Also, memorial of the Legislature of the Territory of Guam, memorializing the President and the Congress of the United States relative to requesting the enactment of legislation to create the position of Territorial Deputy or Delegate to be elected by the people of Guam as their representative to the Congress of the United States; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CLEM MILLER:

H.R. 10082. A bill for the relief of Mrs. Angela Jarosin; to the Committee on the Judiciary.

By Mr. O'HARA of Illinois:

H.R. 10083. A bill for the relief of Georgies Kotsiou; to the Committee on the Judiciary.

H.R. 10084. A bill for the relief of Ioannis Kalergis; to the Committee on the Judiciary.

By Mr. REUSS:

H.R. 10085. A bill for the relief of Gabriel Papp; to the Committee on the Judiciary.

By Mr. SHELLEY (by request):

H.R. 10086. A bill for the relief of Inge Hemmersbach; to the Committee on the Judiciary.

By Mr. SLACK:

H.R. 10087. A bill for the relief of Mrs. Anna S. Hall; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 10088. A bill for the relief of Sek-Yau Quan; to the Committee on the Judiciary.

By Mr. WALTER:

H.R. 10089. A bill for the relief of Melborn Keat; to the Committee on the Judiciary.

By Mr. YOUNGER:

H.R. 10090. A bill for the relief of Mrs. Annie Zambelli Stiletto; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

235. The SPEAKER presented a petition of E. P. Riley, chairman, State Democratic Executive Committee, Greenville, S.C., petitioning consideration of their resolution with reference to going on record as commending the statesmanlike service rendered the people of his district, State and Nation by the late Hon. John J. Riley of South Carolina, a Member of the U.S. House of Representatives, which was referred to the Committee on House Administration.

SENATE

MONDAY, FEBRUARY 5, 1962

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

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

God of all mercy, whose goodness faileth never: With all our pressing needs, the one towering high above all others is our need of Thee—for having Thee we have all. Without Thee we are forsaken orphans in a heartless universe of blind force. So at the beginning of another week of responsibility we bring our hearts and our homes to the healing of Thy presence.

It is never a long journey to Thee, for Thou art closer than breathing, nearer than hands or feet.

For this day we would fare forward cheered by the assurance that as our day, so shall our strength be.

For all the perplexities that may comfort us, give us grace sufficient; for all the questions which call for decision, give us wisdom beyond our limitations; and for all the temptations which may lie in ambush to trap us, give us overcoming power. Enable us so to live as not to spoil a single day or grieve a single heart by deeds that might never be undone or words that can never be recalled.

We ask it in the name of the One whose spotless record shames us all. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Friday, February 2, 1962, was dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting nominations was communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE—ENROLLED BILL AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Vice President:

H.R. 6025. An act to confer jurisdiction on the U.S. Court of Claims to hear, determine, and render judgment on the claim of George Edward Barnhart against the United States; and

H.J. Res. 612. Joint resolution making supplemental appropriations for the Veterans' Administration for the fiscal year ending June 30, 1962, and for other purposes.

CALL OF THE CALENDAR DISPENSED WITH

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the Legislative Calendar be dispensed with.

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

COMMITTEE MEETING DURING SENATE SESSION

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

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in connection with the morning hour be limited to 3 minutes.

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

SENATOR FROM KANSAS

Mr. MANSFIELD. Mr. President, I understand that a new Member of the Senate is waiting to be sworn in. I believe it would be judicious to attend now to that matter of business. We wish to have the Senate proceed thereafter to the consideration of executive business, to consider the nominations on the Executive Calendar.

Mr. CARLSON. Mr. President, I submit the certificate of the Governor of Kansas, the Honorable John Anderson, Jr., appointing JAMES B. PEARSON to be a Member of the U.S. Senate.

The VICE PRESIDENT. The credentials will be read.

The credentials were read by the legislative clerk, and were ordered to be placed on file, as follows:

CERTIFICATE OF APPOINTMENT

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Kansas, I, John Anderson, Jr., the Governor of said State, do hereby appoint JAMES B. PEARSON, a Senator from said State, to represent said State in the Senate of the United States until the vacancy therein, caused by the death of Andrew F. Schoeppel, is filled by election as provided by law in section 25-318 of 1949 General Statutes.

Witness. His Excellency our Governor, John Anderson, Jr., and our seal hereto affixed at Topeka this 31st day of January, in the year of our Lord 1962.

By the Governor:

[Seal] JOHN ANDERSON, JR.

PAUL R. SHANAHAN,
Secretary of State.

The VICE PRESIDENT. If the Senator-elect will present himself at the desk, the oath of office will be administered to him.

Mr. PEARSON, escorted by Mr. CARLSON, advanced to the Vice President's desk; and the oath of office prescribed by law was administered to him by the Vice President, and was subscribed by the new Senator.

[Applause on the floor and in the galleries.]

COMMITTEE SERVICE

Mr. DIRKSEN. Mr. President, I submit a resolution for which I request immediate consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the resolution (S. Res. 292) was considered and agreed to, as follows:

Resolved, That the Senator from Kansas [Mr. PEARSON] be and he is hereby assigned to service on the Committee on Interior and Insular Affairs and to the Committee on Rules and Administration.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business.

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

EXECUTIVE MESSAGE REFERRED

The VICE PRESIDENT laid before the Senate a message from the President of the United States submitting sundry nominations, which were referred to the Committee on Foreign Relations.

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

The VICE PRESIDENT. If there be no reports of committees, the nominations on the Executive Calendar will be stated.

AGENCY FOR INTERNATIONAL DEVELOPMENT

The legislative clerk proceeded to read sundry nominations in the Agency for International Development.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

UNITED NATIONS

The legislative clerk proceeded to read sundry nominations in the United Nations.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

AMBASSADORS

The legislative clerk proceeded to read sundry nominations of ambassadors.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

U.S. ATTORNEYS

The legislative clerk proceeded to read sundry nominations of U.S. attorneys.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

U.S. MARSHALS

The legislative clerk proceeded to read sundry nominations of U.S. marshals.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

U.S. CIRCUIT JUDGES

The legislative clerk proceeded to read sundry nominations of U.S. circuit judges.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

U.S. DISTRICT JUDGES

The legislative clerk proceeded to read sundry nominations of U.S. district judges.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. HART subsequently said:

Mr. President, earlier today the Senate, by a unanimous vote, advised and consented to the nomination of Talbot Smith to be the U.S. district judge for the eastern district of Michigan.

I ask unanimous consent that a remarkable letter written by Roscoe Pound, dated January 27, 1962, in connection with the nomination and the nominee, be printed in the RECORD at the point of confirmation of the nomination.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Michigan? The Chair hears none, and it is so ordered.

LAW SCHOOL OF HARVARD UNIVERSITY,
Cambridge, Mass., January 27, 1962.

Hon. PHILIP A. HART,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: For many years I have regularly made a systematic study of the decisions of our State courts as reported week by week in the national reporter system of the West Publishing Co. Some 5 years ago my attention was attracted to some opinions of Judge Talbot Smith, then a recently appointed judge of the Supreme Court of Michigan. Since that time I have followed his work with much interest. I have no hesitation in saying that his work stands along with that of Judge Traynor of the Supreme Court of California, and Chief Justice Schaefer of the Supreme Court of Illinois. I also have no hesitation in saying that the work of these three judges has stood out along with that of Mr. Justice Cardozo in the Supreme Court of the United States, and of Judge Learned Hand in the U.S. Court of Appeals for the Second Circuit in the progress of American law. Indeed I should feel that Judge Smith ought to be on the bench of the circuit court of appeals. But at any rate he is eminently qualified in every way for a Federal judiciary appointment. It would be a serious loss to the administration of justice if his appointment were not confirmed. He is preeminently the type of judge who should be upon the bench of our highest courts.

Yours very truly,

ROSCOE POUND.

COMMISSIONER OF IMMIGRATION AND NATURALIZATION

The legislative clerk read the nomination of Raymond F. Farrell, of Rhode Island, to be Commissioner of Immigration and Naturalization.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. PASTORE. Mr. President, the Senate has just confirmed the nomination of Raymond F. Farrell, of Rhode Island, to be Commissioner of Immigration and Naturalization.

This signals not only the recognition of a career man in the public service; but also the recognition of the application of humane and commonsense qualities in the administration of our immigration laws.

Ray Farrell is truly a career man. Since his graduation from the schools of Rhode Island and from Georgetown Law School his Government career has included the Federal Bureau of Investigation, the Department of the Interior, the Federal Works Agency, and assistant to the general counsel of the joint committee of the Congress studying the administration of the Tennessee Valley Authority.

His 21 years in the Immigration Service has been interrupted only by his military service abroad in World War II. Constant earned advancement has marked these 21 years—advancement from assistant district director to Associate Commissioner—and now Commissioner.

Mr. Farrell was the unanimous recommendation of the Rhode Island delegation in the Congress. Ours was not the automatic endorsement of a man merely because he had given long years of public service. We are keenly alive to the image of America that can be created in a world where so many wish to come here and so few—under our laws—can be chosen. All of us have had personal experience with hardship cases in this very sensitive area.

In commenting upon Mr. Farrell's appointment, the New York Times editorially expressed itself in these words:

> For many years the Immigration Service has had a reputation for narrow, illiberal administration of laws which are themselves not noted for their humanity.

The Times would bring new wisdom and breadth of vision into immigration enforcement which it hopes Mr. Farrell will have the largeness of spirit to accomplish.

This is the very spirit, nature, and character of Ray Farrell. We know him personally and officially—intimately and most favorably. We of the Congress have enjoyed complete cooperation in those areas in which Mr. Farrell had dealt personally or directed action.

In his acceptance of the honor and responsibility of this office, Mr. Farrell said:

> Congress makes the immigration laws and my job will be to execute them. But Congress expects us to get into the spirit of the law as well as the letter.

Immigration policies will be firmly based on the premise that aliens have a right to fair treatment.

Commissioner Farrell declared:

We have to remember that these immigrants are God's creatures, too. After all, my own grandparents came from Ireland and my wife's parents came from Austria.

If I have dealt with this nomination beyond the customary length I wish it first of all to be an encouragement to long and faithful workers in the vineyard of Government service. Then I wish it to have a humane impact on the peoples of the world we would have as friends. I want them to know that in the Immigration Service, where our relations are so individual, that the humblest and the lowliest may be assured of equity and humanity in the interpretation and enforcement of the laws that govern our welcome to the ambitious to our shores—a welcome upon which our progress and prosperity has been founded.

Mr. PELL. Mr. President, I wholeheartedly approve confirmation of the nomination of Mr. Raymond Farrell for the position of Commissioner of Immigration and Naturalization.

First, let me say that I know Ray Farrell personally as a fine and honorable man. He was born in my own State of Rhode Island in the city of Pawtucket. He graduated from both Georgetown University and Georgetown Law School. Shortly after leaving Georgetown Law School, he was admitted to the District of Columbia bar and became a special agent of the Federal Bureau of Investigation on August 3, 1931. From 1932 to 1941 he worked for various Government agencies, such as the Public Works Administration, Interior Department, and the Federal Communications Commission. In 1941 he joined the Department of Immigration and Naturalization as a special inspector. Eighteen months later in 1942 he entered the Army Air Force, where he served as a major in Italy and received a bronze star for his work as an intelligence officer. On March 18, 1946, he returned to the Immigration Service, where he became chief of the New York investigation division. Because of the fine work he did in this capacity, he was appointed Assistant Commissioner in 1949 and once again he was promoted as Associate Commisisoner for Operations in 1958.

I know that in his performance as Commissioner of Immigration and Naturalization, he will combine and practice those two necessary qualities that are so necessary and both of which he already possesses, a compassionate heart with a thorough knowledge of the law.

Mr. President, I believe that President Kennedy most wisely made an excellent appointment in his selection of a career official, Ray Farrell, for this responsible post, and I congratulate the President on his choice.

ASSISTANT SECRETARY OF THE TREASURY

The legislative clerk read the nomination of James Allan Reed, of Massachusetts, to be an Assistant Secretary of the Treasury.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

U.S. TARIFF COMMISSION

The legislative clerk read the nomination of Ben David Dorfman, of the District of Columbia, to be a member of the U.S. Tariff Commission for the term expiring June 16, 1967.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

COMPTROLLER OF CUSTOMS

The legislative clerk read the nomination of Andrew M. Bacon, of Louisiana, to be comptroller of customs, with headquarters at New Orleans, La.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

SURVEYOR OF CUSTOMS

The legislative clerk read the nomination of John A. Vaccaro, of New York, to be surveyor of customs in customs collection district No. 10, with headquarters at New York, N.Y.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

COLLECTORS OF CUSTOMS

The legislative clerk proceeded to read sundry nominations of collectors of customs.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all these nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

SUPERINTENDENT OF THE MINT

The legislative clerk read the nomination of Michael H. Sura, of Pennsylvania, to be Superintendent of the Mint of the United States at Philadelphia, Pa.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

ADMINISTRATOR OF GENERAL SERVICES

The legislative clerk read the nomination of Bernard L. Boutin, of New Hampshire, to be Administrator of General Services.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

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

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

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

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

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT ON REAPPORTIONMENT OF APPROPRIATIONS

A letter from the Acting Director of the Budget, Executive Office of the President, reporting, pursuant to law, certain appropriations had been apportioned on a basis which indicates the necessity for supplemental estimates of appropriations; to the Committee on Appropriations.

REPORT ON RECONSTRUCTION FINANCE CORPORATION LIQUIDATION FUND

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report on the progress made in liquidating the assets of the former Reconstruction Finance Corporation, for the quarter ended December 31, 1961 (with an accompanying report); to the Committee on Banking and Currency.

CHANGE OF NAMES OF EDISON HOME NATIONAL HISTORIC SITE AND EDISON LABORATORY NATIONAL MONUMENT

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to change the names of the Edison Home National Historic Site and the Edison Laboratory National Monument, to authorize the acceptance of donations, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

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

By the VICE PRESIDENT:

A resolution of the Senate of the Commonwealth of Kentucky; to the Committee on Post Office and Civil Service:

"SENATE RESOLUTION 25

"Resolution endeavoring to persuade the President of the United States and the Postmaster General of the United States to provide a pension system for substitute rural mail carriers who have 30 or more years of service.

"Whereas Kentucky is one of the States with a large rural population; and

"Whereas many of its citizens have served the United States loyally by carrying the United States mails to these rural areas; and

"Whereas it is believed to be in the public interest of this State and the United States that such rural mail carriers be covered by a pension fund; Now, therefore, be it

"Resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:

"SECTION 1. That the Senate of the Commonwealth of Kentucky urge the President of the United States and the Postmaster General of the United States to provide a pension system for substitute rural mail carriers with 30 or more years of service.

"SEC. 2. That copies of this resolution be forwarded by the clerk of the senate to the Honorable John F. Kennedy, President of the

United States, and the Honorable Edward Day, Postmaster General of the United States."

A concurrent resolution of the legislature [illegible] State of Arizona; ordered to lie on [illegible]:

HOUSE CONCURRENT RESOLUTION 12

[illegible]ent resolution on the death of the Honorable Sam Rayburn

[illegible]16th day of November 1961, at the [illegible]ears, the Honorable Sam Rayburn [illegible]d away in Bonham, Tex.

[illegible]orable Sam Rayburn, Speaker of [illegible]f Representatives of the United [illegible]most two decades, was a great [illegible]His achievements as an American [illegible]ill undoubtedly stand as a mon- [illegible]many years in the future.

[illegible]ayburn served in the Congress of [illegible]ted States for more than 48 consecu- [illegible]e years. The citizens of Texas recognized his greatness and afforded him the opportunity not only to serve Texas but the Nation.

"Speaker Sam Rayburn had all of the human characteristics of greatness. He had integrity, maturity, wisdom, humility, and a kindness for his fellow man. His passing is a very real loss to every citizen in the United States: Therefore be it

"Resolved by the House of Representatives of the State of Arizona (the Senate concurring):

"1. That the members of the Arizona State Legislature, on behalf of all of the people of the State, wish to express their regret at the passing of the Honorable Sam Rayburn, an eminent and distinguished citizen of our Nation. His passing has saddened all of our people but the memory of his achievements shall remain for many years.

"2. That the Honorable Wesley Bolin, Secretary of State of Arizona, is directed to transmit a certified copy of this resolution to each of the following: The President of the United States; the President of the U.S. Senate; the Speaker of the U.S. House of Representatives; the Governor of the State of Texas; the president of the Texas State Senate; and the speaker of the Texas State House of Representatives."

INVESTIGATION OF PROBLEMS CREATED BY FLOW OF ESCAPEES AND REFUGEES FROM COMMUNISTIC TYRANNY

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 293) to investigate problems created by flow of escapees and refugees from communistic tyranny, which was referred to the Committee on Rules and Administration, as follows:

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to the problems created by the flow of escapees and refugees from Communist tyranny.

SEC. 2. For the purposes of this resolution, the committee from February 1, 1962, to January 31, 1963, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ on a temporary basis technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $1,400 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the department or agency concerned and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for such legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1963.

SEC. 4. The expenses of the committee, under this resolution, which shall not exceed $100,000, shall be paid from the contingent fund of the Senate by vouchers approved by the chairman of the committee.

REPORT OF JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES—FEDERAL PERSONNEL AND PAY

Mr. BYRD of Virginia. Mr. President, as chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, I submit a report on Federal employment and pay for the month of December 1961. In accordance with the practice of several years' standing, I ask unanimous consent to have the report printed in the RECORD, together with a statement by me.

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

FEDERAL PERSONNEL IN EXECUTIVE BRANCH, DECEMBER AND NOVEMBER 1961, AND PAY, NOVEMBER AND OCTOBER 1961

PERSONNEL AND PAY SUMMARY

(See table I)

Information in monthly personnel reports for December 1961 submitted to the Joint Committee on Reduction of Nonessential Federal Expenditures is summarized as follows:

Total and major categories	Civilian personnel in executive branch			Payroll (in thousands) in executive branch		
	In December numbered—	In November numbered—	Increase (+) or decrease (−)	In November was—	In October was—	Increase (+) or decrease (−)
Total [1]	2,430,999	2,437,709	−6,710	$1,199,039	$1,186,670	+$12,369
Agencies exclusive of Department of Defense	1,371,838	1,377,372	−5,534	664,425	653,559	+10,866
Department of Defense	1,059,161	1,060,337	−1,176	534,614	533,111	+1,503
Inside the United States	2,267,834	2,273,941	−6,107			
Outside the United States	163,165	163,768	−603			
Industrial employment	567,667	568,664	−997			
Foreign nationals	170,110	170,322	−212	26,630	[2] 25,164	+1,466

[1] Exclusive of foreign nationals shown in the last line of this summary.

[2] Revised on basis of later information.

Table I breaks down the above figures on employment and pay by agencies.

Table II breaks down the above employment figures to show the number inside the United States by agencies.

Table III breaks down the above employment figures to show the number outside the United States by agencies.

Table IV breaks down the above employment figures to show the number in industrial-type activities by agencies.

Table V shows foreign nationals by agencies not included in tables I, II, III, and IV.

TABLE I.—*Consolidated table of Federal personnel inside and outside the United States employed by the executive agencies during December 1961, and comparison with November 1961, and pay for November 1961, and comparison with October 1961*

Department or agency	Personnel				Pay (in thousands)			
	December	November	Increase	Decrease	November	October	Increase	Decrease
Executive departments (except Department of Defense):								
Agriculture	91,673	94,216		2,543	$45,870	$45,586	$284	
Commerce [1]	28,437	28,783		346	17,102	17,815		$713
Health, Education, and Welfare	72,871	72,747	124		35,862	35,995		133
Interior	53,953	54,546		593	29,731	29,867		136
Justice	30,862	30,998		136	19,327	19,425		98
Labor	7,709	7,728		19	4,429	4,396	33	
Post Office	[2] 586,235	587,042		807	256,770	252,581	4,189	
State [3 4]	39,084	[3] 39,284		200	18,830	17,641	1,189	
Treasury	80,193	80,498		305	44,801	44,406	395	

See footnotes at end of table.

TABLE I.—*Consolidated table of Federal personnel inside and outside the United States employed by the executive agencies during December 1961, and comparison with November 1961, and pay for November 1961, and comparison with October 1961*—Continued

Department or agency	Personnel				Pay (in thousands)			
	December	November	Increase	Decrease	November	October	Increase	Decrease
Executive Office of the President:								
White House Office	439	419	20		$254	$254		
Bureau of the Budget	458	453	5		349	380		$31
Council of Economic Advisers	46	43	3		30	32		2
Executive Mansion and Grounds	73	73			36	36		
National Aeronautics and Space Council	14	16		2	13	10	$3	
National Security Council	43	44		1	35	35		
Office of Emergency Planning	503	525		22	468	489		21
President's Commission on Campaign Costs [6]	13	[6]11	2		1		1	
Independent agencies:								
Advisory Commission on Intergovernmental Relations	30	33		3	12	12		
American Battle Monuments Commission	414	414			82	85		3
Atomic Energy Commission	6,784	6,813		29	4,809	4,790	19	
Board of Governor of the Federal Reserve System	603	609		6	380	379	1	
Civil Aeronautics Board	776	778		2	559	556	3	
Civil Service Commission	3,833	3,867		34	2,270	2,258	12	
Civil War Centennial Commission	7	6	1		4	4		
Commission of Fine Arts	6	6			5	5		
Commission on Civil Rights	52	56		4	35	32	3	
Development Loan Fund						101		101
Export-Import Bank of Washington	259	261		2	180	177	3	
Farm Credit Administration	238	239		1	165	168		3
Federal Aviation Agency	43,232	43,279		47	27,958	27,363	595	
Federal Coal Mine Safety Board of Review	7	7			5	5		
Federal Communications Commission	1,361	1,366		5	886	900		14
Federal Deposit Insurance Corporation	1,275	1,275			788	793		5
Federal Home Loan Bank Board	1,139	1,138	1		718	713	5	
Federal Maritime Commission	142	134	8		92	86	6	
Federal Mediation and Conciliation Service	356	360		4	309	297	12	
Federal Power Commission	900	905		5	613	609	4	
Federal Trade Commission	984	976	8		655	643	12	
Foreign Claims Settlement Commission	61	61			44	45		1
General Accounting Office	4,767	4,813		46	2,944	2,959		15
General Services Administration	30,601	30,713		112	14,216	14,010	206	
Government Printing Office	6,865	6,887		22	3,707	3,814		107
Housing and Home Finance Agency	12,261	12,069	192		7,261	7,231	30	
Indian Claims Commission	20	20			17	18		1
Interstate Commerce Commission	2,396	2,397		1	1,543	1,535	8	
James Madison Memorial Commission	1	1			1	1		
National Aeronautics and Space Administration	19,130	18,630	500		12,859	12,428	431	
National Capital Housing Authority	420	424		4	182	182		
National Capital Planning Commission	56	56			31	37		6
National Capital Transportation Agency	67	65	2		42	35	7	
National Gallery of Art	310	311		1	136	127	9	
National Labor Relations Board	1,848	1,830	18		1,215	1,216		1
National Mediation Board	139	153		14	125	117	8	
National Science Foundation	760	846		86	502	470	32	
Outdoor Recreation Resources Review Commission	47	47			28	35		7
Panama Canal	14,391	14,426		35	4,575	[5]4,323	252	
President's Committee on Equal Employment Opportunity	38	39		1	24	25		1
Railroad Retirement Board	2,115	2,133		18	1,102	1,111		9
Renegotiation Board	250	259		9	203	212		9
St. Lawrence Seaway Development Corporation	155	164		9	97	97		
Securities and Exchange Commission	1,179	1,158	21		755	738	17	
Selective Service System	6,791	6,826		35	2,120	2,121		1
Small Business Administration	2,876	2,858	18		1,749	1,909		160
Smithsonian Institution	1,146	1,156		10	566	556	10	
Soldiers' Home	1,031	1,031			338	333	5	
South Carolina, Georgia, Alabama, and Florida Water Study Commission	56	56			43	41	2	
Subversive Activities Control Board	27	26	1		21	25		4
Tariff Commission	267	267			188	186	2	
Tax Court of the United States	148	149		1	109	110		1
Tennessee Valley Authority	18,545	18,759		214	11,123	11,179		56
Texas Water Study Commission	30	33		3	17	23		6
U.S. Arms Control and Disarmament Agency	57	53	4		34	34		
U.S. Information Agency	10,994	11,030		36	4,630	4,460	170	
Veterans' Administration	176,458	177,026		568	77,327	72,786	4,541	
Virgin Islands Corporation	531	652		121	118	106	12	
Total, excluding Department of Defense	1,371,838	1,377,372	928	6,462	664,425	653,559	12,511	1,645
Net change, excluding Department of Defense			5,534				10,866	
Department of Defense:								
Office of the Secretary of Defense [7]	3,213	3,211	2		2,297	2,306		9
Department of the Army	397,509	398,059		550	189,948	192,160		2,212
Department of the Navy	352,930	353,644		714	192,503	189,238	3,265	
Department of the Air Force	305,509	305,423	86		149,866	149,407	459	
Total, Department of Defense	1,059,161	1,060,337	88	1,264	534,614	533,111	3,724	2,221
Net change, Department of Defense			1,176				1,503	
Grand total, including Department of Defense [8]	2,430,999	2,437,709	1,016	7,726	1,199,039	1,186,670	16,235	3,869
Net change, including Department of Defense			6,710				12,369	

[1] December figure includes 113 seamen on the rolls of the Maritime Administration, and their pay.

[2] Exclusive of 225,052 temporary Christmas employees.

[3] December figure includes 14,866 employees of the Agency for International Development as compared with 14,905 in November, and their pay. These AID figures include employees who are paid from foreign currencies deposited by foreign governments in a trust fund for this purpose. The December figure includes 3,396 of these trust fund employees and the November figure includes 3,432.

[4] December figure includes 402 employees of the Peace Corps as compared with 417 in November, and their pay.

[5] Revised on basis of later information.

[6] New agency created pursuant to Executive Order 10974, dated Nov. 8, 1961. November totals have been revised to include employment for this agency.

[7] December figure includes 1,119 employees of the Office of Civil Defense, as compared with 1,118 in November.

[8] Exclusive of personnel and pay of the Central Intelligence Agency and the National Security Agency.

TABLE II.—*Federal personnel inside the United States employed by the executive agencies during December 1961, and comparison with November 1961*

Department or agency	December	November	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	90,618	93,178		2,560
Commerce [1]	27,835	28,171		336
Health, Education, and Welfare	72,368	72,240	128	
Interior	53,436	54,034		598
Justice	30,525	[2] 30,664		139
Labor	7,628	7,643		15
Post Office	[3] 584,832	585,654		822
State [4] [5]	9,977	10,065		88
Treasury	79,617	79,916		299
Executive Office of the President:				
White House Office	439	419	20	
Bureau of the Budget	458	453	5	
Council of Economic Advisers	46	43	3	
Executive Mansion and Grounds	73	73		
National Aeronautics and Space Council	14	16		2
National Security Council	43	44		1
Office of Emergency Planning	503	525		22
President's Commission on Campaign Costs [5]	13	[6] 11	2	
Independent agencies:				
Advisory Commission on Intergovernmental Relations	30	33		3
American Battle Monuments Commission	10	10		
Atomic Energy Commission	6,753	6,781		28
Board of Governors of the Federal Reserve System	603	609		6
Civil Aeronautics Board	775	777		2
Civil Service Commission	3,831	3,865		34
Civil War Centennial Commission	7	6	1	
Commission of Fine Arts	6	6		
Commission on Civil Rights	52	56		4
Export-Import Bank of Washington	259	261		2
Farm Credit Administration	238	239		1
Federal Aviation Agency	42,281	42,320		39
Federal Coal Mine Safety Board of Review	7	7		
Federal Communications Commission	1,358	1,363		5
Federal Deposit Insurance Corporation	1,273	1,273		
Federal Home Loan Bank Board	1,139	1,138	1	
Federal Maritime Commission	142	134	8	
Federal Mediation and Conciliation Service	356	360		4
Federal Power Commission	900	905		5
Federal Trade Commission	984	976	8	
Foreign Claims Settlement Commission	58	58		
General Accounting Office	4,701	4,747		46
General Services Administration	30,599	30,712		113
Government Printing Office	6,865	6,887		22
Housing and Home Finance Agency	12,097	11,908	189	
Indian Claims Commission	20	20		
Interstate Commerce Commission	2,396	2,397		1
James Madison Memorial Commission	1	1		
Independent agencies—Continued				
National Aeronautics and Space Administration	19,117	18,618	499	
National Capital Housing Authority	420	424		
National Capital Planning Commission	56	56		
National Capital Transportation Agency	67	65	2	
National Gallery of Art	310	311		1
National Labor Relations Board	1,816	1,799	17	
National Mediation Board	139	153		14
National Science Foundation	753	836		83
Outdoor Recreation Resources Review Commission	47	47		
Panama Canal	161	157	4	
President's Committee on Equal Employment Opportunity	38	39		1
Railroad Retirement Board	2,115	2,133		18
Renegotiation Board	250	259		9
St. Lawrence Seaway Development Corporation	155	164		9
Securities and Exchange Commission	1,179	1,158	21	
Selective Service System	6,634	6,669		35
Small Business Administration	2,838	2,819	19	
Smithsonian Institution	1,135	1,146		11
Soldiers' Home	1,031	1,031		
South Carolina, Georgia, Alabama, and Florida Water Study Commission	56	56		
Subversive Activities Control Board	27	26	1	
Tariff Commission	267	267		
Tax Court of the United States	148	149		1
Tennessee Valley Authority	18,539	18,753		214
Texas Water Study Commission	30	33		3
U.S. Arms Control and Disarmament Agency	57	[2] 53	4	
U.S. Information Agency	2,935	2,976		41
Veterans' Administration	175,420	175,980		560
Total, excluding Department of Defense	1,311,906	1,317,175	932	6,201
Net decrease, excluding Department of Defense			5,269	
Department of Defense:				
Office of the Secretary of Defense [7]	3,155	3,153	2	
Department of the Army	345,774	346,378		604
Department of the Navy	329,513	330,210		697
Department of the Air Force	277,486	277,025	461	
Total, Department of Defense	955,928	956,766	463	1,301
Net decrease, Department of Defense			838	
Grand total, including Department of Defense	2,267,834	2,273,941	1,395	7,502
Net decrease, including Department of Defense			6,107	

[1] December figure includes 113 seamen on the rolls of the Maritime Administration.
[2] Revised on basis of later information.
[3] Exclusive of 224,856 temporary Christmas employees.
[4] December figure includes 2,278 employees of the Agency for International Development as compared with 2,287 in November.
[5] December figure includes 361 employees of the Peace Corps as compared with 380 in November.
[6] New agency, created pursuant to Executive Order 10974 dated Nov. 8, 1961. November totals have been revised to include employment for this agency.
[7] December figure includes 1,119 employees of the Office of Civil Defense as compared with 1,118 in November.

TABLE III.—*Federal personnel outside the United States employed by the executive agencies during December 1961, and comparison with November 1961*

Department or agency	December	November	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	1,055	1,038	17	
Commerce	602	612		10
Health, Education, and Welfare	503	507		4
Interior	517	512	5	
Justice	337	[1] 334	3	
Labor	81	85		4
Post Office	[2] 1,403	1,388	15	
State [3] [4]	29,107	[1] 29,219		112
Treasury	576	582		6
Independent agencies:				
American Battle Monuments Commission	404	404		
Atomic Energy Commission	31	32		1
Civil Aeronautics Board	1	1		
Civil Service Commission	2	2		
Federal Aviation Agency	951	959		8
Federal Communications Commission	3	3		
Federal Deposit Insurance Corporation	2	2		
Foreign Claims Settlement Commission	3	3		
General Accounting Office	66	66		
General Services Administration	2	1	1	
Housing and Home Finance Agency	164	161	3	
National Aeronautics and Space Administration	13	12	1	
National Labor Relations Board	32	31	1	
National Science Foundation	7	10		3
Independent agencies—Continued				
Panama Canal	14,230	14,269		39
Selective Service System	157	157		
Small Business Administration	38	39		1
Smithsonian Institution	11	10	1	
Tennessee Valley Authority	6	6		
U.S. Information Agency	8,059	8,054	5	
Veterans' Administration	1,038	1,046		8
Virgin Islands Corporation	531	652		121
Total, excluding Department of Defense	59,932	60,197	52	317
Net decrease, excluding Department of Defense			265	
Department of Defense:				
Office of the Secretary of Defense	58	58		
Department of the Army	51,735	51,681	54	
Department of the Navy	23,417	23,434		17
Department o. the Air Force	28,023	28,398		375
Total, Department of Defense	103,233	103,571	54	392
Net decrease, Department of Defense			338	
Grand total, including Department of Defense	163,165	163,768	106	709
Net decrease, including Department of Defense			603	

[1] Revised on basis of later information.
[2] Exclusive of 196 temporary Christmas employees.
[3] December figure includes 12,588 employees of the Agency for International Development as compared with 12,618 in November. These AID figures include employees who are paid from foreign currencies deposited by foreign governments in a trust fund for this purpose. The December figure includes 3,396 of these trust fund employees and the November figure includes 3,432.
[4] December figure includes 41 employees of the Peace Corps as compared with 37 in November.

TABLE IV.—*Industrial employees of the Federal Government inside and outside the United States employed by the executive agencies during December 1961, and comparison with November 1961*

Department or agency	December	November	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	3,927	3,844	83	
Commerce	5,154	5,592		438
Interior	8,133	8,120	13	
Post Office	251	246	5	
Treasury	5,147	5,219		72
Independent agencies:				
Atomic Energy Commission	246	243	3	
Federal Aviation Agency	1,891	1,892		1
General Services Administration	1,643	1,624	19	
Government Printing Office	6,865	6,887		22
National Aeronautics and Space Administration	19,130	18,630	500	
Panama Canal	7,379	7,381		2
St. Lawrence Seaway Development Corporation	126	126		
Tennessee Valley Authority	15,660	15,866		206
Virgin Islands Corporation	531	652		121
Total, excluding Department of Defense	76,083	76,322	623	862
Net decrease, excluding Department of Defense			239	
Department of Defense:				
Department of the Army:				
Inside the United States	[1] 140,800	[2] 141,052		252
Outside the United States	[1] 4,500	[2] 4,504		4
Department of the Navy:				
Inside the United States	205,484	206,410		926
Outside the United States	458	457	1	
Department of the Air Force:				
Inside the United States	138,958	138,525	433	
Outside the United States	1,384	1,394		10
Total, Department of Defense	491,584	492,342	434	1,192
Net decrease, Department of Defense			758	
Grand total, including Department of Defense	567,667	568,664	1,057	2,054
Net decrease, including Department of Defense			997	

[1] Subject to revision.

