri Typpo, K. Typpo, O. Roberts, Gene Raappana, Frank Bennett, Gerald K. Hale, T. F. Mortenson, D. T. Diffin, J. W. Lappinoff, G. Petterson, Edward Osipow, R. Chamberlin, R. Reid, G. V. Dwedens, H. Harson, Stanley Janson, Flo Crossley, W. H. Hill, L. Davis, Don Kerr, Vic S. Redman.

Richard Smitt, Reg Good, Harold Jury, Stanley Gator, Austin Bourn, Harold Schwab, Amy Cordero, John Duke, R. Crane, W. Dorurk, Ina Dalgleish, Louis Pahl, John Reitt, Hugh Arters, S. M. Scott, D. A. Martin, Ian C. Beston, M. Homuph, C. S. Jones, Pete Zerbroff, Fred Puszkar, E. Nielsen, Henry Therrien Hagsmeyer, J. A. Montgomery, M. Bodmanshuk, Gerald Berynon, Marc Tremblay.

Don Flora, Harry Galandi, Johanna Galandi, A. Polsen, C. Brukson, E. Norris, Laura Kate, Albert Barrows, W. Hildebrand, John Peigie, Henry Unger, A. Burrows, M. Mendel, I. Vizim, T. Vizim, Ann E. Kosterow, N. Farley, J. H. Farley, I. Cockowic, Z. Taboro, Charley Carroll, L. Black, W. Romon, William Geib, J. Stevens, Carol Friedman, Emil Hoag, Geo Craig.

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[30]

Local Union 1998

Petition of the United Brotherhood of Carpenters & Joiners of America, Prince George, British Columbia, March 3, 1961

(Received Mar. 14, 1961)

We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

Norris Paulson, Adam Rodney, John Mochoruh, G. F. Wittelhobjer, A. Gasa, W. Armgrin, D. B. Korum, F. W. Lozinsky, J. Itchhkretc, A. Olson, Fred Bell, A. Hayes, F. Holst, S. Strandburg, F. Jaego, J. Fulford.

Nels Bralin, W. R. Christenson, John Subenchect, Jean Maizor, Fred Scholz, Art Ney.

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[31]

(Received Mar. 16, 1961)

Recently two Portland area men, Mr. Hamish Scott MacKay and Mr. William Mackie, were deported to Canada and Finland, respectively, without a trial by jury. The exile of these men has injured the U.S. prestige abroad and dimmed the shining example of democracy that the United States holds up to the world.

These men are accused of membership in the Communist Party over 25 years ago at a time when such membership was not grounds for deportation. Passage of the Walter-McCarran law in 1952 provided this belated punishment.

We, the undersigned citizens of the United States, petition our Senators to do all they can to see that Hamish MacKay and William Mackie are returned to their true homeland and reunited with their families where they belong, particularly by supporting the private bills to be introduced by Senator WAYNE MORSE of Oregon, for this purpose.

We further petition them to introduce and support a bill to revise the Walter-McCarran law which was responsible for their cruel deportation, to the effect that all foreign born residents of the United States having legally entered this country cannot be deported after a residence of 5 years.

Holland Roberts, Sally Cooper, Rose Isaak, Hodee Edwards, V. Honeauto, G. P. Berman, Luba Brisker, Eleanor Sawyer, Zera Martinoff, Roscoe Kennedy, Lettie Kennedy, Aby Cross.

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[32]

(Received Mar. 26, 1962)

Recently two Portland area men, Mr. Hamish Scott MacKay and Mr. William Mackie, were deported to Canada and Finland, respectively, without a trial by jury. The exile of these men has injured the U.S. prestige abroad and dimmed the shining example of democracy that the United States holds up to the world.

These men are accused of membership in the Communist Party over 25 years ago at a time when such membership was not grounds for deportation. Passage of the Walter-McCarran law in 1952 provided this belated punishment.

We, the undersigned citizens of the United States, petition our Senators to do all they can to see that Hamish MacKay and William Mackie are returned to their true homeland and reunited with their families where they belong, particularly by supporting the private bills to be introduced by Senator Wayne Morse of Oregon for this purpose.

We further petition them to introduce and support a bill to revise the Walter-McCarran law which was responsible for their cruel deportation, to the effect that all foreign born residents of the United States having legally entered this country cannot be deported after a residence of 5 years.

Lewis N. Levy, Margaret Levy, Elizabeth Hidigen, J. K. Bancraft, Doil N. Delany, Richard Edwin Hetzer, Bette McClellan, Leslie H. Smith, Robert H. Ellis, Alfred H. Riehl, Vernon R. Hone, Paul P. Williamson, Sandra Manion, Corrine Chamberlin, Mary Lee Martin, Harvey O'Conner, H. G. Stevens, Bernice Roane.

Mrs. Hariett N. Leary, John W. Stanford, Mrs. J. W. Stanford, Grace Koger, Harry Koger, Janice Calvin, Robert Calvin, James Sager, James S. Sager, William J. Lytle, Manuela S. Sager, Elisabeth P. Lyle, Joseph T. Costello, Stanley P. Gluck, Geraldine Gluck.

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[33]

(Received Mar. 24, 1961)

We support you unanimously in your presentation of private bills to cancel the deportation orders against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

Jim Malonfant, Neil McPhacfyer, J. K. Ladislaus, N. L. Orr, N. Synco, R. Beleglage, M. Manchiou.

P. Watson, A. Theodore, R. Beivalge, George Stevens, L. Pope, R. Orr, N. A. Spilahen, B. J. Smith.

[34]

(Received Mar. 30, 1961)

We support you unanimously in your presentation of private bills to cancel the deportation orders against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

E. L. Rnott, J. E. Boyd, O. W. Lee, A. Milley, Jas. MacDonald, F. Fredrickson, H. Horsman, E. P. McLeod, John Smythe, Jas. McCarl, May Taylor, Jack W. Martin, Willis Shaparla.

G. Chud, E. Hestrin, Anne Engle, Pauline Robbe, Bea Brail, H. Berson, Sam Brail, N. Robbe, L. Frydenland, R. Frydenland, J. Frydenland, R. Headrich, C. Nizen Kevich, W. Chan, A. Jackson, P. Weinstein, S. Friedman, A. Weinstein, Mr. and Mrs. B. Zaker, A. Smith, H. R. Gerson.

[35]

(Received Apr. 1961)

Recently two Portland area men, Mr. Hamish Scott MacKay and Mr. William Mackie, were deported to Canada and Finland, respectively, without a trial by jury. The exile of these men has injured the U.S. prestige abroad and dimmed the shining example of democracy that the United States holds up to the world.

These men are accused of membership in the Communist Party over 25 years ago at a time when such membership was not grounds for deportation. Passage of the Walter-McCarran law in 1952 provided this belated punishment.

We, the undersigned citizens of the United States, petition our Senators to do all they can to see that Hamish MacKay and William Mackie are returned to their true homeland and reunited with their families, where they belong, particularly by supporting the private bills to be introduced by Senator Wayne Morse, of Oregon, for this purpose.

We further petition them to introduce and support a bill to revise the Walter-McCarran law, which was responsible for their cruel deportation, to the effect that all foreign-born residents of the United States having legally entered this country cannot be deported after a residence of 5 years.

Stuart R. Shaw, C. R. Spellmeyer, Mrs. P. E. Boehme, Lottie J. Karr, Wesley A. Sherman, David M. Karr, Nancy A. Reid, Ted Boehme, E. Jeanne Norton, Mrs. Ralph Strohmeyer, Mrs. Donald Carey, Harvey R. Smith, Kenneth A. McKenzie, James W. McGill, George A. Hann, Jacquie Shaw, Lillian Leach, Charles Hecht, H. J. Row, Velura Lierman.

[36]

(Received Apr. 3, 1961)

We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

Carl Hilland, J. Rausch, W. E. Cobley, D. F. Resines, F. Soderholm, A. B. Carlson, John Lee, U. Soderholm, W. E. Hillonst.

John E. Humphreys, Nellie Murphy, Vera G. Humphreys, H. M. Judd, J. Preston, Mary Preston, W. G. Stewart, M. E. Burnell, E. Burnell, E. M. Eachen, V. E. Dimozoulos, Sid Shelton, D. Luthen, M. Pritchett, S. Govorchin, E. M. Govorchin, M. L. Haukedal, R. C. Wright, P. C. Munro, Gordon Pinnett.

M. Wallach, G. S. Gip, D. Greenwill, C. M. Stewart, E. Munro, Marshall Jerry, Mrs. M. Shelton, Jim Ormerod, B. Galitzky, L. Ormerod, L. Nelson, Bob Horn, N. E. Steward, Pam Bates, Sandy Dalton, A. E. Cathers, Herschel Warden.

[37]

(Received Apr. 8, 1961)

PETITION IN SUPPORT OF HAMISH SCOTT MACKAY AND WILLIAM MACKIE

To Senator WAYNE MORSE,
*U.S. Senate Office Building,*
*Washington, D.C.:*

We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world:

J. Urquhart, L. Ingleson, A. Simpson, S. Ogren, F. L. Christian, S. Stefanek, M. T. Nelson, Elmer C. Booth, Frank Kitchen, L. A. Aslin, A. Forcier, J. Mohan, H. Holthe, G. Williamson, J. Gorton, T. Halloran, Bob Moffat, A. Piquet, E. Knowneltz, M. Minibuly, E. Stewart, R. McAteer, P. Staniskis, Wm. Wishart, Ken Dahl, Geo. Walton, Pete Zogar, Joseph McIvor, A. J. O'Brien, F. Chatskeer, K. Marklund, K. Kramer, R. Coleman, W. Kennedy.

[38]

PETITION TO THE MEMBERS OF THE U.S. CONGRESS

Recently two Portland area men, Mr. Hamish Scott MacKay and Mr. William Mackie, were deported to Canada and Finland, respectively, without a trial by jury. The exile of these men has injured the U.S. prestige abroad and dimmed the shining example of democracy that the United States holds up to the world.

These men are accused of membership in the Communist Party over 25 years ago at a time when such membership was not grounds for deportation. Passage of the Walter-McCarran law in 1952 provided this belated punishment.

We, the undersigned citizens of the United States, petition our Senators to do all they can to see that Hamish MacKay and William Mackie are returned to their true homeland and reunited with their families where they belong, particularly by supporting the private bills to be introduced by Senator WAYNE MORSE of Oregon for this purpose.

We further petition them to introduce and support a bill to revise the Walter-McCarran law which was responsible for their cruel deportation, to the effect that all foreign-born residents of the United States having legally entered this country cannot be deported after a residence of 5 years.

Paul Lanier, Gerald L. Clore, Odeni Crawford, Catherine Miers, Robert F. Greenwald.

Earl Sorg, Melvin Jensen, John L. Jensen, Alfred B. French, Mrs. Frederick L. Renaud, George Tsebs, Newton Garver, J. B. Tenne, Howard T. Latz, Christopher H. Stowell, Sam Davis, Nina Gold, Edward Gold, Richard Downs, R. E. Nelson, V. R. Dunne, N. Fagenhaug, Ron Christenson, O. T. Garness, Everett E. Luoma, Edward J. Haupt, Webb Batchelor, M. Sibley, Mrs. C. S. Broms, Douglas L. Phelps, Lewis H. Marvis,William Simmons, Lapher, Marilyn Sumner, Charles A. Barton, Ernest Seeman.

[38A]

(Received Apr. 27, 1961)

FINNISH-AMERICANS

O. A. Runltila, H. J. Birch, Emil Hendrickson, Anna Hendrickson, Ella Raistakka, Anna Pieppo, Anna Hekala, Seth Mattila, Anna S. Mattila, Anthony Warkeal, Ida Syroraen, Alice Birch, Lydia Westersund, Mandy Paulson, Margit Walkish, Anni Parnon, Fanny Pernu, Fanny Stakkan, Anna Kivisto, John F. Tayra, Marie Wukich, Mary Jane Wukich, Svante Raislekka, Emilia Bohm, Sulo W. Syvanen, Katte I. Kokka, Matt Ristola, Karl Tahlbom, Jack Maer, Lorro Pernu, Josephine Rietala, Jack Rietala, Shane Runttila, LeRoy Adolphson, Andrew Bohm, Julia Runttila, Anoid Fransen, Maria Fransen, Esther Johnson, John Johnson.

[39]

(Received May 1, 1961)

COMMITTEE OF FRIENDS AND RELATIVES TO BRING BACK HAMISH MACKAY AND BILL MACKIE

Recently two Portland area men, Mr. Hamish Scott MacKay and William Mackie, were deported to Canada and Finland respectively without a trial by jury. The deportation of these men has injured U.S. prestige abroad and also it has dimmed the shining example of democracy that the United States holds up to the world.

These men committed only the "crime" of joining unions during the great depression which had been organized for the purpose of helping the unemployed. At the time many were out of work and felt that unions were the only solution. The so-called subversive organizations were not even associated with the Communist Party until years later when they had gone out of existence.

We, the undersigned citizens of the United States petition our Senators to do all they can to see that Hamish MacKay and William Mackie are returned to their true homeland and reunited with their families where they belong. We further petition them to introduce a bill to revise the Walter-McCarran law which was responsible for their cruel deportation, to the effect that all foreign-born Americans who have legally entered the United States cannot be deported after a residence of 5 years:

Dick Korvola, Alvin Christopher, Fred Hendrickson, Howard Hendrickson, Frank Molstrom, Mrs. Henry Hudemann, Glen Kononer, Ed Davis, Alena Davis, Robert J. Hawkins, Henry Harala, Elsa Winsted, Mamie Somppi, Albert B. Morris, Joyce C. Morris, Evertt P. Robinson, Mrs. E. P. Robinson, James M. Wiley, Charles R. Rohde, Fred Verstoppen.

Celia Seboren, Fay Eimsbery, M. Eimsbery, Joe Wheeler, M. Amenz, R. Ohin, S. Trujan, Hugo Gellert, Judy Jones, Ninnia Feigin, Atthen Rugan, Aspen Beta, Janette Twin, L. Broden, Joseph B. Boudan, Chas. Dinlou, Frances J. Hochberg, Rebecca G. Epstein, Nuirst Haber, Stewart Haber, Lillian Tuchman, Anna Rajewicz, Terry Petters, Berta Petters, Rose Wallach, Lithia M. Fleming, K. T. Atwell, Rose Daniels, Wm. L. J. Glude, R. Berger, Helen Araduech, Mary Jane Mel-

ish, Rose Gilderman, Aileen H. Morford, Rose Thaler, Samuel A. Newberry, Blanche K. Katz, Kitty Greenwood, Wm. H. Melish, Rose W. Lewis, B. Warshile, Helen Frank, B. Williams, S. Shaftell.

Jon B. Colburn, R. Bert Garner, Nancy Browne, Arlene Schnitzer, Laura Russo, Jim Gilles, James Fowler, Bonnie Bronson, Donald P. Wilson, Eric Marcoud, Eugene W. Manson, George Edminston, Jay H. Backstrand, Charles G. Kelly, Diane Mastin, Thomas C. Cuthank, Nancy M. Wilson, Michelle Russo, Margo MacKusick, Sandra J. Boileau, Audrey Feist, Ken Lehack, Ron McComb, Pat Sander, Clarence Marshall, Henry B. Blake, Elsie Larrow, George Dabney, Jr., Frank Trotter, Mable Brown, R. Brendetto, Marie Waddell, Jennie Haddow, Reuben M. Haddow, Viola D. Garrett, Luther V. Garrett, Roma Crisler, Betty Brown, Thelma Sharpe, Cleveland Sharpe, Mrs. Rosie L. McCray, Leomon McCray.

Fern Gurley, Gina Nave, Hazel Wolf, Oscar H. McGill, Elizabeth Harper, Florence Mae Sublette, Jack A. Sublette, Shirley V. Ricks, Ruby M. Walker, Bennie C. Jensen, Clarence Simpson, Wm. E. Dilley, Richard B. Slayton, Charles M. Ricks, Mable E. Slayton, Leo Ricks, Myrtle Sublette, Denise Jacobson, Benjamin Jacobson, Louise P. Farrell, Russell C. Farrell, Virginia R. Minton, Leo V. Minton, Lula Massingill, Helen I. Wilhelm, Ileen Haworth, Irene Bowman, J. W. Reed, Vernie W. Reed.

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[40]

(Received May 1, 1961)

PETITION IN SUPPORT OF HAMISH SCOTT MACKAY AND WILLIAM MACKIE

To Senator WAYNE L. MORSE,
*U.S. Senate Office Building,*
*Washington, D.C.:*

We support you unanimously in your presentation of private bills to cancel the deportation orders against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

Stef. Sorokanych, Jane Johnson, Bert Johnson, K. Maslanka, S. Maslanka, J. Husieff, Wm. Kuzyk, A. Nikitcik, L. Skeboe, W. Mauych, P. Maslanka, M. Maslanka, A. Leach, Ray Byrd, F. Soderholm, G. A. Collatt, B. Sodaholm, A. Soderbalm, T. Husieff, T. Melner.

Andrew Brogan, M. J. Bingham, A. Bingham, J. Conway, J. Power, Judy Power, E. Radosenii, Mrs. Derewenko, Mrs. Honcharuk, Mrs. Fedosinko, Garry Allen, Sylvia A. Parker, John McKay, S. McKay, A. Chyzyk, W. Chyzyk, M. Zuleyk, N. Zuleyk, Mr. and Mrs. E. Lichon, Tom Zurowel, Bob Kendiok, Margaret Seaton Timoffee, Laura Timoffee, Leslie Seaton, Wm. J. Jimoffe, John Pearson, Mrs. and Mr. Malloy, Mrs. McKitch, J. McKitch, W. Harry Leek, W. Kehm, Max Bimblich, Maxine Bonus, F. Petron, P. Cranow, A. Sawchut, Ruth Wenneslau, Fred Hanson.

Irene Franklin, Bert A. Emery, Harry Wiener, Alice Colon, W. R. Kropinske, Mrs. C. Rice, Pat Rice, Mrs. Connie Rice, M. Silecki, Rhea Robertson, Fred Robertson, Margaret Pearson, S. R. Lowe, W. E. Forde, R. J. Wizard, M. Brogan, R. Pittman, H. A. Francis, Alan M. Decatur, Edith Snelgrove, Robert Lerseque, H. Clifford, John E. Hill, W. Helsing, Wong Sum, Cathie Edwards, Dorothy Chunn, S. Kende, P. Miller, Frankie Politano, Phil Zander, Michael Sayer, Wm. Wolesky.

[41]

(Received May 26, 1961)

OREGON FEDERATION FOR SOCIAL ACTION, GRESHAM, OREG.

A PETITION TO THE MEMBERS OF THE U.S. CONGRESS

Recently, two Portland area men, Mr. Hamish Scott MacKay and Mrs. William Mackie, were deported to Canada and Finland, respectively, without a trial by jury. The exile of these men has injured the U.S. prestige abroad and dimmed the shining example of democracy that the United States holds up to the world.

These men are accused of membership in the Communist Party over 25 years ago at a time when such membership was not grounds for deportation. Passage of the Walter-McCarran law in 1952 provided this belated punishment.

We, the undersigned citizens of the United States, petition our Senators to do all they can to see that Hamish MacKay and William Mackie are returned to their true homeland and reunited with their families where they belong, particularly by supporting the private bills introduced by Senator WAYNE MORSE, of Oregon, for this purpose.

We further petition them to introduce and support a bill to revise the Walter-McCarran law which was responsible for their cruel deportation, to the effect that all foreign born residents of the United States, having legally entered the United States, cannot be deported after a residence of 5 years.

Mary Gibson, Elmer Harman, William J. Con, Margaret McDaniel, M. J. Ryan, G. V. Ryan, Jos. W. Leroy, Wm. Nichols, Vivian George, Louise Hatten, Charles Bloch, G. W. Russell, Eugene Robel, Thorun Robel.