[2] Revised on basis of later information.

TABLE V.—*Foreign nationals working under U.S. agencies overseas, excluded from tables I through IV of this report, whose services are provided by contractual agreement between the United States and foreign governments, or because of the nature of their work or the source of funds from which they are paid, as of December 1961 and comparison with November 1961*

Country	Total		Army		Navy		Air Force		National Aeronautics and Space Administration	
	December	November	December	November	December	November	December	November	December	November
Australia	1	1							1	1
Canada	35	35					35	35		
Crete	50	50					50	50		
England	3,386	3,686			57	[1] 54	3,329	3,632		
France	21,912	21,488	18,322	18,296	11	11	3,579	3,181		
Germany	80,663	80,988	67,587	67,614	84	85	12,992	13,289		
Greece	273	265					273	265		
Greenland	49						49			
Japan	54,130	54,181	19,332	19,486	14,740	14,732	20,058	19,963		
Korea	6,212	6,226	6,212	6,226						
Morocco	2,723	2,733			828	829	1,895	1,904		
Netherlands	53	50					53	50		
Norway	24	24					24	24		
Saudi Arabia	4	4					4	4		
Trinidad	595	591			595	591				
Total	170,110	170,322	111,453	111,622	16,315	16,302	42,341	42,397	1	1

[1] Revised on basis of later information.

STATEMENT BY SENATOR BYRD OF VIRGINIA

Executive agencies of the Federal Government reported civilian employment in the month of December totaling 2,430,999. This was a net decrease of 6,710 compared with employment reported in the preceding month of November.

Civilian employment reported by the executive agencies of the Federal Government, by months in fiscal year 1962, which began July 1, 1961, follows:

Month	Employment	Increase	Decrease
July	2,435,804	16,700	
August	2,445,078	9,274	
September	2,427,216		17,862
October	2,429,691	2,475	
November	2,437,709	8,018	
December	2,430,999		6,710
Net increase for 1st 6 months of fiscal year 1962			11,895

Total Federal employment in civilian agencies for the month of December was 1,371,838, a decrease of 5,534 as compared with the November total of 1,377,372. Total civilian employment in the military agencies in December was 1,059,161, a decrease of 1,176 as compared with 1,060,337 in November.

Civilian agencies reporting larger decreases were Agriculture Department with 2,543, Post Office Department with 807, Interior Department with 593, and Veterans' Administration with 568. The largest increase was reported by the National Aeronautics and Space Administration with 500.

In the Department of Defense decreases in civilian employment were reported by the Department of the Navy with 714, and the Department of the Army with 550. The Department of the Air Force reported an increase of 86.

Inside the United States civilian employment decreased 6,107, and outside the United States civilian employment decreased 603. Industrial employment by Federal agencies in December totaled 567,667, a decrease of 997.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Nonessential Federal Expenditures.

FOREIGN NATIONALS

The total of 2,430,999 civilian employees certified to the committee by Federal agencies in their regular monthly personnel reports includes some foreign nationals employed in U.S. Government activities abroad, but in addition to these there were 170,110 foreign nationals working for U.S. Agencies overseas during December who were not counted in the usual personnel reports. The number in November was 170,322. A breakdown of this employment for December follows:

Country	Total	Army	Navy	Air Force	National Aeronautics and Space Administration
Australia	1				1
Canada	35			35	
Crete	50			50	
England	3,386		57	3,329	
France	21,912	18,322	11	3,579	
Germany	80,663	67,587	84	12,992	
Greece	273			273	
Greenland	49			49	
Japan	54,130	19,332	14,740	20,058	
Korea	6,212	6,212			

Country	Total	Army	Navy	Air Force	National Aeronautics and Space Administration
Morocco	2,723		828	1,895	
Netherlands	53			53	
Norway	24			24	
Saudi Arabia	4			4	
Trinidad	595		595		
Total	170,110	111,453	16,315	42,341	1

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. DIRKSEN:

S. 2791. A bill to authorize certain improvement of the Wabash River for flood control purposes in the vicinity of Mount Carmel, Ill.; to the Committee on Public Works.

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

By Mr. BIBLE (by request):

S. 2792. A bill to authorize the exchange of certain lands at Antietam National Battlefield site; to the Committee on Interior and Insular Affairs.

By Mr. BIBLE (by request):

S. 2793. A bill 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. 2794. A bill to amend section 6 of the District of Columbia Traffic Act, 1925, as amended, and to amend section 6 of the act approved July 2, 1940, as amended, to eliminate requirements that applications for motor vehicle title certificates and certain lien information related thereto be submitted under oath;

S. 2795. A bill 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; and

S. 2796. A bill to provide that the Commissioners may accept or permit the acceptance of the performance by volunteers of services for and on behalf of the municipal government of the District of Columbia; to the Committee on the District of Columbia.

By Mr. SMITH of Massachusetts:

S. 2797. A bill for the relief of Constantinos Agganis; and

S. 2798. A bill for the relief of Eduardo Pires; to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 2799. A bill to amend title 10, United States Code, to authorize the President to take possession and assume control of transportation systems in time of national emergency;

S. 2800. A bill to amend the Merchant Marine Act, 1936, in order to make permanent a temporary increase in the maximum construction differential subsidy that may be paid under such act and to provide that such maximum shall not apply with respect to reconstructing or reconditioning of ships; and

S. 2801. A bill to amend section 510 of the Merchant Marine Act, 1936, in order to extend for 2 years the time during which a certain definition of the term "obsolete vessel" shall be used; to the Committee on Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the first and last above-mentioned bills, which appear under separate headings.)

By Mr. HART:

S. 2802. A bill to provide for the free entry of structural and reinforcing steel and steel products presented as a gift for use in constructing an addition to the Chippewa County War Memorial Hospital, Sault Ste. Marie, Mich.; to the Committee on Finance.

By Mr. KEATING:

S.J. Res. 155. Joint resolution designating the third week in June of each year as National Amateur Radio Week; to the Committee on the Judiciary.

CONCURRENT RESOLUTION

CONDEMNATION OF COMMUNIST PERSECUTION OF LITHUANIANS AND OF THE CATHOLIC FAITH IN LITHUANIA

Mr. DOUGLAS submitted a concurrent resolution (S. Con. Res. 57) to condemn Communist oppression of Lithuanians and of persons of the Catholic faith in Lithuania, which was referred to the Committee on Foreign Relations.

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

RESOLUTIONS

COMMITTEE SERVICE

Mr. DIRKSEN submitted a resolution (S. Res. 292) assigning Senator PEARSON, of Kansas, to service on standing committees of the Senate, which was considered and agreed to.

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

INVESTIGATION OF PROBLEMS CREATED BY FLOW OF ESCAPEES AND REFUGEES FROM COMMUNISTIC TYRANNY

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 293) to investigate problems created by flow of escapees and refugees from communistic tyranny, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. EASTLAND, which appears under the heading "Reports of Committees.")

FLOODWALL FOR MOUNT CARMEL, ILL.

Mr. DIRKSEN. Mr. President, I introduce, for appropriate reference, a bill to authorize certain improvements of the Wabash River for flood purposes in the vicinity of Mount Carmel, Ill.

The Army Board of Engineers for Rivers and Harbors acted favorably on the proposal at its meeting on January 24, 1962. The Board recommended construction of levees, a wall section and related works for flood protection at Mount Carmel at an estimated Federal cost of $1,147,000 for construction subject to certain conditions of local cooperation, which I feel sure will be met by local interests.

The Mount Carmel floodwall is an arm of the overall flood control program for the entire Wabash River Basin in Illinois and Indiana. The program has the sanction of the Corps of Engineers of the Department of the Army, the Wabash Valley Association with headquarters at Mount Carmel, and the Wabash Valley Interstate Commission located at Terre Haute, Ind.

Following the southerly route of the Wabash for many miles, one comes to a point on the river in a rich agricultural area on the Indiana side of the river that has been established as the location of a project known as levee unit No. 5, opposite the city of Mount Carmel. That project has been authorized and is now in the planning stage. Some objections were raised in the past to the construction of levee unit No. 5 which were mainly centered on the presumption that the development of the project would force floodwaters into Mount Carmel.

I might add that my colleagues from Indiana have gone on record before the Senate Appropriations Committee favoring flood protection for their people, as well as flood protection for Mount Carmel, across the river from Indiana levee unit No. 5.

We feel strongly that we should get the Mount Carmel project underway in order that both of these areas will receive flood protection at about the same time.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2791) to authorize certain improvement of the Wabash River for flood control purposes in the vicinity of Mount Carmel, Ill., introduced by Mr. DIRKSEN, was received, read twice by its title, and referred to the Committee on Public Works.

CONTROL OF TRANSPORTATION SYSTEMS IN TIME OF NATIONAL EMERGENCY

Mr. MAGNUSON. Mr. President, by request of the Secretary of the Air Force, I introduce, for appropriate reference, a bill to amend title 10, United States Code, to authorize the President to take possession and assume control of transportation systems in time of national emergency. I ask unanimous consent that the letter from the Secretary relating to the proposed legislation be printed in the RECORD.

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

The bill (S. 2799) to amend title 10, United States Code, to authorize the President to take possession and assume

control of transportation systems in time of national emergency, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter presented by Mr. MAGNUSON is as follows:

DEPARTMENT OF THE AIR FORCE,
Washington, D.C., January 26, 1962.

Hon. LYNDON B. JOHNSON,
President of the Senate.

DEAR MR. PRESIDENT: There is forwarded herewith a draft of legislation "To amend title 10, United States Code, to authorize the President to take possession and assume control of transportation systems in time of national emergency."

This proposal is a part of the Department of Defense legislative program for the 87th Congress. The Bureau of the Budget has advised that, from the standpoint of the administration's program, there is no objection to the presentation of the proposal for the consideration of the Congress. The Department of the Air Force has been designated as the representative of the Department of Defense for this legislation. It is recommended that this proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

Sections 4742 and 9742 of title 10, United States Code, now provide as follows:

"§ 4742. Control of transportation systems in time of war.

"In time of war, the President, through the Secretary of the Army, may take possession and assume control of all or part of any system of transportation to transport troops, war material, and equipment, or for other purposes related to the emergency. So far as necessary, he may use the system to the exclusion of other traffic."

Section 9742 is identical to section 4742, except that the President will take the action "through the Secretary of the Air Force."

The purpose of the proposed legislation, as attached hereto, is to amend title 10, United States Code, with respect to the authorities contained in these two sections. The amendment would simplify the code in relation thereto and expand the discretionary power now contained in sections 4742 and 9742 to include times of "national emergency." To that end, the proposed legislation would repeal sections 4742 and 9742 of title 10, United States Code, and add a section 2634 to chapter 157 of title 10.

This legislative proposal is needed to fill a gap in the present statutory authority available to the President for taking possession or assuming control of any system of transportation, or any part thereof, for military purposes. Sections 4742 and 9742 of title 10 vest this authority in the President only in time of war. The need for such authority may be as great or greater in conditions of national emergency short of war. It is apparent that extremely grave military situations could arise in a matter of hours which would require the exercise of this authority to muster surface transportation and to augment the military airlift with civil airlift without regard to whether a state of war exists. In fact, prompt action in conditions short of war may act to avert a state of war.

Submission of this proposal in no way signifies any intention of taking over transportation systems under present conditions but is designed merely to modernize existing authority and make it operative during a period of national emergency should future circumstances so require.

COST AND BUDGET DATA

It is not possible to estimate the additional costs which may result from the enactment of the proposed legislation. It is conceivable that international incidents may occur in the future with the resultant additional costs to the Government.

Sincerely,

EUGENE M. ZUCKERT,
Secretary of the Air Force.

EXTENSION OF TIME FOR TRADE-IN OF CERTAIN VESSELS

Mr. MAGNUSON. Mr. President, by request, I introduce for appropriate reference, a bill to extend the time for trade-in of vessels not less than 12 years old.

The Merchant Marine Act, 1936 authorizes the Government to acquire obsolete vessels as trade-ins on new construction. As defined in section 510(a) of that act, obsolete vessels must be citizen owned for a stated period, of at least 1,350 gross tons, not less than 17 years old and, in the judgment of the Maritime Administrator, inadequate for successful operation in our country's foreign or domestic trade.

In 1952, in order to accelerate the replacement of war-built vessels, this section of the act was amended to include vessels not less than 12 years old. This provision gained added importance when the current phased vessel replacement program was initiated, and in 1958 it was extended to June 30 of this year.

It develops now that a number of war-built vessels which operators would like to trade in on their required replacement vessels have not reached their 17th birthday, for which reason further extension of the 12 year provision is being sought. While the keels of these vessels were laid during World War II the vessels were not delivered until as late as 1947 because of extensive modifications made following the war to fit them for peacetime purposes. The requested 2-year extension to June 30, 1964, it is felt, would resolve this trade-in question finally.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2801) to amend section 510 of the Merchant Marine Act, 1936, in order to extend for 2 years the time during which a certain definition of the term "obsolete vessel" shall be used, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

DESIGNATION OF THIRD WEEK IN JUNE OF EACH YEAR AS NATIONAL AMATEUR RADIO WEEK

Mr. KEATING. Mr. President, more and more interest is being shown in amateur radio by Americans in every section of our Nation. I know that in the State of New York there are now between 15,000 and 20,000 amateur radio operators. Amateur radio always stands ready to serve the Nation. In addition these operators learn a great deal of technology which develops the technical skills of our people. Amateur radio has served the Nation well, and I am confident will do so in the future.

I introduce, for appropriate reference, a joint resolution designating the third week of June of each year as National Amateur Radio Week.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 155) designating the third week in June of each year as National Amateur Radio Week, introduced by Mr. KEATING, was received, read twice by its title, and referred to the Committee on the Judiciary.

CONDEMNATION OF COMMUNIST OPPRESSION AND THE CATHOLIC FAITH IN LITHUANIA

Mr. DOUGLAS. Mr. President, it has come to my attention that Communist officials have once again stepped up their activities to destroy the last vestiges of freedom in Lithuania. The prosecution of Roman Catholic priests on false charges, which has taken place in the last month, may indicate a final program to eliminate the priesthood in Lithuania and a growing campaign against all people who believe in God. The National Council of Catholic Men adopted a resolution protesting this trial at the close of its annual meeting on January 21. I believe that the Congress should go on record in this matter and therefore, Mr. President, I submit, for appropriate reference, the following resolution condemning the false and oppressive persecution of Roman Catholic priests by the Communist Government of Lithuania and the Communist persecution of religion everywhere behind the Iron Curtain.

Mr. President, February 16 will be the 47th anniversary of Lithuanian independence, and I think it highly appropriate to submit this concurrent resolution at this time.

I ask unanimous consent that the text of the resolution passed by the general assembly of the National Council of Catholic Men be printed in the RECORD.

Further, Mr. President, I also ask unanimous consent that the text of the concurrent resolution I have just introduced also be printed in the RECORD.

The VICE PRESIDENT. The concurrent resolution will be received and appropriately referred, and, under the rule, will be printed in the RECORD; and, without objection, the resolution will be printed in the RECORD.

The concurrent resolution (S. Con. Res. 57) was referred to the Committee on Foreign Relations, as follows:

Whereas the atheistic governments of the Soviet Union and the captive nations of international communism have directed their forces toward the complete destruction of all religious worship and other liberties; and

Whereas the persecution of Roman Catholic priests in January of 1962 by the Government of Lithuania represents the latest oppression of religion in the Communist bloc nations; and

Whereas the false charges upon which such persecution is maintained may indicate a final program by the Government of Lithuania to eliminate the Catholic priesthood in Lithuania; and

Whereas the persecution of Roman Catholic priests in Lithuania may demonstrate a growing campaign throughout the Communist bloc of severe persecution of all peoples who believe in God: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress condemns the false and oppressive persecution of Roman Catholic priests by the Communist government of Lithuania and the Communist persecution of religion everywhere behind the Iron Curtain.

The resolution presented by Mr. DOUGLAS is as follows:

RESOLUTION ADOPTED BY THE NATIONAL COUNCIL OF CATHOLIC MEN, JANUARY 21, 1962

Whereas, early this month, as the latest act in the brutal campaign of Soviet Communist oppression of the Baltic Nations, a group of Lithuanian Roman Catholic priests were put on trial in Lithuania on charges of criminal currency operations and speculation, charges which Bishop Vincent Brizgys, the Lithuanian bishop in exile in Chicago, brands as false. Vatican sources immediately noted that the trial could indicate harsher activity generally against the Catholic Church behind the Iron Curtain. Since the hierarchy in Lithuania has already been eliminated by the house arrest of the last active bishop in that country, this latest trial may mean a final program to eliminate the priesthood there as well: Now, therefore, be it

Resolved, That the general assembly of the National Council of Catholic Men protests the Soviet Communist oppression of Lithuania and of the Catholic faith in Lithuania for the past 22 years, as it protests the Soviet and Chinese Communist oppression of all satellite nations and of the church everywhere; and it requests its affiliates and the American Catholic laity generally never to forget in prayers and sacrifices our fellow Catholics in the church of silence.

TRADE ADJUSTMENT ACT OF 1962—ADDITIONAL COSPONSOR OF BILL

Mr. SPARKMAN. Mr. President, on January 11, 1962, I introduced the bill (S. 2663) to provide assistance to business enterprises and individuals to facilitate adjustments made necessary by the trade policy of the United States. I ask unanimous consent that on the next printing of the bill the name of the Senator from Colorado [Mr. CARROLL] be added as a cosponsor.

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

EXCLUSION FROM GROSS INCOME GAIN REALIZED FROM SALE OF CERTAIN PROPERTY BY A TAXPAYER 60 YEARS OF AGE AND OLDER — ADDITIONAL COSPONSORS OF BILL

Mr. DIRKSEN. Mr. President, on January 15 of this year I introduced Senate bill 2666, to amend the Internal Revenue Code of 1954, so as to exclude from gross income the gain realized from the sale of the principal residence of taxpayers who have attained the age of 60 years. A number of Senators who wished to join in sponsoring the bill missed the opportunity to do so. I ask unanimous consent that the names of the following Senators be added as cosponsors of Senate bill 2666; and since the bill is out of print, I also ask unanimous consent that it be reprinted: the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Utah [Mr. BENNETT], the Senator from Connecticut [Mr. BUSH], the Senator from Kansas [Mr. CARLSON], the Senator from New Hampshire [Mr. COTTON], the Senator from Colorado [Mr. ALLOTT], the Senator from California [Mr. KUCHEL], the Senator from New York [Mr. KEATING], the Senator from North Dakota [Mr. YOUNG], the Senator from Vermont [Mr. PROUTY], the Senator from Indiana [Mr. CAPEHART], the Senator from Hawaii [Mr. FONG], the Senator from South Dakota [Mr. CASE], the Senator from South Dakota [Mr. MUNDT], the Senator from New Hampshire [Mr. MURPHY] and the Senator from Kentucky [Mr. COOPER].

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

ADJUSTMENTS OF VETERANS BENEFITS—ADDITIONAL COSPONSOR OF BILL

Mr. KERR. Mr. President, on January 29, 1962, I introduced the bill (S. 2756) to amend title 38, United States Code, to provide increases in rates of disability compensation, and for other purposes. I ask unanimous consent that at the next printing of the bill the name of the Senator from Colorado [Mr. CARROLL] be added as a cosponsor.

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

NEW AND IMPROVED USES FOR FARM AND FOREST PRODUCTS—ADDITIONAL COSPONSOR OF BILL

Under authority of the order of the Senate of January 29, 1962, the name of Mr. LONG of Missouri was added as an additional cosponsor of the bill (S. 2759) to provide for further research relating to the new and improved uses for farm and forest products and for development of new crops, and for other purposes, introduced by Mr. JOHNSTON (for himself and Mr. HUMPHREY) on January 29, 1962.

ESTABLISHMENT OF COMMISSION ON SCIENCE AND TECHNOLOGY—ADDITIONAL COSPONSOR OF BILL

Under authority of the order of the Senate of January 31, 1962, the name of Mr. YARBOROUGH was added as an additional cosponsor of the bill (S. 2771) for the establishment of a Commission on Science and Technology, introduced by Mr. MCCLELLAN (for himself and other Senators) on January 31, 1962.

U.S. COMMISSION ON AGING ACT—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of January 31, 1962, the names of Mr. LONG of Missouri, Mr. RANDOLPH, and Mr. PELL were added as additional cosponsors of the bill (S. 2779) to provide for the establishment of a U.S. Commission on Aging and to authorize Federal grants to assist in the development of programs which will benefit older persons, and for other purposes, introduced by Mr. MCNAMARA on January 31, 1962.

NOTICE OF RECEIPT OF CERTAIN NOMINATIONS BY COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, as chairman of the Committee on Foreign Relations, I desire to announced that Friday, February 2, the Senate received the nominations of Walter P. McConaughy, of Alabama, to be Ambassador to Pakistan, and John Calvin Hill, Jr., of South Carolina, a Foreign Service officer, for promotion from class 3 to class 2.

Mr. President, I also wish to announce that today the Senate received the nomination of Philip J. Farley, of Virginia, for appointment as a Foreign Service officer of class 1, a consul general, and a secretary in the diplomatic service, and numerous others in the diplomatic service.

In accordance with the committee rule, these pending nominations may not be considered prior to the expiration of 6 days of their receipt in the Senate.

NOTICE OF HEARINGS BY SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS

Mr. ERVIN. Mr. President, hearings on the rights of military personnel, originally scheduled by the Subcommittee on Constitutional Rights to begin this morning, will commence at 2 p.m., on Tuesday, February 6.

The 5-day series of hearings will continue through Friday, and conclude on Tuesday, February 13. As far as possible, witnesses will be heard in the order previously scheduled by the subcommittee.

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. WILEY:

Excerpts from address delivered by himself recently over Wisconsin radio stations, on the subject of the dairy outlook.

By Mr. RANDOLPH:

Remarks made by him at a meeting of the West Virginia Council of the White House Conference on Children and Youth, Charleston, W. Va., January 26, 1962.

HEALTH OF FOREIGN SERVICE OFFICERS

Mrs. NEUBERGER. Mr. President, a regular column of great interest to the hundreds of Government employees in this area is "The Federal Dairy," ably edited by Jerry Kluttz.

The column which appeared in yesterday's Washington Post is of particular interest to me; and I wish to call it to the attention of my colleagues, as well as the State Department.

One of the great divisions of our Government is the family of devoted Foreign Service officers who have made international diplomacy their career. They go with their families to posts around the world, to carry out our pro-

grams of aid and information. Before they go, they have a period of training in the politics of the country, in the economy and sociology of the people, and in the language. Our Government invests time and money in this education program, so that they may be the very best representatives of the United States.

If illness and lack of preventive medicine or poor hospital facilities keep these men and women away from their posts for any length of time, we suffer an actual loss of man-hours and efficiency. The figures which Mr. Kluttz cites are startling: 1 of every 5 of the 11,700 Foreign Service employees had to be evacuated from their posts and be hospitalized with service-connected illnesses.

Today we are aware of the increasing number of cases of infectuous hepatitis; and doctors from the Public Health Service tell me that this disease, alone, accounts for the largest number of illnesses among our Foreign Service personnel. As Mr. Kluttz points out, the present confining illness of our Ambassador to India, Mr. John Kenneth Galbraith, has focused attention once more on the prevalence of this disease.

I believe the State Department should set up a committee of doctors and their own officials to take steps to prevent this high incidence of disease. I have been reading the material of the AMA, which so often says, "Americans have the best medical care in the world." Surely we can extend some of that to those who serve us so capably around the world.

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

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

The health hazards of our Foreign Service are pointed up by the illness of John Kenneth Galbraith, our Ambassador to India, who is hospitalized with hepatitis and amoebic dysentery.

(And they're becoming even worse in this day of "wonder" drugs as America recognizes new and underdeveloped countries in Africa and elsewhere and exchanges diplomatic missions with them. Modern medicine is merely a dream in those nations.)

Throughout our vast Government the Foreign Service has by far the largest percentage of its staff who are hospitalized with service-connected illnesses. Yet almost no one considers Foreign Service a hazardous occupation, a category reserved for FBI and other law enforcement officers, prison guards, etc. But consider these revealing statistics:

In the 1960 calendar year, the latest available figures, at least 1 of every 5 of the 11,700 Foreign Service employees overseas with State, Agency for International Development and U.S. Information had to be evacuated from their posts and hospitalized with service-connected illnesses.

A total of 1,282 employees and 716 dependents were evacuated and taken to oversea hospitals during that 12-month period. But, in addition, 1,143 employees and 642 dependents had to be evacuated and brought back to this country for treatment during the last 6 months of 1960, all with service-connected illnesses.

The incomplete count for 1961 shows that 3,783 employees and dependents—there were 17,300 dependents in the three agencies—were evacuated and hospitalized out of the total of 29,000 overseas. It is estimated that 1,500 others were brought back to this country for hospital treatment during the first 6 months of 1961, which makes a grand total of 5,283 employees and dependents.

Furthermore, preliminary estimates indicate that an even larger number of employees and dependents had to be taken from their posts and given medical treatment last year. They point to a 20-percent increase, or more than 6,000 who required treatment.

Death figures in 1961 show a total of 49 Foreign Service personnel fatalities from all causes, mainly from heart conditions and cancer. Twenty-four were in AID; 22 in State, of which 16 were during the last 4 months of the year, and 3 in USIS.

During my recent tour of Europe and the Middle East, I soon discovered that proper medical and dental attention was a major problem for Foreign Service personnel and their families as well as adequate housing, schools, and living conditions generally.

To my amazement, there was the minimum of griping about them. The Foreign Service people spoke of them matter-of-factly. They and their families were willing to risk disease, to endanger their health, and to put up with the many inconveniences to serve their country. They were interested in their jobs and they worked hard at them.

Being human, the Foreign Service people became upset and resented the broad attacks on them for everything from their ability to their patriotism. A few of them were discouraged because they felt the Foreign Service had become a prime target for political attacks from those who blame it for every American disappointment or failure in foreign policy.

CENSORSHIP OF SPEECHES BY MILITARY PERSONNEL

Mr. GOLDWATER. Mr. President, perhaps nowhere has our lack of a policy of victory in the cold war been more dramatically illustrated than in the Senate Armed Services Subcommittee hearings on the censorship of speeches by the Nation's military leaders. These sessions have shown that officials of the State Department and others into whose hands the delicate job of censoring has fallen are particularly allergic to words like "victory" and "win"—because such words have been stricken from the texts of speeches prepared for military commanders.

I suggest, Mr. President, that we owe our esteemed colleague from South Carolina, Senator STROM THURMOND, a debt of gratitude for bringing this situation to the attention of the American people. Our people have the right to know that we have embarked on a defeatist, no-win policy in the cold war and that such a policy is the guiding rule for deletions and changes made in the prepared speeches of our military leaders.

In this connection, I ask unanimous consent to include in the body of the RECORD at this point a speech entitled "The Choice Is Ours," delivered by Senator THURMOND before the American Coalition of Patriotic Societies in the Mayflower Hotel, Washington, D.C., on February 1, 1962.

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

THE CHOICE IS OURS

(By Senator STROM THURMOND, Democrat, of South Carolina)

I am honored to have the opportunity to address the membership and guests of the American Coalition of Patriotic Societies. This is a great federation of organizations dedicated to the preservation of liberty, to the principles of constitutional government, and to basic American patriotism. I salute you for your patriotism, superpatriotism, or by whatever term it may be labeled by your friends or foes. Some may consider it old-fashioned to be tabbed as a patriot, or even a superpatriot, in these modern times, but I can think of no higher attribute or descriptive term I would prefer to have conferred on me, unless I should be called an extreme American. I believe like Adm. Arleigh Burke that we can't teach too much "love of God and patriotism in this country."

I am also pleased to be able to step into the shoes of that great American statesman and sound thinker, Senator HARRY F. BYRD, of Virginia, in addressing you this year. Another Harry, Harry S. Truman, once made the sharp retort—as he is prone to do—that we have too many "Byrds" in the Senate, in singling out this great watchdog of the Treasury and stanch defender of constitutional government for special Presidential disfavor. My only regret is that we do not have a Senate and House full of HARRY BYRD'S so we can get this country back on the road to sound fiscal policies and dedicated to winning the greatest conflict this country has ever become enmeshed in—the total war which the Communist conspiracy has forced on us in its relentless and cancerous drive toward world domination.

I am speaking in harsh terms here today about the international Communist conspiracy because I—thank goodness—am not gagged and bound by State Department and Defense Department censorship policies. The State Department censors do not have the authority to write into my speeches the secret defeatist policies devised for meekly meeting the vicious challenge the Communist masters have laid down for us in their strategic objective to level all persons in the world to the lowest common denominator. When I play ball I play hardball and not softball, and I do not try to buy the umpire. What the American people have got to decide for themselves and the rest of the free world is whether our Government is going to play hardball in the major league competition forced on us or whether we are going to continue in the softball arena of negotiation, concession, and coexistence with an enemy which has vowed "to bury us."

This is the subject about which I wish to talk with you today for a brief while. I regret that I cannot be with you longer today, but I must return to the Hill for resumption of the hearings into censoring out of military speeches most statements with reference to communism—particularly those which deal harshly with the Communist menace, which state the aims and objectives of world communism, and those which indicate that the Communist goals have not changed or that there is such a thing as a world Communist conspiracy.

You people here today realize the importance of this investigation. It is one which will show to the American people not so much the caprice or Communist leanings of any Defense or State Department censors; but rather it will lay bare to the American public some of the defeatist, no-win policies formulated by policy planners and leaders who have determined that we do not want to win the cold war.

A deep study of these censored statements and the censors' comments, coupled with consideration of present and past policies in meeting the Communist menace, will reveal what I have called a defeatist or no-win cold war policy.

I only wish that every American could study the censored items and the censors' comments to get the real picture—the picture which will be difficult to get across to

the American people except by careful individual study because of the complexities involved and the efforts to keep these facts from the American people so these policies can be continued.

The rollcall of free world defeats at the hands of the wily Communist masters of deceit—as they have appropriately been described by FBI Director J. Edgar Hoover—is long and unpleasant to recall. But, as George Santayana has so ably forewarned us, "Those who cannot remember the past are condemned to repeat it."

We could start many years ago with the unfortunate recognition of the Soviet Union in 1933. We can trace step after step, defeat after defeat, in dealing with the Communists because we have steadfastly refused or failed to either understand or recognize the nature of the enemy we face. We could count in the nonmilitary lend-lease assistance to the Soviet Union during World War II. We could also figure in the gift and theft of atomic secrets for the enemy, together with the uranium which provides the necessary spark to make our adversaries a world power with which to reckon. We could also add in the many conferences, such as those held at Yalta, Teheran, and Potsdam, as well as the smiles we received at Geneva and Camp David, and the lessons we should have learned at all summit conferences, especially in Paris in 1960 and Vienna in 1961.

Agreements have been broken again and again, as Lenin warned us years ago, "like piecrusts—made to be broken." Some contend that we should not say anything about communism or Communists because we might lose something or some point at a conference table. If we followed this recently thought up rule of sensitive negotiations then we would bind our military people and everyone else not to whisper the term "communism" because the Communists have kept us negotiating while they have been nibbling us to death ever since World War II.

Today the Communists control 26 percent of the world's land mass and 36 percent of the world's population, taking approximately 15 countries and 900 million people behind the Iron, Bamboo, or Cactus Curtains since World War II.

Judging from the censored items, censors' comments, and what I know of present and past policies, our State Department policy planners have sold our leaders on the naive idea that if we can just contain the Communists long enough—and we aren't even doing a good job of containment—then we can rely on a change or mellowing of the Soviet Union into a nonaggressive and peaceful socialist state. After all, the censors' comments indicate that we are concerned only with the militarily aggressive nature of communism. To quote another censor's note, "some of our best friends are Socialists," and judging from the fairly consistent deletion of any references to the conspiratorial nature of world communism we don't have to worry about this myth of some conspiracy to dominate the world. Substitution of the term "Sino-Soviet bloc" in place of "international Communist conspiracy" indicates that this is only a bloc of "potential aggressors," not real enemies, to quote another fairly consistent change by the censors.

My reference to this reliance on the evolutionary concept—that is, a mellowing of the Soviet Union into a peaceful Socialist state—has been pointed up by a censor's comment that "this might well be tempered since it rules out any chance of an evolution of the Soviet system."

I wish I could report to you that our leaders hold out some hope that we will win this struggle with communism, but instead I can only pass on to you their comments that we are in a "long twilight struggle" when America's role in determining the outcome of this struggle will be "only marginal." Or as the President warned us on the west coast recently, "we must face the fact that the United States is neither omnipotent or omniscient, therefore, there cannot be an American solution to every world problem."

I must report to you that the censors likewise think little of the terms "victory" or "win"—or have been instructed to strike them—because they have fairly consistently eliminated these terms from speeches by not only military leaders but also by the civilian Secretary of the Air Force in this administration. The term "war" is likewise to be avoided, as is "offense" or even "attack," even in speaking of an "attack aircraft carrier."

To illustrate how far the censors go—or are instructed to go—in cutting out any references to the term "war," listen to this proposed speech item, how it was completely censored, and what the censor commented about it:

"The X–15 is the Man O' War of the stable of research aircraft to date."

The censor struck this and stated: "Let's use another steed—Zev, Gallant Fox, and so forth, but not this one." Even in this remote connotation the word "war" could not be used.

Now I am not here today trying to defend the idea of going to war. Far from that, I am going to propose to you today some ideas as to how we can win the cold war so we do not have to fight a hot war.

The first ingredient necessary to any hope of attaining victory in any endeavor, whether it be in the sports arena, in politics, or in war—hot or cold—is to have the will to win. To date I have not been assured that we have made a firm resolve to win the cold war. Have you?

Second, we need to inform our people and our military personnel about this deadly menace we face. They need to have a thorough understanding of every facet of this total threat posed to us. They must know and understand that it is not just a military threat, but that it also constitutes a political, economic, diplomatic, social, psychological, subversive—yes, even a global threat to our people and all people everywhere who yearn for freedom.