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[42]

(Received May 29, 1961)

PETITION TO THE MEMBERS OF THE U.S. CONGRESS

Recently two Portland area men, Mr. Hamish Scott MacKay and Mr. William Mackie, were deported to Canada and Finland, respectively, without a trial by jury. The exile of these men has injured the U.S. prestige abroad and dimmed the shining example of democracy that the United States hold up to the world.

These men are accused of membership in the Communist Party over 25 years ago at a time when such membership was not grounds for deportation. Passage of the Walter-McCarran law in 1952 provided this belated punishment.

We, the undersigned citizens of the United States, petition our Senators to do all they can to see that Hamish MacKay and William Mackie are returned to their true homeland and reunited with their families where they belong, particularly by supporting the private bills to be introduced by Senator WAYNE MORSE, of Oregon for this purpose.

We further petition them to introduce and support a bill to revise the Walter-McCarran law which was responsible for their cruel deportation, to the effect that all foreign born residents of the United States having legally entered this country cannot be deported after a residence of 5 years:

Thelma Dorr, William Shelon, Bessie Shelon, Dorothy Lincke, George Paps, Blanche J. McGregor, Marion H. Johnson, Frank Johnson, L. G. Williams, Henry W. Lincke, Loula M. Paps, Helen J. Williams, Florence C. Curtin.

Earle R. Koeble, Viva E. Koeble, Elizabeth M. Brown, Ellis E. Brown, Louise McCullough, Maxie Moore, Don Dworles, Marvin O. Zeigler, Mrs. Russell Dunham, Virginia Peet, Ronald Hagan, Sam Lambert, Floyd T. Brown, Zoe Marie Brown, Charles R. McDaniel, Quincy K. Hamilton.

Lawrence Conrad, W. B. Preen, O. A. Fritz Conrad, Millie Barry, Stanley Barry, Geo. M. Restad, Mrs. Louise Dennis, John Dennis, Mrs. E. Welland, Vivian Butterfield, Arthur Olson, L. H. Butterfield, Mary Lee Restad, Marshall Grob, Marguerite Grob, J. D. Lucas, Lawrence C. Crabtree, George R. Morgan, F. P. Good, E. Smith, Joe Jakovac, Eino Kowunen, Leonard K. Smith, Raymond Hopper, Richard D. Massey, Charles Cecil Thrush, Howard A. Simpson, Eugene R. Bailey, Chester Skinner, Wesley W. Massey, P. L. Waestenburg, Warren L. Hunt, Russell K. Maine, Harry Lee, Ilmar Kowunen, Jerry Orser.

Paul Babich, Anna Grimankan, C. Neumann, Jul Neumann, Myrtle Wussgirba, Irene Koziel, Juliana Tamel, Stella Lesnick, Alvin Strick, Anton Schumerkaz, Jacob Markuss, Wm. J. Thomas, Bernard Zalim, John Corbett, Henry Molet, Gary Baumeister, Mrs. Helena Savicki, Mrs. Rita A. Bastil, H. A. Ridderstreck, Viola L. Riddersteck, Henry Olson, Joe A. Lima, John Kayola, Irene Hennicks, Harry Mayville, John Davidson, E. Koski, L. Mattson, Vernon Harting, Theo. Olson, Mrs. Henry Veron, John Nelson, Andy Johnson, Irene Krischke, Henry Bartlett, Lillian Payne, Mabel Christner.

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[43]

PETERSON & LENT,
ATTORNEYS AT LAW,
PORTLAND, OREG.

Re Senate bills 420 and 421 for return of Hamish Scott MacKay and William Albert Mackie following deportation.

DEAR MR. HAYES: The undersigned was one of the attorneys for the above named who have been deported to Canada and to Finland respectively under the Internal Security Act of 1950 for alleged membership in proscribed organizations in the 1930's.

Senator WAYNE MORSE has introduced the bills above indicated to return these men to the United States of America and to their families in Oregon. We think their deportation was a gross miscarriage of justice and their deportation was a serious blow to the prestige of America throughout the world.

Could we ask your assistance in bringing these men back to America by your endorsement of the passage of these bills? If you feel willing to lend your assistance in this manner, sign this letter and return the same to me in the self-addressed envelope herewith enclosed, and I shall forward same to Senator WAYNE MORSE.

Sincerely,

NELS PETERSON.

The following named attorneys support this appeal: Leo Levenson, Ben Anderson, Gerald Robinson, Reuben G. Lenske, Harlow F. Lenon; and Bernhard G. Fedde.

I hereby give my personal support to Senate bills 420 and 421 for the return of Hamish Scott MacKay from Canada and William Albert Mackie (or William Niukkanen) from Finland to the United States of America following their deportation.

Gerald R. Hayes, J. Robert Patterson, John H. Horn, Hugh L. Barzel, Allan Hart, E. B. Sohlstrom, Sam Kyle.

Courtney R. Johns, Merle A. Long, Carl G. Stanley, Sam B. Davis, Sidney E. Ainsworth, Robert C. Anderson, Thomas F. Young, Myron D. Spady, Craig C. Coyner, Owen M. Panner, Ed. F. Ackley, Wade P. Bettis, Fred P. Eason, Robert E. Jones, Charles H. Reeves, W. A. Seaman, Maurice V. Engelgan, Dana Babcock, Clifford R. Altman, Chester N. Anderson.

Bruce R. Avrit, Edward N. Fadeley, Albert H. Ferris, Marvin E. Hansen, James P. Harrang, Arthur C. Johnson, H. V. Johnson, Judith E. MacInnis, Sidney A. Milligan, Robert E. Moulton, R. Glade Shimanek, Hector E. Smith, Donald J. Wilson, Charles A. Wintermeier, Gordon K. Wylie, Fred A. Miller, Vernon Cook, Wayne C. Omala, Kenneth M. Abraham, Lloyd M. McCormick.

T. S. McKinney, Cortis D. Stringer, Laurence Morley, Richard W. Courtright, Ben

Day, William V. Deatherage, Robert H. Grant, Bernard P. Kelly, Bruce J. Manley, John M. Ross, H. Dewey Wilson, Ralf N. Erlandson, Robert G. Hawkins, G. K. Litchfield, Fred Allen, A. B. Sanchiz, Harry G. Hoy.

George L. Hibbard, James O. Goodwin, Dale Jacobs, Theodore Bloom, Ernest Bonyhadi, Richard Brownstern, Donald A. Buss, Henry Carey, Wm. B. Creitz, C. D. Dolph, Burton J. Falgren, J. Kelly Farris, Ben F. Forbes, Gerson F. Goldsmith, Thomas M. Goldsmith, Ben T. Gray, B. A. Green, Burl Green, B. M. Hall, Floyd D. Hamilton.

Alan H. Johansen, William J. Josslin, Stephen M. King, Norman L. Lindstedt, Tolbert H. McCarroll, Robert L. McKee, Clifford D. O'Brien, Clifford B. Olsen, Paul C. Paulsen, Anthony Pelay, Jr., Wendell K. Phillips, Lee Puckett, John P. Ronchetto, John R. Sidman, Sol Siegel, Bardi Skulason, Mary Jane Spurlin, Louis Stern, William J. Sundstrom, Maurice D. Sussman.

Kenneth G. Wilshire, M. M. Orona, Philip Weinstein, John D. McLeod, Thomas R. Mahoney, John D. Mosser, David Weinstein, Douglas J. White, Jr., G. Dwyer Wilson, Edwin A. York, James F. Bodie, Forrester G. Taylor, Thomas C. Hartfiel, R. L. Whipple, Randolph Slocum, Elmer M. Amundson, Steve Anderson, B. C. Flaxel.

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PETERSON, LENT & PAULSON,
*Portland, Oreg., September 6, 1961.*

Since forwarding the photocopies of letters of endorsement from lawyers in Oregon endorsing the above Senate bills, I have received additional letters and am enclosing herewith photocopies of same.

The addresses of the lawyers endorsing said bills which are enclosed herewith are: Donald F. Bach, 858 Pearl Street, Eugene, Oreg.; Leland J. Knox, U.S. National Bank Building, Medford, Oreg.; Aaron Brown, Jr., 2343 North Williams Avenue, Portland, Oreg.; A. B. Schallhorn, Public Service Building, Portland, Oreg.

A. B. Shallhorn, Aaron Brown, Jr., Leland J. Knox, Donald Bach.

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[45]

COMMITTEE FOR SUPPORT OF
SENATE BILLS 420 AND 421.

DEAR FRIEND: The undersigned are a voluntary committee seeking to obtain local support for Senate bills 420 and 421, introduced by Senator WAYNE L. MORSE. They would permit the return of Hamish Scott MacKay and William Albert Mackie to their homes and families in Portland. These men were deported last November, the first to Canada, the second to Finland, as undesirable aliens under the provisions of the immigration law.

It is our opinion that the application of this law in these cases was so extremely harsh as to work an injustice. The only apparent remedy is special legislation such as Senator MORSE has introduced. The enclosed folder recites the history of the cases.

We invite you to join us in support of this legislation by signing and returning the attached statement. The returns will be assembled and forwarded to Senator MORSE. Time is "of the essence" for these men are growing old, and Congress is expected to adjourn in September. We hope for favorable action before the session winds up.

Yours very truly,

Charles A. Sprague, Stanley W. Earl, David H. Newhall, Robert D. Webb, Wesley G. Nicholson, Charles T. Duncan, Richard M. Steiner, Dorothy O. Johansen, Richard H. Sullivan, Reuben Lenske, Fred Meek, Watford Reed.

P.S.—Financial assistance will be appreciated to help carry the cost of this effort. If you are so inclined kindly enclose a contribution with your signed statement. Checks may be made payable to Watford Reed, treasurer.

*To the 87th Congress:*

I wish to give my personal endorsement of Senate bills 420 and 421 to allow Hamish Scott MacKay and William Albert Mackie (or Willia Niukkanen), now under deportation, to return to the United States to reside with their families.

Frank C. Leonhardy, Lucille Leonhardy, Jack K. Eyerly, William C. Landes, L. P. Pierson, Frank Wesley, Ernest L. Weiser, John R. Howard, George Turnbull, John Sember, Kathleen Sember.