J. Edgar Hoover has warned time and again that "we cannot hope to successfully meet the Communist menace unless there is a wide knowledge and understanding of its aims and designs."

The events of recent years provide unimpeachable proof that we do not understand the nature or methods of Communists and communism. Had we understood and appreciated the menace of communism, we would not today be suffering from the losses of our blind negotiations at Yalta and Potsdam, as I mentioned earlier in this speech. Had we understood and recognized communism when we saw it, we would never have been bamboozled into officially characterizing the Communist Chinese as "agrarian reformers." Had we the ability to detect a Communist movement, Castro would never have had our support in establishing a Communist dictatorship over the Cuban people 90 miles off our shores, only to finally enlighten many leaders and the State Department a few years later that he has been a dedicated Marxist-Leninist Communist for some time and will continue to be one "until the day I die."

No, ladies and gentlemen, if we as a people understood communism and Communist tactics, we would never have fallen prey to subversion at the hands of Alger Hiss, the Rosenbergs, Greenglass, Fuchs, or Harry Dexter White, and the many other Communist spies and agents who were caught—not to mention the many who remain undetected and unapprehended. We would never have acceded to the ban-the-bomb cries, only to later express dismay and regret at having been duped by the Communists, as expressed by U.N. Ambassador Adlai Stevenson in an address before the United Nations in October of last year. Nor would so many of our boys who fought in Korea have succumbed to Communist brainwashing techniques. An official study shows that 38 percent of our POW's collaborated in some way with the enemy and not one was able to escape from an enemy camp. If only these boys had known what to expect—if they had had some knowledge of modern brain warfare concepts and techniques—we would not have to recall these unpleasant experiences.

It is also imperative that we understand that it is not empty bellies which give rise to communism. Rather, it is communism which spawns communism by infiltration, subversion, propaganda, etc. No people have ever voted in any Communist regime, and none who suffer the deprivation of liberty which inevitably accompanies communism have ever had the opportunity to vote communism out.

Quite clearly, ladies, and gentlemen, the postwar years have proved beyond any doubt that Americans, by and large, do not understand communism and its tactics.

Third, we must realize that we are now at war—a cold war, something new and different from any war we have ever known. At the same time, people are losing their liberties and even their lives—even some Americans—at the hands of Communists using infiltration, subversion, propaganda, blackmail, diplomacy, economic power, and a bullet fired now and then by some proxy volunteer or some partisan guerrilla in southeast Asia.

Fourth, we must learn to act decisively to call Communist bluff and bluster tactics which have won far more victories for them in the field of diplomacy than have any steel bullets or atomic weapons on the field of battle. In employing these bluff and bluster tactics, the Communists have pushed us as far as possible without provoking the devastation power of the United States—and believe me, ladies and gentlemen, we do have the edge in destructive power, and they know it—even in times when we have had not only the monopoly on nuclear power but also in means of delivery. The only time they overshot their bounds was when they misjudged our withdrawal of troops from Korea in 1950 and then-Secretary of State Dean Acheson's ill-timed statement that Korea was not within our defense periphery. Even when the Communists fought us to a standstill and we failed to win—that is, to elect to win—the only war we have ever failed to win in the history of our country. I agree fully with Gen. Douglas MacArthur's assessment that our decision to forgo victory in Korea marked a turning point in the history of our country, from which we have yet to recover in reeling and reacting to Communist aggressive actions and achievements. The Communists bluffed us into going only so far in Korea for fear of an all-out war at a time when we had both the conventional and nuclear means to insure victory. Our State Department planners sold Mr. Truman on the idea that we should not win, and they have successfully peddled this defeatist idea in almost every serious conflict which has followed between the free world and communism. Our failure to knock down the wall when it was first being erected in Berlin is one such example. Another example was the decision not to provide the vitally needed air cover over the Bay of Pigs in Cuba last spring.

On the other hand, the record will reveal that in practically every instance when we have moved to meet the Communist threat we have proved our mettle and successfully called the Communist bluffs with bold and courageous actions in Greece, Turkey, Iran, Formosa, and in Lebanon.

On almost every occasion that we have succumbed to communism, we have done so because we have not dared to stamp out the sore planted by communism in the initial

instance. Our policy is to step aside and hope that we can buy off the sore or ignore the sore and that the festering will evolve itself into a peaceful accommodation with our desires. We turn the other cheek or naively walk the extra several miles and then awaken to find that the sore has festered to the point where only a nuclear holocaust can put it out. We hear the favorite State Department cries of "escalating into a nuclear war," and so we bark out a few tough phases of eloquence and then retreat to a conference table to concede or set up a coalition government for the Reds to infiltrate and subvert.

Such has been the all too familiar pattern since World War II. What we need to counter this strategy is a firm, resolute determination by our leaders to fight, if necessary, to preserve liberty and insure our survival as a nation, and this attitude must be communicated, without equivocation, to the Communists. If we don't dare to win, then we don't deserve to win in the protracted conflict with communism.

Fifth, we must move on the offensive—if I may use this suggestive term—to sell our own system abroad and at home. Some of our own people have forgotten that our free enterprise capitalistic system, under a constitutional republic, has given us more liberty and more of the material things of the world than any system has ever provided, including the materialist-minded system of world communism. We have 6 percent of the world's population, but our capitalistic system, under the blessings of God, has rewarded us with 75 percent of all the automobiles and 57 percent of all the telephones in the world. We also have the finest churches, schools, colleges, and we enjoy the highest per capita incomes and standards of living of any people the world has ever known. Above all, our system has provided what I deem to be the highest end of Government—individual freedom and opportunity.

Yes, ladies and gentlemen, we have the system to sell, but we are not selling it. Too many are apologizing for a system which merits only our praise and thanks. If we are going to run down our own system or junk it gradually here at home, then how can we expect to sell it to the rest of the world?

Sixth, we must maintain a military establishment "second to none in the world." In this area, we are making good progress, although we are still not giving enough attention to certain aspects of air power and to speedy development of an antimissile capability.

The Communists respect only power—raw power, not sweet words—so we must insure not only an adequacy of deterrent power but a supremacy of power and destructive capabilities. In recent years, while we have been trying, like an adult, to hold off a child which has been swinging wildly at us by containing him with an outstretched arm, the child has been growing in military and economic power. What are we going to do when the child, now a good-sized teenager, becomes a monster which we can no longer fend off by an outstretched arm? This points up the fallacy of our defeatist, no-win, appeasement, containment, coexistence—or call it what you will—policy and the importance of maintaining a supremacy of military power.

Seventh, we must keep this Nation strong economically. The idea that we can spend ourselves into prosperity and a strong and viable economy is as false as the idea that we can continue deficit financing without experiencing the high costs of interest on the national debt and the premium of inflationary spirals. This year the President is asking for authority to give the Treasury the power to borrow up to a limit of $308 billion. While there is talk of a balanced budget for the next fiscal year, the President's requests from the Congress and his heavy reliance on vastly increased revenues lead me to predict another red-letter year to make the score read at the conclusion of fiscal year 1963, still only six balanced budgets in 33 years.

We can lose this cold war by economic bankruptcy just as easily as we can by any of the other means the Soviet Union has planned for us.

Eighth, we must be ever alert to the threat of internal subversion and infiltration. The Attorney General today lists 283 Communist-front organizations, and the FBI has 185 organizations under investigation. I am sure that you people here today realize full well that a Communist front can be even more dangerous to our internal security than can an open and easily identifiable Communist Party. It is true that Mr. Hoover and his agents are primarily responsible for this task—and they are doing a good job—but vigilance is everyone's responsibility.

Ninth, we must guard against being lulled into a deep Socialist sleep where we permit the slow but subtle establishment of an all-powerful Central Government with "gimme" gimmicks and which controls the means of production and distribution either through outright ownership or through the clever stratagem of control and regulation.

President Kennedy has just proposed in his state of the Union address financial aid and assistance for practically every facet of life. If all of his proposals should be enacted into law, we would witness a measure of centralization of power in Government which would severely endanger beyond recapture the valued American concept of individual responsibility and liberty.

Ladies and gentlemen, there is only so much power in this country. If most or all of it is to be exercised by the Central Government, then the people and the State and local governments must surrender power to Washington.

The framers of the Constitution contemplated that the greater part of the governmental functions in our federated Republic would be undertaken and exercised by the State and local governments. They incorporated throughout the Constitution innumerable devices to prevent a concentration of power in the General Government and the growth of that entity. Despite their preventive efforts, the National Government has increased to mammoth size. It has grown so large that not only does it constitute a burden on the sustenance of the people, but it has long since passed the point of diminishing returns in terms of efficiency so that we suffer not only from the financial burden of its upkeep, the deprivations of liberty which its mammoth operations achieve, but also the unfortunate dilemma of an inefficient government. Too many Americans have lost sight of the elementary but undeniable fact that any government big enough to give them everything they want is big enough to take everything they've got.

At this point I want to give you a bit of advice that a military officer tried to present to his audience. I pass on this proposed statement by this censored officer because I feel it is so vital to America today. Here is what the officer tried to say: "History fairly brims over with examples of proud nations which have slowly sunk into oblivion because they sowed the seeds of their own decay. Nations who will learn nothing from these examples are doomed to repeat them. The eminent British historian, Arnold Toynbee, has pointed out that 19 of 21 notable world civilizations have died from within and not by conquest from without. Ours must not be No. 20."

The State Department did not let this officer pass on this wise admonition from the eminent historian, Mr. Toynbee, because as the censor expressed it in his note: "Toynbee is a highly questionable historian, not likely to impress this audience."

As my 10th and final point, I urge that we, individually and as a nation, dedicate ourselves to a moral and spiritual regeneration all across the length and breadth of this great land. This struggle in which we are currently locked with the Communists is essentially a fight between those who believe in a supreme being and atheists who deny the existence of a supreme being and all morality stemming from God. The true Communist believes that materialism is the end to be sought and that if anything is to be worshiped it is to be man because he accidentally has the highest intelligence of all the animals.

Marx long ago stated as his objective in life to "dethrone God and destroy capitalism."

God has offered His people a way out of any national dilemma with this promise in II Chronicles, chapter 7, verse 14:

"If my people, which are called by My name shall humble themselves and pray, and seek My face, and turn from their wicked ways: then will I hear from Heaven and will forgive their sin, and will heal their land."

Spiritual and moral power will give us courage, strength, wisdom, and faith in the struggle to maintain our freedom and insure our survival as a nation. Spiritual and moral power will also save us from softness and decay—physically, mentally, and morally. We must be fully fit and alert for the struggle, both individually and as a nation.

If we give heed to the 10 points I have outlined for you today, I have faith that we can win the cold war and avert a disastrous hot war. We cannot rely on the Communist bear to mellow or change his objective to dominate the world and reduce us all to one common level without even any access to the God of our choice. We must be realistic and face up to the distasteful fact that we must force the bear to change. We must show him that there is no hope of victory for his side, only for ours, for we have the will, the determination, and the power to win. And, in addition—and this is the most important point—we can, if we choose, make certain, as Mr. Lincoln warned so many years ago, not only that God is on our side, but more importantly that we are on God's side. We have the ace in the hole to win, a supreme being, and I am confident that we will win this cold war if we but invoke His blessings and guidance, both individually and as a nation.

The choice is ours—yours and mine, all of the American people. I implore you to give of your best efforts to make certain that the right choice is made before our Nation has passed the point of no return.

UNITED NATIONS AND LAW—EXCERPT FROM SERMON BY REV. P. MALCOLM HAMMOND

Mrs. NEUBERGER. Mr. President, war and the threat of war have plagued mankind for centuries. Into most of the controversies that man has endured, certain groups have seen fit to insert emotionalism, rather than endure the longer processes of patient study that lead to an understanding of the problem. Some of these groups would rush headlong into appeasement, while others would urge war. Some would accuse their neighbor of consorting with the enemy, or suspect the patriotism of the individual who seeks peaceful solutions.

Today this mental decay under stress has not changed. Today a Senator's mail is filled with pamphlets accusing

minorities of plotting with the enemy, officials of being duped, and schools of being undermined by subversives. In almost every instance, they use slogans rather than fact; and emotion, rather than reason.

After reading some of this irresponsible and emotional propaganda, it is refreshing to read a well-organized sermon on the dangers of the extreme right and left, and showing a logical and reasonable approach to our problems. Such a sermon was recently delivered at the Methodist Church in Ashland, Oreg., by Dr. P. Malcolm Hammond; and I ask that the portion of the sermon which deals with the United Nations be printed in the RECORD, at this point in my remarks. I find this section exceptional, because it answers many of the irresponsible attacks that have been made upon the United Nations.

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

EXCERPT OF A SERMON DELIVERED BY DR. P. MALCOLM HAMMOND

UNITED NATIONS AND LAW

In 1945 the United Nations was established in San Francisco. The churches of the United States and the Methodist Church in particular had a lot to do with this. I myself recall sharing the platform in Spokane, Wash., with Bishop Bruce Baxter in 1944 urging our people to write to Congressmen in support of the proposed United Nations. There were numerous other people on that platform that day also. In October of this year the Department of International Affairs of the National Council of Churches issued the following statement: "Within the framework of the United Nations or closely allied to it, Christians should help build, as rapidly as possible, a body of world law and effective international courts. We must move toward the establishment of international instruments for the administration and enforcement of law. This means full support by our own Nation for such international institutions for peace and justice. The alternative is not freedom and independence but confusion and strife." Clearly if we are to have the machinery for world peace, it must come through United Nations we already have.

In other words, the United Nations must be supported, strengthened, and, if necessary, reconstructed. It is far easier to start with what we have, in the way of international organization, and build it up to desired proportions, than it would be to start all over again. We went through that once when the League of Nations died. It must not happen again. What we must have is an adequate legislative body with power to make laws, a judicial body with power to enforce its decisions, and an executive body with a police power to maintain order under a democratically controlled legislative body. We already have all of this—in rudimentary form. It must be completed. It must be given power. The world must be led to have confidence in it. It must be given a chance to prove worthy of that confidence.

Let us now turn our attention to the objections we are certain to hear to the proposals we here espouse.

OBJECTIONS

First, we will be told we are too idealistic, and, like all religious approaches to matters of social affairs, we are not sufficiently realistic. We do not think we are too idealistic. To begin with we are not proposing anything in the international arena that we have not learned by hard practical lessons on the western frontier of our own United States to be absolutely indispensable. Also, we rise to ask, just how realistic is it to expect our free democratic society to continue if we do not find the machinery of peace, and that as rapidly as possible. It is military planning that we see as hopelessly utopian, even sentimental, and not peace planning, such as we are trying to do.

Second, we will be told that nothing you plan to do through the United Nations will work; that through the veto power, the Soviet Union has the Security Council hopelessly hamstrung. But this does not apply to the Assembly. In any case the main effort would be to get all small nations and so-called neutral nations to work with the Western nations toward those ends here outlined. What the great majority of nations really want, they will get. We must marshal world opinion.

Third, we will be told that you cannot do business with Communist Russia, that every time we have trusted them, they have broken their word. This, I think, is not entirely accurate, but in any case it is unclear how it bears on the present question. We are not proposing to secure a strengthened United Nations through negotiations with the Soviet Union. Sooner or later they would be involved. But it would not be dependent on their action, as I see it. If the nations of the world demanded it, would they try to stop it? If so, would they succeed? It all depends on how much demand there is for it.

Fourth, we must be ready to meet the objection that the last thing in the world we want is a big super-government of the world. With our Federal Government growing and growing like a giant octopus, what do we want with another government that might become even worse yet? This will be a difficult argument to meet—the most difficult, in fact. Yet if this view prevails, it means chaos, war, and obliteration. The measure of the strength needed for any government in a given situation is the strength of the forces of disorder that that government has to meet and overcome. A weak force for law and order cannot hope to cope with the forces of disorder abroad in the world today. Big government is required to keep peace in a world where trouble can—and does—break out in five or six different places all at the same time. The proper reply to this argument, in my view, is this: What is the other alternative? How long will our Government—or any other, for that matter—maintain its solemn sovereignty in a full-scale war today? "The other alternative," as the Department of International Affairs has said, "is not freedom and independence but confusion and strife."

Fifth, we will hear it said that instead of trying to strengthen the U.N., we ought to pull out of it altogether and go it alone; we could go further and faster that way. But this is a counsel of despair. This is the isolationism of 1962. This is faint-hearted desperation. No one can seriously think that we can stop war all by ourselves. If there is a war, we will be involved. The only way to keep from getting involved is to keep it from starting at all. Except as the peoples of the world are willing to work with us, and we are willing to work with them, there is no hope. But the encouraging thing is that many nations are willing and anxious to work with us, and look to us for leadership. Shall we, then, withdraw ourselves from them? This is unthinkable.

Sixth, we will be told, finally, that the international police force, of which I speak, is still force; and that force can give birth only to more force. Violence and force of arms, they will say, can sire only more violence and more force of arms. It is the main thesis of this paper that this is not so. I maintain that there is an enormous moral difference between the responsible use of force (as in police work) and the irresponsible use of force (as in war). I have not lost my faith in the power of nonviolence to solve problems. I believe Gandhi and Martin Luther King and many others have amply demonstrated its powers. But I do believe that peaceful powers of persuasion have a better chance to operate under the restraining influence of disciplined and law-abiding police officers than they have of operating in a primitive and backward society where justice and right count for nothing and only guns and bombs dictate the terms of agreement. This primitive and backward society is exactly where we are at the present time, as far as our international relations are concerned. It is as though the voice of God has acquired a tone of finality when it speaks and says, "This time make the machinery of peace that will really work, or die, and let Me raise up another race of men that can do better."

RECOGNITION OF SENATORS DURING MORNING HOUR

The VICE PRESIDENT. The Chair desires to follow the policy of recognizing a Senator on the majority side and then a Senator on the minority side, provided Senators address the Chair under the rules. The Chair must recognize a Senator who addresses the Chair. So if Senators will bear that in mind, we will try to be fair and just in recognition of Senators.

SHALL ALL FARMING BE LICENSED?

Mr. CASE of South Dakota. Mr. President, South Dakota is said to be the most agricultural State in the Union, and over two-thirds of our agricultural income is from livestock. Therefore, anything which affects farming and the production and feeding of lifestock is of the utmost importance in South Dakota.

Over the weekend I read the digest of S. 2786, which was introduced by the distinguished Senator from Louisiana [Mr. ELLENDER], chairman of the Committee on Agriculture, as the administration's farm bill of 1962. Since the chairman stated there were provisions in the bill with which he did not agree, and since it was apparently prepared in the Department of Agriculture to carry out the proposals in the President's farm message, I shall refer to it as the Kennedy-Freeman bill.

The bill has not been passed. It has only been introduced. Its technical provisions need explanation. Hearings will be held. But a careful reading of the digest of the bill and the statement by Chairman ELLENDER lead me to say:

In my opinion, titles III, IV, and V of the Kennedy-Freeman farm bill will destroy farming as a way of life as we have known it in America. These titles, in effect, would put the producers of milk, turkeys, feed grains, and wheat on a franchise basis. Under them, the long arm of big Government would put its hand at the wheel of every farm tractor in America and on the desk or table of every farmer or farmer's wife in the country as they tried to figure out how they could operate the farm, stay within the law, and yet meet mounting costs.

Government clerks would tell the farmer how much milk he could market, how many turkey eggs he could hatch, how many acres he could plant

to any feed grain, how much wheat he could sell at home and abroad.

If he planted excess acreage, the product would be marketed only by paying a penalty at the rate of 65 percent of parity.

And if his hard work or know-how enabled him to produce above his marketing quota on allotted acres, he would face the competition of Washington-directed dumping of Government-owned stocks.

Such is the picture proposed for farming on the New Frontier.

I venture to predict if this system of franchised farming becomes law, then livestock, too, will not be far behind.

SHOTGUN WEDDING IN LAOS

Mr. LAUSCHE. Mr. President, in the last issue of Reporter magazine there is an article written by Denis Warner under the title, "Shotgun Wedding in Laos." This article, in my opinion, describes the situation prevailing in Laos with an accuracy that commands attention and respect. It reads:

On December 11, Malcolm MacDonald, the British cochairman of the 14-nation Geneva Conference on Laos, opened the day's session with a brief review of past progress and future prospects. "We are, in fact, on the point of creating a practical and just system of international guarantees which will assure to Laos neutrality, untroubled peace, and sovereign independence," he said. A week earlier the acting leader of the U.S. delegation, William H. Sullivan, had called it a pattern for peace not only in Laos, not only in southeast Asia, but throughout the world.

In the long, sorry story of Laos these comments merit a special place. For what Geneva is, in fact, creating for Laos is calculated neither to assure its neutrality nor its sovereignty, while the peace it promises is likely to be of the kind that Mao Tse-tung once said grew out of the barrel of the gun.

With a unanimity and a determination that were sadly lacking in their earlier efforts to keep Laos out of the hands of the Communists, the Western embassies in Vientiane are driving the reluctant Lao right-wingers into a coalition government which they know, and privately admit, may be temporarily and ostensibly neutral but which will lead almost inevitably to a takeover by Prince Souphanouvong and his Communist Neo Lao Hak Xat Party.

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair). The time of the Senator has expired.

Mr. LAUSCHE. Madam President, I ask unanimous consent that I may have an additional minute and a half.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Ohio for additional time? The Chair hears none, and the Senator may proceed.

Mr. LAUSCHE. Mr. Warner goes on to state:

Samar Sen, who recently stepped down from the chairmanship of the International Control Commission and returned to his post as High Commissioner for India at Canberra, is one of the more optimistic observers of the Lao scene. But even he thinks the most the West can hope for from Lao neutrality is that it will be "of the Austrian type in reverse"; in other words, whereas Austria faces west culturally and in every other way except by formal alliances, Laos will be technically neutral but effectively within China's sphere of influence.

My colleagues, Souvanna Phouma has been labeled as a neutralist, a middle-of-the-roader. The fact is that all of the proof indicates he is oriented to Peiping. There is not a single nation in the Far East whose superior officials have confidence in the suggestion that Souvanna Phouma is a neutral. The fact is that there is likely to happen in Laos what happened in China under a coalition government; what happened in Poland and Rumania: There will be a neutralist government for a period, but a final takeover by the Communists.

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

Mr. LAUSCHE. I yield to the Senator from Pennsylvania.

Mr. SCOTT. What the Senator from Ohio has been saying is exactly what I have been saying for a great period of time. I commend the Senator for bringing this matter to the floor. As I understand, there is a proposal that there shall be 18 Cabinet officers, of which 4 are for the present anti-Communist Premier, 4 for the Communists, and 10 for the neutralists, and either the Communists or the neutralists are to get key positions. The Communists always demand the defense and interior positions, to control the minds and the military forces of the people.

I have predicted time and again that if our Government continues to pursue what I think is the unwise policy of "playing ball" with the neutralists, they are in effect, and even in actuality, "playing ball" with the Communists, because the only difference between Souvanna Phouma and Souphanouvong, as I understand, besides the slight dissimilarity in names, is that one of them is an outright Communist and the other is an underground Communist.

We are actually dragging our feet in financial help to the only anti-Communist force in Laos, in order to force him to surrender to the neutralists, who in turn will surrender to the Communists. Then the same old cycle we saw in China will be repeated. We shall have lost Laos. We shall have lost the confidence of our friends in Thailand and elsewhere. We shall have shaken the respect of people for the firmness of our anticommunism.

After all this is done, the Senator from Ohio and I and other Senators will have the pleasure of reading in newspaper columns throughout the land of the tremendous success of the policy of the administration in Laos; that they averted war and brought about peace.

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

Mr. LAUSCHE. Madam President, I ask unanimous consent that I may have an additional 3 minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Ohio for additional time? The Chair hears none, and it is so ordered.

Mr. SCOTT. I should like to ask the Senator if he agrees with me that this kind of peace is the peace of the grave, the peace of surrender, and a peace without honor?

Mr. LAUSCHE. In my opinion they are trying to create a troika government in Laos, which was so repulsive when offered to the United Nations. It will not be a neutralist government. It will not be a middle-of-the-road government. It will be preponderant in the direction of Peiping and Moscow.

The only way I can answer the question of the Senator from Pennsylvania is to point out what happened in China under a supposed coalition government, what happened in Poland, what happened in Czechoslovakia, and what happened in Rumania. I anticipate the identical occurrence will develop in Laos.

I further add, I believe it can positively be said that none of the nations adjacent to Laos is comfortable at the prospect of the creation of this alleged neutral, middle-of-the-road government. Souvanna Phouma has been labeled with the sort of commanding and appealing term of "neutralist." When we speak to those high officials of adjacent nations we find they fear dreadfully what will happen in the event the coalition government is established.

Mr. SCOTT. I thank the Senator from Ohio for yielding to me. I agree with him entirely.

A TRIBUTE TO PRIME MINISTER CYRILLE ADOULA OF THE CONGO

Mr. McGEE. Madam President, I ask unanimous consent to have printed in the RECORD an editorial from this morning's Washington Post and Times Herald, relating to the presence in our Nation's Capital of Prime Minister Cyrille Adoula of the Congo, stating applauding words for the stability and solidification of the position his personality and his efforts have come to connote in this very difficult and troublesome Congo situation. While it is still far from being out of the woods, so far as its problems go, the Congo, through Mr. Adoula's leadership, has come a long, long way. This suggests the wisdom of more restraint and less "shooting from the hip" on the part of critics in our own country in regard to the Congo question.

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

MAN FROM THE CONGO

Cyrille Adoula, the Prime Minister of the Congo, comes to Washington today as a leader who has given the world hope that his country may find a decent and dignified solution to an unprecedented ordeal. In a few short months, Mr. Adoula has helped to give substance to the claim of the central government in Léopoldville to speak for a united Congo. He has done this by dealing as firmly with secessionists who favor new-style Soviet colonialism as with those who look backward to old-fashioned financial colonialism.

In his address to the United Nations last week, Mr. Adoula displayed those traits that have enabled him to succeed. He is no firebrand, but he understands the uses of tact and temperateness. He was conciliatory to the Belgians, and yet careful to praise Patrice Lumumba, who still has a following

among African nationalists. He made clear that he wishes the Congo to be neutral and independent while following a moderate course.

On this point, United States and United Nations policy are in harmony. This country does not wish to dominate the Congo or force the government in Léopoldville to aline itself with any bloc. American policy has sought from the beginning to help the Congo maintain its independence and to end the violence that has scarred its birth. Mr. Adoula should find a sympathetic audience in a capital that does not seek to impose either capitalists or commissars on a country struggling to be free.

THE DOCTORS AND THE AMA

Mr. McGEE. Madam President, I invite to the attention of the Members of this body an editorial published in the Saturday Evening Post for February 3 entitled "The Doctors and the AMA." The burden of the editorial is that many doctors in America have finally begun to repudiate their own professional organization.

As the editorial says:

Lamentably the AMA has done precious little in our lifetimes to make us patients feel that medicine is on our side.

So the editorial petitions that doctors all take a hard look at the health of the people of our country and financial costs applying to that health, instead of spending so much time on the bugaboo of socialized medicine the AMA tries to preach.

I ask unanimous consent that the editorial may be printed in the RECORD.

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

THE DOCTORS AND THE AMA

A wholly fictitious doctor named Jones was awakened at 4 a.m. recently by the sound of running water. Investigation showed that a basement pipe had burst; the water was slowly rising on the cellar floor.

"Call the plumber," said Mrs. Jones.

"At 4 a.m.?" the doctor asked.

"Certainly," his wife replied. "He wouldn't hesitate to call you if he had a medical problem."

So Dr. Jones called his plumber and explained the emergency.

"You were quite right to call me," the plumber said. "I'll tell you what to do. Drop two aspirin tablets into the broken pipe every 2 hours. If the leak hasn't cleared up by 9 o'clock, call me at the office."

The wry humor of that anecdote has enlivened a good many gatherings these past few months. What makes it funny? Like all good jokes, it is reality exaggerated. The kindly family doctor does not give us the around-the-clock service he once did. We resent it—and thinly cloak our resentment in a veil of comedy.

To state the same proposition more bluntly, the American doctor is more widely criticized today than at any other time. There is a rising clamor against the impersonality of medical care, coupled with a mounting indignation over the increased costs of medical services. For the first time in its long and distinguished history, our medical profession is in trouble. It has a public-relations problem, and you can prove it by looking at just two sets of figures: the vast increase in the number of suits against doctors for medical malpractice; the sharp decrease in the number and caliber of applicants for medical education.

It is both strange and frightening that this should be so. In this century no profession has contributed quite so much to our national well-being as the doctor's. Even a handful of names—Salk, Menninger, Mayo, Hench, White, Rusk, Ravdin—suggests the magnitude of our debt to medicine. We have a reverence for the "men in white" that is based on their achievements, their solid and devoted service. Why is that reverence now tinged with cynicism?

Some of us are resentful because our doctors aren't on call 168 hours a week—as they are supposed to have been in the good old days—even though most of us feel overworked after an 8-hour day. Some of us resent our doctors' obvious affluence—even while remembering his costly years of preparation and the peon's wages of his internship.

These two beefs are much talked about on the cocktail circuit, but they seem to us to have little or nothing to do with the deterioration in the doctor-patient relationship. That deterioration has come about for one primary reason: The doctor knows how far scientific medicine has come these last 20 years, but he seems incapable of understanding that the patient has come at least an equal distance.

More than 40 percent of last year's high school graduates are in college. Almost every daily newspaper now has a medical column, usually well written and authoritative. Almost every mass-circulation magazine devotes a significant fraction of its space to medical topics. And just try to turn on TV without encountering some new Ben Casey or Dr. Kildare.

The fact is that today's patient, on average, is vastly more sophisticated medically than his counterpart of, say, 20 years ago. He has the brains and the vocabulary to participate in medical decisions. He will not be conned by those practitioners who turn aside reasonable questions with "let me worry about that." He is equipped for at least limited partnership in discussions that involve his own welfare. He can be pardoned, therefore, for resenting the authoritarian doctor—and there are a lot of them—who is appalled that anyone should question his judgment.

The "papa knows best" school of medical practice—so popular in the 1860's—is, in short, wholly out of place today. Not all doctors are guilty of it, of course, but enough strike the I'm-the-doctor-you're-a-layman pose to produce great strain in the relationship. The strain gets even greater when the doctor carries this pompous attitude outside his sphere of competence (medicine) and into the political and social arenas.

Traditionally medicine has spoken to the Nation through its chosen instrument, the American Medical Association—although a good many doctors do not belong to or believe in their own organization. Lamentably the AMA has done precious little in our lifetimes to make us patients feel that medicine is on our side. The AMA, for example, opposed hospitalization insurance. Despite that opposition, approximately 130 million Americans now are covered by some kind of prepaid medical insurance; they have clearly expressed their lack of confidence in the AMA in this regard. Similarly, the AMA opposed all kinds of group practice. We now know that some of medicine's finest work has been done in the voluntary clinics. The doctors as a group have in essence been against almost everything that America is for—and usually because the suspicious eye of the medical association espied the bugaboo of socialized medicine lurking beneath every new proposal.

The irony of this is that, so far as we know, there is no serious support anywhere in America for anything resembling socialized medicine. The politicians don't want it; the press doesn't want it; it is not wanted by labor or management, rich or poor, North or South. We can't help wondering if the doctors and their AMA seriously believe that they are fighting the socialized dragon—or whether, perhaps, they use this nonexistent threat to mask a pathological fear of change. It is a strange thing that the profession which has been the most progressive in accepting scientific progress has also been the most reactionary in the face of social reform.

All this has a special significance just now as Congress prepares to consider the President's bill to provide better medical care for the elderly by way of an extension of the social security program. Once again the AMA has sounded the too familiar alarm. If medical care for citizens over 65 is financed through the social security system, says the AMA, we are headed down the broad highway toward socialized medicine. To us this seems the rankest sort of nonsense. Anyhow, the AMA's forecasts of disaster have seldom been right in the past; why should we have confidence in their warning now?

Nevertheless, the AMA does have one solid point in the current debate, which, surprisingly, it has consistently underplayed. That point is the fact that Mr. Kennedy's plan for the elderly will be seriously handicapped—even unworkable—unless it has the enthusiastic cooperation of the doctors. Money and buildings can't practice medicine. Only doctors can do that—and even they can't do it very well unless their hearts are in it.

If the AMA people were to voice their objections to the Kennedy proposal in those terms, we might be with them. We certainly would be with them if they came up with a counterproposal, acceptable to doctors, that would do the job the President envisages.

As always, though, the American Medical Association seems to us to have confused where we want to go with how we're going to get there. Once again—as in the case of hospitalization insurance—they have allowed themselves to appear to be opposed to humane care when what they actually resist is a method of financing that care. We are not entranced with the administration's plan to finance this bill; we doubt that the administration itself would argue that theirs is the best of all possible solutions. It could be that the American Hospital Association's proposal to extend Blue Cross to all persons over 65 is a better idea. We do feel, however, that the doctors—as responsible citizens of the Republic—have an obligation not merely to say what's wrong but to tell us what's right. No reasonable American can be against providing needed care for the elderly. There has to be a way to get the job done while protecting the doctor from even his imaginary fears.

We call on you members of the American Medical Association for this kind of responsible statesmanship. There are very few Americans who do not have reason to look on your profession with gratitude—even awe. You have literally saved our lives. We want you to be as concerned about us as people as you are about us as patients. We want you on our side, not only in those anguished moments of illness but also when we are facing up to the hard and nervous task of trying to make this a better place for us all.

How about it, doc?

PEACE CORPS GIRL LIKES SHAGAMU, NIGERIA

Mr. McGEE. Madam President, I ask unanimous consent to have printed in the RECORD an article written by Crosby S. Noyes and published in the Washington Evening Star for Friday, February 2, 1962. The article concerns a Peace Corps girl in Nigeria, Miss Cynthia Berry, who comes from the city of Philadelphia. It is a heart-warming account of her activities, and it will be of benefit to all of us to peruse the article.

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

PEACE CORPS GIRL LIKES SHAGAMU

(By Crosby S. Noyes)

SHAGAMU, NIGERIA.—Few persons, perhaps, would choose Shagamu as the ideal spot to set up housekeeping.

Some 40 miles west of the capital at Lagos you reach Shagamu over the bumpy asphalt highway that winds its way through the steamy, tangled, Nigerian rain forest in the direction of Ibadan. When it reaches Shagamu the highway narrows, allowing barely enough room for two cars to pass between the crowding walls of mud-brick huts. Impatient motorists honk their way through swarms of chickens, goats, and darting barebottomed African youngsters.

There is the inevitable, teeming marketplace, public water fountains where long-robed women pound away at the family washing. A few stores, an open-air movie showing blood-and-thunder Indian films, a gas pump or two, and then the jungle closes in again.

HER PLACE FOR 2 YEARS

Ideal or not, Shagamu will be home for the next 2 years for Cynthia Berry, 24, lately of Philadelphia. She has chosen it, in fact, in preference to Washington. A few months ago, after winding up her studies at Pittsburgh University she decided to volunteer for the Peace Corps, as she puts it, "to escape a 9-to-5 office job at the Department of Commerce."

For Cynthia, an attractive brunette endowed with unusual bounce and sparkle, the road to Shagamu led through Harvard University where she went through 3 months of intensive training in peace corpsmanship as it applies to West Africa. There followed 3 more months of indoctrination, acclimatization and practice teaching at the University College of Ibadan. And finally the moment of truth, when she faced her first class of geography students at the Ramo Secondary School for girls run by the Anglican mission a few miles down the road.

To live alone in a town where the visitor is greeted with excited cries of "Ayibo" (white man) is apparently just a question of everyone getting used to it.

"It really hasn't been bad at all," Cynthia says. "They are still puzzled about what I'm doing there, and I think it shocks them a little to see me carrying out my own garbage and hanging up the laundry. But they've all been very friendly. I've learned to say 'hello' and 'thank you' in Yoruba (the local tribal language) and whenever I go into a store they always say 'Welcome.'"

Cynthia is housed by Shagamu standards—and for that matter by Peace Corps standards—in some luxury at the expense of the Nigerian Government. Her bedroom and sitting room are over a store in one of the town's larger buildings and one of the few wired for electricity. There is a small kitchen underneath. From her bedroom window she can see about one-third of the screen of the Indian movie theater and there is no lack of distractions.

"The goats are a real problem," she admits. "For some reason they never seem to shut up and go to sleep. And the people are the same way. In every family there seems to be at least one person awake and making a racket all night long."

Sleep or no sleep, Cynthia must be on hand early every morning to catch a ride to school with one of the other teachers who has a car. Critically short on transportation, the Peace Corps provides cars only where they are indispensable. The rest, like Cynthia, beg rides wherever they can get them.

GETS WARM WELCOME

At the school itself she has been cordially received. In an education-hungry country like Nigeria, where only 10 percent of graduating primary students can find space in a secondary school, any graduate teacher—even one who has never taught before—is assured a warm welcome.

"We were all a little nervous at first," Cynthia says. "The girls thought my accent was pretty funny and sometimes I couldn't understand them at all. But after a few days things settled down and I think it's going to be all right."

Her superiors in the Peace Corps—the staff of professionals responsible for launching 78 volunteers scattered over a country with an area of 339,000 square miles—are inclined to agree. The Peace Corps experiment, they know, will be not better or more successful than the quality of the program's volunteers—their good sense, good humor and their determination to see the thing through.

In any experiment of this kind there are more than enough headaches and problems to go around. But when it comes to Cynthia Berry and others like her, the Peace Corps in Nigeria is off to a promising start.

"MUZZLING"(?)

Mr. YOUNG of Ohio. Madam President, ex-Maj. Gen. Edwin A. Walker, busy undertaking a lecture tour and opening letters with checks from wealthy rightwingers, who apparently consider several of the prominently mentioned potential presidential candidates for 1964 of that grand old party of which I am not a member to be too liberal, or too much to the left, and desire this ex-general as their hope in 1964, has now filed as a conservative Democratic candidate for Governor of Texas.

Last week he addressed a meeting in Cleveland, Ohio, but as far as I can learn, said nothing noteworthy for the fee he received, except to claim the military were muzzled and that Communists had infiltrated our free press.

Apparently, this John Birch Party member believes that as a man on horseback he will ride to the White House come 1964 as a Confederate cavalryman after enjoying a brief interregnum as Governor of Texas. Some Texas businessmen and oil millionaires are supposed to be backing him.

Far be it from me, living in a northern State, to comment on ex-General Walker's political ambitions in Texas in 1962. However, in looking over the formidable list of candidates for Governor in the forthcoming Democratic primaries in Texas, including John B. Connally, Jr., former Secretary of the Navy; Price Daniel, present Governor; Don Yarborough, outstanding attorney and bearer of a famed Texas vote-getting name; Attorney General Will Wilson; and others, I suspect that ex-General Walker will run about fifth in the field of six. Or, perhaps if there are seven or eight who file, he may place even lower.

The wise men who wrote the Constitution of our country provided that civil authority must always remain supreme over military authority. The business of military officers is defense—not politics, not policymaking, not propaganda. Officers in our armed services may condemn communism as a form of government or draw unfavorable comparison between the Communist system and our system. They may not sound off on foreign policy, nor make political speeches, nor direct soldiers how they and their dependents should vote.

General Walker was off base. In fact, he violated the military code when he engaged in political activity and urged men under his command as to how they and their dependents should vote. For anyone to claim that General Walker was muzzled is to assail the American way of life. This officer admitted membership in the John Birch Society and selected its literature for reading by his soldiers.

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

Mr. YOUNG of Ohio. Madam President, I ask unanimous consent that I may have an additional 2 minutes to complete my remarks.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Ohio? The Chair hears none, and it is so ordered.

Mr. YOUNG of Ohio. Madam President, when placed on trial, he pleaded the Army fifth, refusing to answer some questions. It was proven he termed President Truman and Mrs. Franklin D. Roosevelt Communist sympathizers, and said;

> Even our free press is exploited by Communist propagandists; we employ the agents of communism in the teaching profession. They long ago have infiltrated our Government, so that a scheme of subversion can be traced through three decades.

Ex-General Walker, a segregationist, tried to resign when President Eisenhower placed him in command to suppress riots at Little Rock. As a private citizen, this former general may be as eccentric politically as he chooses. However, every officer of our Armed Forces must accept the restrictions imposed on his position by custom and the Constitution.

Recently army officers, by force and violence, took over the government of Ecuador. A few months ago, French generals revolted against De Gaulle and blood was shed in suppressing this revolt. They are now threatening revolt against law and order in France. In Brazil, army and navy officers usurped civil authority, interfering with the orderly succession to the presidency.

We live in a grim period. It is unfortunate there are persons who fail to see the terrible threat of Communist aggression from the Soviet Union and Red China, but instead make outlandish statements against fellow Americans as does ex-General Walker.

On the subject of muzzling of the military, former Adm. Arleigh Burke, whose speeches were on occasion censored in the Eisenhower administration, recently said;

> There are certain things which military men should not say. There are certain things which if said would do harm to the Government. So there is no objection to having speeches cleared. I don't think that military leaders are muzzled.

MIDTERM SPELL MAY BE BROKEN—ANOTHER 1934 IN 1962

Mr. ENGLE. Madam President, in a speech before the California Democratic

Council at Fresno on January 27, I predicted that the Democrats would gain seats, not lose seats, in the upcoming midterm elections. My prediction was based on the fact that nearly 80 percent of the people of this country support the policies of President Kennedy and believe that his party, the Democratic Party, is the best qualified to handle the issues in which the people are most interested.

I am glad to note now that the famous election analyst, Mr. Louis H. Bean, comes to the same conclusion. In an article in the Washington Post of February 4, 1962, Mr. Bean says:

As I see the fundamental elements in the New Frontier's developing tide—the rise in President Kennedy's popularity to a sustained high level; the improvement in business conditions; the spreading of public support for the Kennedy administration; the substantially greater voter preference for Democratic congressional candidates than in 1960—the Democrats will again shatter the midterm tradition.

Mr. Bean goes on to say:

If these developments prevail through the coming campaign, the Democrats, not the Republicans, will gain in the 1962 elections.

At the California Democratic Council convention in Fresno, I called for another 1934 in 1962. I believe that the Democratic Party will break the historic midterm tradition in 1962, and I am glad to be joined in that prophesy by so distinguished an election analyst as Louis H. Bean, who predicted President Truman's victory in 1948.

I ask unanimous consent to insert Mr. Bean's article in the RECORD.

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

DEMOCRATIC VICTORY SEEN—MIDTERM SPELL MAY BE BROKEN

(By Louis H. Bean)

It is generally assumed that the Democrats are headed for the typical midterm setback in November. This expectation is based on solid historical fact: there has been only one exception in 26 midterm elections since 1856 to the rule that the party in power loses ground in the offyear congressional elections.

President Kennedy referred to this historical phenomenon at the recent Democratic dinner celebrating the first anniversary of the New Frontier administration when he said that this year "history is not with us." But as I see the fundamental elements in the New Frontier's developing tide—the rise in President Kennedy's popularity to a sustained high level; the improvement in business conditions; the spreading public support for the Kennedy administration; the substantially greater voter preference for Democratic congressional candidates than in 1960—the Democrats will again shatter the midterm tradition.

If these developments prevail through the coming campaign, the Democrats, not the Republicans, will gain in the 1962 elections.

This conclusion may be something of a surprise, coming from one who has helped popularize the midterm rule and who has used it effectively several times in forecasting the outcome of midterm elections, such as those of 1946, 1950, 1954 and 1958.

I grant that it is not easy to cast doubt on the prophetic value of such a long established tendency—to go against a rule historically weighted 25 to 1 against the Democrats. But I feel that there is much in the present political tide that makes the one exception since 1856—the Democratic gain in 1934 following Franklin D. Roosevelt's first presidential victory—a valid analogy for this year.

Let me first tabulate part of the long election record on which the accepted generalization is based. The table shows the numbers of Democratic Congressmen elected since 1920:

Presidential years		Midterm years		Difference
1920	132	1922	207	+75
1924	183	1926	195	+12
1928	163	1930	216	+53
1932	313	1934	322	+9
1936	333	1938	262	−71
1940	267	1942	222	−45
1944	243	1946	188	−55
1948	263	1950	234	−29
1952	213	1954	232	+19
1956	234	1958	283	+49
1960	263	1962	?	

Note how after the five Republican presidential victories of 1920, 1924, 1928, 1952, and 1956, the Democrats picked up congressional seats, the gains ranging from 12 to 75. Note also that following the 5 Democratic presidential victories of 1932, 1936, 1940, 1944, and 1948, the Democrats lost seats in 4 cases, the Republican gains ranging from 29 to 71. In the one exception, 1934, the Democrats gained nine seats following the outstanding gains of 1932.

One needs to look to domestic business conditions and international involvements for explanations of the wide variations in these midterm gains and losses. The Democratic gain in 1930 reflected the onset of our greatest depression. The sharp loss in 1938 was brought about by a marked recession in production and employment, by sitdown strikes and by mounting disappointment with the New Deal.

The 1942 loss represented wartime political apathy and that of 1946 the adverse political effects of immediate postwar adjustments. The notable gain of 1958 was partly a reaction to unemployment but probably was more a reflection of rural as well as other disillusionment with the Eisenhower administration.

From all this there emerges a pattern (in terms of Democratic Congressmen elected) for presidential election years paralleled by a similar course for midterm election years. The second course is normally lower than the first by about 25 to 30 seats. This difference I have called the measure of the pulling power of the President's coattails in presidential election years and the normal weakness of the party in power in the midterm years.

But while the Democrats face a normal loss of 25 to 30 seats this year, let me show why an analogy with 1934 points to another exception in 1962.

What were the elements in the political trend immediately after 1932 that gave the Democrats a gain of nine seats, contrary to precedent? Simply, and briefly, they were Mr. Roosevelt's growth in presidential experience and the public's approval of his relief and recovery measures during the first 2 years of the New Deal.

The Democratic percentage of the popular vote in the 1934 congressional elections was practically as high as that of 1932. The dynamics of the political tide of that period indicate that a Gallup Poll taken in 1934 would have given Mr. Roosevelt an even wider margin over Herbert Hoover than he obtained in 1932.

The political developments of the present early phase of the New Frontier may also be put simply and briefly. President Kennedy, it is generally agreed, has also grown in presidential experience. His popularity has risen sharply and that of the New Frontier with him, reflecting widespread public approval. Compared with attitudes in 1960, a larger proportion of all segments of the population today prefers the Democratic Party "as best able to handle the most important problems facing the Nation."

In a public opinion poll a year after the 1960 election, President Kennedy was favored by a 20-point margin over Richard M. Nixon in contrast with the hairbreadth margin in 1960. Other polls show that if congressional elections were held today, Democratic candidates would receive 3 percentage points more than in 1960, and this usually translates into more Democratic Congressmen.

For every percentage point increase in popular support this year over 1960, the Democrats should gain 9 or 10 seats.

Whether this improvement in Democratic strength can be sustained until election time is of course anybody's guess. But the country, having watched Mr. Kennedy in office through his first trying year, is no longer concerned over his lack of experience; the religious factor that reduced his margin and that of other candidates no longer troubles as many people as it did; his administration has gained in popular support, and, finally, business recovery seems to be moving toward even greater prosperity. All of these elements could make the 1962 congressional elections the second exception to the historic rule.

LITHUANIAN INDEPENDENCE DAY

Mr. CAPEHART. Madam President, 1 week from tomorrow, February 13, 1962, will be the 44th anniversary of Lithuanian independence.

For all of us, this is an appropriate date to reflect on the blessings of freedom which we enjoy and once were enjoyed by a valiant people now writhing under the iron yoke of communism.

I know that every Member of the Senate will join me in pledging to the hundreds of thousands of Lithuanian-Americans in the United States and to their families and forebears continuing support in their effort to throw off the shackles of totalitarianism which now besets their native land.

ENGLER'S "POLITICS OF OIL" A MUST FOR UNDERSTANDING WASHINGTON POLITICS

Mr. PROXMIRE. Madam President, a brilliant young professor from Sarah Lawrence College has written a powerfully documented, thoroughly responsible indictment of the political power of the oil industry in America.

The vast power of this industry is easily the greatest held by any economic combine in America. And Professor Engler's book shows how all encompassing this power is.

Madam President, I have often risen on the floor of the Senate to protest this corrupting oil power. There can be no realistic understanding of how American politics really operates without grasping the role of the big black hand of oil.

Is this book an honest appraisal?

What does the oil industry itself think of it?

In the NPN bulletin, a four-page McGraw-Hill publication subscribed to by oilmen throughout the country and pub-

lished weekly by the editors of the National Petroleum News and Platt's Oilgram News and Price Services appeared the following review. I ask unanimous consent to have the brief review of Engler's "Politics of Oil" printed in the RECORD at this point.

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

THE MARKET TREND—A CRITICAL REVIEW OF THE OIL BUSINESS

(By Halsey Peckworth)

If you want a chastening experience, read "The Politics of Oil," by Robert Engler (Macmillian, $7.50). It's a long, heavily documented indictment of the industry, mostly the production side of industry.

It's trite to say this, but Engler's book is bound to be banned in Austin. The book is a study, as Engler says, of the "relation of power and responsibility."

Engler's thesis is that a cluster of integrated corporations controls oil, a basic resource. "They operate as political institutions, and together they take on the full nature of a government." Engler even goes further, claiming that the "global interests and jurisdictions of these corporations * * * may be called the first world government."

And the author further alleges that the oil industry has "harnessed public law, governmental machinery, and opinion to the ends that directly challenge public rule." These are strong words. And to spell out his argument, Engler takes 565 pages, with 65 pages of footnotes and indexes.

Engler claims the industry has furthered its ends under the banners of "prosperity," "national security," "private enterprise," and in the name of "right of representation." His last claim is that "in the name of freedom, the oil industry has received substantial immunity from public accountability."

As I have complete trust in the broadmindedness of my employer, I have to say that Engler's study appears to be a very substantial document. His facts seem impeccable. His conclusions at times are too harsh. But the important thing is that Engler approaches his subject first and foremost as a citizen.

So, if the daughter comes home from Sarah Lawrence next vacation, and quizzes Dad sharply about his oil business, blame it on Engler. That's where he's a professor of political science.

REFORESTATION PROGRAM IN ISRAEL

Mr. McCARTHY. Madam President, a reforestation program is being carried out in Israel under the auspices of the Jewish National Fund. A section of a forest in the hills near Jerusalem has been named the Hubert H. Humphrey Forest in recognition of the work done for the cause of freedom by my colleague from Minnesota.

Senator HUMPHREY was in Israel for the dedication of the Hubert H. Humphrey Forest last October 29. In his remarks at the dedication Senator HUMPHREY spoke not only about the value of reclamation and conservation of natural resources but also of the necessity for peace and understanding between nations, a goal to which he has given so much time and effort. I believe that Members of the Senate will find his comments of interest and I ask unanimous consent that his address at the dedication be printed at this point in the RECORD.

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

ODE TO AFFORESTATION

First of all it is wonderful to see the red, white, and blue flag and the 50 stars of the United States of America on this great area, known as the Judean Hills, and see next to it the flag of Israel with the star of David. Two stars dedicated to freedom—two countries dedicated to humanity. This is an added experience these days. While many people speak of their independence and their national sovereignty, all too few are dedicated to the real meaning of freedom—freedom of the soil, the very kind that makes life worth while to humanity, to the lame and to the sick, to the hungry and to the poor, to just God's people. When I see these two emblems, one very rich, very powerful—that of the United States, of which I am justly proud; the other, smaller in size and so rich in human gifts, strong in spirit, in vitality, energy and human resources, when I see the U.S. stars and the flags of Israel with their star of David, all I can say is that this is a good sign for today and tomorrow, a kind of symbol during these days of strife, and I salute them.

Something else comes to my mind. You are planting the evergreens here. I am very happy to plant the evergreens, for the evergreen is a tree so characteristic of the State of Minnesota. When I tell you that we have 20 million acres of forest land, over 11 million acres of public forests, we are proud of our forests. We did not take such good care of them; we exploited our God-given resources. That is what happened to these hills, when the people of Israel were driven from these hills that were known as the land of milk and honey. The land was left to the ravages of nature and rock took the place of what was once very fertile land, but you, through the Jewish National Fund, are rebuilding this country, helping divine providence in restoring that what He has given to mankind. But we of the United States learned some lessons too—much of our land was ravaged by erosion. Mankind in his urgent need to get ahead, ripped and ploughed the land, chopped up the trees and we found ourselves faced with a national crisis and a great American by the name of Theodore Roosevelt and another by the name of Governor Pinchot, two great people (although I might add that they were in the opposite party to the party I belong to). They led a crusade for the conservation of resources.

For the past 50 years we have started to rebuild much of these wasted areas. We are producing today more timber than we are cutting. We are reclaiming more land than what was eroded. We are conserving these natural resources for the future. The people of Israel had to start with so little. They started primarily with the challenge of doing the impossible and by doing the impossible, they have today turned the corner. The Jewish National Fund today is reclaiming land. I have seen it with my own eyes. Masses of trees are being planted, hills are being covered with forests, new forests will come into being. This changes the landscape, it changes the climate too; it brings back the water, it helps build a better land and a better people. I am singularly honored and thrilled that a little section will be known as the Hubert H. Humphrey Forest.

It can be noted very distinctly, to your right and to your left, just a few feet away, lies the border of Jordan. How peaceful it all looks and how peaceful it all should be. And if there is any purpose for my being here in Israel, besides this noble dedication, it is to promote peace and understanding and try to lift my voice, not only as an American, but just as a person, to urge the great people of the Middle East, that they join together and work together for their common cause. I am an optimist. It has to take time, for it takes time to bind up wounds, a great deal of time. Our great leader, Abraham Lincoln, called on our Nation 100 years ago to bind up the wounds and we have been binding wounds for many a generation. Most of them have been healed. I believe that many of these wounds that are here will be healed in a much shorter period, and the waters of the River Jordan, which were put here for the people all through this area will be used to bring water to the parched and thirsty land and other areas, to both Jew and Arab alike, in cooperation and friendship. This can be done, if only the political leaders will have the courage to do it. I talked with your Prime Minister this morning and he told me that this is what he would want, that the political problems be solved and start working together for the benefit of all.

Yesterday we have been at the Huleh Lake area, which thanks to the Jewish National Fund is no longer a lake, but a fertile valley. We were at the Sea of Galilee, the Lake of Tiberias. This is a wonderful place. We also visited some of the areas to the south of the Huleh, that vast area that was once a worthless swampy land. It was the Jewish National Fund that bought it 40 years ago at a very reasonable price and did that wonderful work of reclamation. It was Menachem Ussishkin who had the courage, many years ago, to go and buy land and drain swamps and plant trees. These early pioneers proved that you can take the rock and make water run through it, you can drain swamps filled with malaria, you can reap the harvest not once but thrice a year. This is the story of the Jewish National Fund, of Israel, of the pioneers of the early days. It is a story that everyone can profit by, when I hear people saying, How can we overtake the problems, how can we hope for peace and tranquillity in a world that wishes to destroy us? We have done it before. Man can do whatever he wills, if he only has the faith in God and in himself to do it.

I want to conclude my remarks. The place where we most need to reason together, is where Isaiah lived and spoke, where bitterness prevails and the voice of passion has been raised, where refugees have been used politically. As an American I say that on that day when the political leaders of the nations in this wonderful, fascinating, potential, and prosperous area in the world can sit down together as neighbors and resolve their differences, on that day indeed will this land be called blessed. This is the objective of the foreign policy of America. We shall help those who wish to help themselves, and those who dedicate their resources and institutions for the betterment of humanity. I could not help to think that Israel has such abundance. You do not have so many oilfields, you would be happy if you could find water, and I imagine you would not mind a gold mine, or two. But there is something that you do have—a healthy, a wonderful, a vital and vigorous youth. These children, they are healthy, they are pretty, they are bright, courageous, they are strong. When you have young people like that, plus the determination to make something of their life, you have an energy more than atomic, and resources richer than gold.

RESOLUTION ON DEATH OF SENATOR SCHOEPPEL

Mr. MAGNUSON. Madam President, I send to the desk a copy of a resolution on the death of our late colleague, Senator Andrew F. Schoeppel, which was adopted by the Committee on Commerce at its executive session held Tuesday, January 23, 1962. I have been asked by the members of the committee to have

this resolution printed in the body of the RECORD, and accordingly I ask unanimous consent that this may be done at this point.

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

Whereas the members of the Senate Committee on Commerce were shocked to learn of the sudden passing from this life of our friend and associate, Andrew Frank Schoeppel, and

Whereas his friendly and wise cooperation and counsel in all the activities and decisions of the committee have been most helpful and most deeply appreciated, and

Whereas the sense of personal loss to each one of us at his passing is keenly felt: Now, therefore, be it

Resolved, That the members of our committee, mindful of his long association and unfailing friendliness and wisdom, do hereby express our sincere sorrow that he can no longer be with us, and direct that the clerk of the committee send a copy of this resolution to the family of the deceased.

STOCKPILING PROGRAM—PRESIDENT KENNEDY'S VOTES IN SENATE

Mr. ENGLE. Madam President, in answer to a statement made on Friday, February 2, by my distinguished colleague, the senior Senator from Delaware [Mr. WILLIAMS], I issued a press release on Saturday relating to President Kennedy's votes on the stockpiling program when he was a Member of the Senate.

I ask unanimous consent to have my statement printed in the RECORD.

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

STATEMENT BY SENATOR CLAIR ENGLE ON DEFENSE STOCKPILING

Senator JOHN J. WILLIAMS, Republican, of Delaware, in his speech on defense stockpiling attempts to make two points: That the President should not have been astonished and that his voting record helped pile up our defense stockpile. The astonishment expressed by the President related not simply to the total value of our stockpiles figures that have been known, but rather to the great excesses over presently determined objectives rising in some instances to as much as 700 percent of stated goals.

With respect to the listing of rollcall votes by Senator WILLIAMS, I have examined them and have the following comments:

(a) Of the so-called eight wrong votes which, according to Senator WILLIAMS, provided "more and more money to buy these minerals which were being piled up in unnecessary quantities," five of them related to providing direct subsidies to our hard-pressed American mining industry and were unrelated to the national stockpile.

(b) Of the remaining three, one went to the question of imposing a limit of 5,000 tons of tungsten per month which could be purchased from any one producer. This, therefore, related not to the total acquisition but to the distribution among different producers.

(c) The remaining two votes were on the same amendment proposed by Senator HAYDEN, chairman of the Senate Appropriations Committee, providing an additional $30 million for acquisition of strategic materials. On the 2 votes, the amendment carried by 64 to 17 and 61 to 17. As a matter of usual practice, classified information on our stockpiles was made available to the members of the Appropriations Committees. Because of the classified nature of the material, it was impossible for the specific information to be discussed or debated on the Senate floor. Thus, the traditional practice has been to accept the recommendations of the Appropriations Committees on items of this character.

In short, the President did not intend by his announcement to attack the mining and minerals industry, as apparently Senator WILLIAMS does. The President's basic point is that in any program involving billions of dollars, as this one does, and which has been shrouded in secrecy, there should be public awareness and an opportunity to open up the cold facts on the subject. I would have thought that this would have pleased Senator WILLIAMS rather than annoyed him.

THE DU PONT TAX BILL

Mr. BYRD of Virginia. Madam President, the President of the United States on Saturday, February 3, 1962, signed the so-called Du Pont tax bill. This bill, which became law when the President's signature was affixed, was passed by the Senate January 23, 1962, after continual study of the problems involved over nearly 4 years.

Enactment of the law was made necessary by a 1957 Federal Supreme Court decision compelling the E. I. du Pont de Nemours Co. to rid itself of stock in the General Motors Corp. which it had owned for years.

The decision affected each of the 210,000 stockholders who own the Du Pont Co. These include not only members of the Du Pont family, but also some 50,000 employees of the company who bought stock through a company savings plan, and tens of thousands of others. There is no tax relief for the Du Pont Co. as a corporation.

The purpose of the law is to provide fair and equitable Federal tax treatment of all who are affected—rich and poor, and regardless of whether they are members of the Du Pont family or among the thousands who are not.

The bill as passed was a revenue measure which originated in the House of Representatives. Several proposals were introduced in the House, and the bill finally approved was sponsored by Representative HALE BOGGS of Louisiana.

After it was passed by the House of Representatives, the bill was referred to the Senate Finance Committee of which I am chairman. In the committee I voted for the bill, without change, as it was approved by the House. The Finance Committee reported the bill, unchanged, with only 2 of the 17 committee members voting against it.

The test vote in the Senate came on a motion to recommit the bill to the committee. This motion was defeated 67 to 25. After this vote, opponents of the bill did not request a roll call on final passage. The Senate passed the bill, without change, by voice vote.

The Washington, D.C., Post, in its edition of January 16, 1962—page B–12—carried a syndicated column written by Drew Pearson dealing with this legislation under the headline: "BYRD Champions Relief for Rich." In addition to this headline misstatement, the column itself carried numerous misstatements.

The Washington Post, in its edition of January 25, 1962—page A–22—9 days after it circulated the Pearson column—carried an editorial entitled "Du Pont Controversy," which clearly analyzed the reasons which made the bill necessary.

In that editorial the Washington Post renounced the theme of the Pearson column, refuted its own headline over the column, and accurately interpreted the purpose of the legislation. The editorial in part said:

Legislators rallied around the bill because they came to believe that it will protect small investors against discriminatory taxation and that it will aid an orderly transfer of 63 million shares of General Motors common stock of which the E. I. du Pont de Nemours & Co. must divest itself under court order. The bill is not intended to thwart enforcement of the antitrust laws; rather it expresses a strong belief that the rank and file of investors should not be hurt in the process.

Technically, one of the key tax problems which had to be solved by legislation lay in the fact that assets, as distinguished from earned income, were to be distributed under compulsion of court decree. The Washington Post editorial recognized this distinction. It said:

If Du Pont should distribute General Motors shares of its stockholders, under present (prior) law, they would have to pay income taxes on the value of stock as if it were current income. It is generally conceded that this would be unfair, since the stock is really capital which is being technically shifted from one owner to another solely because of court decree.

Pearson, in his column of January 16, called the bill "Byrd legislation" and in part said:

Senator BYRD is now rushing special tax benefits through the Senate for the millionaire Du Pont family.

The documented history of the legislation provides no reason based on fact for referring to the bill or the statute as "Byrd legislation."

The Washington Post itself, which circulated the Pearson column, says the bill expresses strong belief that the rank and file of investors should not be hurt.

The Christiana Securities Co. is a holding company which owns 29 percent of the Du Pont Co. stock. The Christiana Co. is owned by some 7,000 stockholders, including members of the Du Pont family.

Pearson quoted "legal experts" as claiming the bill, which is now law, "would provide special benefits if Christiana turns its General Motors stock over to individual members of the Du Pont family."

The Washington Post editorial said:

Under the present (prior) law only a light tax would be imposed on the transfer of General Motors shares from Du Pont to Christiana. Congress more than doubled this in the bill it passed, but Senator DOUGLAS' amendment designed to levy capital gains taxes against the holding company, on the same basis as if it were an individual, went down in defeat.

Pearson's clear inference that I was rushing the bill through the Senate is completely refuted by official records of the consideration given since 1957 to the tax problems created by the Court decision in this case.

Both the Ways and Means Committee and the Senate Finance Committee have

considered legislative proposals with respect to these problems on at least three separate occasions.

Both the Treasury Department and the Justice Department have thoroughly studied every reasonable legislative remedy which has been proposed.

The bill, which is now a law, was approved by the House Ways and Means Committee and passed, after debate, by the House of Representatives.

When this bill came to the Senate Finance Committee, after House passage, it had the positive approval of Secretary of the Treasury Douglas Dillon, and the Department of Justice advised the committee that it had no objection to passage of the legislation.

The Finance Committee hearings on the bill last September were expedited at the request of the Senate Democratic policy committee, of which I am not a member; and the same committee scheduled the date and time for it to be taken up on the Senate floor.

The debate was started last September under policy decision—not mine. When it was found that completion of the debate at that time would delay adjournment of Congress, continuation of the debate, under another policy decision, was postponed to a date fixed as January 15, 1962.

The bill was fully debated in the Senate, first during 3 days last September, and later during more than a week in January of this year. Relatively few bills receive fuller or more thorough consideration and study.

Pearson, in his January 16 column, said it was possible under the bill to "thwart the Justice Department which brought the antitrust case in the first place."

Attorney General Robert Kennedy, in a letter to me dated January 13, 1962—3 days before the Pearson column was published—repeated the Department of Justice position that:

> It did not object to passage of the bill if the legislative history made it clear that Congress did not intend unduly to restrict the courts with respect to methods to be decreed in the divestiture of General Motors stock by the Du Pont Co. and the Christiana Co.

The Senate Finance Committee, in its report on the bill dated September 21, 1961, had already made this point clear, and Attorney General Kennedy specifically recognized this fact. I repeated this intention for the record of the Senate on this bill on January 15, 1962.

When he signed the bill, the President said:

> This legislation clearly does not attempt to express a judgment upon the question that is now before the court. The Senate Finance Committee report pointed out that all issues dealing with the manner of divestiture should be determined judiciously, solely with reference to antitrust principles, and without regard to the provisions of the bill before it. The debate discloses a unanimity of intent on this point.

The President continued with the statement that:

> In view of this unequivocal construction of the legislation, I am approving it. It should be clearly understood that neither the Congress nor I have approved a divestiture which will permit the stock of General Motors to pass through Christiana to the stockholders of Christiana.

The Washington Post, in its editorial of January 25, said:

> The bill is not intended to thwart enforcement of the antitrust laws.

Pearson said how much the special tax benefits I was rushing through the Senate would deprive the Treasury in tax revenue is a matter of dispute, but the estimates run as high as $160 million.

Estimates that the new law would develop approximately $460 million were made in testimony on the bill before the Finance Committee; and Treasury officials did not dispute testimony before both the Ways and Means and the Finance Committees that the Treasury would be deprived of no revenue.

In summary, now that H.R. 8847 has now become Public Law 87–403, I think the record should show that:

It was signed by President John F. Kennedy.

There was no objection by Attorney General Robert Kennedy.

It was positively approved by Secretary of the Treasury Douglas Dillon.

It was favorably reported with heavy majorities by both the Ways and Means and Finance Committees.

It was approved and scheduled for consideration by the Senate Democratic policy committee.

It was passed by Congress with overwhelming votes in both the House and the Senate.

I shall not take the time of the Senate for an item by item refutation of the misstatements, inferences, and innuendoes contained in the column relating to this bill by Drew Pearson, as it appeared in the Washington Post of January 16, 1962. It suffices to say that this can be done with documented facts.

Significantly, sufficient refutation has already been made by the Washington Post which itself published the Pearson column, and the Washington, D.C., Star, which is one of the most highly respected newspapers in the country.

I have had long experience in reading newspapers. In all these years, I have seldom seen a newspaper censure a nationally syndicated columnist so thoroughly as the Washington Star censured Pearson in the leading editorial entitled "Wild Blue Yonder" of its January 17, 1962, edition—page A–20.

In the order stated, I ask unanimous consent to have inserted in the RECORD as a part of these remarks, and at this point, the column by Drew Pearson, headed "BYRD Champions Relief for Rich," as it appeared in the Washington Post on Tuesday, January 16, 1962; an editorial from the Washington Star of January 17, 1962, entitled "Wild Blue Yonder"; and an editorial from the Washington Post of January 25, 1962, entitled "Du Pont Controversy."

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

[From the Washington Post, Jan. 16, 1962]

BYRD CHAMPIONS RELIEF FOR RICH

(By Drew Pearson)

Virginia's cherubic, charming Senator HARRY BYRD, sometimes called the Scrooge of the Senate, has started out the new session characteristically. He is vigorously opposing Federal aid for the needy but enthusiastically championing Federal relief for millionaires.

BYRD wasted no time last week in proclaiming his opposition to President Kennedy's welfare program. As Senate Finance chairman, he also served notice that he won't hold hearings on medical care for the aged until the House has acted first—a delaying tactic that probably will hold up the bill until adjournment day.

Yet the same Senator BYRD is now rushing special tax benefits through the Senate for the millionaire Du Pont family. How much this would deprive the Treasury in tax revenue is a matter of dispute, but the estimates run as high as $160 million.

But this doesn't seem to trouble the Senator from Virginia, who issues press releases on how much money Government bureaus use on press releases, and cries to the rafters every time a penny is appropriated for the public.

The Du Pont bill, as the Du Pont tax relief measure is called, would provide special loopholes for the Du Pont Co. to escape paying full taxes on the General Motors stock which the courts have ordered it to sell.

The biggest tax break, under the Byrd legislation, would be to the Du Pont family which owns 29 percent of Du Pont stock through a holding company called Christiana.