Richard M. Noyes, Ralph J. Salisbury, Rev. J. W. Bowles, Gerald W. Lilje, Peter R. Sherman, Lou Greenberg, Pauline Hamill, Mrs. Cleo R. Moats, Rev. Gary A. Hutchins, and Arnold D. Knudsen.

R. M. Reynolds, John M. Pike, Gerald G. Emerson, Kenneth D. Hooton, E. N. Pareis, Ph. D., Richard A. Littman, A. J. Cholin, Grace Graham, Francis B. Nickerson, E. D. Kittoe, Mrs. E. D. Kittoe.

Lee and Laurel Hodgden, Stanley and Joan Parson, Dwight Hopkins, B. L. Staples, Robert Blumstock, John L. Briehl, Alfred Heipern, Nancy M. Howard, Lois Gourtnwood, K. F. Pinnell, Rae Fiszman, M. McGillegan, Robert L. Martin, S. N. Karchmer.

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[46]

SEPTEMBER 26, 1961.

MRS. MAUDE N. RICHARD,
*Secretary, Peace Committee,*
*Hillside Community Church,*
*Tacoma, Wash.*

DEAR MRS. RICHARD: Many thanks for your letter and the attached petitions. It is encouraging to see all of you rallying around the historic tradition of freedom and liberty which is constantly being threatened by extremist groups of both the right and the left.

The basis of a strong liberal democracy has been largely composed of those who took an active interest in public affairs. I commend your efforts.

With kindest regards.

Sincerely,

WAYNE MORSE.

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TACOMA, WASH., *August 2, 1961.*

DEAR SENATOR MORSE: I hope these few names may be of some assistance. Unfortunately public opinion being what it is, many people will not sign. The John Birch Society has created a new era of MyCarthyism. When will the American people learn the lessons of history?

I have just finished reading "Nation of Sheep," by William Lederer, coauthor of "The Ugly American." These books are amazingly frank and I wish every adult would read them.

Senator MORSE, at the moment, we are terribly concerned over the Berlin crisis. We are convinced that it can be settled without war—that it must be settled without war, for war today would mean a nuclear holocaust.

When man has become so brilliantly scientific that he can split the atom and sail around the earth in a satellite at dizzying speed—surely he can learn to live with his fellow man on the same planet.

There are those who tell us that we are in the grip of a military dictatorship. Brig. Gen. Hugh B. Hester, retired, says just that. Harrison Brown and James Real in "Community of Fear" say the same thing. This is frightening. What do we do? Am enclosing my last letter to the Letter-Box. You may have received a copy for a prominent lawyer, Rex Roudebush, told me he mailed out 65 copies.

Cordially,

MRS. MAUDE N. RICHARD,
*Secretary, Peace Committee.*

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Recently two Portland area men, Mr. Hamish Scott MacKay and Mr. William Mackie, were deported to Canada and Finland, respectively, without a trial by jury. The exile of these two men has injured the U.S. prestige abroad and dimmed the shining example of democracy that the United States holds up to the world.

These men are accused of membership in the Communist Party over 25 years ago at a time when such membership was not grounds for deportation. Passage of the Walter-McCarran law in 1952 provided this belated punishment.

We, the undersigned citizens of the United States, petition our Senators to do all they can to see that Hamish MacKay and William Mackie are returned to their true homeland and reunited with their families where they belong, particularly by supporting the private bills (S. 420 and S. 421) that have been introduced by Senator WAYNE MORSE, of Oregon for this purpose.

We further petition them to introduce and support a bill to revise the Walter-McCarran law which was responsible for their cruel deportation, to the effect that all foreign born residents of the United States having legally entered this country cannot be deported after a residence of 5 years.

Bessie Konz, Joseph Konz, Naomi Ellison, Mary Sutherland.

Jeanette Wimbles, Dola Malony, Wm. S. Smith, Elton S. Frances, W. H. Dickinson, Harold J. Bass, Ethel E. Bass, Arthur Munt, W. H. Ingram, Bernice Rader, Hazel Petersen, W. E. Edgemont, Morton Earl Kuisman, Mary Ingram, Marjorie Rader, Herbert Bach, Leon C. Johnson, H. Beatrice Simpson, Vima Randall, Mary Jones, Webster Rogers, Gus H. Rader, Paul J. Broune, Mrs. Herbert Bach, Alfonsas Adomavicze.

Norma Rader, Yvonne M. Braune, Ed Heinricy, Mary Ann Kildall, W. R. Kildall, Roger O. Butler, Ethel L. Philby, Beverly Rader, Melva Sue Kildall, R. M. Dixon, M. Fredrickson, Mrs. John Spruell, John Spruell, R. S. Bixby, H. Lavik, Maud E. Hamill, Mary Branscomb, Elbert D. Branscomb, Stella Richter, Kenneth McLeod.

Webster W. Rogers, Sylvia A. Miller, Herman H. Miller, N. H. Olson, Effe Olsen, Ed Hunsicy, May Ingraham, Anna E. Bellamy, Dean E. Bellamy, W. J. Pride, Inez H. McCarthy, Florence M. Hemeke, Mrs. Malther M. Isaksen, Frances M. Garton, Mayme L. Francis, John G. Gill, Maude N. Richard, James G. Richard.

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[47 and 48]

COMMITTEE FOR SUPPORT
OF SENATE BILLS 420 AND 421.

DEAR FRIEND: The undersigned are a voluntary committee seeking to obtain local support for Senate bills 420 and 421, introduced by Senator WAYNE L. MORSE. They would permit the return of Hamish Scott MacKay and William Albert Mackie to their homes and families in Portland. These men were deported last November, the first to Canada, the second to Finland, as undesirable aliens under the provisions of the immigration law.

It is our opinion that the application of this law in these cases was so extremely harsh as to work an injustice. The only apparent remedy is special legislation such as Senator MORSE has introduced. The enclosed folder recites the history of the cases.

We invite you to join us in support of this legislation by signing and returning the attached statement. The returns will be assembled and forwarded to Senator MORSE. Time is "of the essence" for these men are growing old, and Congress is expected to adjourn in September. We hope for favorable action before the session winds up.

Your very truly,

Charles A. Sprague, Stanley W. Earl, David H. Newhall, Robert D. Webb, Wesley G. Nicholson, Charles T. Duncan, Richard M. Steiner, Dorothy V. Johansen, Richard H. Sullivan, Reuben Lenske, Fred Meek, Watford Reed.

P.S.—Financial assistance will be appreciated to help carry the cost of this effort. If you are so inclined kindly enclose a contribution with your signed statement. Checks may be made payable to Watford Reed, treasurer.

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*To the 87th Congress:*

I wish to give my personal endorsement of Senate bills 420 and 421 to allow Hamish Scott MacKay and William Albert Mackie (or Willia Niukkanen), now under deportation, to return to the United States to reside with their families.

Helga Kowist, Rollo Ponz, Kenji Ima, Ray Benight, Pastor, Diana M. Gerding, Othlie T. Seybolt, Ronald A. Phillips, John H. Pigg, Jr., E. C. Salter, Royald V. Coldwell, Thomas O. Ballinger, Carlisle B. Roberts, John C. Sherwood, Carolyn Large, Stanton A. Cook, Joan E. Cook, A. Geilof Homan and Norman C. Homan, Ralph G. Swenston, B. D. Watts, John M. Pratt and Janet R. Pratt, Donald J. Peterson, Vern Magill and Margery Magill, Sharon L. Gregg, Walter Gordon, Lois L. Tuttle.

George R. Schoedinger, Jr., Noah Allen, Mrs. Donald N. Reid, Representative Wayne Lucas, Mr. and Mrs. S. J. Herzig, Hans J. Tollefson, Nevitt B. Smith, Roy L. Johnson, E. E. Benedict, G. R. Olson, Helen B. Browne, Robert J. Lindahl, Dr. R. L. King, David Tyack.

Noble W. Streeter, Ivan Niven, Jacob P. Sears, Bernard R. Greenwalt, James W. Ferguson, Cecily M. Christensen, Peter W. Frank, R. E. Simmons, Warren E. Kalbach, Allan S. Craig, Mr. and Mrs. H. Ray McKnight, J. L. Powell, Rev. George Nelson, Leopold Popwish, Mrs. Robert A. Blumenthal, J. B. Roberts, James E. McCobb, Catherine B. Solinis-Herreio, Betty Bryan, D. L. Peuhallou, Jean L. Sutherland, Harry T. Allan, Eugene H. Walter, Carl B. Engstat, Joseph C. Blumel.

Natalie Delord, Jersilla M. Garcia, William G. Bosworth, Donald MacRae, Arthur W. Livcomese, Byron L. Youet, Ralph D. Bowman, Diana R. Glover, B. J. Holland, Joseph A. Hynes, Genevieve S. Fujimoto, Russel Doie, Gordon D. Smyth, Ruth Anna Mathus, Henn-Yosh, Steiner, Stanley Kertel, Irene L. Collins, Margaret M. Johnson, Justin N. Trort, Katherine Mack, Bernd Crasemann, Jean M. Crasemann, Lynette Davis, Lois M. Schreiner.

Jean Tattersall, James N. Tanessall, Dorothy D. Anderson, Frank W. Anderson, Oleta Mills, David S. Mills, Earl Pomeroy, Mary Pomeroy, Kenneth Boyles, Elsie Boyles, Hugo Maynard, Susan Maynard, Wayne M. Slusser, Marianne S. Slusser, William H. Evoy, Frances M. Evoy, L. R. Goldberg, Robin M. Goldberg, Harlow E. Hudson, Martin Ganby.

G. F. Gwilliam, Max E. Fieser, William H. Givler, J. Parre Goelken, Larry Hybertson, Mildred R. Detling, LeRoy E. Detling, L. S. Cussman, Douglas K. Vincent, Wayne B. Brumbach, Lloyd B. Williams, George V. Guy, Edward P. Thatcher, Mabel D. Southworth, Wm. Wellhausen, Laurens N. Ruben, William John Peltzer, Robert H. Ellis, J. M. Gustafson, Jessie E. Taylor, R. N. Nunbaum, Glen S. Shortffe, Sally H. Russo, Michele Russo, A. L. Ellingson, David K. Newhall.