Legal experts, who have analyzed the bill's complex language, claim it would provide special tax benefits if Christiana turns its General Motors stock over to the individual members of the Du Pont family.

This would encourage the courts, which haven't yet ruled how the General Motors stock should be divested, to let individual stockholders keep it.

REVERSING HIGH COURT

Thus, the Du Pont family might end up in full possession of their General Motors stock, as individuals—not as a holding company. This would completely thwart the Justice Department which brought the antitrust case in the first place in order to break the Du Pont family's hold on General Motors.

In other words, the bill would reverse the antitrust case and the Supreme Court, and offer tax concessions to the Du Ponts in the bargain.

BYRD tried to ram the bill through Congress during the closing logjam last fall; the usual tactic for pushing a bill which can't bear too much public scrutiny.

BYRD even began hearings on the Du Pont bill before the House had acted. Yet he has now refused to hold advance hearings on medical care, citing the fact that the House is supposed to act first on financial measures.

For the Du Ponts, however, BYRD not only waived this procedure but actually scheduled a hearing in the evening for the first time in the memory of Finance Committee Members.

He was finally blocked by Senators PAUL DOUGLAS, of Illinois, and ALBERT GORE, of Tennessee, who threatened to keep the Senate in session beyond the adjournment date to debate the bill.

In a signed statement, they complained: "Although it has been impossible to move in both the House and the Senate on the tax reform proposals of the President, we find that a bill for the relief of those who are among the highest income groups in the country is treated with loving care and tender mercy by the committees of Congress."

Now BYRD is trying to complete the chore he began last fall for the Du Ponts.

TWO GOP CONTRIBUTORS

The two biggest contributors to Republican campaign funds during recent years have

been members of the Du Pont family and General Motors executives. In 1956, the last year that the Senate did a workmanlike job of keeping accurate accounts—thanks to Senator GORE—the Du Pont family was listed as giving the huge total of $138,745 to the Republicans, nothing to the Democrats. In that same year, General Motors executives were listed as giving $163,250 to the Republicans, nothing to the Democrats. Total from the two groups, $301,995.

Senator BYRD, nominally a Democrat, has either voted or worked against his own Democratic national ticket in the last three elections and for the Republicans.

In addition to the amounts listed in national elections, the Du Pont family sprinkled money lavishly in various States, from South Dakota to Delaware, to elect local Senate and congressional candidates. None of these contributions was tax-exempt. But the effect of the Byrd legislation would give the Du Ponts and General Motors benefits far greater than the generous gifts to Republican campaigns.

[From the Evening Star, Jan. 17, 1962]

WILD BLUE YONDER

If Columnist Drew Pearson is right, it follows that Virginia's Senator BYRD is a scoundrel and that the bill to regulate the tax bite on Du Pont's divestiture of its General Motors stock, as decreed by the Supreme Court in its recent antitrust ruling, is a thoroughly iniquitous piece of legislation.

Mr. Pearson, however, is not right. In this particular flight into the wild blue yonder he is about as far off the beam as a man can get.

He says that the bill which Senator BYRD is sponsoring as chairman of the Senate Finance Committee would reverse the antitrust case and the Supreme Court. This is complete nonsense. He also says that Democratic Senator BYRD is championing Federal relief for millionaires, that the biggest tax break under the bill would go to members of the Du Pont family through a holding company called Christiana, and he implies that the Virginia Senator is trying to perpetuate this outrage to reward Du Pont and General Motors executives for political contributions made to Republicans.

Among pertinent facts which the columnist ignores are these: This bill is not a measure that Senator BYRD personally is trying to ram through Congress in the dark of the night. A nearly unanimous House Ways and Means Committee, after hearings, reported it out at the last session and it was approved overwhelmingly in the House. The Senate Finance Committee endorsed it with only two dissenting votes. The Treasury and Justice Departments, while presumably not enthusiastic about the measure, have said they have no objection to it provided it is made clear, as has been done, that there is no intent to impose any particular method of stock divestiture on the courts.

What about the millionaires? Under this bill the big stockholders in Christiana, according to Senator WILLIAMS, Republican, of Delaware, will pay practically all of the tax in event of divestiture to its stockholders. Also according to Senator WILLIAMS: "The more than 50,000 employees of the Du Pont Co. who purchased stock under their company's stock purchase plan—and most of that stock has been purchased since 1950—will be exempt from all taxation under this bill. Under this bill we shift the tax burden to those who the committee feels are best able to pay the tax—that is, those who have the least cost factor and the largest amount of gain."

This is a complex measure and there are, of course, arguments against it, such as those advanced by Senators GORE and DOUGLAS. It is also a very important measure, however, and it should be voted up or down on its merits—not on the baseless suggestion that it is something dreamed up by Senator BYRD to further line the pockets of a handful of Republican millionaires.

[From the Washington Post, Jan. 25, 1962]

DU PONT CONTROVERSY

Controversy may be expected to continue to swirl around the Du Pont bill, but it is easy to see why it has passed both the House and Senate. Legislators rallied around the bill because they came to believe that it will protect small investors against discriminatory taxation and that it will aid an orderly transfer of the 63 million shares of General Motors common stock of which E. I. du Pont de Nemours & Co. must divest itself under court order. The bill is not intended to thwart enforcement of the antitrust laws; rather, it expresses a strong belief that the rank and file of investors should not be hurt in the process.

If Du Pont should distribute the GM shares of its stockholders, under the present law, they would have to pay income taxes on the value of the stock as if it were current income. It is generally conceded that this would be unfair, since the stock is really capital which is being technically shifted from one owner to another solely because of the court decree. Under the bill, the recipients of General Motors stock from Du Pont will be taxed on their capital gains, if and when they sell their stock. This is no windfall or special privilege. It merely leaves the investor in the position he would have occupied if he had originally divided his funds between General Motors and Du Pont shares.

The major controversy arose over the treatment accorded the Christiana Securities Co., a holding company which owns 29 percent of all the stock in the Du Pont Co. Under the present law only a light tax would be imposed on the transfer of General Motors shares from Du Pont to Christiana. Congress more than doubled this in the bill it passed, but Senator Douglas' amendment designed to levy capital gains taxes against the holding company, on the same basis as if it were an individual, went down to defeat. Sponsors of that amendment fear that enactment of the bill without it will encourage Judge LaBuy, who is now drafting the final antitrust decree, to allow Christiana to pass on to its own shareholders the 18 million shares of General Motors stock it may receive. These Christiana shareholders are largely members of the Du Pont family. The effect would be, it is said, to leave the Du Ponts in control of General Motors, thus defeating the purpose of the Department of Justice in bringing its antitrust case in the first place.

More will be heard of this aspect of the case. The Senate was arguing for delay until Judge LaBuy's ruling has been handed down. If President Kennedy signs the bill, however, the judge will at least have the advantage of a definite statute before him. That might help him to decide whether the Du Ponts should be allowed to receive their share of the General Motors stock as individuals or whether the equivalent should be paid to them in cash. While the controversy on this point continues, it is a relief to know that rank and file investors will not be penalized by a high policy decision over which they had no control.

LEGISLATIVE PROGRAM — ORDER FOR THE CALL OF THE CALENDAR ON WEDNESDAY

Mr. DIRKSEN. Madam President, I should like to direct a question to the distinguished majority leader and see what he anticipates with respect to the amendments that have been filed to the pending bill and also what he would like to cover for the remainder of the week before Senators depart from town on the Lincoln tour.

Mr. MANSFIELD. Madam President, in response to the question raised by the distinguished minority leader, I think that I should call to the attention of the Senate the fact that a specific agreement has been entered into that there will be no votes on the 9th, 10th, 11th, 12th, and 13th of this month. That is Friday through Tuesday.

We cannot give definite assurance that there will not be votes on the 8th or the 14th, the period preceding and following the Lincoln's birthday recess, so-called. It is hoped that it may be possible to dispose of S. 1241, the pending business, tonight, even if it means remaining in session until a reasonably late hour in the evening. However, the Senate will not be pushed on this question. If the bill cannot be disposed of within a reasonable period of time, of course, consideration will be resumed tomorrow.

Tomorrow, if necessary, consideration of the bill, S. 1241, will continue; and on the completion of consideration of that measure, the Senate will turn to S. 2520, a bill to amend the Welfare and Pension Plans and Disclosure Act with respect to the method of enforcement and to provide certain additional sanctions, and for other purposes.

I have talked with the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN] about this particular subject. I announce on our behalf that it is our present intention to consider the money resolutions on the calendar on Wednesday next. I hope most sincerely that the items on the calendar to which there is no objection can be disposed of at that time. In that respect I hope that the unanimous-consent request which I am about to make will be granted.

Madam President, I ask unanimous consent that on Wednesday next, at the conclusion of the morning business, there be a call of the calendar for the consideration of measures to which there is no objection, beginning with Calendar No. 1142.

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

Mr. MANSFIELD. To summarize the proposed legislative program, we shall continue to consider the bill now before the Senate until action has been completed.

We shall follow consideration of that bill with consideration of the bill S. 2520, a bill to amend the Welfare and Pension Plan and Disclosure Act with respect to the method of enforcement and supervise certain additional sanctions, and for other purposes.

On Wednesday we shall take up the items on the calendar to which there is no objection and also the money resolutions about which announcement has already been made. That is all I have to announce.

Mr. DIRKSEN. Madam President, for further clarification, I understand that the distinguished Senator from

Ohio [Mr. LAUSCHE] has an amendment that he desires to offer. I am wondering whether he intends to press the amendment, and how long a period of time consideration of the amendment might take.

Mr. LAUSCHE. Madam President, I contemplate pressing the amendment. It is an amendment which would strike from the bill title II, which would create grants for scholarships as distinguished from loans, as set forth in the National Defense Act. I believe I ought to have at least an hour to present the amendment. I do not think I shall take that length of time, but others may wish to participate in the debate.

Mr. DIRKSEN. Madam President, I am informed that an effort will be made to table some of the proposed amendments that may be offered. I believe that the distinguished Senator from North Carolina [Mr. ERVIN] has an amendment, and I presume he will be pressing that amendment, also.

Mr. ERVIN. Madam President, I have an amendment which would strike out the proposal that the Government make loans out of tax money to private nonprofit colleges. I believe that my amendment is a highly important one, because, as I see it, it would prevent Congress from violating the plain precepts of the establishment of religion clause of the first amendment. Under the bill as it is now phrased the Federal Government would be authorized to make loans not only to church schools which blend a secular and sectarian education, but it would actually be authorized to make loans to theological institutions, whose sole function is to train their students to be Protestant clergymen, Catholic priests, or Jewish rabbis.

I do not believe that provisions of this kind can be reconciled with the clause of the first amendment to the Constitution relating to religion. It may be that Senators other than myself will assume the same position I take, and there may be considerable discussion on the amendment.

Mr. DIRKSEN. I have a question to address to the distinguished Senator from New York [Mr. KEATING].

The PRESIDING OFFICER. The Chair reminds Senators that the Senate is still in the morning hour. Is there objection to a continuation of the present colloquy? The Chair hears none. The Senator from Illinois may proceed.

Mr. DIRKSEN. Madam President, I believe that the distinguished Senator from New York has an amendment that is jointly sponsored by the Senator from Vermont [Mr. PROUTY]. Does the Senator from New York expect to press that amendment?

Mr. KEATING. Yes.

Mr. DIRKSEN. What about the time factor?

Mr. KEATING. I will let the distinguished Senator from Vermont speak for me on that question.

Mr. PROUTY. I think we shall require at least 2 hours, which would be divided jointly, in order to explain our amendment thoroughly.

Mr. KEATING. The amendment is somewhat like the amendment of the distinguished Senator from Ohio. Our amendment seeks to convert the proposed scholarships into loans and then to provide for an extension of the forgiveness provisions in the National Defense Education Act in two respects: First, to allow teachers in any school to have the loans; secondly, to provide that if a student is in the upper quarter of his class, he may receive a forgiveness up to 50 percent of the loan. So the amendment would require a little discussion on our side.

Mr. DIRKSEN. Madam President, I yield the floor on that point.

AID FOR IIIGHER EDUCATION

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

Mr. MORSE. Madam President, I ask unanimous consent that the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Is there objection? Without objection, the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (S. 1241) to authorize assistance to public and other nonprofit institutions of higher education in financing the construction, rehabilitation, or improvement of needed academic and related facilities and to authorize scholarships for undergraduate study in such institutions.

Mr. MORSE. Madam President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 12 strike out lines 18 through 20, and insert in lieu thereof the following:

(2) The term "academic facilities" shall not include (A) any facility intended primarily for events for which admission is to be charged to the general public, (B) any facility used or to be used for sectarian instruction or as a place for religious worship, or (C) any facility which (although not a facility described in the preceding clause) is used or to be used primarily in connection with any part of the program of a school or department of divinity. For the purposes of this subparagraph, the term "school or department of divinity" means an institution, or a department or branch of an institution, whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation or to prepare them to teach theological subjects.

Mr. MORSE. The amendment is offered in my behalf as chairman of the Subcommittee on Education and on behalf of the Senator from Alabama [Mr. HILL], as chairman of the Committee on Labor and Public Welfare. I should like to have the amendment show the joint authorship of it by the senior Senator from Oregon and the senior Senator from Alabama.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORSE. 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. MORSE. Madam President, there is pending before the Senate now an amendment which I offered a few minutes ago on behalf of the senior Senator from Oregon and the senior Senator from Alabama. In our opinion, the amendment provides thorough and ample constitutional safeguards to the loan program authorized under title I of the bill.

Madam President, the amendment is a definition amendment. The Senator from Alabama and I, in our capacities as leaders on the floor of the higher education bill, believe the amendment is essential for the clarification of the bill and the strengthening of the bill.

The amendment speaks for itself in large part. It incorporates the safeguards on the loan program which appear in the House-passed version of the bill.

I wish to read the language from the House bill, which appears at page 23, at line 25 of H.R. 8900, as follows:

(2) The term "academic facilities" shall not include (A) any facility intended primarily for events for which admission is to be charged to the general public, or any gymnasium or other facility specially designed for physical education or athletic or recreational activities, or (B) any facility used or to be used for sectarian instruction or as a place for religious worship, or (C) any facility which (although not a facility described in the preceding clause) is used or to be used primarily in connection with any part of the program of a school or department of divinity. For the purposes of this subparagraph, the term "school or department of divinity" means an institution, or a department or branch of an institution, whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation or to prepare them to teach theological subjects.

I note particularly that under the Morse-Hill amendment, if it is adopted, the term "academic facilities" shall not include (1) any facilities used or to be used for sectarian instruction or as a place of religious workship or (2) any facility which although not a facility described under (1) above is used or to be used primarily in connection with any part of a program of a school or department of divinity.

Much concern has been expressed, and in my judgment, will be expressed in this debate, over the constitutional provisions and the interpretation of the constitutional provisions in the context of the first amendment. I would point out to the Senate that loans for restricted purposes are currently being made to nonprofit private schools under title III of the National Defense Education Act.

Twelve percent of each appropriation for the acquisition of science, mathematics, or foreign language equipment—or minor remodeling of space for such equipment—is required to be allotted by the Commissioner of Education for loans

to private, nonprofit, elementary, and secondary schools. Affiliation or nonaffiliation with a religious organization is immaterial. The loans are authorized to enable the borrowing school to acquire equipment of the types referred to above—and do minor remodeling—and must bear interest at marketable obligations of the United States, adjusted to the nearest one-eighth of 1 percent. Such loans must mature within 10 years.

I point out to the Senate that in the committee amendments to S. 2345, the National Defense Education Act amendments, which are pending on the calendar, the committee has specifically previously excluded from section 305(a) classrooms for religious purposes and that, therefore, the amendment I am now offering is in harmony with the position taken by the committee in that other important portion of the President's educational program.

As a similar parallel in NDEA committee amendments, I cite the prohibition placed in title IV of the NDEA fellowship program, which denies fellowships to any individual for study at a school or department of divinity or religion. No fellowship in that S. 2345 amendment can be awarded any individual for study in religious or theological subjects.

Madam President, it has become quite apparent that in this gray area of constitutional interpretation of church-state relationships, there is an ever-growing need for a definitive statement by the Supreme Court of the United States upon the meaning of the first amendment with respect to the aid which can be given to the nonpublic sectors of all education, elementary and secondary, as well as higher education.

The distinguished senior Senator from Pennsylvania [Mr. CLARK] and I have jointly introduced a bill, S. 1482, which would provide procedures to insure cutting through the constitutional snarl. It is my hope that in this session it will be possible for the Senate to have the opportunity to act upon this bill, because it will, if enacted, go far to remove the ambiguities presently existing. That, however, is suitable for debate at another time.

The opening statements on S. 1241 have been presented by many Senators. I wish to thank them all for the courtesy and help that they have been to the committee and to the Senate. We now approach the period for the offering of amendments previously submitted, and this is the first amendment which the committee wishes to have the Senate consider.

Madam President, I have discussed this amendment at great length with the chairman of the Committee on Labor and Public Welfare, the distinguished senior Senator from Alabama [Mr. HILL]. We believe the amendment will clarify the definition sections of the bill and will bring it into an alinement with the House bill in the matter of definition. In my judgment, quite frankly, it will avoid serious difficulties within the conference, because the House and the Senate would then stand together, making it perfectly clear that none of the money provided in the bill by way of a loan may go to any religious activity of any private institution.

I urge the adoption of the amendment.

Mr. ERVIN. Madam President, does the Senator from Oregon expect to ask for a vote on the amendment soon?

Mr. MORSE. The amendment is now before the Senate. I have called up the amendment on behalf of the Senator from Alabama and myself.

Mr. ERVIN. Madam President, I wish to speak against the amendment. I believe it to be a confession of the truth of my assertion that the bill in its original form is a violation of the establishment-of-religion clause of the first amendment.

In order for me to speak against the amendment, it will be necessary for me to state my position at some length in respect to the bill in its original form. During the course of my remarks, I shall refer to three decisions of the Supreme Court of the United States. Those decisions are as follows: First, the case of Everson against Board of Education of the township of Ewing and others, which is reported in 330 U.S. Reports, beginning at page 1; second, the case of McCollum against Board of Education, which is reported in 333 U.S. Reports at page 203; and third, the case of Zorach against Clauson and others, constituting the Board of Education of the City of New York, which is reported in 343 U.S. Reports at page 306.

I consider the first of these decisions, the decision in the Everson case, to be so important to an understanding in respect to what is involved in the original bill, in respect to the amendment which I have offered to strike out certain portions of the bill, and in respect to the amendment offered by the able and distinguished Senator from Oregon [Mr. MORSE] and the Senator from Alabama [Mr. HILL], that I think it ought to be included in the body of the RECORD, so that any persons who are interested in the debate may have the benefit of what the decision recites. Therefore, I ask unanimous consent that the complete text of the decision of the Supreme Court in the Everson case be printed in the body of the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. METCALF in the chair). Without objection, it is so ordered.

(See exhibit 1.)

Mr. ERVIN. Mr. President, I believe in education. I believe in the purposes which prompt the proponents of the bill, so far as they seek to afford the youth of this land an opportunity to procure an education. I think I have illustrated throughout my life my devotion to the cause of education. As a citizen, as a member of the board of trustees of the public schools of my community, as a member of the board of trustees of the University of North Carolina, and as a member of the board of trustees of a private, nonprofit institution of higher learning, Davidson College, I have done everything within my power to assist education, both at the grade school level and at the collegiate and university levels.

Mr. MORSE. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I yield.

Mr. MORSE. In my capacity as chairman of the Subcommittee on Education, I wish to say to the Senator's constituents in North Carolina that although the Senator and I may disagree on this particular segment of the bill, I testify that the Senator from North Carolina has been a tower of strength and assistance to me many, many times in connection with education legislation. There is no question in my mind as to the support the Senator from North Carolina [Mr. ERVIN] has given to us many times in our efforts to do what we can to strengthen the development of the minds of the young people of this country. The Senator from North Carolina has shared my view and has supported me many times on the proposition that one of the things which confronts our country in the great contest between freedom and totalitarianism is the need to strengthen one of our great defense weapons. This defense weapon is the educational system of the United States.

So, Mr. President, at the beginning of what may be a disagreement in regard to an amendment, I wish him to know that I shall disagree with him with reluctance, but I greatly appreciate the help he has been to me on issue after issue.

Mr. ERVIN. Mr. President, I greatly appreciate the courteous remarks of the Senator from Oregon; and I wish to practice reciprocity to the extent of saying that I know of no American of our generation who has shown more devotion to the cause of education at all levels than has the able and distinguished senior Senator from Oregon. Not only has he demonstrated this in the career he selected for himself before he became a Member of the Senate, but he has also demonstrated it time and time again in his activities in the Senate in behalf of the cause of education.

Mr. MORSE. I thank the Senator from North Carolina very much for his flattering generosity.

Mr. ERVIN. Mr. President, I would also like to say, as evidence of my devotion to the cause of education, that as a member of the North Carolina State Legislature, I have supported bills making liberal appropriations for the education of the children of North Carolina; and as a Member of the U.S. Senate, I have twice voted for Federal aid to the public schools of the several States, under bills which specify that there shall be no Federal control, and that such aid shall be extended to public schools only.

Mr. President, I also have a deep conviction and respect for the place of religion in the life of the people of this Nation. I think our country today stands in need of the robust faith of our forefathers. I believe that we in America would be absolutely secure against the threat which imperils the very survival of our country and the survival of the rest of the free world if we had such a robust faith. This would be true because in that event we could certainly keep our hearts in the necessary courage and patience and lift up our hands with the necessary strength at all times. We need

a faith which teaches us that as the stars in their courses fought against Sisera in the days of the Old Testament, there is an Almighty God who is going to fight against any men who seek to extinguish the lights of liberty all around this earth, as do the leaders of communism.

Mr. President, since I will discuss to some extent religious education, I should like to call attention to what I consider the primary source of religious education; namely, the Bible. I wish to call attention to some of the beautiful words and sublime observations to be found in the King James version of the Bible, with reference to the character of the temptations which assail us. Believing as I do in education and its importance to our Nation, I must confess that I sought for some way which I thought would justify me in voting for the provisions of this bill which undertake to extend long-term loans to private, nonprofit institutions of higher learning.

Mr. President, one thing that the King James version of the Bible teaches us is that the temptations which are presented to us never come to us in an ugly fashion; they always present to us something that is desirable.

So in this case a temptation confronts us. Frankly, I was strongly tempted to vote for the pending bill, notwithstanding my misgivings about it, because of my devotion to the cause of education and because of my conviction that our country can remain great only if its youth are educated.

It is a strange paradox, however, that the temptation which came to me to vote for this bill in its original form, notwithstanding the provisions which would allow the Federal government to make loans to private, nonprofit colleges, is strikingly similar in character to the first temptation recorded in the King James version of the Bible. I wish to read from Genesis, chapter 3, verses 1 through 6:

> Now the serpent was more subtil than any beast of the field which the Lord God had made. And he said unto the woman, Yea, hath God said, Ye shall not eat of every tree of the garden?
>
> And the woman said unto the serpent, We may eat of the fruit of the trees of the garden:
>
> But of the fruit of the tree which is in the midst of the garden, God hath said, Ye shall not eat of it, neither shall ye touch it, lest ye die.
>
> And the serpent said unto the woman, Ye shall not surely die:
>
> For God doth know that in the day ye eat thereof, then your eyes shall be opened, and ye shall be as gods, knowing good and evil.
>
> And when the woman saw that the tree was good for food, and that it was pleasant to the eyes, and a tree to be desired to make one wise, she took of the fruit thereof, and did eat, and gave also unto her husband with her; and he did eat.

Mr. President, this bill in its present form presents a temptation strikingly similar in nature to that which the serpent presented to Eve. We are told that if we commit constitutional evil by ignoring the provisions of the first amendment of the Constitution, educational good will result.

That is exactly what the serpent said to Eve. He said, "If you will just disobey the Lord and eat of the fruit of the tree in the midst of the garden, you shall have knowledge. You shall know good from evil." And Eve succumbed to the temptation, because she was convinced that the fruit of the tree which grew in the midst of the garden would make her wise.

And so we are presented here in this bill with the temptation to do constitutional evil in order that our youth may acquire knowledge and become wise.

I maintain that this bill in its present form will enable the Federal Government to use tax moneys for the benefit of private, nonprofit colleges and universities which are affiliated with churches and which are engaged, either directly or indirectly, in the teaching of the tenets and the faiths of the churches with which they are affiliated.

I maintain that this bill will enable the Federal Government to use tax moneys for the benefit of institutions of higher learning which blend secular and sectarian education.

I maintain that the bill in its present form would even authorize the Federal Government to make loans of money for the purpose of acquiring land and erecting on such land classrooms and other educational facilities for theological seminaries whose sole function is to train their students to be Protestant clergymen or Catholic priests or Jewish rabbis.

I maintain that the amendment proposed by the Senators from Oregon and Alabama constitutes a confession of the soundness of my views in these respects.

I assert that the amendment now under consideration affords no protection whatever against the threatened use of Federal tax moneys for the dissemination of religious instruction.

Why do I say that? I say it is true for two reasons. In the first place, the Supreme Court of the United States has developed a doctrine which seems to bar the courthouse door against any American who attempts to call in question the constitutionality of any use of Federal moneys. As I read its decisions, the Supreme Court of the United States holds, in substance, that the interest of each individual American taxpayer in Federal moneys appropriated for any use is so infinitesimal that he cannot raise the question of the constitutionality of their use.

Any violation of the terms of the amendment proposed by the Senators from Oregon and Alabama cannot be called into question in the courts of the United States by reason of this rule adopted by the Supreme Court of the United States during recent years. That is the first reason why the amendment is ineffective and inadequate.

The amendment is ineffective and inadequate for a second reason. It has no sanction in it. While it expresses, in a sense, a pious hope that none of the institutions which are devoted to teaching the tenets and faiths of churches will use any of the property they acquire under the loans for that purpose, it contains no provision whatsoever whereby they can be compelled to abide by that pious hope.

It is to be remembered that the value of any law is no higher than the sanction provided for the enforcement of that law; and there is no provision in the pending amendment for any enforcement of the pious hope that institutions benefited by the loans will not violate the first amendment to the Constitution.

The land to be acquired as sites for academic facilities under the bill is to be held in fee simple by the religious institutions involved. The buildings which will be constructed upon those lands will also be owned in fee simple by those religious institutions. There is no method whatever, either under the decisions of the Supreme Court or under the terms of the proposed amendment, providing any way in which what I say is a pious hope expressed in the amendment can be made an actuality.

What is going to happen after the buildings are constructed and after the loans are paid? It is absurd to express a pious hope in this legislative proposal that colleges shall use certain buildings for certain purposes and not for other purposes without any means or procedure being available to enforce it.

If we are to appraise aright the current demands for Federal tax aid to church schools, we must begin with a study of history. This is true because we can understand the institutions and laws of today only if we know the historical events out of which they arise.

The most heart-rending story of history is that of man's struggle against civil and ecclesiastical tyranny for the simple right to bow his own knees before his own God in his own way.

As one of America's wisest jurists of all time, the late Chief Justice Walter P. Stacy, of the Supreme Court of North Carolina, declared in the opinion he wrote in *State* v. *Beal* (199 N.C. 278):

> For some reason, too deep to fathom, men contend more furiously over the road to heaven, which they cannot see, than over their visible walks on earth [and] It would be almost unbelievable, if history did not record the tragic fact, that men have gone to war and cut each other's throats because they could not agree as to what was to become of them after their throats were cut.

The Founding Fathers who wrote the Constitution of the United States were acutely aware of these truths.

They saw with the eyes of history the cruelties of the Spanish Inquisition, the massacre of the Huguenots of France, the slaughter of the Waldensians in the Alpine valleys of Italy, the hanging and jailing of English and Irish Catholics by Protestant England, the hunting down of the Covenanters upon the crags and moors of Scotland, the branding, hanging, and whipping of Quakers and the banishing of Baptists by Puritan Massachusetts, and the hundreds of other atrocities committed in the name of religion.

The Founding Fathers knew, moreover, that even during their own lifetimes those who did not conform to the doctrines and practices of the churches established by law in the places they lived, such as Scotch-Irish Presbyterians in Ulster, Catholics in England and Ireland, and dissenters in various American colonies, had been barred from civil and

military offices because of their faiths, had been compelled to pay tithes for the propagation of religious opinions they disbelieved, and had had their marriages annulled and their children adjudged illegitimate for daring to speak their marriage vows before ministers of their own faiths, rather than before clerygmen of the established churches.

The Founding Fathers were determined that none of these tragic historical events should be repeated in the Nation they were creating.

To this end, they inserted two provisions in the Constitution of the United States.

The first of these provisions appears in article 6, and declares that "no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States."

The second appears in the first amendment, and states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

These provisions embody in the Constitution the abiding conviction of the Founding Fathers that the complete and permanent separation of the spheres of religious activity and civil authority is best for religion and best for the state.

I cherish the constitutional principle of the separation of church and state as the most precious part of our heritage as Americans. It must be preserved if liberty of any kind is to endure. This is true because political liberty cannot exist where any church dictates to the state and religious liberty cannot exist where the state interferes with religion.

I cannot reconcile the provisions of title I of the pending bill, S. 1241, authorizing loans for construction of academic facilities to private nonprofit institutions of higher learning, with the establishment-of-religion clause of the first amendment. This is true because a very large proportion of these private nonprofit institutions of higher learning are either owned by churches or are controlled by churches for the purpose of teaching to their students either directly or indirectly the tenets and the faiths of the churches which own or control them.

Many of these institutions of higher learning bar from their faculties any teachers except those who have been trained in the instruction of youth in the tenets and faith of the religion of the institutions.

One of the great judges of the Supreme Court of the United States, the late Justice Robert M. Jackson, made an observation which should be cherished by those of us who believe that some things belong to Caesar and other things belong to God, and that the things of Caesar should be controlled by Caesar and that the things of God should be controlled by God. He stated in his separate opinion in the Zorach case that "what should be rendered to God does not need to be decided and collected by Caesar."

I charge that the bill in its present form undertakes to do precisely what Justice Jackson said in that separate opinion ought not to be done; it undertakes to let Caesar decide what should be done and what sums should be collected for the purpose of rendering to God a means of instructing persons in religion.

A few moments ago I made the statement that if we are to understand the institutions and laws of today we must know the events of yesterday which brought them into being.

If we are to understand the purpose and the meaning of the establishment-of-religion clause of the first amendment, we must know the history of the drafting and adoption of that clause. In a general way I have discussed the history which inspired the Founding Fathers to believe that it was essential to keep separate the spheres of civil government and religion.

The author of the establishment-of-religion clause of the first amendment was James Madison, who was in a sense a disciple of Thomas Jefferson. James Madison collaborated with Thomas Jefferson in the solution of the basic problem which is dealt with in the establishment-of-religion clause of the first amendment. James Madison and Thomas Jefferson acted together in the great fight in Virginia which preceded the establishment of this Republic. Thomas Jefferson drafted what is known as the Virginia statute for religious freedom, and James Madison piloted the statute through the Legislature of Virginia. The statute was designed to end for all time in Virginia the practice of compelling the people of that State to pay taxes or tithes for the support of the established church. Jefferson's and Madison's fight to prevent the levying of taxes to aid religion arose from the conviction of their supporters that individual religious liberty could be achieved best under a government which was stripped of all power to tax, to support, or otherwise to assist any or all religions or to interfere with the beliefs of any religious individual or group.

I think it is interesting to note the importance Thomas Jefferson attributed to the Virginia statute for religious freedom.

This statute decreed that in Virginia, there should be a separation of church and state, and it contained a declaration that to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical.

Thomas Jefferson's appraisal of the importance of the statute of Virginia for religious freedom, and its declaration that to compel a man to make contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical, is shown by the epitaph inscribed upon his gravestone. This epitaph was approved, if not written, by Thomas Jefferson himself before his death. At that time Thomas Jefferson had been honored many times by his generation. He had been a member of the State Legislature of Virginia. He had been twice elected Governor of the State of Virginia. He had served in the Continental Congress. He had represented our country as Minister to France.

He had been Secretary of State in the Cabinet of George Washington. He had been elected Vice President of the United States under John Adams, and he had twice been elected to the highest office within the gift of our people, the Presidency of the United States. Yet when Thomas Jefferson approved the epitaph which he wished to mark for all time his last resting place, he did not consider any of the honors which had been paid to him by his generation to be the things which he wished to have himself remembered for by future generations of our country. So the epitaph which marks his last resting place reads as follows:

> Here was buried Thomas Jefferson, author of the Declaration of American Independence; of the Statute of Virginia for Religious Liberty; and father of the University of Virginia.

Thomas Jefferson did not care whether he was remembered for the honors which he had received and the offices which he had held, but he wanted Americans to remember for all time that he was the author of the statute of Virginia for religious freedom.

I have mentioned the fact that Thomas Jefferson's protege, James Madison, was the author of the establishment-of-religion clause of the first amendment.

Irving Brant has recently written a book entitled "James Madison, Father of the Constitution." Chapter 21 of that book is entitled "The Bill of Rights," and describes in detail the activities of Madison as a Member of the first Congress in drafting and seeking to secure the adoption of the establishment-of-religion clause of the first amendment. On page 268 of that book Mr. Brant stated:

> Religious freedom was Madison's first concern, both in drafting his amendments and in the deliberations which now ensued.

The author then tells us in detail of the various drafts which were made of the proposed clause and he makes it crystal clear that James Madison's main objective was to secure an amendment barring all sort of Federal support of religion.

On pages 271 and 272 of this book, the author tells us that the Members of the House were unable to agree upon a draft of the clause and that a conference committee was appointed to reconcile the different proposed drafts. He tells us how this drafting committee, of which Madison was a member, came up with the wording of the clause as it now appears in the first amendment:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

The author then tells us that this was written by Madison, and he says this, in addition:

> Of all the versions af the religious guarantee, this most directly covered the thing he was aiming at, absolute separation of church and state and total exclusion of Government aid to religion.

I have referred at length to the statute of Virginia for religious freedom, because historians and courts unite in the conviction that the purpose of the first amendment is virtually identical with the objective of the statute of Virginia for religious freedom. I wish to quote on this point these words of the Supreme Court from page 13 of the Everson case:

> This Court has previously recognized that the provisions of the first amendment, in

the drafting and adoption of which Madison and Jefferson played such leading roles, had the same objective and were intended to provide the same protection against governmental intrusion on religious liberty as the Virginia statute.

This brings us to this inquiry: What does the establishment-of-religion clause of the first amendment do? What is its purpose? What does it provide?

The general purpose of the clause is to keep the hands of the state out of religion, and to keep religion's hands off the state. That is its overall objective. The Founding Fathers so provided because they knew from their study of history that we cannot have political liberty where the state is controlled by religion, and that we cannot have religious liberty where religion is controlled by the state.

To effect this general purpose, the establishment-of-religion clause of the first amendment does two things: First, it strips the Government of all power to tax, to support, or otherwise to assist any or all religions; second, it forbids the Government to interfere with the beliefs of any religious individual or group.

We are concerned primarily here with the first of these objectives, because the provisions of the pending bill, I respectfully submit, which allow Federal loans to church-owned or church-controlled institutions of higher learning offend the first specific objective, namely, the objective embodied in the provision which strips the Government of all power to tax, to support, or otherwise to assist any or all religions.

Those words are not my words. I borrow them from page 11 of the decision in the Everson case, where it states in express words that the people in Virginia supported the statute for religious freedom, whose principles were later embodied in the first amendment to the Constitution, because they had "reached the conclusion that individual liberty could be achieved best under a government which was stripped of all power to tax, to support, or otherwise to assist any or all religions, or to interfere with the beliefs of any religious individual or group."

Mr. DOUGLAS. Mr. President, would it be convenient for the Senator from North Carolina to yield to me at this point in his address?

Mr. ERVIN. Yes; I should be delighted to yield to the able and distinguished Senator from Illinois.

Mr. DOUGLAS. I notice that the amendment of the Senator from North Carolina is directed to prohibiting loans to any private institution of higher education, and would instead confine them solely to public institutions.

Mr. ERVIN. That is correct.

Mr. DOUGLAS. May I ask my good friend from North Carolina if he is not aware of the fact that there are many private colleges and universities which do not have a religious affiliation?

Mr. ERVIN. I am aware of that.

Mr. DOUGLAS. For example, a great many colleges in this country, such as Bowdoin, Williams, Harvard, Yale, Amherst, Oberlin, Grinnell, Beloit, Whitman, Pomona, Colorado, and others were originally started by the Congregational Church, but I think over the passage of time without exception all of these religious connections have been severed, and they are undenominational. They are Protestant, I suppose, in their general orientation, but they are undenominational. As I read the amendment of the Senator from North Carolina, these too would be barred from receiving loans as well as those which have a distinctly doctrinal or religious connection.

Mr. ERVIN. Yes; that is correct. I may say to the Senator from Illinois that if I had been drafting the bill, which I did not, and had been a member of the committee which I was not, I would probably have favored an amendment which would take care of colleges and universities of that character. The Senator from Illinois knows that many times we must work here under terrible pressure. I did not know the provisions of the pending bill and did not have an opportunity to study them until the bill was brought to the floor. So I drafted my amendment as I did for two reasons.

In the first place, under the existing interpretations of the establishment-of-religion clause of the first amendment, public colleges are forbidden to teach the tenets and faiths of any religious denominations.

As a consequence, my amendment would make it certain that there would be no violation of the first amendment, either now or in the future, by restricting the loans to public colleges. In the second place, I was compelled to draw my amendment under the impediment of a lack of time. I would have supported a proposal distinguishing between the two classes of private nonprofit colleges if the committee had drawn a distinction to that effect in its bill. The time at my disposal did not permit me to draw the distinction.

So I had to draw my amendment as I did because I realized that a very large proportion of all private nonprofit colleges either are owned by churches or are controlled by churches and engage in a blending of secular and religious teaching.

Mr. DOUGLAS. I am not blaming the Senator from North Carolina in the slightest; but before Congress adopts his amendment—if it does—does he not think it would be well if we guarded against this difficulty, at least?

Mr. ERVIN. I agree with the Senator from Illinois. In the event Congress adopts my amendment, I think it would be appropriate to re-refer the bill to the committee with specific instructions to take care of the situation.

Mr. DOUGLAS. Then is it the purpose of the Senator from North Carolina to have the bill recommitted to the committee? Is this merely a smokescreen in order to prevent action upon the bill?

Mr. ERVIN. No. I am engaging in no smokescreen activity. I do not care to recommit the bill to the committee. However, I would be willing to do so for that one purpose.

When I became a Member of the Senate, I took an oath that I would support the Constitution. In my honest judgment, for me to support the bill in its present form would be a violation of my oath to support the Constitution. Therefore, I offered an amendment which would make it certain, as I see it, that I am not violating my oath to support the Constitution.

Mr. DOUGLAS. Without wishing to make any derogatory comment about my very dear friend, the distinguished Senator from North Carolina, for whom I have the greatest respect, what he seems to be saying thus far is that because of defects in the draftsmanship of his own amendment, he believes the bill ought to be referred back to committee for further study. I suggest that the Senator from North Carolina study his own amendment a little more carefully and present it in the light of his own convictions.

Mr. ERVIN. If I ever get a moment of leisure, I will certainly do that. Frankly, I had to draw this amendment on Saturday. I did not have an opportunity to study the bill before that time. I did not imagine that a committee of the Senate would report a bill predicated on the thesis that constitutional evil ought to be done in order to accomplish educational good. So I did not anticipate what happened.

Mr. DOUGLAS. The Senator from North Carolina is always gracious. Would he be willing to yield for a further question?

Mr. ERVIN. I yield.

Mr. DOUGLAS. Does the Senator from North Carolina think the first amendment to the Constitution would be violated by the Federal Government making low-interest loans for the construction of buildings in which sciences, mathematics, and foreign languages would be taught, and which would also provide recreational and possibly lunchroom facilities? Is there a Protestant or a Catholic system of mathematics or of science or of physical exercise? Do we have a Baptist, Methodist, or Episcopalian algebra or French grammar? Are not these subjects which do not have any religious connotation? Philosophy, possibly, yes; but I fail to see how the other subjects I have mentioned involve religion.

Mr. ERVIN. The Senator from Illinois has propounded to me a question which I think I could answer in an adequate manner provided I took 3 or 4 hours, which I do not intend to do. I was just reaching the point, when I first yielded to the Senator from Illinois, where I was about to discuss what the first amendment actually does—not what I say it does, but what the Supreme Court says it does. I think I will make my position clear with respect to those points in just a moment. I would say to the Senator from Illinois, however, that the Supreme Court of the United States has said on two occasions that Government cannot support schools which blend secular and sectarian education. That is exactly what would be done under the bill.

Mr. DOUGLAS. I merely wish to ask the Senator if he believes that a sectarian education is blended with secular

education if one studies calculus or differential equations or chemistry or astronomy or French grammar or conversational German or Italian literature. How can the establishment of religion be involved in the construction of buildings where such subjects as those are to be taught?

Mr. ERVIN. The answer to that question is relatively simple. Where an institution undertakes to teach students both calculus and religion, it blends secular and sectarian education. I refer the Senator for an answer to that question to a decision which arose in litigation between persons in Illinois—the McCollum case.

Mr. DOUGLAS. In other words, does the Senator maintain that if in one building philosophy and religion are taught, and in another building mathematics is taught, the teaching of religion in the one building will inevitably affect the teaching of differential and integral calculus in the other?

Mr. ERVIN. I think the Senator from Illinois, as have the rest of us, has read much lately about a dance called the twist. The Senator from Illinois is doing a little intellectual twisting. He asked the Senator from North Carolina about courses of instruction. Now the Senator from Illinois is twisting to convert his inquiry into one about buildings.

Mr. DOUGLAS. The amendment involves only buildings; it does not involve instruction. It is the Senator from North Carolina who is doing the twisting.

Mr. ERVIN. Yes, it involves buildings; but the first amendment to the Constitution involves what is taught in those buildings.

Mr. DOUGLAS. The first amendment relates to the establishment of religion. I must say that I heartily agree with the amendment; but I do not believe it should be twisted out of its original purpose or its commonsense application.

Mr. ERVIN. Unless the Senator from Illinois has some further questions, I shall resume my discussion to show that I am not attempting to twist the matter under discussion out of its constitutional aspects but, on the contrary, am attempting to show that I am entirely in harmony with what James Madison and the Supreme Court said about the first amendment.

Mr. DOUGLAS. I shall await with interest the comments of the Senator from North Carolina. I know it is sometimes annoying to be asked questions before one completes one's presentation; but having suffered at the hands of others in the same manner, and at times the Senator from North Carolina has been very adept in propounding questions which he has asked me prior to my development of a point, I feel quite confident that with his usual good humor he will not object to my asking these questions.

Mr. ERVIN. I am always delighted to yield to my good friend from Illinois. I will bear witness to the fact that he has always been willing to yield to me. Despite the fact that sometimes the Senator from Illinois does not entertain the same sound opinions I do on some of the questions we discuss, I have a deep affection for the Senator from Illinois and profound respect for his judgment.

Mr. DOUGLAS. I thank the Senator from North Carolina. I shall await with interest his exposition of 3 or 4 hours to deal with the question I have propounded, which the Senator from North Carolina has said he would need in order to reply fully.

Mr. ERVIN. I shall not undertake to answer that question, because it involves many points which have no germaneness to what is really in question here. I wish to make this assertion: The establishment-of-religion clause of the first amendment outlaws the use of all Federal funds for religious purposes. Everybody I know concedes that the Government is not allowed to take tax money and give it away directly for the teaching of religion. I think all of us agree on that point.

Mr. President, I have referred on several occasions to the Everson case. I wish to say that on the first aspect of the establishment-of-religion clause of the first amendment, tax-raised funds cannot be used for the support of an institution which teaches the tenets and the faith of any church. In that connection I invite attention to page 16 of the opinion in the Everson case:

> New Jersey cannot consistently, with the establishment-of-religion clause of the first amendment, contribute tax-raised funds to the support of an institution which teaches the tenets and faith of any church.

I take it there is no controversy of any character with respect to the soundness of that proposition. The Everson case dealt with a New Jersey statute; and the opinion in that case—as, indeed, the opinions of the Supreme Court in other cases—states that the first amendment is made applicable to the States by the 14th amendment. Since in its original form it was applicable to the Federal Government, it necessarily follows that the first amendment applies with equal force to both the Federal Government and the States. So the declaration that New Jersey cannot contribute tax funds for this purpose also implies that the Federal Government cannot devote tax-raised funds to a like purpose.

Mr. President, a while ago the Senator from Illinois raised the point of whether loans can be made for such purpose. Those who support the bill in its original form have expressed the opinion that such loans can be made; but I respectfully submit that that is not sound constitutional doctrine. The Constitution of the United States is not so puerile or puny that it can be circumvented by any such device. This is made exceedingly clear by the opinion in the Everson case and by the opinion in the Zorach case. The opinion in the Zorach case states it very plainly. Here is what the opinion in the Zorach case states on page 314:

> Government may not finance religious groups.

That would seem to be plain English, and would seem to be broad enough to cover not only gifts and grants, but also loans. I think that is made very evident by common parlance, for when we talk about a man who borrows money with which to build a house, we say he has financed the contruction of his house by borrowing money on a deed of trust. The Supreme Court used language of similar import in its opinion in the Zorach case, when it said:

> Government may not finance religious groups.

I wish to make this point plain by citing two excerpts from the opinion of the Supreme Court in the Everson case. When the Court spoke of the conviction of the people as to how best to achieve religious liberty, it said:

> Achieve it under a government stripped of all power to tax, to support, or otherwise to assist any or all religions.

I respectfully submit that that opinion states in plain English that loans are forbidden, when the opinion states that "government" is "stripped of all power to tax, to support, or otherwise to assist any or all religions."

So it is sticking in the intellectual bark to maintain that religious colleges are not aided when they are given long-term loans bearing the lowest possible rate of interest, and repayable over a period of 50 years.

I wish to read from pages 15 and 16 of the opinion in the Everson case, where there is the following clear statement of the meaning of the establishment-of-religion clause—as clear a statement as can be made:

> The "establishment of religion" clause of the first amendment means at least this: "Neither a State nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. In the words of Jefferson, the clause against establishment of religion by law was intended to erect a 'wall of separation between church and state.'"

Mr. President, that is very interesting. It states that the Government cannot aid any religion or all religions; it does not say the Government cannot make grants or gifts. It says the Government cannot aid any religion or all religions. I respectfully submit that those who drafted this bill admit in the very title of the bill that the bill is designed to aid these institutions, which are owned, in many instances, and controlled, in other instances, by churches, for the purpose of directly or indirectly instructing their students in the tenets and the faith of such churches. The title of the bill recites that it is "A bill to authorize assistance" to private nonprofit institutions. Certainly that is a confession of the fact that loans are assistance, and that the making of loans is certainly aiding these institutions within the interpretation of the establishment-of-religion clause of the first amendment, as made by the Supreme Court in the Everson case.

A moment ago I also read the following excerpt from page 16 of the opinion in the Everson case:

> Neither a State nor the Federal Government can openly or secretly participate in the affairs of any religious organizations or groups, or vice versa.

Then, Mr. President, how can it be said that the Federal Government is not participating in the affairs of religious organizations when it loans money to church-owned or church-controlled colleges which directly or indirectly teach the tenets and the faith of those churches?

I wish to make another point; and I am sorry that the Senator from Illinois [Mr. DOUGLAS] has left the floor at this time, because I shall refer now to the very point he tried to raise when he referred to my statements concerning commingling or blending secular and sectarian education.

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

Mr. ERVIN. I yield.

Mr. CURTIS. I am very much interested in the entire field of higher education and its financing. I have followed what the distinguished Senator has said about the separation of church and state.

What is the opinion of the Senator with respect to what the Government has already done when it has gone into the field of lending or assisting in the financing of dormitories? I refer to cases where a dormitory and religious institution are more or less controlled by a church established for the purpose, among other things, of promulgating the faith, where one corporation owns all the property, including the chapel, the classrooms, and the dormitories, and the Federal Government has made loans referred to as self-liquidating loans, for dormitories.

I am not quarreling with the distinguished Senator. I am somewhat disturbed about this entire situation. Does the Senator have an opinion on that question?

Mr. ERVIN. The Senator has raised a very interesting question. I must confess I am unable to give him a satisfactory answer. It may be argued with much reason, or at least much show of reason, that dormitories are places where people sleep and are not used in any way for the purpose of giving instruction, and for that reason, when the Federal Government makes loans for the construction of dormitories, it makes loans for sleeping quarters, which are not used for instruction of any kind, either religious or sectarian.

Mr. CURTIS. I understand that is part of the reasoning. I am very much concerned and disturbed about this entire area. I think we may be approaching the time when the only institutions of higher education that have academic freedom, freedom to follow the truth wherever it leads, are those institutions that get no part of their funds from any level of government.

I thank the Senator.

Mr. ERVIN. I think there are very serious questions involved. That is one reason why many Senators would prefer that the Federal assistance in the form of loans should be confined in all cases to public institutions of learning. The reason why I say this is that under the decisions of the Supreme Court, tax-supported or tax-financed public institutions cannot teach the tenets and faith of any religion. If grants and loans are confined to them, we would have an absolute assurance that there would be no violation of the first amendment. We would also have the assurance that if Federal gifts and Federal loans are restricted to public institutions, there will be no temptation on the part of private institutions of learning to bend the pregnant hinges of their intellectual knees in the hope that thrift might follow fawning.

Mr. CURTIS. Does the Senator know of any cases of financial assistance furnished by agencies of the Government to businesses which were engaged in an activity in which the Federal Government has no authority to engage?

Mr. ERVIN. Offhand, I would have to admit that I am rather ignorant in that field at this moment. I was not anticipating that question.

Mr. CURTIS. I do not know that there have been such cases, but there have been many instances in the past where business has been assisted by the Federal Government, RFC, and other lending agencies, and the business has been of a type in which I doubt the Federal Government has authority to engage. I wondered if there was any parallel between that situation and that of lending money to church-related schools.

Mr. ERVIN. I must say I cannot answer the Senator's question, because I have been devoting my attention, under rather adverse circumstances, to one subject, namely, the establishment-of-religion clause of the first amendment.

I am sorry the Senator from Illinois has left the Chamber, because he was saying that if calculus is taught in one place and religion in another, it is not the blending of secular and sectarian education. The Supreme Court of the United States reached quite a different decision in a case which originated in the home State of the Senator from Illinois. I read from page 212 of the opinion in the McCollum case. I read from the separate opinion from Mr. Justice Frankfurter:

> Illinois has here authorized the commingling of sectarian with secular instruction in the public schools. The Constitution of the United States forbids this.

When an institution teaches religion and calculus, it is blending sectarian and secular instruction, regardless of the rooms or buildings where they are taught.

This statement about commingling sectarian and secular education was approved in a later case, the Zorach case, in which the Court upheld the principle that the Government cannot assist institutions in blending secular and sectarian education. I read from page 314 of the Zorach case, omitting certain portions of the statement not germane to this particular question:

> Government may not blend secular and sectarian education.

I wish to read at this point a statement describing a great university of this city which could borrow money to construct buildings under this bill in its present form. It could also borrow money under the bill in the form in which it would be if the amendment of the Senator from Oregon and the Senator from Alabama were accepted, even though the loans would have to be restricted to certain buildings.

I am referring to the Catholic University of America simply because I have a statement describing it. If time permitted, I could undoubtedly obtain similar statements concerning some Protestant and Jewish institutions of learning—statements which would make it obvious that Federal loans to religious institutions "aid" such institutions in violation of the establishment-of-religion clause of the first amendment.

This statement reads:

> THE CATHOLIC UNIVERSITY OF AMERICA—THE NATIONAL PONTIFICAL UNIVERSITY UNDER THE DIRECTION OF THE BISHOPS OF THE UNITED STATES
>
> Graduate and professional programs in arts and sciences, philosophy, social sciences, engineering, architecture, law, canon law, social work, nursing, sacred theology and Sacred Scripture.
>
> Undergraduate programs in arts and sciences, philosophy, engineering, architecture and nursing. Preprofessional program. Coeducational. Air Force ROTC.

Under the bill loans could be made to build buildings on the campus of that great university, and they could be made under the amendment which is offered by the Senators from Oregon and Alabama, if they were restricted to certain buildings. It is absurd to argue that such loans would not "aid" this great religious university. They would certainly enable it to acquire title to the buildings erected by the proceeds of the loan.

In closing this phase of my argument I wish to summarize in brief language the purpose and the objective of the establishment-of-religion clause of the first amendment.

The first amendment is designed to prevent every form and degree of official relation between religion and civil authority. To this end, it secures the right of every person to worship God according to the dictates of his own conscience and prohibits every kind of public aid or support, financial or other, for religion.

Even if there were no constitutional prohibition on such action, Congress should not grant or loan Federal tax moneys to church schools or any other schools teaching the tenets of any religion.

The ringing declaration of Thomas Jefferson's Statute of Virginia for Religious Freedom that "to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical" is just as true today as it was when Jefferson wrote these immortal words. It would be "sinful and tyrannical" to tax Catholics and Jews to aid the teaching of Protestantism, or to tax Catholics and Protestants to aid the teaching of Judaism, or to tax Protestants and Jews to aid the teaching of Catholicism, or to tax adherents of other faiths, or unbelievers, to aid the teaching of Protestantism, of Judaism, or of Catholicism.

A great American, the late Justice Rutledge, had this to say on this subject:

> The great condition of religious liberty is that it be maintained free from sustenance,

as also from other interferences, by the state. For when it comes to rest upon that secular foundation it vanishes with the resting. Public money devoted to payment of religious costs, educational or other, brings the quest for more. It brings too the struggle of sect against sect for the larger share or for any. Here one by numbers alone will benefit most, there another. That is precisely the history of societies which have had an established religion and dissident groups. It is the very thing Jefferson and Madison experienced and sought to guard against, whether in its blunt or in its more screened forms. The end of such strife cannot be other than to destroy the cherished liberty. The dominating group will achieve the dominant benefit; or all will embroil the state in their dissensions.

Mr. President, in closing I say this—and I say it in all solemnity, and with complete confidence in its accuracy—if we are to preserve religious liberty, or, indeed, any kind of liberty, we must keep the state's hands out of religion and religion's hands off the state.

EXHIBIT 1

CASES ADJUDGED IN THE SUPREME COURT OF THE UNITED STATES AT OCTOBER TERM, 1946—EVERSON *v.* BOARD OF EDUCATION OF THE TOWNSHIP OF EWING ET AL.

APPEAL FROM THE COURT OF ERRORS AND APPEALS OF NEW JERSEY

(No. 52—Argued Nov. 20, 1946; decided Feb. 10, 1947)

Pursuant to a New Jersey statute authorizing district boards of education to make rules and contracts for the transportation of children to and from schools other than private schools operated for profit, a board of education by resolution authorized the reimbursement of parents for fares paid for the transportation by public carrier of children attending public and Catholic schools. The Catholic schools operated under the superintendency of a Catholic priest and, in addition to secular education, gave religious instruction in the Catholic faith. A district taxpayer challenged the validity under the Federal Constitution of the statute and resolution, so far as they authorized reimbursement to parents for the transportation of children attending sectarian schools. No question was raised as to whether the exclusion of private schools operated for profit denied equal protection of the laws; nor did the record show that there were any children in the district who attended, or would have attended but for the cost of transportation, any but public or Catholic schools. Held:

1. The expenditure of tax-raised funds thus authorized was for a public purpose, and did not violate the due process clause of the 14th amendment. Pages 5 to 8.

2. The statute and resolution did not violate the provision of the first amendment (made applicable to the States by the 14th amendment) prohibiting any "law respecting an establishment of religion." Pages 8 to 18.

133 N.J.L. 350, 44 A. 2d 333, affirmed.

COUNSEL FOR PARTIES

In a suit by a taxpayer, the New Jersey Supreme Court held that the state legislature was without power under the state constitution to authorize reimbursement to parents of bus fares paid for transporting their children to schools other than public schools. 132 N. J. L. 98, 39 A. 2d 75. The New Jersey Court of Errors and Appeals reversed, holding that neither the statute nor a resolution passed pursuant to it violated the state constitution or the provisions of the Federal Constitution in issue. 133 N. J. L. 350, 44 A. 2d 333. On appeal of the Federal questions to this Court, affirmed, p. 18.

Edward R. Burke and E. Hilton Jackson argued the cause for appellant. With Mr. Burke on the brief were Challen B. Ellis, W. D. Jamieson, and Kahl K. Spriggs.

William H. Speer argued the cause for appellees. With him on the brief were Porter R. Chandler and Roger R. Clisham.

Briefs of amici curiae in support of appellant were filed by E. Hilton Jackson for the General Conference of Seventh-Day Adventists et al.; by Harry V. Osborne, Kenneth W. Greenwalt and Whitney N. Seymour for the American Civil Liberties Union; and by Milton T. Lasher for the State Council of the Junior Order of United American Mechanics of New Jersey.

Briefs of amici curiae in support of appellees were filed by George F. Barrett, Attorney General of Illinois, William C. Wines, Assistant Attorney General of Illinois, and James A. Emmert, Attorney General of Indiana, for the States of Illinois and Indiana; by Fred S. LeBlanc, Attorney General, for the State of Louisiana; by Clarence A. Barnes, Attorney General, for the Commonwealth of Massachusetts; by Edmund E. Shepherd, Solicitor General, and Daniel J. O'Hara, Assistant Attorney General, for the State of Michigan; by Nathaniel L. Goldstein, Attorney General, and Wendell P. Brown, Solicitor General, for the State of New York; and by James N. Vaughn and George E. Flood for the National Council of Catholic Men et al.

OPINION OF THE COURT

Mr. Justice Black delivered the opinion of the Court.

A New Jersey statute authorizes its local school districts to make rules and contracts for the transportation of children to and from schools.[1] The appellee, a township board of education, acting pursuant to this statute, authorized reimbursement to parents of money expended by them for the bus transportation of their children on regular busses operated by the public transportation system. Part of this money was for the payment of transportation of some children in the community to Catholic parochial schools. These church schools give their students, in addition to secular education, regular religious instruction conforming to the religious tenets and modes of worship of the Catholic faith. The superintendent of these schools is a Catholic priest.

The appellant, in his capacity as a district taxpayer, filed suit in a state court challenging the right of the Board to reimburse parents of parochial school students. He contended that the statute and the resolution passed pursuant to it violated both the State and the Federal Constitutions. That court held that the legislature was without power to authorize such payment under the state constitution. 132 N. J. L. 98, 39 A. 2d 75. The New Jersey Court of Errors and Appeals reversed, holding that neither the statute nor the resolution passed pursuant to it was in conflict with the State constitution or the provisions of the Federal Constitution in issue (133 N. J. L. 350, 44 A. 2d 333). The case is here on appeal under 28 U.S.C. § 344(a).

Since there has been no attack on the statute on the ground that a part of its language excludes children attending private schools operated for profit from enjoying State payment for their transportation, we need not consider this exclusionary language; it has no relevancy to any constitutional question here presented.[2] Furthermore, if the exclusion clause had been properly challenged, we do not know whether New Jersey's highest court would construe its statutes as precluding payment of the school transportation of any group of pupils, even those of a private school run for profit.[3] Consequently, we put to one side the question as to the validity of the statute against the claim that it does not authorize payment for the transportation generally of schoolchildren in New Jersey.

The only contention here is that the state statute and the resolution, insofar as they authorized reimbursement to parents of children attending parochial schools, violate the Federal Constitution in these two respects, which to some extent overlap. First. They authorize the State to take by taxation the private property of some and bestow it upon others, to be used for their own private purposes. This, it is alleged, violates the due process clause of the Fourteenth Amendment. Second. The statute and the resolution forced inhabitants to pay taxes to help support and maintain schools which are dedicated to, and which regularly teach, the Catholic faith. This is alleged to be a use of state power to support church schools contrary to the prohibition of the First Amendment which the

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[1] "Whenever in any district there are children living remote from any schoolhouse, the board of education of the district may make rules and contracts for the transportation of such children to and from school, including the transportation of school children to and from school other than a public school, except such school as is operated for profit in whole or in part.

"When any school district provides any transportation for public school children to and from school, transportation from any point in such established school route to any other point in such established school route shall be supplied to school children residing in such school district in going to and from school other than a public school, except such school as is operated for profit in whole or in part." New Jersey Laws, 1941, c. 191, p. 581; N. J. R. S. Cum. Supp., tit. 18, c. 14, § 8.

[2] Appellant does not challenge the New Jersey statute or the resolution on the ground that either violates the equal protection clause of the 14th amendment by excluding payment for the transportation of any pupil who attends a "private school run for profit." Although the township resolution authorized reimbursement only for parents of public and Catholic school pupils, appellant does not allege, nor is there anything in the record which would offer the slightest support to an allegation, that there were any children in the township who attended or would have attended, but for want of transportation, any but public and Catholic schools. It will be appropriate to consider the exclusion of students of private schools operated for profit when and if it is proved to have occurred, is made the basis of a suit by one in a position to challenge it, and New Jersey's highest court has ruled adversely to the challenger. Striking down a State law is not a matter of such light moment that it should be done by a Federal court ex mero motu on a postulate neither charged nor proved, but which rests on nothing but a possibility. *Cf. Liverpool, N.Y. & P.S.S. Co.* v. *Comm'rs of Emigration*, 113 U.S. 33, 39.

[3] It might hold the excepting clause to be invalid, and sustain the statute with that clause excised. N.J.R.S., tit. 1, c. 1, § 10, provides with regard to any statute that if "any provision thereof, shall be declared to be unconstitutional * * * in whole or in part, by a court of competent jurisdiction, such * * * article * * * shall, to the extent that it is not unconstitutional * * * be enforced * * *." The opinion of the court of errors and appeals in this very case suggests that State law now authorizes transportation of all pupils. Its opinion stated: "Since we hold that the legislature may appropriate general State funds or authorize the use of local funds for the transportation of pupils to any school, we conclude that such authorization of the use of local funds is likewise authorized by Pamph. L. 1941, ch. 191, and R.S. 18:7–78." 133 N.J.L. 350, 354, 44 A. 2d 333, 337.

Fourteenth Amendment made applicable to the states.

First. The due process argument that the state law taxes some people to help others carry out their private purposes is framed in two phases. The first phase is that a state cannot tax A to reimburse B for the cost of transporting his children to church schools. This is said to violate the due process clause because the children are sent to these church schools to satisfy the personal desires of their parents, rather than the public's interest in the general education of all children. This argument, if valid, would apply equally to prohibit state payment for the transportation of children to any non-public school, whether operated by a church or any other non-government individual or group. But, the New Jersey legislature has decided that a public purpose will be served by using tax-raised funds to pay the bus fares of all schoolchildren, including those who attend parochial schools. The New Jersey Court of Errors and Appeals has reached the same conclusion. The fact that a state law, passed to satisfy a public need, coincides with the personal desires of the individuals most directly affected is certainly an inadequate reason for us to say that a legislature has erroneously appraised the public need.

It is true that this Court has, in rare instances, struck down state statutes on the ground that the purpose for which tax-raised funds were to be expended was not a public one. *Loan Association* v. *Topeka*, 20 Wall. 655; *Parkersburg* v. *Brown*, 106 U.S. 487; *Thompson* v. *Consolidated Gas Utilities Corp.*, 300 U.S. 55. But the Court has also pointed out that this far-reaching authority must be exercised with the most extreme caution. *Green* v. *Frazier*, 253 U.S. 233, 240. Otherwise, a state's power to legislate for the public welfare might be seriously curtailed, a power which is a primary reason for the existence of states. Changing local conditions create new local problems which may lead a state's people and its local authorities to believe that laws authorizing new types of public services are necessary to promote the general well-being of the people. The Fourteenth Amendment did not strip the states of their power to meet problems previously left for individual solution. *Davidson* v. *New Orleans*, 96 U.S. 97, 103–104; *Barbier* v. *Connolly*, 113 U.S. 27, 31–32; *Fallbrook Irrigation District* v. *Bradley*, 164 U. S. 112, 157–158.

It is much too late to argue that legislation intended to facilitate the opportunity of children to get a secular education serves no public purpose. *Cochran* v. *Louisiana State Board of Education*, 281 U. S. 370; Holmes, J., in *Interstate Ry.* v. *Massachusetts*, 207 U. S. 79, 87. See opinion of Cooley, J., in *Stuar* v. *School District No. 1 of Kalamazoo*, 30 Mich. 69 (1874). The same thing is no less true of legislation to reimburse needy parents, or all parents, for payment of the fares of their children so that they can ride in public busses to and from schools rather than run the risk of traffic and other hazards incident to walking or hitchhiking. See *Barbier* v. *Connolly*, *supra*, at 31. See also cases collected 63 A. L. R. 413; 118 A. L. R. 806. Nor does it follow that a law has a private rather than a public purpose because it provides that tax-raised funds will be paid to reimburse individuals on account of money spent by them in a way which furthers a public program. See *Carmichael* v. *Southern Coal & Coke Co.*, 301 U. S. 495, 518. Subsidies and loans to individuals such as farmers and home-owners, and to privately owned transportation systems, as well as many other kinds of businesses, have been commonplace practices in our state and national history.

Insofar as the second phase of the due process argument may differ from the first, it is by suggesting that taxation for transportation of children to church schools constitutes support of a religion by the State. But if the law is invalid for this reason, it is because it violates the First Amendment's prohibition against the establishment of religion by law. This is the exact question raised by appellant's second contention, to consideration of which we now turn.

Second. The New Jersey statute is challenged as a "law respecting an establishment of religion." The First Amendment, as made applicable to the states by the Fourteenth, *Murdock* v. *Pennsylvania*, 319 U.S. 105, commands that a state "shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof * * *." These words of the First Amendment reflected in the minds of early Americans a vivid mental picture of conditions and practices which they fervently wished to stamp out in order to preserve liberty for themselves and for their posterity. Doubtless their goal has not been entirely reached; but so far has the Nation moved toward it that the expression "law respecting an establishment of religion," probably does not so vividly remind present-day Americans of the evils, fears, and political problems that caused that expression to be written into our Bill of Rights. Whether this New Jersey law is one respecting an "establishment of religion" requires an understanding of the meaning of that language, particularly with respect to the imposition of taxes. Once again,[4] therefore, it is not inappropriate briefly to review the background and environment of the period in which that constitutional language was fashioned and adopted.

A large proportion of the early settlers of this country came here from Europe to escape the bondage of laws which compelled them to support and attend government-favored churches. The centuries immediately before and contemporaneous with the colonization of America had been filled with turmoil, civil strife, and persecutions, generated in large part by established sects determined to maintain their absolute political and religious supremacy. With the power of government supporting them, at various times and places, Catholics had persecuted Protestants, Protestants had persecuted Catholics, Protestant sects had persecuted other Protestant sects, Catholics of one shade of belief had persecuted Catholics of another shade of belief, and all of these had from time to time persecuted Jews. In efforts to force loyalty to whatever religious group happened to be on top and in league with the government of a particular time and place, men and women had been fined, cast in jail, cruelly tortured, and killed. Among the offenses for which these punishments had been inflicted were such things as speaking disrespectfully of the views of ministers of government-established churches, nonattendance at those churches, expressions of nonbelief in their doctrines, and failure to pay taxes and tithes to support them.[5]

These practices of the old world were transplanted to and began to thrive in the soil of the new America. The very charters granted by the English Crown to the individuals and companies designated to make the laws which would control the destinies of the colonials authorized these individuals and companies to erect religious establishments which all, whether believers or nonbelievers, would be required to support and attend.[6] An exercise of this authority was accompanied by a repetition of many of the old-world practices and persecutions. Catholics found themselves hounded and proscribed because of their faith; Quakers who followed their conscience went to jail; Baptists were peculiarly obnoxious to certain dominant Protestant sects; men and women of varied faiths who happened to be in a minority in a particular locality were persecuted because they steadfastly persisted in worshipping God only as their own consciences dictated.[7] And all of these dissenters were compelled to pay tithes and taxes[8] to support government-sponsored churches whose ministers preached inflammatory sermons designed to strengthen and consolidate the established faith by generating a burning hatred against dissenters.

These practices became so commonplace as to shock the freedom-loving colonials into a feeling of abhorrence.[9] The imposition of taxes to pay ministers' salaries and to build and maintain churches and church property

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[4] See *Reynolds* v. *United States*, 98 U.S. 145, 162; *cf. Knowlton* v. *Moore*, 178 U.S. 41, 89, 106.