Bertha F. Tepfer, Sanford S. Tepfer, Ruth R. Straton, Douglas Straton, Mr. and Mrs. John Tanner, Judith De Buse, Raymond De Buse, Jo Anne F. Taylor, Harold A. Taylor, Laird C. Brodir, Lewis E. Ward, Jr., Chas. D. Dean, Lewis N. Levy, Margaret Levy, G. Robert McClain, Kathy Richardson, Bruce M. McAllister, Sally J. Ross, Don E. Dumond, Charles A. LeGuin, John C. Potter, Ellen Hurt, Marshall N. Goldstein, Francis E. Dart.

Rev. John L. Cauble, D.D., Geraldine G. Newhall, Robert D. Clark, Edward L. Neuerfeldt, William J. Hoffkind, Stuart L. Campbell, Sally L. Campbell, Jerry W. Harris, Alvin W. Urgurhart, Rollan J. Tuttle, Doris M. Rickard, Mr. and Mrs. W. Eugene Duncan, Edward A. Cepler, Mrs. R. M. Blemler, Raymond Haepelance, John Schellman, F. Charlotte Schellman, George E. Dimitroff, Rev. Asa Mundell, John O. Najarian, Dale W. Mark, John Shot Allen, Margaret Moss Allen.

Oscar W. Payne, Dennis A. Hoffman, Ph. D., Lauro Martines, Raymond E. Boyle, Eleanor A. Bolin, Ralph C. Bolin, James B. Ellingson, Herbert Hughes, Dorothy J. Christensen, Jack Triplett, Edwin R. and Virginia Bingham, Dorothy B. Sandwig, Edwin E. Sandwig, Eva Blackwell, Carl E. W. L. Dahlston, Kenneth A. Coates, Gerald F. Bartz, Ann W. Shepard, F. Arlin Nave, Milton Gardiner, John F. Abele, Victor C. Dahl, Beryl A. Dahl, Clayton C. Shepherd, John W. Barnhardt, Rev. R. H. Greenfield, Ph. D., Howard F. Hutchins, and Rev. Phillips Todd.

Florence D. Alden, Jay V. Seden, John F. Ruben, Ray Hawk, E. R. Knollin, John L. McMurtrey, E. C. Root, Mrs. Maud Harper, Dwight Townsen, Waino Parhaniemi, Kenneth S. Ghent, Rev. H. Harold Johnson, Leah Nelson, Ray Stauffen, Charles R. Ryan, William A. Austin, Clayton Sanderson, Stanley Johnson, Thomas E. Marshall, Richard O'Toole, and Benton Johnson.

John L. Briscoe, Thomas M. Whitehead, E. L. Malter, H. M. Foster, Verdell B. Crockett, Robert G. Cunningham, Bert Romo, Clifford N. Trout, Beulah Hand, C. R. Hoyt, Ase Rice, Andries Deinum, Gertrude Rempfer, R. W. Rempfer, Merton W. Saling, Keith W. Hadley, Margaret Burroughs, Robert D. Aldrich, John H. Belden, F. Wayne Bryant, Robert H. Brittins, G. C. Lansing, Mrs. W. T. Martin, Ned J. Davison, H. J. Birch, Robert R. Hodges, Mason D. McQuinton, Homer M. Noble, James R. Baggett, Michael Litt, Mrs. Don L. Manley, Clyde R. Pope, Walter R. Chiles.

Robert E. Nye, Mrs. Robert E. Nye, Val R. Lorwin, Madge Lorwin, G. E. Serausen, Nile B. Paull, Walter R. Warner, Richard J. Prasch. John A. Bauerfeld, Whitfield Stone, Ross Knotts, Father Fond Brandt, Arno Peterson, James R. Jewell, James J. Maney, Jesse H. Sirwous, Edgar B. Ross, Mr. W. Chenahan, Mozelle Hair, Donald C. Howard, Margaret Markley, Richard Crittenden, Oscar V. Luchs, Margaret Cenke, Rev. P. J. Griffiths, Adolf Diezel, William H. Nolte, W. Scot Nobles, Harold L. Ruppert, Mr. and Mrs. C. B. Beall, Clarence M. Moe, Edith M. Moe, Victor E. Allen, Glen A. Allen, Minnie B. Allen.

Iver Greendjossen, Mrs. Iver Greendjossen, Edna Smith, W. J. Smith, Richard W. Sabin, Lee A. Craig, G. Gross, T. B. Lawrence, Robert D. Crowley, C. Conrad Carter, D. W. Kelley, Paul Wellborn, Sr., Sam N. Sweetra, P. M. Hammond, David C. Coulter, J. Boyd Patterson, Robt. A. Hutchinson, Roy R. Hewitt, B. H. Rodman, J. Orville Mosbe, R. Thomas Gooding, George A. Hash, Paul S. Holbo.

E. M. Tilton, Arthur R. Lickey, J. J. Braun, Clarence L. Covell, J. R. Gentry, John R. McCullough, Don R. Johnson, F. Smith Fussner, Philip L. Wolfe, William Whallon, Eugene H. Kindschuh, Isabel Bochan, Lester F. Beck, Mrs. J. C. Jeffcott, Lloyd R. Swinson, John C. Bondurant, M.D., W. S Conklin, M.D., David M. Branson, Arch J. Kearns, H. W. Barber, Lloyd R. Stamp, Bernard F. Badnor, Adalbert G. Bettman, Bryan Goodenough, Kenneth C. Johnson, J. Arthur Stansall, Rev. Walker R. Smith, Marion A. McQuary.

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PETITION TO THE MEMBERS OF THE U.S. CONGRESS

Recently two Portland area men, Mr. Hamish Scott MacKay and Mr. William Mackie, were deported to Canada and Finland, respectively, without a trial by jury. The exile of these men has injured the U.S. prestige abroad and dimmed the shining example of democracy that the United States holds up to the world.

These men are accused of membership in the Communist Party over 25 years ago at a time when such membership was not ground for deportation. Passage of the Walter-McCarran law in 1952 provided this belated punishment.

We, the undersigned citizens of the United States, petition our Senators to do all they can to see that Hamish MacKay and William Mackie are returned to their true homeland and reunited with their families where they belong, particularly by supporting the private bills to be introduced by Senator WAYNE MORSE, of Oregon, for this purpose.

We further petition them to introduce and support a bill to revise the Walter-McCarran law which was responsible for their cruel deportation, to the effect that all foreign-born residents of the United States having legally entered this country cannot be deported after a residence of 5 years.

Ruben S. Lindgren, H. R. Harrman, K. W. Smith, James W. Yeager, Theo. C. Fox, Fred H. Pellen, Alfred W. Frenderen.

Mr. MORSE. Mr. President, in regard to the petitions, I am not going to insert into the RECORD the body of each petition, for in many instances the body is the same in language. I shall insert a so-called "master petition" once, and then add to that petition, showing the organization which circulated each petition and the date of the petition as an attachment to the master petition. That will save a great deal of space in the RECORD and save repetition.

It shall be understood that there will be included in the material some of the letters of transmittal, because they contain very important information and expressions of attitude in regard to these two cases.

Mr. President, I would not do this under ordinary circumstances, but I think it is important that Congress and the people of our country know how widespread in my State the feeling of opposition and resentment with regard to the handling of these cases by the Government of the United States is. That is why I have asked to have this material inserted in the RECORD.

I close now by saying that I am indeed very appreciative that the Senator from North Dakota has stayed with me as I have presented this very complicated and complex case or issue. It is a cause celebre issue in my State. I hope that the U.S. Government has not become so big and so impersonal that it cannot right the wrongs which have been done to these two human beings.

THE OREGON STATESMAN,
*Salem, Oreg., May 18, 1960.*

WILLIAM BERG, Jr.,
*Washington, D.C.*

DEAR MR. BERG: Thanks for sending me a copy of the Morse bill for relief of William Niukkanen, and tearsheets from the RECORD.

I had seen a press report on this bill and made an editorial comment of approval.

I think the law should be changed exempting aliens from deportation for offenses, if they were under years of discretion on entry. We should take care of those whose misconduct is of American origin.

Yours truly,

CHARLES A. SPRAGUE.

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IT SEEMS TO ME

(By Charles A. Sprague)

Last month the Supreme Court by a 5-to-4 vote upheld the order for deportation to Finland of a Portland house painter, William Niukkanen. He has been accused of being an active member of the Communist Party from 1937 to 1939. Moreover, Judge Gus

Solomon, who heard the case in the Federal district court in Portland, branded him as a perjurer for denying his association with the Communist Party. Judge Solomon is a valiant defender of civil liberties, so there can be no question of his court's overriding the civil rights of Niukkanen. Nevertheless, the full set of facts makes it seem absurd to deport this man.

Niukkanen was born in Finland while his parents had returned there for a visit. He was brought to America with them when he was less than a year old—just an infant. One can't possibly attribute his subsequent association with the Communist Party to any experience or contact he had in Finland. In short, he was an American Communist, not a Finnish Communist. Why then, shove him off on Finland just because of an accident of his birth on Finnish soil? What if Finland would refuse to take him back?

The Internal Security Act calls for deportation of aliens who, at the time they entered the United States, or at any time thereafter, were members of the Communist Party. It is the latter clause which is altogether too inclusive. Those who had not reached years of discretion when admitted ought not to be deported because of offenses they commit in the United States later on. This rule should apply to violators of criminal laws as well as Reds. In other words, if one who is born an alien is brought to this country as a child, and later, when he is an adult commits a crime or becomes a subversive he ought to be punished under our own laws, not ejected to the hapless country of his birth. The guilt developed in our society and we should take care of him, putting him in prison if he has committed a crime.

The remedy for this lies with Congress. The ruling of the Supreme Court may be quite valid under the existing law, though four justices—Douglas, Warren, Black, and Brennan—thought it wasn't. Congress ought to amend the law to exempt from deportation mere children who later on, when they matured in America, caught the virus of communism. We have a few native-born Communists whom we can't deport. Cases like that of Niukkanen are too few in number to be of any significance to Communist Party strength.