[5] See e.g., Macaulay, History of England (1849) I, cc. 2, 4; The Cambridge Modern History (1908) V, cc. V, IX, XI; Beard, Rise of American Civilization (1933) I, 60; Cobb, Rise of Religious Liberty in America (1902) c. II; Sweet, The Story of Religion in America (1939) c. II; Sweet, Religion in Colonial America (1942) 320–322.

[6] See e.g., the charter of the colony of Carolina which gave the grantees the right of "patronage and advowsons of all the churches and chapels * * * together with license and power to build and found churches, chapels and oratories * * * and to cause them to be dedicated and consecrated, according to the ecclesiastical laws of our kingdom of England." Poore, Constitutions (1878) II, 1390, 1391. That of Maryland gave to the grantee Lord Baltimore "the Patronages, and Advowsons of all Churches which * * * shall happen to be built, together with Licence and Faculty of erecting and founding Churches, Chapels, and Places of Worship * * * and of causing the same to be dedicated and consecrated according to the Ecclesiastical Laws of our Kingdom of England, with all, and singular such, and as ample Rights, Jurisdictions, Privileges * * * as any Bishop * * * in our Kingdom of England, ever * * * hath had * * *." MacDonald, Documentary Source Book of American History (1934) 31, 33. The Commission of New Hampshire of 1680, Poore, supra, II, 1277, stated: "And above all things We do by these presents will, require and comand our said Council to take all possible care for ye discountenancing of vice and encouraging of virtue and good living; and that by such examples ye infidle may be invited and desire to partake of ye Christian Religion, and for ye greater ease and satisfaction of ye sd loving subjects in matters of religion, We do hereby require and comand yt liberty of conscience shall be allowed unto all protestants; yt such especially as shall be conformable to ye rites of ye Church of Engd shall be particularly countenanced and encouraged." See also *Pawlet* v. *Clark*, 9 Cranch 292.

[7] See e.g., Semple, Baptists in Virginia (1894); Sweet, Religion in Colonial America, supra at 131–152, 322–339.

[8] Almost every colony exacted some kind of tax for church support. See e.g., Cobb, op. cit. supra, note 5, 110 (Virginia); 131 (North Carolina); 169 (Massachusetts); 270 (Connecticut); 304, 310, 339 (New York); 386 (Maryland); 295 (New Hampshire).

[9] Madison wrote to a friend in 1774: "That diabolical, hell-conceived principle of persecution rages among some * * * This vexes me the worst of anything whatever. There are at this time in the adjacent country not less than five or six well-meaning men in close jail for publishing their religious sentiments, which in the main are very orthodox. I have neither patience to hear, talk, or think of anything relative to this matter; for I have squabbled and scolded, abused and ridiculed, so long about it to little purpose, that I am without common patience. So I must beg you to pity me, and pray for liberty of conscience to all." I Writings of James Madison (1900) 18, 21.

aroused their indignation.[10] It was these feelings which found expression in the first amendment. No one locality and no one group throughout the Colonies can rightly be given entire credit for having aroused the sentiment that culminated in adoption of the Bill of Rights' provisions embracing religious liberty. But Virginia, where the established church had achieved a dominant influence in political affairs and where many excesses attracted wide public attention, provided a great stimulus and able leadership for the movement. The people there, as elsewhere, reached the conviction that individual religious liberty could be achieved best under a government which was stripped of all power to tax, to support, or otherwise to assist any or all religions, or to interfere with the beliefs of any religious individual or group.

The movement toward this end reached its dramatic climax in Virginia in 1785–86 when the Virginia legislative body was about to renew Virginia's tax levy for the support of the established church. Thomas Jefferson and James Madison led the fight against this tax. Madison wrote his great Memorial and Remonstrance against the law.[11] In it, he eloquently argued that a true religion did not need the support of law; that no person, either believer or nonbeliever, should be taxed to support a religious institution of any kind; that the best interest of a society required that the minds of men always be wholly free; and that cruel persecutions were the inevitable result of government-established religions. Madison's Remonstrance received strong support throughout Virginia,[12] and the Assembly postponed consideration of the proposed tax measure until its next session. When the proposal came up for consideration at that session, it not only died in committee, but the Assembly enacted the famous "Virginia Bill for Religious Liberty" originally written by Thomas Jefferson.[13] The preamble to that Bill stated among other things that—

"Almighty God hath created the mind free; that all attempts to influence it by temporal punishments or burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the Holy author of our religion, who being Lord both of body and mind, yet chose not to propagate it by coercions on either * * *; that to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical; that even the forcing him to support this or that teacher of his own religious persuasion, is depriving him of the comfortable liberty of giving his contributions to the particular pastor, whose morals he would make his pattern."

And the statute itself enacted—

"That no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief." [14]

This Court has previously recognized that the provisions of the First Amendment, in the drafting and adoption of which Madison and Jefferson played such leading roles, had the same objective and were intended to provide the same protection against governmental intrusion on religious liberty as the Virginia statute. *Reynolds* v. *United States, supra* at 164; *Watson* v. *Jones*, 13 Wall. 679; *Davis* v. *Beason*, 133 U.S. 333, 342. Prior to the adoption of the Fourteenth Amendment, the First Amendment did not apply as a restraint against the states.[15] Most of them did soon provide similar constitutional protections for religious liberty.[16] But some states persisted for about half a century in imposing restraints upon the free exercise of religion and in discriminating against particular religious groups.[17] In recent years, so far as the provision against the establishment of a religion is concerned, the question has most frequently arisen in connection with proposed state aid to church schools and efforts to carry on religious teachings in the public schools in accordance with the tenets of a particular sect.[18] Some churches have either sought or accepted state financial support for their schools. Here again the efforts to obtain state aid or acceptance of it have not been limited to any one particular faith.[19] The state courts, in the main, have remained faithful to the language of their own constitutional provisions designed to protect religious freedom and to separate religions and governments. Their decisions, however, show the difficulty in drawing the line between tax legislation which provides funds for the welfare of the general public and that which is designed to support institutions which teach religion.[20]

The meaning and scope of the First Amendment, preventing establishment of religion or prohibiting the free exercise thereof, in the light of its history and the evils it was designed forever to suppress, have been several times elaborated by the decisions of this Court prior to the application of the First Amendment to the states by the Fourteenth.[21] The broad meaning given the Amendment by these earlier cases has been accepted by this Court in its decisions concerning an individual's religious freedom rendered since the Fourteenth Amendment was interpreted to make the prohibitions of the First applicable to state action abridging religious freedom.[22] There is every reason to give the same application and broad interpretation to the "establishment of religion" clause. The interrelation of these complementary clauses was well summarized in a statement of the Court of Appeals of South Carolina,[23] quoted with approval by this Court in *Watson* v. *Jones*, 13 Wall. 679, 730: "The structure of our government has, for the preservation of civil liberty rescued the temporal institutions from religious interference. On the other hand, it has secured religious liberty from the invasion of the civil authority."

The "establishment of religion" clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or non-attendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect "a wall of separation between church and State." *Reynolds* v. *United States*, supra at 164.

We must consider the New Jersey statute in accordance with the foregoing limitations imposed by the First Amendment. But we must not strike that state statute down if it is within the State's constitutional power even though it approaches the verge of that power. See *Interstate Ry.* v. *Massachusetts*, Holmes, J., supra at 85, 88. New Jersey cannot consistently with the "establishment of religion" clause of the First Amendment contribute tax-raised funds to the support of an institution which teaches the tenets and faith of any church. On the other hand, other language of the amendment commands that New Jersey cannot hamper its citizens in the free exercise of their own religion. Consequently, it cannot exclude individual Catholics, Lutherans, Mohammedans, Baptists, Jews, Methodists, Non-believers, Presbyterians, or the members of any other faith, because of their faith, or lack of it, from receiving the benefits of public welfare legislation. While we do not mean to intimate that a state could not provide transportation only to children attending public schools, we must be careful, in protecting the citizens of New Jersey against state-established churches, to be sure that we do not inadvertently prohibit New Jersey from extending its general state law benefits to all its citizens without regard to their religious belief.

Measured by these standards, we cannot say that the First Amendment prohibits New Jersey from spending tax-raised funds to pay the bus fares of parochial school pupils as a part of a general program under which it

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[10] Virginia's resistance to taxation for church support was crystallized in the famous "Parsons' Cause" argued by Patrick Henry in 1763. For an account see Cobb, op. cit., supra, note 5, 108–111.

[11] II Writings of James Madison, 183.

[12] In a recently discovered collection of Madison's papers, Madison recollected that his Remonstrance "met with the approbation of the Baptists, the Presbyterians, the Quakers, and the few Roman Catholics, universally; of the Methodists in part; and even of not a few of the Sect formerly established by law." Madison, "Monopolies, Perpetuities, Corporations, Ecclesiastical Endowments," in Fleet, Madison's "Detached Memorandum," 3 William and Mary Q. (1946) 534, 551, 555.

[13] For accounts of background and evolution of the Virginia Bill for Religious Liberty see e. g., James, "The Struggle for Religious Liberty in Virginia" (1900); Thom, "The Struggle for Religious Freedom in Virginia: The Baptists" (1900); Cobb, op. cit., supra, note 5, 74–115; Madison, "Monopolies, Perpetuities, Corporations, Ecclesiastical Endowments," op. cit., supra, note 12, 554, 556.

[14] 12 Hening, "Statutes of Virginia" (1823), 84; Commager, "Documents of American History" (1944), 125.

[15] *Permoli* v. *New Orleans*, 3 How. 589. *Cf. Barron* v. *Baltimore*, 7 Pet. 243.

[16] For a collection of state constitutional provisions on freedom of religion see Gabel, Public Funds for Church and Private Schools (1937) 148–149. See also 2 Cooley, Constitutional Limitations (1927) 960–985.

[17] Test provisions forbade officeholders to "deny * * * the truth of the Protestant religion," e.g. Constitution of North Carolina (1776) § XXXII, II Poore, supra, 1413. Maryland permitted taxation for support of the Christian religion and limited civil office to Christians until 1818, id., I, 819, 820, 832.

[18] See Note 50 Yale L. J. (1941) 917; see also cases collected 14 L. R. A. 418; 5 A. L. R. 879; 141 A. L. R. 1148.

[19] See cases collected 14 L. R. A. 418; 5 A. L. R. 879; 141 A. L. R. 1148.

[20] Ibid. See also Cooley, op. cit., supra, note 16.

[21] *Terrett* v. *Taylor*, 9 Cranch 43; *Watson* v. *Jones*, 13 Wall. 679; *Davis* v. *Beason*, 133 U.S. 333; *Cf. Reynolds* v. *United States, supra*, 162; *Reuben Quick Bear* v. *Leupp*, 210 U.S. 50.

[22] *Cantwell* v. *Connecticut*, 310 U.S. 296; *Jamison* v. *Texas*, 318 U.S. 413; *Largent* v. *Texas*, 318 U.S. 418; *Murdock* v. *Pennsylvania, supra; West Virginia State Board of Education* v. *Barnette*, 319 U.S. 624; *Follett* v. *McCormick*, 321 U.S. 573; *Marsh* v. *Alabama*, 326 U.S. 501. *Cf. Bradfield* v. *Roberts*, 175 U.S. 291.

[23] *Harmon* v. *Dreher*, Speer's Equity Reports (S.C., 1843), 87, 120.

pays the fares of pupils attending public and other schools. It is undoubtedly true that children are helped to get to church schools. There is even a possibility that some of the children might not be sent to the church schools if the parents were compelled to pay their children's bus fares out of their own pockets when transportation to a public school would have been paid for by the State. The same possibility exists where the state requires a local transit company to provide reduced fares to school children including those attending parochial schools,[24] or where a municipally owned transportation system undertakes to carry all school children free of charge. Moreover, State-paid policemen, detailed to protect children going to and from church schools from the very real hazards of traffic, would serve much the same purpose and accomplish much the same result as State provisions intended to guarantee free transportation of a kind which the State deems to be best for the school children's welfare. And parents might refuse to risk their children to the serious danger of traffic accidents going to and from parochial schools, the approaches to which were not protected by policeman. Similarly, parents might be reluctant to permit their children to attend schools which the state had cut off from such general government services as ordinary police and fire protection, connections for sewage disposal, public highways and sidewalks. Of course, cutting off church schools from these services, so separate and so indisputably marked off from the religious function, would make it far more difficult for the schools to operate. But such is obviously not the purpose of the First Amendment. That amendment requires the state to be a neutral in its relations with groups of religious believers and nonbelievers; it does not require the state to be their adversary. State power is no more to be used so as to handicap religions than it is to favor them.

This Court has said that parents may, in the discharge of their duty under state compulsory education laws, send their children to a religious rather than a public school if the school meets the secular educational requirements which the state has power to impose. See *Pierce* v. *Society of Sisters*, 268 U. S. 510. It appears that these parochial schools meet New Jersey's requirements. The State contributes no money to the schools. It does not support them. Its legislation, as applied, does no more than provide a general program to help parents get their children, regardless of their religion, safely and expeditiously to and from accredited schools.

The First Amendment has erected a wall between church and state. That wall must be kept high and impregnable. We could not approve the slightest breach. New Jersey has not breached it here.

Affirmed.

MR. JUSTICE JACKSON, DISSENTING

I find myself, contrary to first impressions, unable to join in this decision. I have a sympathy, though it is not ideological, with Catholic citizens who are compelled by law to pay taxes for public schools, and also feel constrained by conscience and discipline to support other schools for their own children. Such relief to them as this case involves is not in itself a serious burden to taxpayers and I had assumed it to be as little serious in principle. Study of this case convinces me otherwise. The Court's opinion marshals every argument in favor of state aid and puts the case in its most favorable light, but much of its reasoning confirms my conclusions that there are no good grounds upon which to support the present legislation. In fact, the undertones of the opinion, advocating complete and uncompromising separation of Church from State, seem utterly discordant with its conclusion yielding support to their commingling in educational matters. The case which irresistibly comes to mind as the most fitting precedent is that of Julia who, according to Byron's reports, "whispering 'I will ne'er consent'—consented."

I

The Court sustains this legislation by assuming two deviations from the facts of this particular case; first, it assumes a state of facts that record does not support, and secondly, it refuses to consider facts which are inescapable on the record.

The Court concludes that this "legislation, as applied, does no more than provide a general program to help parents get their children, regardless of the religion, safely and expeditiously to and from accredited schools," and it draws a comparison between "state provisions intended to guarantee free transportation" for school children with services such as police and fire protection, and implies that we are here dealing with "laws authorizing new types of public services * * *." This hypothesis permeates the opinion. The facts will not bear that construction.

The Township of Ewing is not furnishing transportation to the children in any form; it is not operating school buses itself or contracting for their operation; and it is not performing any public service of any kind with this taxpayer's money. All schoolchildren are left to ride as ordinary paying passengers on the regular buses operated by the public transportation system. What the Township does, and what the taxpayer complains of, is at stated intervals to reimburse parents for the fares paid, provided the children attend either public schools or Catholic Church schools. This expenditure of tax funds has no possible effect on the child's safety or expedition in transit. As passengers on the public buses they travel as fast and no faster, and are as safe and no safer, since their parents are reimbursed as before.

In addition to thus assuming a type of service that does not exist, the Court also insists that we must close our eyes to a discrimination which does exist. The resolution which authorizes disbursement of this taxpayer's money limits reimbursement to those who attend public schools and Catholic schools. That is the way the Act is applied to this taxpayer.

The New Jersey Act in question makes the character of the school, not the needs of the children, determine the eligibility of parents to reimbursement. The Act permits payment for transportation to parochial schools or public schools but prohibits it to private schools operated in whole or in part for profit. Children often are sent to private schools because their parents feel that they require more individual instruction than public schools can provide, or because they are backward or defective and need special attention. If all children of the state were objects of impartial solicitude, no reason is obvious for denying transportation reimbursement to students of this class, for these often are as needy and as worthy as those who go to public or parochial schools. Refusal to reimburse those who attend such schools is understandable only in the light of a purpose to aid the schools, because the state might well abstain from aiding a profit-making private enterprise. Thus, under the Act and resolution brought to us by this case, children are classified according to the schools they attend and are to be aided if they attend the public schools or private Catholic schools, and they are not allowed to be aided if they attend private secular schools or private religious schools of other faiths.

Of course, this case is not one of a Baptist or a Jew or an Episcopalian or a pupil of a private school complaining of discrimination. It is one of a taxpayer urging that he is being taxed for an unconstitutional purpose. I think he is entitled to have us consider the Act just as it is written. The statement by the New Jersey court that it holds the Legislature may authorize use of local funds "for the transportation of pupils to any school," 133 N. J. L. 350, 354, 44 A. 2d 333, 337, in view of the other constitutional views expressed, is not a holding that this Act authorizes transportation of all pupils to all schools. As applied to this taxpayer by the action he complains of, certainly the Act does not authorize reimbursement to those who choose any alternative to the public school except Catholic Church schools.

If we are to decide this case on the facts before us, our question is simply this: Is it constitutional to tax this complainant to pay the cost of carrying pupils to Church schools of one specified denomination?

II

Whether the taxpayer constitutionally can be made to contribute aid to parents of students because of their attendance at parochial schools depends upon the nature of those schools and their relation to the Church. The Constitution says nothing of education. It lays no obligation on the states to provide schools and does not undertake to regulate state systems of education if they see fit to maintain them. But they cannot, through school policy any more than through other means, invade rights secured to citizens by the Constitution of the United States. *West Virginia State Board of Education* v. *Barnette*, 319 U.S. 624. One of our basic rights is to be free of taxation to support a transgression of the constitutional command that the authorities "shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof * * * ." U. S. Const., Amend. I; *Cantwell v. Connecticut*, 310 U.S. 296.

The function of the Church school is a subject on which this record is meager. It shows only that the schools are under superintendence of a priest and that "religion is taught as part of the curriculum." But we know that such schools are parochial only in name—they, in fact, represent a world-wide and age-old policy of the Roman Catholic Church. Under the rubric "Catholic Schools," the Canon Law of the Church by which all Catholics are bound, provides:

"1215. Catholic children are to be educated in schools where not only nothing contrary to Catholic faith and morals is taught, but rather in schools where religious and moral training occupy the first place * * *. (Canon 1372.)"

"1216. In every elementary school the children must, according to their age, be instructed in Christian doctrine.

"The young people who attend the higher schools are to receive a deeper religious knowledge, and the bishops shall appoint priests qualified for such work by their learning and piety. (Canon 1373.)"

"1217. Catholic children shall not attend non-Catholic, indifferent, schools that are mixed, that is to say, schools open to Catholics and non-Catholics alike. The bishop of the diocese only has the right, in harmony with the instructions of the Holy See, to decide under what circumstances, and with what safeguards to prevent loss of faith, it

[24] New Jersey long ago permitted public utilities to charge school children reduced rates. See *Public S. R. Co.* v. *Public Utility Comm'rs*, 81 N.J.L. 363, 80 A. 27 (1911); see also *Interstate Ry.* v. *Massachusetts, supra*. The District of Columbia Code requires that the new charter of the District public transportation company provide a three-cent fare "for school children * * * going to and from public, parochial, or like schools." 47 Stat. 752, 759.

may be tolerated that Catholic children go to such schools. (Canon 1374.)"

"1224. The religious teaching of youth in any schools is subject to the authority and inspection of the Church.

"The local Ordinaries have the right and duty to watch that nothing is taught contrary to faith or good morals, in any of the schools of their territory.

"They, moreover, have the right to approve the books of Christian doctrine and the teachers of religion, and to demand, for the sake of safeguarding religion and morals, the removal of teachers and books. (Canon 1381.)" (Woywod, Rev. Stanislaus, The New Canon Law, under imprimatur of Most Rev. Francis J. Spellman, Archbishop of New York and others, 1940.)

It is no exaggeration to say that the whole historic conflict in temporal policy between the Catholic Church and non-Catholics comes to a focus in their respective school policies. The Roman Catholic Church, counseled by experience in many ages and many lands and with all sorts and conditions of men, takes what, from the viewpoint of its own progress and the success of its mission, is a wise estimate of the importance of education to religion. It doesn't leave the individual to pick up religion by chance. It relies on early and indelible indoctrination in the faith and order of the Church by the word and example of persons consecrated to the task.

Our public school, if not a product of Protestantism, at least is more consistent with it than with the Catholic culture and scheme of values. It is a relatively recent development dating from about 1840.[25] It is organized on the premise that secular education can be isolated from all religious teaching so that the school can inculcate all needed temporal knowledge and also maintain a strict and lofty neutrality as to religion. The assumption is that after the individual has been instructed in worldly wisdom he will be better fitted to choose his religion. Whether such a disjunction is possible, and if possible whether it is wise, are questions I need not try to answer.

I should be surprised if any Catholic would deny that the parochial school is a vital, if not the most vital, part of the Roman Catholic Church. If put to the choice, that venerable institution, I should expect, would forego its whole service for mature persons before it would give up education of the young, and it would be a wise choice. Its growth and cohesion, discipline and loyalty, spring from its schools. Catholic education is the rock on which the whole structure rests, and to render tax aid to its Church school is indistinguishable to me from rendering the same aid to the Church itself.

III

It is of no importance in this situation whether the beneficiary of this expenditure of tax-raised funds is primarily the parochial school and incidentally the pupil, or whether the aid is directly bestowed on the pupil with indirect benefits to the school. The state cannot maintain a Church and it can no more tax its citizens to furnish free carriage to those who attend a Church. The prohibition against establishment of religion cannot be circumvented by a subsidy, bonus or reimbursement of expense to individuals for receiving religious instruction and indoctrination.

The Court, however, compares this to other subsidies and loans to individuals and says, "Nor does it follow that a law has a private rather than a public purpose because it provides that tax-raised funds will be paid to reimburse individuals on account of money spent by them in a way which furthers a public program. See *Carmichael* v. *Southern Coal & Coke Co.*, 301 U.S. 495, 518." Of course, the state may pay out tax-raised funds to relieve pauperism, but it may not under our Constitution do so to induce or reward piety. It may spend funds to secure old age against want, but it may not spend funds to secure religion against skepticism. It may compensate individuals for loss of employment, but it cannot compensate them for adherence to a creed.

It seems to me that the basic fallacy in the Court's reasoning, which accounts for its failure to apply the principles it avows, is in ignoring the essentially religious test by which beneficiaries of this expenditure are selected. A policeman protects a Catholic, of course—but not because he is a Catholic; it is because he is a man and a member of our society. The fireman protects the Church school—but not because it is a Church school; it is because it is property, part of the assets of our society. Neither the fireman nor the policeman has to ask before he renders aid "Is this man or building identified with the Catholic Church?" But before these school authorities draw a check to reimburse for a student's fare they must ask just that question, and if the school is a Catholic one they may render aid because it is such, while if it is of any other faith or is run for profit, the help must be withheld. To consider the converse of the Court's reasoning will best disclose its fallacy. That there is no parallel between police and fire protection and this plan of reimbursement is apparent from the incongruity of the limitation of this Act if applied to police and fire service. Could we sustain an Act that said the police shall protect pupils on the way to or from public schools and Catholic schools but not while going to and coming from other schools, and firemen shall extinguish a blaze in public or Catholic school buildings but shall not put out a blaze in Protestant Church schools or private schools operated for profit? That is the true analogy to the case we have before us and I should think it pretty plain that such a scheme would not be valid.

The Court's holding is that this taxpayer has no grievance because the state has decided to make the reimbursement a public purpose and therefore we are bound to regard it as such. I agree that this Court has left, and always should leave to each state, great latitude in deciding for itself, in the light of its own conditions, what shall be public purposes in its scheme of things. It may socialize utilities and economic enterprises and make taxpayers' business out of what conventionally had been private business. It may make public business of individual welfare, health, education, entertainment or security. But it cannot make public business of religious worship or instruction, or of attendance at religious institutions of any character. There is no answer to the proposition, more fully expounded by Mr. Justice Rutledge, that the effect of the religious freedom amendment to our Constitution was to take every form of propagation of religion out of the realm of things which could directly or indirectly be made public business and thereby be supported in whole or in part at taxpayers' expense. That is a difference which the Constitution sets up between religion and almost every other subject matter of legislation, a difference which goes to the very root of religious freedom and which the Court is overlooking today. This freedom was first in the Bill of Rights because it was first in the forefathers' minds; it was set forth in absolute terms, and its strength is its rigidity. It was intended not only to keep the states' hands out of religion, but to keep religion's hands off the state, and, above all, to keep bitter religious controversy out of public life by denying to every denomination any advantage from getting control of public policy or the public purse. Those great ends I cannot but think are immeasurably compromised by today's decision.

This policy of our Federal Constitution has never been wholly pleasing to most religious groups. They all are quick to invoke its protections; they all are irked when they feel its restraints. This Court has gone a long way, if not an unreasonable way, to hold that public business of such paramount importance as maintenance of public order, protection of the privacy of the home, and taxation may not be pursued by a state in a way that even indirectly will interfere with religious proselyting. See dissent in *Douglas* v. *Jeannette*, 319 U. S. 157, 166; *Murdock* v. *Pennsylvania*, 319 U.S. 105; *Martin* v. *Struthers*, 319 U.S. 141; *Jones* v. *Opelika*, 316 U.S. 584, reversed on rehearing, 319 U.S. 103.

But we cannot have it both ways. Religious teaching cannot be a private affair when the state seeks to impose regulations which infringe on it indirectly, and a public affair when it comes to taxing citizens of one faith to aid another, or those of no faith to aid all. If these principles seem harsh in prohibiting aid to Catholic education, it must not be forgotten that it is the same Constitution that alone assures Catholics the right to maintain these schools at all when predominant local sentiment would forbid them. *Pierce* v. *Society of Sisters*, 268 U.S. 510. Nor should I think that those who have done so well without this aid would want to see this separation between Church and State broken down. If the state may aid these religious schools, it may therefore regulate them. Many groups have sought aid from tax funds only to find that it carried political controls with it. Indeed this Court has declared that "It is hardly lack of due process for the Government to regulate that which it subsidizes." *Wickard* v. *Filburn*, 317 U.S. 111, 131.

But in any event, the great purposes of the Constitution do not depend on the approval or convenience of those they restrain. I cannot read the history of the struggle to separate political from ecclesiastical affairs, well summarized in the opinion of Mr. Justice Rutledge in which I generally concur, without a conviction that the Court today is unconsciously giving the clock's hands a backward turn.

Mr. Justice Frankfurter joins in this opinion.

MR. JUSTICE RUTLEDGE, DISSENTING

Mr. Justice Rutledge, with whom Mr. Justice Frankfurter, Mr. Justice Jackson, and Mr. Justice Burton agree, dissenting.

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." U.S. Const. Amend. I.

"Well aware that Almighty God hath created the mind free; * * * that to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical;

"We, the General Assembly, do enact, That no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer, on account of his religious opinions or belief."[26]

I cannot believe that the great author of those words, or the men who made them law, could have joined in this decision. Neither so high nor so impregnable today as yesterday is the wall raised between

[25] See Cubberley, Public Education in the United States (1934) ch. VI; Knight, Education in the United States (1941) ch. VIII.

[26] "A Bill for Establishing Religious Freedom," enacted by the General Assembly of Virginia, January 19, 1786. See 1 Randall, "The Life of Thomas Jefferson" (1858), 219–220; XII Hening's Statutes of Virginia (1823), 84.

church and state by Virginia's great statute of religious freedom and the First Amendment, now made applicable to all the states by the Fourteenth.[27] New Jersey's statute sustained is the first if indeed it is not the second breach to be made by this Court's action. That a third, and a fourth, and still others will be attempted, we may be sure. For just as *Cochran* v. *Board of Education*, 281 U.S. 370, has opened the way by oblique ruling[28] for this decision, so will the two make wider the breach for a third. Thus with time the most solid freedom steadily gives way before continuing corrosive decision.

This case forces us to determine squarely for the first time[29] what was "an establishment of religion" in the First Amendment's conception; and by that measure to decide whether New Jersey's action violates its command. The facts may be stated shortly, to give setting and color to the constitutional problem.

By statute New Jersey has authorized local boards of education to provide for the transportation of children "to and from school other than a public school" except one operated for profit wholly or in part, over established public school routes, or by other means when the child lives "remote from any school."[30] The school board of Ewing Township has provided by resolution for "the transportation of pupils of Ewing to the Trenton and Pennington High Schools and Catholic Schools by way of public carrier."[31]

Named parents have paid the cost of public conveyance of their children from their homes in Ewing to three public high schools and four parochial schools outside the district.[32] Semiannually the Board has reimbursed the parents from public school funds raised by general taxation. Religion is taught as part of the curriculum in each of the four private schools, as appears affirmatively by the testimony of the superintendent of parochial schools in the Diocese of Trenton.

The Court of Errors and Appeals of New Jersey, reversing the Supreme Court's decision, 132 N.J.L. 98, 39 A. 2d 75, has held the Ewing board's action not in contravention of the state constitution or statutes or of the Federal Constitution, 133 N.J.L. 350, 44 A. 2d 333. We have to consider only whether this ruling accords with the prohibition of the First Amendment implied in the due process clause of the Fourteenth.

I

Not simply an established church, but any law respecting an establishment of religion is forbidden. The Amendment was broadly but not loosely phrased. It is the compact and exact summation of its author's views formed during his long struggle for religious freedom. In Madison's own words characterizing Jefferson's Bill for Establishing Religious Freedom, the guaranty he put in our national charter, like the bill he piloted through the Virginia Assembly, was "a Model of technical precision, and perspicuous brevity."[33] Madison could not have confused "church" and "religion," or "an established church" and "an establishment of religion."

The Amendment's purpose was not to strike merely at the official establishment of a single sect, creed or religion, outlawing only a formal relation such as had prevailed in England and some of the colonies. Necessarily it was to uproot all such relationships. But the object was broader than separating church and state in this narrow sense. It was to create a complete and permanent separation of the spheres of religious activity and civil authority by comprehensively forbidding every form of public aid or support for religion. In proof the Amendment's wording and history unite with this Court's consistent utterances whenever attention has been fixed directly upon the question.

"Religion" appears only once in the Amendment. But the word governs two prohibitions and governs them alike. It does not have two meanings, one narrow to forbid "an establishment" and another, much broader, for securing "the free exercise thereof." "Thereof" brings down "religion" with its entire and exact content, no more and no less, from the first into the second guaranty, so that Congress and now the states are as broadly restricted concerning the one as they are regarding the other.

No one would claim today that the Amendment is constricted, in "prohibiting the free exercise" of religion, to securing the free exercise of some formal or creedal observance, of one sect or of many. It secures all forms of religious expression, creedal sectarian or nonsectarian, wherever and however taking place, except conduct which trenches upon the like freedoms of others or clearly and presently endangers the community's good order and security.[34] For the protective purposes of this phase of the basic freedom, street preaching, oral or by distribution of literature, has been given "the same high estate under the First Amendment as * * * worship in the churches and preaching from the pulpits."[35] And on this basis parents have been held entitled to send their children to private, religious schools. *Pierce* v. *Society of Sisters*, 268 U.S. 510. Accordingly, daily religious education commingled with secular is "religion" within the guaranty's comprehensive scope. So are religious training and teaching in whatever form. The word connotes the broadest content, determined not by the form or formality of the teaching or where it occurs, but by its essential nature regardless of those details.

"Religion" has the same broad significance in the twin prohibition concerning "an establishment." The Amendment was not duplicitous. "Religion" and "establishment" were not used in any formal or technical sense. The prohibition broadly forbids state support, financial or other, of religion in any guise, form or degree. It outlaws all use of public funds for religious purposes.

II

No provision of the Constitution is more closely tied to or given content by its generating history than the religious clause of the First Amendment. It is at once the refined product and the terse summation of that history. The history includes not only Madison's authorship and the proceedings before the First Congress, but also the long and intensive struggle for religious freedom in America, more especially in Virginia,[36] of

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[27] *Schneider* v. *State*, 308 U.S. 147; *Cantwell* v. *Connecticut*, 310 U.S. 296; *Murdock* v. *Pennsylvania*, 319 U.S. 105; *Prince* v. *Massachusetts*, 321 U.S. 158; *Thomas* v. *Collins*, 323 U.S. 516, 530.

[28] The briefs did not raise the First Amendment issue. The only one presented was whether the state's action involved a public or an exclusively private function under the due process clause of the Fourteenth Amendment. See Part IV infra. On the facts, the cost of transportation here is inseparable from both religious and secular teaching at the religious school. In the Cochran case the state furnished secular textbooks only. But see text infra at note 40 et seq., and Part IV.

[29] Cf. note 3 and text Part IV; see also note 35.

[30] The statute reads: "Whenever in any district there are children living remote from any schoolhouse, the board of education of the district may make rules and contracts for the transportation of such children to and from school * * * other than a public school, except such school as is operated for profit in whole or in part.

"When any school district provides any transportation for public school children to and from school, transportation from any point in such established school route to any other point in such established school route shall be supplied to school children residing in such school district in going to and from school other than a public school, except such school as is operated for profit in whole or in part." Laws of New Jersey (1941) c. 191.

[31] The full text of the resolution is given in note 59 infra.

[32] The public schools attended were the Trenton Senior High School, the Trenton Junior High School, and the Pennington High School. Ewing Township itself provides no public high schools, affording only elementary public schools which stop with the eighth grade. The Ewing school board pays for both transportation and tuitions of pupils attending the public high schools. The only private schools, all Catholic, covered in application of the resolution are St. Mary's Cathedral High School, Trenton Catholic Boys High School, and two elementary parochial schools, St. Hedwig's Parochial School and St. Francis School. The Ewing board pays only for transportation to these schools, not for tuitions. So far as the record discloses, the board does not pay for or provide transportation to any other elementary school, public or private. See notes 58, 59 and text *infra*.

[33] IX Writings of James Madison (ed. by Hunt, 1910) 288; Padover, Jefferson (1942) 74. Madison's characterization related to Jefferson's entire revision of the Virginia Code, of which the Bill for Establishing Religious Freedom was part. See note 15.

[34] See *Reynolds* v. *United States*, 98 U.S. 145; *Davis* v. *Beason*, 133 U.S. 333; *Mormon Church* v. *United States*, 136 U.S. 1; *Jacobson* v. *Massachusetts*, 197 U.S. 11; *Prince* v. *Massachusetts*, 321 U.S. 158; also *Cleveland* v. *United States*, 329 U.S. 14.