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EXHIBIT 1

[From the Oregon Statesman, May 17, 1960]

Senator WAYNE MORSE has introduced a bill to make it possible for William Niukkanen, Portland house painter under order for deportation to remain in the United States. Niukkanen was charged with Communist association which he denied. He was only an infant when brought to this country from Finland, so whatever guilt he has accumulated is strictly American, not absorbed in his native country. The Morse bill should pass. In fact it should be broadened to limit deportation to those who had reached the age of discretion at the time of entry.

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[From the Coos Bay World, Oct. 27, 1960]

OPPORTUNITY FOR MERCY

Portlanders William A. Mackie and Hamish Scott MacKay may, in the end, be deported to Finland and Canada, respectively, but their case has provided a marvelous example of bureaucratic indifference to sensibilities and logic, and has called forth the support of many people in both high and low places.

Both men have lived in this country for many years—the Finn since he was a few months old (he's now 51), and the Canadian since 1928. Both men attended several meetings of a Communist-front organization in the 1930's, as did a lot of men and women who'd now rather forget about it, and because of this activity they are ordered deported by the Immigration and Naturalization Service, and they've about run out of redress in the Federal courts.

Senator MORSE introduced a bill to permit them to stay, in the last session of Congress, but the bill didn't have time to go through. He'll try again next January, if he's permitted that much time.

A number of pleas for Executive clemency have been made to President Eisenhower. This is the ideal type of case by which an executive can utilize the power of mercy given him by his office. We hope the President can see his way clear to do so in the case of Mackie and MacKay.

Letters and telegrams to the President, at the White House in Washington, might be helpful at this time.

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[From the Astorian Budget, Nov. 11, 1960]

ACTION NEEDED

There should be administrative action at Washington to prevent the deportation of H. S. MacKay and William A. Mackie from Portland to Canada and Finland, respectively, since their case has drawn so much attention and created so much public doubt whether these men deserve deportation.

Evidently there is no recourse in the courts for the two men. Every legal method to prevent deportation seems to have been tried.

The worst that has been proved against the two is that once, years ago, they belonged to Communist-front organizations. There is considerable evidence that they both long ago eschewed communism.

It is noteworthy that the newspapers in Finland, to which country Mackie is to be deported, have taken interest in his case, and call the action of the U.S. Immigration Service barbaric.

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[From the Oregonian, Nov. 19, 1960]

LAW AT FAULT

"If the law supposes that," said Mr. Bumble, "the law is a ass, a idiot."

Dickens line might be applied to the prolonged cases of Hamish MacKay and William Mackie, which came to an end this week with their forcible deportion to Canada and Finland, respectively.

We do not weep for MacKay and Mackie. The record is clear that they were deeply involved in the 1930's in the Communist conspiracy. They knew what they were doing. The courts have, through all levels including the U.S. Supreme Court, affirmed their meaningful association with the Communist Party. They have had every benefit, in detail of the due process of law over the past decade. There is reason for official belief that they have not substantially altered their loyalties.

Although there are extenuating circumstances in each case, both are aliens and have chosen to remain so during long residence in this country. MacKay was born in Canada shortly after his parents moved from the United States, and applied for Canadian citizenship. Mackie was born in Finland during a brief visit there by his parents, who did not have U.S. citizenship though they considered themselves residents of America.

The offense, in each case, based on law dating from 1918, involved the combination of lack of citizenship and membership in the Communist Party. Such offense is punishable by deportation to country of origin. It has, with respect to both MacKay and Mackie, been adequately proved.

But these facts do not alter the certainty that the execution of the law in these cases will substantially damage the image of America in the eyes of the world.

It suggests that the nation that leads the free world is so fearful of its security that it must expel two insignificant men, one of whom once wrote on Portland sidewalks "Join the Communist Party" and the other of whom distributed copies of a Communist-front newspaper. We are not actually so timid, of course; we tolerate thousands of persons who did things as subversive as did MacKay and Mackie, but they have the protection of citizenship.

It suggests that American liberty is not all it has been cracked up to be, else why would we have laws in which the punishment appears incongruous in relation to the offense?

Unfortunately, we have not heard the last of these men and their problems. Each will remain, in his new abode, a symbol of the inflexibility of U.S. law. Their Canadian and Finnish neighbors may well ask themselves: "Why, if this man is so dangerous to America, should we thank America for sending him to us?"

An answer of sorts to that question should come with the amendment of the law responsible for the whole disgraceful business. It is, to paraphrase Mr. Bumble, idiotic to bind ourselves with a law which in its execution makes our country appear so ridiculous, not only to observers abroad, but also to those Americans who cherish the spirit of liberty and tolerance that brought this Nation into being.

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[From the Capital Press, Nov. 25, 1960]

UNJUST DEPORTATIONS

The deportation from the United States of William A. Mackie, Portland housepainter, and Hamish Scott MacKay, Portland carpenter, both foreign-born, will stand as an indictment against the United States until it is reversed.

The deportation is a carryover from the principles of McCarthyism that a man accused of being a Communist becomes ineligible for justice tempered with mercy.

Mackie and MacKay, during the depression 1930's, joined organizations which held out hopes for desperate, crushed people that there was a Utopia. Many people joined such organizations, much as many others joined Townsend plan groups, with the thought only of helping themselves and others out of straitened circumstances. Even in instances where such groups were controlled by Communists, many of the members intended no disloyalty to the United States.

But past membership in such an organization, regardless of the circumstances of that time and regardless of an individual's demonstrated loyalty to the United States, still makes a foreign-born resident subject to deportation. It was under the strictest interpretation of this rule that the U.S. Immigration Service was able to send Mackie back to Finland (where he spent only his infancy) and will be able to send MacKay back to Canada this weekend.

The legal technicalities of this basically unfair and inhumane decision to uproot two men from their families and their life's work, on the legal pretext that they are dangerous to American society, will be lost upon the people of the world, as indeed they are lost upon a great many American citizens. The impression will be created, and correctly so, that American Government, in this instance at least, does not exist for the protection of the people, but for their persecution.

This affair may yet have a happy ending, fortunately. Senator WAYNE L. MORSE has promised to submit legislation to the Congress convening in January which will reverse these unjust deportations and bring back two good American citizens to where they belong.

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EXHIBIT 2

[From the New York Times, Apr. 19, 1960]

HIGH COURT UPHOLDS FINN'S DEPORTATION

WASHINGTON, April 18.—The Supreme Court upheld today a deportation order against a 50-year-old Portland, Oreg., housepainter

who was brought to this country from Finland when less than a year old.

The painter, Willia Niukkanen, had been ordered deported on the ground he was an active Communist Party member from 1937 to 1939.

The Court announced its ruling in an unsigned opinion. Justice William O. Douglas wrote a dissent, joined by Chief Justice Earl Warren and Justices Hugo L. Black and William J. Brennan, Jr. This made the vote 5–4.

The Internal Security Act calls for deportation of aliens who at the time they entered the United States, or at any time thereafter, were Communist Party members.

Justice Douglas in his dissent said that two former Communists had testified that Mr. Niukkanen had belonged to the party but had described him as interested only "in bread and butter topics of the day" such as unemployment and relief, and declared:

"A man who has lived here for every meaningful month of his entire life should not be sent into exile for acts which this record reveals were utterly devoid of sinister implication."

Joseph Forer of Washington, argued for Mr. Niukkanen on March 21. Oscar H. Davis of the Justice Department, made the reply.

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[From the New York Times, Apr. 21, 1960]

DEPORTATION CRUELTY

Willia Niukkanen is a 50-year-old house painter in Portland, Oreg., who was born in Finland but came to this country when less than a year old. Between 1937 and 1939 he was a member of the Communist Party in Portland. There is no evidence that he personally advocated revolution, and he is said to have had no intellectual interest in Marxist doctrine.

A law first enacted in 1940 and reenacted by Congress in 1950 and 1952 requires the deportation of every alien who has ever been a Communist Party member in the United States—no matter how long ago or for how short a time. Because Willia Niukkanen had never become a citizen, deportation proceedings were begun against him. This week the Supreme Court ruled, 5 to 4, that his party membership had been sufficiently proved and that he must go.

It is difficult to disagree with the dissenters' protest against "exile" of "a man who has lived here for every meaningful month of his life." But the onus for this cruel deportation lies more with Congress than with the Supreme Court. The Court years ago, perhaps regrettably, upheld the constitutionality of this statute. Now it is up to Congress to amend a law whose rigid condemnation of every alien who was ever a Communist, however briefly and however much his views have since changed, serves no valid purpose.

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EXHIBIT 3

[From the Oregonian, Nov. 18, 1960]

FINNISH PRESS RAPS DEPORTATION

Newspapers of Finland have branded as inhumane and barbaric the deportation scheduled Friday for two Portland men, William A. Mackie and Hammish Scott MacKay. Mackie (Finnish name Niukkanen) will be sent to Finland.

Two Helsinki papers, the Kansan Uutiset and Helsingin Sanomat, have editorially called the deportation inhumane and called upon the President of Finland and other officials to thwart efforts of the U.S. Immigration Service by denying entry to Mackie.

Other developments in the case, Thursday, included appeal to President Eisenhower from ALUE, a committee representing Finnish-American cultural clubs in Oregon and Washington, and a new statement from Oregon Senator WAYNE L. MORSE taking issue with the State Department.

The State Department in a letter to MORSE said it didn't feel the deportations have any significant impact on American foreign relations. MORSE called the State Department completely wrong.

Considerable space in the Finnish papers has been devoted to the stories in the last 2 weeks, particularly since the last-ditch efforts were made to the U.S. Supreme Court.

The Sanomat called the scheduled deportation barbaric. Both papers referred to the deportation a year ago of a similar case, that of the late William Heikkila, of San Francisco, shipped out quickly without an overcoat or warning to his wife. He arrived in Finland in a snowstorm and to welcoming arms of interested newsmen.

The Immigration Service was ordered to bring him back, but he died last May before decision was reached on his case in the U.S. Court of Appeals in San Francisco.

The Sanomat said it had received bushels of mail from Finnish citizens since the publication of the first stories of Mackie 2 weeks ago.

Here in the Northwest, an organization called ALUE, a committee representing Finnish-American cultural clubs in Oregon and Washington, joined the list of those protesting the deportation and asking Eisenhower for executive clemency.

A letter sent from the secretary, Otto Davidson, Hooulam, to the President pointed out that more than 10 million persons of foreign birth reside in this country, of whom 95,506 are Finnish-Americans.

The committee said that thrift and industry have come to be known as Finnish national characteristics and pointed out that William Niukkanen (Mackie) is an honorably discharged veteran of World War II, was brought here when he was 8 months old, that his 80-year-old father still works as a tailor and that Niukkanen's life has followed the same pattern of hard work, honesty and devotion to the flag.

"It is neither equitable nor just to take the contribution of a man, in terms of taxes, toil and military service through a working lifetime, and then when he is middle aged, to send him to a land he left a half century before," the letter stated.

"It is not fair, either to the man himself or to the country asked to receive him, and where, having no means of livelihood, relatives, property or understanding of the language, he might become a public charge."

The letter pleads for clemency for this "talle abdistetulle miehelle (hard-pressed man)."

An interesting development in Mackie's case is that he actually was born in Viipuri, a city that was in Russian hands at the time of his birth and is still in Russian hands.

Russia itself does not accept any deportees.

Since the U.S. Supreme Court declined to act last week, there is no legal restriction to prevent the Immigration Service from carrying out what it terms its duty under the Walter-McCarran Act. Thursday it ordered the two men to leave Friday.

Senator MORSE will be unable to reintroduce his two private bills in behalf of the men until Congress goes into session January 3. That would automatically stay the deportations.

MORSE had appealed to the State Department to urge President Eisenhower for clemency.

William B. Macomber, Jr., assistant secretary of the State Department, replied that the Department did not feel it appropriate to approach the President on the matter.

"In my opinion," MORSE said, "the State Department is completely wrong in concluding that the deportation of Mackie and MacKay will have no significant impact on our foreign relations. I feel that these cases will be watched carefully by friendly nations overseas and that in those nations there will be widespread opinion that deportations, under the circumstances, will represent inhumane actions.

"No real good will be accomplished by sending these men to countries where they will be total strangers.

"If these people are regarded as security problems it would be far better to retain them in this country under close surveillance than to send them to foreign lands where they have never resided for any appreciable length of time."

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EXHIBIT 4

[From the CONGRESSIONAL RECORD]

THE MAN IN TORNI

(Excerpts from Eskonen's column in the Paivan Sanomat (Daily Dispatch), organ of the opposition group (non-Communist) of the Social-Democratic Party. Issue of November 23, 1960.)

(The man) William Mackie, originally Viljo Albert Niukkanen, sits in the lobby of Hotel Torni writing letters to send across the Atlantic. From there a great power, called the advance guard of the free world, rushed him here to the barren soil of the North, where he happened to be born some time during the first decade of our century. His parents were U.S. citizens, but the son could not get citizen's rights, regardless of decades of trying.

After all he has sacrificed his labor power in building that great country and, during those years, fought—arms in hand—for its defense. His brother was killed in the war for America (at Wake Island); his father is over 80 and sorely needs the support of his son, but none of these facts have helped William Mackie. He has been declared an undesirable citizen; he has been accused of communism by McCarthyites; President Eisenhower rejected his appeal, and now he is here—a man without papers or chattels—a penniless refugee in a borrowed coat amidst wintry frosts and blizzards.

That is enough of human fate. And yet he comes of a country, said to be of the free world, especially the promised land of personal freedom. After this, who can believe in their pretty slogans and respect for the individual? These are hollow phraseology, intended to cover the truth.

* * * * *

Freedom in the great western power behind the puddle is esteemed so dear that it cannot be afforded to quite everybody. Some Finnish-born house painter might be a person of such insignificance that an exception must be taken in his case, so that the others will understand the value of their freedom.

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COMMUNIST HYSTERIA

(Comment by Columnist Ville Vaitelias in the Suomen Sosialidemoskraatti, November 21, 1960)

No matter if this painter has resided in the United States since he was 8 months old—51 years—giving the full weight of his labor to the best of his ability to his homeland, for the good of the United States, serving with all his strength in his country's defense forces during World War II, and otherwise acknowledging and feeling the United States of America to be his only and real homeland.

And so it happened to William Mackie, whose Finnish name is Viljo Niukkanen, that some highly placed American officials found him as an undesirable person. They investigated and pondered what to do with a guy like this; and lo and behold discovered this rascal, William Mackie, during the years of great unemployment had been a member in organizations which sought for living rights for the unemployed, and plainly a Communist. It would very likely overthrow the entire American freedom system if such revolutionary person were allowed to remain in his sweet homeland, the United States of America. Thus, his one-way free ride to

Finland, whose citizen he is acknowledged to be by some indefinite paragraphs, and where there are many other Communists.

And there is no help in trying to fight; in protestations that one never belonged to Communists; no pleas have helped in the situation.

Of course, we understand that a country's laws must be followed. If according to the laws, William Niukkanen really must be deported, what else can be done. But according to our judgment the case, by no means, is self-evident, for it is dependent on high officials deliberations whether to let William stay or deport him to faraway land of his birth, where he has no known relations, nobody he knows and whose language he doesn't understand.

One would surmise that a great power for reasons of prestige would try to avoid such an unpleasant hubbub as is raised in the case of William Niukkanen, and which in all likelihood will not quiet down in the near future.

It is quite impossible for us to understand the Communist hysteria still seeming to prevail in America. Workers' political movement in the country is almost nonexistent; there are apparently but a handful of Communists and these are feared as the plague. It seems that the capitalists, nor their henchmen can set communism in proper threads. It is proclaimed as the incarnation of all evil and crime, or, going to the other extreme as high idealism—as is done by one son of the bourgeoise, Jussi Talvi, in his last published novel. In both cases the same phenomenon is involved—Communist hysteria. It is not understood that the roots of communism are imbedded in quite basic human needs, which must be satisfied—but also can be directed and transformed, if desiring to do so.

After all the important thing to do is to take matters calmly, here in Finland—as well as behind the puddle. Under hysteria only foolish deeds are committed, as evidenced in the typical case of William Niukkanen.

Translator's note: The rightwing of the Finnish Social Democratic Party—this is from their paper—is allied with Finland's conservatives of the Kokoomus Party.

"Puddle" refers to the Atlantic Ocean.

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JOINED RED-TINTED GROUPS—UNITED STATES DEPORTING TWO FOR DEPRESSION ERA FOLLY

PORTLAND, Oreg., October 20.—Protests grew Thursday as the Immigration Service prepared to deport two obscure men who have lived most of their lives in this city.

One is William Mackie, 51, a house painter who has been here since he was 8 months old—except for service in the Army in World War II. He was born in Finland.

The other is Hamish MacKay, 55, a carpenter who came from Canada when he was 21.

Their trouble stems from the depression of the 1930s, when they briefly were active in workers' organizations seeking unemployment relief.

The Immigration Service says they will be flown out of this country—Mackie to Finland on Sunday and MacKay to Canada Monday—because they violated the McCarran Act of 1949 by joining depression organizations now listed as subversive.

Both men assert they never were Communists.

A legal fight to prevent their deportation went to the U.S. Supreme Court, where they lost in a 5–4 decision.

Justice William O. Douglas said in the minority report that two ex-Communists who testified against Mackie reported he was interested only "in bread and butter topics of the day."

"A man who has lived here for every meaningful month of his entire life," said Douglas, "should not be sent into exile for acts which this record reveals were utterly devoid of sinster implication."

Their attorneys filed a last-ditch action in Federal District Court Wednesday, attacking constitutionality of the McCarran Act. They asked an injunction to stop the deportation, calling it "cruel" punishment, not in proportion to the offense.

Mackie said he knows no one in Finland and does not even speak Finnish. Mackay said he has tried repeatedly to get citizenship papers, but has been denied because of his depression activities.

Said the Portland Oregonian in an editorial:

"Whatever was their meaningful association of long ago, they have lived many decades of peaceful, plain workingmen's lives in Portland, have had families and troubles and small successes of the everyday citizen.

"It seems that America might somewhere have compassion for a mild-mannered, part-time carpenter whose son is a captain of his high school football team and for a house painter who served honorably in the American Army."

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[From the Eugene (Oreg.) Register-Guard, Jan. 19, 1961]

MACKIE-MACKAY DEPORTATION CAME AFTER LONG BATTLES

PORTLAND.—William A. Mackie, born by chance in Finland, was deported last November, the same day Hamish Scott MacKay was sent back to his native Canada.

MacKay began his losing fight in the fall of 1949. Mackie's fight was not quite as long, but began after he had been in this country nearly 43 years.

When he was 30 and just out of the Army after a 3-month stint of active duty, he applied for his first citizenship papers and on Jan. 27, 1942, filed for his final papers. All the proceedings were complete except for his appearance before the Federal district judge for questioning and naturalization. He did not appear.

The record does not show why. The only entry is for dismissal on March 15, 1946, "for want of prosecution." The question seems not to have been put to Mackie directly. His attorney believes Mackie was ill or out of the city, perhaps in eastern Oregon, when the naturalization date arrived. If he tried later to follow up, the record does not disclose it.

Mackie, a house painter, was deported last November 18 to Finland because the Government held him to have been a Communist Party member in 1937, 1938, and 1939. He was suspended from the party that last year, a witness against him said, for nonpayment of dues—10 cents a month.

WHAT CHANCE WOULD I HAVE?

As late as 1955 though, an Immigration Service inquiry officer, John Wilson, said Mackie had never made a clean break with the party and there was reason to believe he still was sympathetic to its principles.

Mackie himself swore under oath he had never been a Communist. That was at a hearing at which he asked suspension of deportation on the ground of extreme hardship. At his first hearing in June 1953, he had refused to testify for himself despite a caution from the inquiry officer, Louis C. Hafferman, that he was putting himself at a disadvantage.

He said later he stayed silent because Government witnesses lied against him and he asked, "What chance would I have?"

Mackie was first arrested June 17, 1952, and the deportation order was issued June 30, 1953. He applied for a visa to England because he knew no one in Finland and did not speak the language. England refused to accept him as a deportee.

A string of hearings and court appeals followed, just as they had in MacKay's case. And just as had MacKay, Mackie lost.

The Ninth Circuit Court of Appeals in an opinion filed April 9, 1959, had this to say: Although Mackie "attacks the credibility of the Government witnesses, the special inquiry officer apparently found their testimony worthy of belief. The Board of Immigration Appeals and the district court found no warrant for reevaluating that testimony, and neither do we."

THREE WITNESSES AGAINST HIM

That was the basic point. The testimony given against Mackie in 1950 by Lee A. Knipe, retired railway clerk of Hillsboro, Oreg., and by Robert Wilmot, who described himself as a New York novelist who once edited the Labor New Dealer in Portland, was believed. Mackie's subsequent denial of membership was not.

Knipe also was one of three witnesses against MacKay. The others were MacKay's divorced wife and Mrs. Irene Mahoney, Hillsboro.

At the time Mackie swore he had never been a party member, he refused—just as had MacKay—to tell who was at a 1955 meeting of the Committee for Protection of the Foreign Born. After conference with his attorney, though, he did. The meeting at the home of the Reverend Mark A. Chamberlain, Methodist minister, opened with prayer he said, and was concerned wholly with talk of how to get the Walter-McCarran Immigration Act repealed.

William L. Pattillo says the Walter-McCarran Act played no part in the deportations; that the Internal Security Act of 1918 and its 1950 amendments was the basis for prosecution. Nels Peterson, attorney for the two men, says this is technically correct but adds the two acts are interrelated and "it would take a Philadelphia lawyer to separate them."

NOT A DAMNED BIT

MacKay is living at New Westminster, British Columbia, where the Carpenters Union Local 452 has petitioned Senator MORSE to continue work for a bill that would readmit the men to the United States.

Mackie is in Helsinki, Finland. In a January 6 letter to his attorney he said he had a chance to get a job doing some welding but couldn't unless he joined a union that happens to be Communist-led. He held off, he said, for fear this would jeopardize his chance of ever being readmitted. He enclosed an application for permission to reapply for entry to the United States.

Morse's bill would readmit both men—and bar renewal of efforts to deport them on the old charges.

A friend of Mackie's said, "After all, if he had any Communist tendencies, he picked them up in this country."

An aid to the Immigration Service, asked what difference it made if two obscure workmen with old records as Communists remained in this country, replied: "Not a damned bit. Unless we went to war with Russia. Then it might make a lot."

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MORSE MUSTERING SUPPORT—HOPES FOR DEPORTEES' RETURN REST IN CONGRESSIONAL ACTION

PORTLAND.—William Mackie and Hamish MacKay have been gone for nearly 9 weeks now and it appears that any hope for their return rests in Oregon's senior Democratic Senator WAYNE L. MORSE, and the support he can muster in Congress.

Mackie and MacKay are the Portlanders deported November 18 as aliens who had once been Communists.

MORSE sought to block their deportation but that failed. On Friday he introduced bills for their return. He said the other day he was getting helpful support.

Mackie is in Finland, former home of his parents but an alien land to him. MacKay is in Canada, the country he left in 1928 when he was 21.

Their deportation stirred an emotional outburst in Portland and brought a spate of questioning editorial comment in this country and abroad.

Disturbing to most people, the comment suggested, were these things:

Both were obscure workmen who came within a few months of being born American citizens. The Communist affiliation charged against them—and they denied it—covered a time in the 1930's when economic and political unrest was general and Communist Party candidates had recently been on election ballots.

Their deportation raised a humanitarian question, many said, and injured the image of America as a land of freedom.

Close family ties were broken by the deportations. Mackie's 80-year-old father and two sisters remained in Portland. MacKay's wife and his two sons—one recently out of the Army—were left behind.

Both men found warm welcomes, in Finland and Canada, but the welcomes were from strangers. There were no kinsmen to greet them. Mackie was in particular straits; he speaks no Finnish.

The U.S. Naturalization and Immigration Service says this is only one side of the coin.

Both men were charged on the evidence of witnesses, neither denied Communist Party membership at their early hearings, and over a period of years neither was able to convince appeals boards or Federal courts that they should remain in this country.

"They didn't put their cards on the table," says William L. Pattillo, acting district director of the Service in Portland.

This is what happened, leading to the deportation:

MacKay, a carpenter, was the first arrested. That was on August 29, 1949.

His parents came to this country from Scotland and became U.S. citizens in 1900. Then they moved to Canada and in 1905 took out Canadian citizenship. Four months later their son Hamish Scott MacKay was born. By just that much he became eligible for deportation from months he missed U.S. citizenship by birth.

He applied for it, in first papers, on March 6, 1930. Six years later, on July 11, 1936, he made preliminary application for his final petition. He never filed it, though. He never went through the procedure of appearing with witnesses and making the formal application and submitting to questioning.

The record does not show why this was so. MacKay says he ran into obstacles that held things up. In 1935, he says, he substituted for a woman picket on a line established by the Oregon Workers Alliance. It was an effort to get more relief for the needy, he says, but he was arrested. The arrest, he says, may have prevented him from taking the next step toward citizenship.

It is not clear why this was so. At any event, he never made the final effort.

At the hearing after his arrest, his ex-wife said he had been a member of the Communist Party in 1936 and made her join, too. Lee A. Knipe, Hillsboro, Oreg., a retired railway clerk, sad he had been a member of the Albina branch of the party in Portland and knew MacKay as a member. Mrs. Krene Mahoney, also Hillsboro, said the same thing.

MacKay was held by the Immigration Service officer, John W. Keane, Seattle, to be deportable and on May 4, 1951, the order was issued.

From then until November 18, 1960, MacKay fought. That was the day he was taken to the airport and, when his plane was so late it would miss connections, he was hustled to another plane. His sons, who had visited with him in the downtown Immigration Service office, learned too late of the plane switch and made a futile race to say goodbye.

In MacKay's efforts to prevent deportation he lost before an appeals board and before a U.S. district court. The U.S. Supreme Court refused to order a rehearing. He asked that the deportation order be suspended on the ground of extreme hardship. The Ninth Circuit Court of Appeals ordered the Immigration Service to halt its steps until that point was determined.

At the hardship hearing, MacKay objected to questioning on who were members of the Oregon Committee for Protection of the Foreign Born. He said the committee was organized at his home, his wife was secretary, but he would not "drag friends and neighbors into this filthy mess."

His wife, too, refused to say what, if any, connection the committee had with the American Committee for the Foreign Born, an organization labeled subversive by the U.S. Attorney General. "I don't see how that has anything to do with hardship," she said.

Pattillo mostly declines to offer his own opinion other than to observe that courts and appeals boards alike concurred in the deportation. But of the refusal to answer questions, he said MacKay "was in the position of asking a favor to have the deportation order suspended and he should have been willing to put all his cards on the table."

MacKay had another chance in the U.S. district court and when he lost that he had a hearing in the Ninth Circuit Court of Appeals where he lost again. The Supreme Court also turned him down.

At no point did inquiry officers or courts believe his version of the postdepression years; his claim of working only for relief and unemployment benefits for the poor.

This was much the story of Mackie, too. His brothers and sisters, some older and some younger than he, were American citizens. But he was an alien because his Finnish mother went from the United States to Finland for a visit, became ill, and remained there for his birth.

When he was 10 months old she brought him back to rejoin the family in Oregon. That was in 1909. His troubles were 43 years away.

## ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MORSE. Mr. President, I move, pursuant to the order previously entered, that the Senate adjourn until 11 a.m. tomorrow.

The motion was agreed to; and (at 9 o'clock and 33 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Wednesday, September 26, 1962, at 11 a.m.

## NOMINATIONS

Executive nominations received by the Senate, September 25, 1962:

IN THE AIR FORCE

Capt. Mary J. Wettle, AN2242982, for appointment in the Regular Air Force, in the grade of captain, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties of a nurse, with date of rank to be prescribed by the Secretary of the Air Force.

## CONFIRMATION

Executive nomination confirmed by the Senate, September 25, 1962:

ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

Arthur J. Goldberg, of Illinois, to be an Associate Justice of the Supreme Court of the United States.

## WITHDRAWAL

Executive nomination withdrawn from the Senate, September 25, 1962:

The nomination sent to the Senate on August 21, 1962, of Ella E. Johnson to be postmaster at Bovill, in the State of Idaho.

# EXTENSIONS OF REMARKS

## John F. Kennedy Tells Youth of America How To Prepare for the Presidency

EXTENSION OF REMARKS
OF
**HON. JOE L. EVINS**
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
*Tuesday, September 25, 1962*

Mr. EVINS. Mr. Speaker, for the first time an incumbent President of the United States has given frank counsel and advice to young Americans on how they may best train to be of service to our country should they rise to be President.

In a brief article in the September 23 edition of Parade magazine, President Kennedy writes about the Presidency and advises youth of some of the qualifications needed to be President, some of the demands that are made upon the President, and offers advice upon how our American youth may prepare for this responsibility.

Mr. Speaker, believing this writing unique and worthy of preserving I insert it in the RECORD.

The article follows:

JOHN F. KENNEDY TELLS YOUTH HOW TO PREPARE FOR THE PRESIDENCY

(NOTE.—Parade's Fred Blumenthal asked President Kennedy this question: "Somewhere in our land today there is a high school or college student who will one day be sitting in your chair. If you could now speak to this future President, what advice and guidance would you give him or her?" Following is the President's answer. This is the first time that an incumbent Chief Executive has given such frank counsel to a young American destined to succeed him.)

(By John F. Kennedy)

The first lesson of the Presidency is that it is impossible to foretell the precise nature of the problems that will confront you or the specific skills and capacities which those problems will demand. It is an office which called upon a man of peace, Lincoln, to become a great leader in a bloody war; which required a profound believer in limiting the scope of Federal Government, Jefferson, to expand dramatically the powers and range of that Government; which challenged a man