Possibly the first official declaration of the "clear and present danger" doctrine was Jefferson's declaration in the Virginia Statute for Establishing Religious Freedom: "That it is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order." 1 Randall, The Life of Thomas Jefferson (1858) 220; Padover, Jefferson (1942) 81. For Madison's view to the same effect, see note 28 infra.

[35] *Murdock* v. *Pennsylvania*, 319 U.S. 105, 109; *Martin* v. *Struthers*, 319 U.S. 141; *Jamison* v. *Texas*, 318 U.S. 413; *Marsh* v. *Alabama*, 326 U.S. 501; *Tucker* v. *Texas*, 326 U.S. 517.

[36] Conflicts in other states, and earlier in the colonies, contributed much to generation of the Amendment, but none so directly as that in Virginia or with such formative influence on the Amendment's content and wording. See Cobb, Rise of Religious Liberty in America (1902); Sweet, The Story of Religion in America (1939). The Charter of Rhode Island of 1663, II Poore, Constitutions (1878) 1595, was the first colonial charter to provide for religious freedom.

The climactic period of the Virginia struggle covers the decade 1776–1786, from adoption of the Declaration of Rights to enactment of the Statute for Religious Freedom. For short accounts see Padover, Jefferson (1942) c. V; Brant, James Madison, The Virginia Revolutionist (1941) cc. XII, XV; James, The Struggle for Religious Liberty in Virginia (1900) cc. X, XI; Eckenrode, Separation of Church and State in Virginia (1910). These works and Randall, see note 1, will be cited in this opinion by the names of their authors. Citations to "Jefferson" refer to The Works of Thomas Jefferson (ed. by Ford, 1904–1905); to "Madison," to The Writings of James Madison (ed. by Hunt, 1901–1910).

which the Amendment was the direct culmination.[37] In the documents of the times, particularly of Madison, who was leader in the Virginia struggle before he became the Amendment's sponsor, but also in the writings of Jefferson and others and in the issues which engendered them is to be found irrefutable confirmation of the Amendment's sweeping content.

For Madison, as also for Jefferson, religious freedom was the crux of the struggle for freedom in general. Remonstrance, Par. 15, Appendix hereto. Madison was coauthor with George Mason of the religious clause in Virginia's great Declaration of Rights of 1776. He is credited with changing it from a mere statement of the principle of tolerance to the first official legislative pronouncement that freedom of conscience and religion are inherent rights of the individual.[38] He sought also to have the Declaration expressly condemn the existing Virginia establishment.[39] But the forces supporting it were then too strong.

Accordingly Madison yielded on this phase but not for long. At once he resumed the fight, continuing it before succeeding legislative sessions. As a member of the General Assembly in 1779 he threw his full weight behind Jefferson's historic Bill for Establishing Religious Freedom. That bill was a prime phase of Jefferson's broad program of democratic reform undertaken on his return from the Continental Congress in 1776 and submitted for the General Assembly's consideration in 1779 as his proposed revised Virginia code.[40] With Jefferson's departure for Europe in 1784, Madison became the Bill's prime sponsor.[41] Enactment failed in successive legislatures from its introduction in June, 1779, until its adoption in January, 1786. But during all this time the fight for religious freedom moved forward in Virginia on various fronts with growing intensity. Madison led throughout, against Patrick Henry's powerful opposing leadership until Henry was elected governor in November, 1784.

The climax came in the legislative struggle of 1784–1785 over the Assessment Bill. See Supplemental Appendix hereto. This was nothing more nor less than a taxing measure for the support of religion, designed to revive the payment of tithes suspended since 1777. So long as it singled out a particular sect for preference it incurred the active and general hostility of dissentient groups. It was broadened to include them, with the result that some subsided temporarily in their opposition.[42] As altered, the bill gave to each taxpayer the privilege of designating which church should receive his share of the tax. In default of designation the legislature applied it to pious uses.[43] But what is of the utmost significance here, "in its final form the bill left the taxpayer the option of giving his tax to education." [44]

Madison was unyielding at all times, opposing with all his vigor the general and nondiscriminatory as he had the earlier particular and discriminatory assessments proposed. The modified Assessment Bill passed second reading in December, 1784, and was all but enacted. Madison and his followers, however, maneuvered deferment of final consideration until November, 1785. And before the Assembly reconvened in the fall he issued his historic Memorial and Remonstrance.[45]

This is Madison's complete, though not his only, interpretation of religious liberty.[46] It is a broadside attack upon all forms of "establishment" of religion, both general and particular, nondiscriminatory or selective. Reflecting not only the many legislative conflicts over the Assessment Bill and the Bill for Establishing Religious Freedom but also, for example, the struggles for religious incorporations and the continued maintenance of the glebes, the Remonstrance is at once the most concise and the most accurate statement of the views of the First Amendment's author concerning what is "an establishment of religion." Because it behooves us in the dimming distance of time not to lose sight of what he and his coworkers had in mind when, by a single sweeping stroke of the pen, they forbade an establishment of religion and secured its free exercise, the text of the Remonstrance is appended at the end of this opinion for its wider current reference, together with a copy of the bill against which it was directed.

The Remonstrance, stirring up a storm of popular protest, killed the Assessment Bill.[47] It collapsed in committee shortly before Christmas, 1785. With this, the way was cleared at last for enactment of Jefferson's Bill for Establishing Religious Freedom. Madison promptly drove it through in January of 1786, seven years from the time it was first introduced. This dual victory substantially ended the fight over establishments, settling the issue against them. See note 33.

The next year Madison became a member of the Constitutional Convention. Its work done, he fought valiantly to secure the ratification of its great product in Virginia as elsewhere, and nowhere else more effectively.[48] Madison was certain in his own mind that under the Constitution "there is not a shadow of right in the general government to intermeddle with religion" [49] and that "this subject is, for the honor of America, perfectly free and unshackled. The government has no jurisdiction over it." [50] Nevertheless he pledged that he would work for a Bill of Rights, including a specific guaranty of religious freedom, and Virginia, with other states, ratified the Constitution on this assurance.[51]

Ratification thus accomplished, Madison was sent to the first Congress. There he went at once about performing his pledge to establish freedom for the nation as he had done in Virginia. Within a little more than three years from his legislative victory at home he had proposed and secured the submission and ratification of the First Amendment as the first article of our Bill of Rights.[52]

All the great instruments of the Virginia struggle for religious liberty thus became warp and woof of our constitutional tradition, not simply by the course of history, but by the common unifying force of Madison's life, thought and sponsorship. He epitomized the whole of that tradition in the

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[37] Brant, cc. XII, XV; James, cc. X, XI; Eckenrode.

[38] See Brant, c. XII, particularly at 243. Cf. Madison's Remonstrance, Appendix to this opinion. Jefferson of course held the same view. See note 15.

"Madison looked upon * * * religious freedom, to judge from the concentrated attention he gave it, as the fundamental freedom." Brant, 243; and see Remonstrance, Par. 1, 4, 15, Appendix.

[39] See Brant, 245–246. Madison quoted liberally from the Declaration in his Remonstrance and the use made of the quotations indicates that he considered the Declaration to have outlawed the prevailing establishment in principle, if not technically.

[40] Jefferson was chairman of the revising committee and chief draftsman. Corevisers were Wythe, Pendleton, Mason and Lee. The first enacted portion of the revision, which became known as Jefferson's Code, was the statute barring entailments. Primogeniture soon followed. Much longer the author was to wait for enactment of the Bill for Religious Freedom; and not until after his death was the corollary bill to be accepted in principle which he considered most important of all, namely, to provide for common education at public expense. See V Jefferson, 153. However, he linked this with disestablishment as corollary prime parts in a system of basic freedoms. I Jefferson, 78.

Jefferson, and Madison by his sponsorship, sought to give the Bill for Establishing Religious Freedom as nearly constitutional status as they could at the time. Acknowledging that one legislature could not "restrain the acts of succeeding Assemblies * * * and that therefore to declare this act irrevocable would be of no effect in law," the Bill's concluding provision as enacted nevertheless asserted: "Yet we are free to declare, and do declare, that the rights hereby asserted are of the natural rights of mankind, and that if any act shall be hereafter passed to repeal the present or to narrow its operation, such act will be an infringement of natural right." 1 Randall, 220.

[41] See I Jefferson, 70–71; XII Jefferson, 447; Padover, 80.

[42] Madison regarded this action as desertion. See his letter to Monroe of April 12, 1785; II Madison, 129, 131–132; James, cc. X, XI. But see Eckenrode, 91, suggesting it was surrender to the inevitable.

The bill provided: "That for every sum so paid, the Sheriff or Collector shall give a receipt, expressing therein to what society of Christians the person from whom he may receive the same shall direct the money to be paid." See also notes 19, 43 *infra*.

A copy of the Assessment Bill is to be found among the Washington manuscripts in the Library of Congress. Papers of George Washington, Vol. 231. Because of its crucial role in the Virginia struggle and bearing upon the First Amendment's meaning, the text of the Bill is set forth in the Supplemental Appendix to this opinion.

[43] Eckenrode, 99, 100.

[44] *Id.*, 100; II Madison, 113. The bill directed the sheriff to pay "all sums which * * * may not be appropriated by the person paying the same * * * into the public Treasury, to be disposed of under the direction of the General Assembly, for the encouragement of seminaries of learning within the Counties whence such sums shall arise, and to no other use or purpose whatsoever." Supplemental Appendix.

[45] See generally Eckenrode, c. V; Brant, James, and other authorities cited in note 11 above.

[46] II Madison, 183; and the Appendix to this opinion. Eckenrode, 100 ff. See also Fleet, Madison's "Detached Memoranda" (1946). III William & Mary Q. (3d Series) 534, 554–562.

[47] The major causes assigned for its defeat include the elevation of Patrick Henry to the governorship in November of 1784; the blunder of the proponents in allowing the Bill for Incorporations to come to the floor and incur defeat before the Assessment Bill was acted on; Madison's astute leadership, taking advantage of every "break" to convert his initial minority into a majority, including the deferment of action on the third reading to the fall; the Remonstrance, bringing a flood of protesting petitions; and the general poverty of the time. See Eckenrode, c. V, for an excellent short, detailed account.

[48] See James, Brant, op. cit. supra note 11.

[49] V Madison, 176. Cf. notes 33, 37.

[50] V Madison, 132.

[51] Brant, 250. The assurance made first to his constituents was responsible for Madison's becoming a member of the Virginia Convention which ratified the Constitution. See James, 154–158.

[52] The amendment with respect to religious liberties read, as Madison introduced it: "The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established, nor shall the full and equal rights of conscience be in any manner, or on any pretext, infringed." 1 Annals of Congress 434. In the process of debate this was modified to its present form. See especially 1 Annals of Congress 729–731, 765; also note 34.

Amendment's compact, but nonetheless comprehensive, phrasing.

As the Remonstrance discloses throughout, Madison opposed every form and degree of official relation between religion and civil authority. For him religion was a wholly private matter beyond the scope of civil power either to restrain or to support.[53] Denial or abridgment of religious freedom was a violation of rights both of conscience and of natural equality. State aid was no less obnoxious or destructive to freedom and to religion itself than other forms of state interference. "Establishment" and "free exercise" were correlative and coextensive ideas, representing only different facets of the single great and fundamental freedom. The Remonstrance, following the Virginia statute's example, referred to the history of religious conflicts and the effects of all sorts of establishments, current and historical, to suppress religion's free exercise. With Jefferson, Madison believed that to tolerate any fragment of establishment would be by so much to perpetuate restraint upon that freedom. Hence he sought to tear out the institution not partially but root and branch, and to bar its return forever.

In no phase was he more unrelentingly absolute than in opposing state support or aid by taxation. Not even "three pence" contribution was thus to be exacted from any citizen for such a purpose. Remonstrance, Par. 3.[54] Tithes had been the lifeblood of establishments before and after other compulsions disappeared. Madison and his coworkers made no exceptions or abridgments to the complete separation they created. Their objection was not to small tithes. It was to any tithes whatsoever. "If it were lawful to impose a small tax for religion, the admission would pave the way for oppressive levies." [55] Not the amount but "the principle of assessment was wrong." And the principle was as much to prevent "the interference of law in religion" as to restrain religious intervention in political matters.[56] In this field the authors of our freedom would not tolerate "the first experiment on our liberties" or "wait till usurped power had strengthened itself by exercise, and entangled the question in precedents." Remonstrance, Par. 3. Nor should we.

In view of this history no further proof is needed that the Amendment forbids any appropriation, large or small, from public funds to aid or support any and all religious exercises. But if more were called for, the debates in the First Congress and this Court's consistent expressions, whenever it has touched on the matter directly,[57] supply it.

By contrast with the Virginia history, the congressional debates on consideration of the Amendment reveal only sparse discussion, reflecting the fact that the essential issues had been settled.[58] Indeed the matter had become so well understood as to have been taken for granted in all but formal phrasing. Hence, the only enlightening reference shows concern, not to preserve any power to use public funds in aid of religion, but to prevent the Amendment from outlawing private gifts inadvertently by virtue of the breadth of its wording.[59] In the margin are noted also the principal decisions in which expressions of this Court confirm the Amendment's broad prohibition.[60]

III

Compulsory attendance upon religious exercises went out early in the process of separating church and state, together with forced observance of religious forms and ceremonies.[61] Test oaths and religious qualification for office followed later.[62] These things none devoted to our great tradition of religious liberty would think of bringing back. Hence today, apart from efforts to inject religious training or exercises and sectarian issues into the public schools, the only serious surviving threat to maintaining that complete and permanent separation of religion and civil power which the First Amendment commands is through use of the taxing power to support religion, religious establishments, or establishments having a religious foundation whatever their form or special religious function.

Does New Jersey's action furnish support for religion by use of the taxing power? Certainly it does, if the test remains undiluted as Jefferson and Madison made it, that money taken by taxation from one is not to be used or given to support another's religious training or belief, or indeed one's own.[63] Today as then the furnishing of "contributions of money for the propagation of

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[53] See text of the Remonstrance, Appendix; also notes 13, 15, 24, 25 supra and text.

Madison's one exception concerning restraint was for "preserving public order." Thus he declared in a private letter, IX Madison, 484, 487, written after the First Amendment was adopted: "The tendency to a usurpation on one side or the other, or to a corrupting coalition or alliance between them, will be best guarded agst. by an entire abstinance of the Govt. from interference in any way whatever, beyond the necessity of preserving public order, & protecting each sect agst. trespasses on its legal rights by others." Cf. note 9.

[54] The third ground of remonstrance, see the Appendix, bears repetition for emphasis here: "Because, it is proper to take alarm at the first experiment on our liberties. The freemen of America did not wait till usurped power had strengthened itself by exercise, and entangled the question in precedents. They saw all the consequences in the principle, and they avoided the consequences by denying the principle. We revere this lesson too much, soon to forget it. Who does not see that * * * the same authority which can force a citizen to contribute three pence only of his property for the support of any one establishment, may force him to conform to any other establishment in all cases whatsoever?" II Madison 183, 185–186.

[55] Eckenrode, 105, in summary of the Remonstrance.

[56] "Because the bill implies either that the Civil Magistrate is a competent Judge of Religious truth; or that he may employ Religion as an engine of Civil policy. The first is an arrogant pretention falsified by the contradictory opinions of Rulers in all ages, and throughout the world: The second an unhallowed perversion of the means of salvation." Remonstrance, Appendix, Par. 5; II Madison 183, 187.

[57] As is pointed out above, note 3, and in Part IV *infra*, *Cochran* v. *Board of Education*, 281 U.S. 370, was not such a case.

[58] See text supra at notes 24, 25. Madison, of course, was but one of many holding such views, but nevertheless agreeing to the common understanding for adoption of a bill of rights in order to remove all doubt engendered by the absence of explicit guaranties in the original Constitution.

By 1791 the great fight over establishments had ended, although some vestiges remained then and later, even in Virginia. The glebes, for example, were not sold there until 1802. Cf. Eckenrode, 147. Fixing an exact date for "disestablishment" is almost impossible, since the process was piecemeal. Although Madison failed in having the Virginia Bill of Rights declare explicitly against establishment in 1776, cf. note 14 and text supra, in 1777 the levy for support of the Anglican clergy was suspended. It was never resumed. Eckenrode states: "This act, in effect, destroyed the establishment. Many dates have been given for its end, but it really came on January 1, 1777, when the act suspending the payment of tithes became effective. This was not seen at the time. But in freeing almost half of the taxpayers from the burden of the state religion, the state religion was at an end. Nobody could be forced to support it, and an attempt to levy tithes upon Anglicans alone would be to recruit the ranks of dissent." P. 53. See also pp. 61, 64. The question of assessment however was revived "with far more strength than ever, in the summer of 1784." Id., 64. It would seem more factual therefore to fix the time of disestablishment as of December 1785–January 1786, when the issue in large was finally settled.

[59] At one point the wording was proposed: "No religion shall be established by law, nor shall the equal rights of conscience be infringed." 1 Annals of Congress 729. Cf. note 27. Representative Huntington of Connecticut feared this might be construed to prevent judicial enforcement of private pledges. He stated "that he feared * * * that the words might be taken in such latitude as to be extremely hurtful to the cause of religion. He understood the amendment to mean what had been expressed by the gentleman from Virginia; but others might find it convenient to put another construction upon it. The ministers of their congregations to the Eastward were maintained by the contributions of those who belonged to their society; the expense of building meeting-houses was contributed in the same manner. These things were regulated by by-laws. If an action was brought before a Federal Court on any of these cases, the person who had neglected to perform his engagements could not be compelled to do it; for a support of ministers or building of places of worship might be construed into a religious establishment." 1 Annals of Congress 730.

To avoid any such possibility, Madison suggested inserting the word "national" before "religion," thereby not only again disclaiming intent to bring about the result Huntington feared but also showing unmistakably that "establishment" meant public "support" of religion in the financial sense. 1 Annals of Congress 731. See also IX Madison, 484–487.

[60] The decision most closely touching the question, where it was squarely raised, is *Quick Bear* v. *Leupp*, 210 U.S. 50. The Court distinguished sharply between appropriations from public funds for the support of religious education and appropriations from funds held in trust by the Government essentially as trustee for private individuals, Indian wards, as beneficial owners. The ruling was that the latter could be disbursed to private, religious schools at the designation of those patrons for paying the cost of their education. But it was stated also that such a use of public moneys would violate both the First Amendment and the specific statutory declaration involved, namely, that "it is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian school." 210 U.S. at 79. Cf. *Ponce* v. *Roman Catholic Apostolic Church*, 210 U.S. 296, 322. And see *Bradfield* v. *Roberts*, 175 U.S. 291, an instance of highly artificial grounding to support a decision sustaining an appropriation for the care of indigent patients pursuant to a contract with a private hospital. Cf. also the authorities cited in note 9.

[61] See text at note 1.

[62] "But no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States." Const., Art. VI, § 3. See also the two forms prescribed for the President's Oath or Affirmation. Const., Art. II, § 1. Cf. *Ex parte Garland*, 4 Wall. 333; *Cummings* v. *Missouri*, 4 Wall. 277; *United States* v. *Lovett*, 328 U.S. 303.

[63] In the words of the Virginia statute, following the portion of the preamble quoted at the beginning of this opinion: "* * *

opinions which he disbelieves" is the forbidden exaction; and the prohibition is absolute for whatever measure brings that consequence and whatever amount may be sought or given to that end.

The funds used here were raised by taxation. The Court does not dispute, nor could it, that their use does in fact give aid and encouragement to religious instruction. It only concludes that this aid is not "support" in law. But Madison and Jefferson were concerned with aid and support in fact, not as a legal conclusion "entangled in precedents." Remonstrance, Par. 3. Here parents pay money to send their children to parochial schools and funds raised by taxation are used to reimburse them. This not only helps the children to get to school and the parents to send them. It aids them in a substantial way to get the very thing which they are sent to the particular school to secure, namely, religious training and teaching.

Believers of all faiths, and others who do not express their feeling toward ultimate issues of existence in any creedal form, pay the New Jersey tax. When the money so raised is used to pay for transportation to religious schools, the Catholic taxpayer to the extent of his proportionate share pays for the transportation of Lutheran, Jewish and otherwise religiously affiliated children to receive their non-Catholic religious instruction. Their parents likewise pay proportionately for the transportation of Catholic children to receive Catholic instruction. Each thus contributes to "the propagation of opinions which he disbelieves" insofar as their religions differ, as do others who accept no creed without regard to those differences. Each thus pays taxes also to support the teaching of his own religion, an exaction equally forbidden since it denies "the comfortable liberty" of giving one's contribution to the particular agency of instruction he approves.[64]

New Jersey's action therefore exactly fits the type of exaction and the kind of evil at which Madison and Jefferson struck. Under the test they framed it cannot be said that the cost of transportation is no part of the cost of education or of the religious instruction given. That it is a substantial and a necessary element is shown most plainly by the continuing and increasing demand for the state to assume it. Nor is there pretense that it relates only to the secular instruction given in religious schools or that any attempt is or could be made toward allocating proportional shares as between the secular and the religious instruction. It is precisely because the instruction is religious and relates to a particular faith, whether one or another, that parents send their children to religious schools under the Pierce doctrine. And the very purpose of the state's contribution is to defray the cost of conveying the pupil to the place where he will receive not simply secular, but also and primarily religious, teaching and guidance.

Indeed the view is sincerely avowed by many of various faiths,[65] that the basic purpose of all education is or should be religious, that the secular cannot be and should not be separated from the religious phase and emphasis. Hence, the inadequacy of public or secular education and the necessity for sending the child to a school where religion is taught. But whatever may be the philosophy or its justification, there is undeniably an admixture of religious with secular teaching in all such institutions. That is the very reason for their being. Certainly the purposes of constitutionality we cannot contradict the whole basis of the ethical and educational convictions of people who believe in religious schooling.

Yet this very admixture is what was disestablished when the First Amendment forbade "an establishment of religion." Commingling the religious with the secular teaching does not divest the whole of its religious permeation and emphasis or make them of minor part, if proportion were material. Indeed, on any other view, the constitutional prohibition always could be brought to naught by adding a modicum of the secular.

An appropriation from the public treasury to pay the cost of transportation to Sunday school, to weekday special classes at the church or parish house, or to the meetings of various young people's religious societies, such as the Y.M.C.A., the Y.W.C.A., the Y.M.H.A., the Epworth League, could not withstand the constitutional attack. This would be true, whether or not secular activities were mixed with the religious. If such an appropriation could not stand, then it is hard to see how one becomes valid for the same thing upon the more extended scale of daily instruction. Surely constitutionality does not turn on where or how often the mixed teaching occurs.

Finally, transportation, where it is needed, is as essential to education as any other element. Its cost is as much a part of the total expense, except at times in amount, as the cost of textbooks, of school lunches, of athletic equipment, of writing and other materials; indeed of all other items composing the total burden. Now as always the core of the educational process is the teacher-pupil relationship. Without this the richest equipment and facilities would go for naught. See *Judd* v. *Board of Education*, 278 N.Y. 200, 212, 15 N.E. 2d 576, 582. But the proverbial Mark Hopkins conception no longer suffices for the country's requirements. Without buildings, without equipment, without library, textbooks and other materials, and without transportation to bring teacher and pupil together in such an effective teaching environment, there can be not even the skeleton of what our times require. Hardly can it be maintained that transportation is the least essential of these items, or that it does not in fact aid, encourage, sustain and support, just as they do, the very process which is its purpose to accomplish. No less essential is it, or the payment of its cost, than the very teaching in the classroom or payment of the teacher's sustenance. Many types of equipment, now considered essential, better could be done without.

For me, therefore, the feat is impossible to select so indispensable an item from the composite of total costs, and characterize it as not aiding, contributing to, promoting or sustaining the propagation of beliefs which it is the very end of all to bring about. Unless this can be maintained, and the Court does not maintain it, the aid thus given is outlawed. Payment of transportation is no more, nor is it any the less essential to education, whether religious or secular, than payment for tuitions, for teachers' salaries, for buildings, equipment and necessary materials. Nor is it any the less directly related, in a school giving religious instruction, to the primary religious objective all those essential items of cost are intended to achieve. No rational line can be drawn between payment for such larger, but not more necessary, items and payment for transportation. The only line that can be so drawn is one between more dollars and less. Certainly in this realm such a line can be no valid constitutional measure. *Murdock* v. *Pennsylvania*, 319 U.S. 105; *Thomas* v. *Collins*, 323 U.S. 516.[66] Now, as in Madison's time, not the amount but the principle of assessment is wrong. Remonstrance, Par. 3.

IV

But we are told that the New Jersey statute is valid in its present application because the appropriation is for a public, not a private purpose, namely, the promotion of education, and the majority accept this idea in the conclusion that all we have here is "public welfare legislation." If that is true and the Amendment's force can be thus destroyed, what has been said becomes all the more pertinent. For then there could be no possible objection to more extensive support of religious education by New Jersey.

If the fact alone be determinative that religious schools are engaged in education, thus promoting the general and individual welfare, together with the legislature's decision that the payment of public moneys for their aid makes their work a public function, then I can see no possible basis, except one of dubious legislative policy, for the state's refusal to make full appropriation for support of private, religious schools, just as is done for public instruction. There could not be, on that basis, valid constitutional objection.[67]

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even the forcing him to support this or that teacher of his own religious persuasion, is depriving him of the comfortable liberty of giving his contributions to the particular pastor, whose morals he would make his pattern, and whose powers he feels most persuasive to righteousness, and is withdrawing from the ministry those temporary rewards, which proceeding from an approbation of their personal conduct, are an additional incitement to earnest and unremitting labours for the instruction of mankind." Cf. notes 29, 30, 31 and text supra.

[64] See note 63.

[65] See Bower, Church and State in Education (1944) 58: "* * * the fundamental division of the education of the whole self into the secular and the religious could not be justified on the grounds of either a sound educational philosophy or a modern functional concept of the relation of religion to personal and social experience." See also Vere, The Elementary School, in Essays on Catholic Education in the United States (1942) 110–111; Gabel, Public Funds for Church and Private Schools (1937) 737–739.

[66] It would seem a strange ruling that a "reasonable," that is, presumably a small, license fee cannot be placed upon the exercise of the right of religious instruction, yet that under the correlative constitutional guaranty against "an establishment" taxes may be levied and used to aid and promote religious instruction, if only the amounts so used are small. See notes 30–31 *supra* and text.

Madison's objection to "three pence" contributions and his stress upon "denying the principle" without waiting until "usurped power had * * * entangled the question in precedents," note 29, were reinforced by his further characterization of the Assessment Bill: "Distant as it may be, in its present form, from the Inquisition it differs from it only in degree. The one is the first step, the other the last in the career of intolerance." Remonstrance, Par. 9; II Madison 183, 188.

[67] If it is part of the state's function to supply to religious schools or their patrons the smaller items of educational expense, because the legislature may say they perform a public function, it is hard to see why the larger ones also may not be paid. Indeed, it would seem even more proper and necessary for the state to do this. For if one class of expenditures is justified on the ground that it supports the general cause of education or benefits the individual, or can be made to do so by legislative declaration, so even more certainly would be the other. To sustain payment for transportation to school, for textbooks, for other essential materials, or perhaps for school lunches, and not for what makes all these things effective for their intended end, would be to make a public function of the smaller items and their cumulative effect, but to make wholly private in character the larger things without which the smaller could have no meaning or use.

Of course paying the cost of transportation promotes the general cause of education and the welfare of the individual. So does paying all other items of educational expense. And obviously, as the majority say, it is much too late to urge that legislation designed to facilitate the opportunities of children to secure a secular education serves no public purpose. Our nationwide system of public education rests on the contrary view, as do all grants in aid of education, public or private, which is not religious in character.

These things are beside the real question. They have no possible materiality except to obscure the all-prevading, inescapable issue. Cf. *Cochran* v. *Board of Education, supra.* Stripped of its religious phase, the case presents no substantial Federal question. Ibid. The public function argument, by casting the issue in terms of promoting the general cause of education and the welfare of the individual, ignores the religious factor and its essential connection with the transportation, thereby leaving out the only vital element in the case. So of course do the "public welfare" and "social legislation" ideas, for they come to the same thing.

We have here then one substantial issue, not two. To say that New Jersey's appropriation and her use of the power of taxation for raising the funds appropriated are not for public purposes but are for private ends, is to say that they are for the support of religion and religious teaching. Conversely, to say that they are for public purposes is to say that they are not for religious ones.

This is precisely for the reason that education which includes religious training and teaching, and its support, have been made matters of private right and function, not public, by the very terms of the First Amendment. That is the effect not only in its guaranty of religion's free exercise, but also in the prohibition of establishments. It was on this basis of the private character of the function of religious education that this Court held parents entitled to send their children to private, religious schools. *Pierce* v. *Society of Sisters, supra.* Now it declares in effect that the appropriation of public funds to defray part of the cost of attending those schools is for a public purpose. If so, I do not understand why the state cannot go farther or why this case approaches the verge of its power.

In truth this view contradicts the whole purpose and effect of the First Amendment as heretofore conceived. The "public function"—"public welfare"—"social legislation" argument seeks, in Madison's words, to "employ Religion [that is, here, religious education] as an engine of Civil policy." Remonstrance, Par. 5. It is of one piece with the Assessment Bill's preamble, although with the vital difference that it wholly ignores what that preamble explicity states.[68]

Our constitutional policy is exactly the opposite. It does not deny the value or the necessity for religious training, teaching or observance. Rather it secures their free exercise. But to that end it does deny that the state can undertake or sustain them in any form or degree. For this reason the sphere of religious activity, as distinguished from the secular intellectual liberties, has been given the twofold protection and, as the state cannot forbid, neither can it perform or aid in performing the religious function. The dual prohibition makes that function altogether private. It cannot be made a public one by legislative act. This was the very heart of Madison's Remonstrance, as it is of the Amendment itself.

It is not because religious teaching does not promote the public or the individual's welfare, but because neither is furthered when the state promotes religious education, that the Constitution forbids it to do so. Both legislatures and courts are bound by that distinction. In failure to observe it lies the fallacy of the "public function"—"social legislation" argument, a fallacy facilitated by easy transference of the argument's basing from due process unrelated to any religious aspect to the First Amendment.

By no declaration that a gift of public money to religious uses will promote the general or individual welfare, or the cause of education generally, can legislative bodies overcome the Amendment's bar. Nor may the courts sustain their attempts to do so by finding such consequences for appropriations which in fact give aid to or promote religious uses. Cf. *Norris* v. *Alabama,* 294 U. S. 587, 590; *Hooven & Allison Co.* v. *Evatt,* 324 U. S. 652, 659; *Akins* v. *Texas,* 325 U. S. 398, 402. Legislatures are free to make, and courts to sustain, appropriations only when it can be found that in fact they do not aid, promote, encourage or sustain religious teaching or observances, be the amount large or small. No such finding has been or could be made in this case. The Amendment has removed this form of promoting the public welfare from legislative and judicial competence to make a public function. It is exclusively a private affair.

The reasons underlying the Amendment's policy have not vanished with time or diminished in force. Now as when it was adopted the price of religious freedom is double. It is that the church and religion shall live both within and upon that freedom. There cannot be freedom of religion, safeguarded by the state, and intervention by the church or its agencies in the state's domain or dependency on its largesse. Madison's Remonstrance, Par. 6, 8.[69] The great condition of religious liberty is that it be maintained free from sustenance, as also from other interferences, by the state. For when it comes to rest upon that secular foundation it vanishes with the resting. *Id.,* Par. 7, 8.[70] Public money devoted to payment of religious costs, educational or other, brings the quest for more. It brings too the struggle of sect against sect for the larger share or for any. Here one by numbers alone will benefit most, there another. That is precisely the history of societies which have had an established religion and dissident groups. Id., Par. 8, 11. It is the very thing Jefferson and Madison experienced and sought to guard against, whether in its blunt or in its more screened forms. *Ibid.* The end of such strife cannot be other than to destroy the cherished liberty. The dominating group will achieve the dominant benefit; or all will embroil the state in their dissensions. Id. Par. 11.[71]

Exactly such conflicts have centered of late around providing transportation to religious schools from public funds.[72] The issue and the dissension work typically, in Madison's phrase, to "destroy that moderation and harmony which the forbearance of our laws to intermeddle with Religion, has produced amongst its several sects." Id., Par. 11. This occurs, as he well knew, over measures at the very threshold of departure from the principle. Id., Par. 3, 9, 11.

In these conflicts wherever success has been obtained it has been upon the contention that by providing the transportation the general cause of education, the general welfare, and the welfare of the individual will be forwarded; hence that the matter lies within the realm of public function, for legislative determination.[73] State courts have divided upon the issue, some taking the view that only the individual, others that the institution receives the benefit.[74] A few have

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[68] "Whereas the general diffusion of Christian knowledge hath a natural tendency to correct the morals of men, restrain their vices, and preserve the peace of society; which cannot be effected without a competent provision for learned teachers, who may be thereby enabled to devote their time and attention to the duty of instructing such citizens, as from their circumstances and want of education, cannot otherwise attain such knowledge; and it is judged that such provision may be made by the legislature, without counteracting the liberal principle heretofore adopted and intended to be preserved by abolishing all distinctions of preeminence amongst the different societies of communities of Christians." Supplemental Appendix; Foote, Sketches of Virginia (1850) 340.

[69] "Because the establishment proposed by the Bill is not requisite for the support of the Christian Religion. To say that it is, is a contradiction to the Christian Religion itself; for every page of it disavows a dependence on the powers of this world . . . . Because the establishment in question is not necessary for the support of Civil Government. . . . What influence in fact have ecclesiastical establishments had on Civil Society? . . . in no instance have they been seen the guardians of the liberties of the people." II Madison 183, 187, 188.

[70] "Because experience witnesseth that ecclesiastical establishments, instead of maintaining the purity and efficacy of Religion, have had a contrary operation." II Madison 183, 187.

[71] "At least let warning be taken at the first fruits of the threatened innovation. The very appearance of the Bill has transformed that 'Christian forbearance, love and charity,' which of late mutually prevailed, into animosities and jealousies, which may not soon be appeased." II Madison 183, 189.

[72] In this case briefs amici curiae have been filed on behalf of various organizations representing three religious sects, one labor union, the American Civil Liberties Union, and the states of Illinois, Indiana, Louisiana, Massachusetts, Michigan and New York. All these states have laws similar to New Jersey's and all of them, with one religious sect, support the constitutionality of New Jersey's action. The others oppose it. Maryland and Mississippi have sustained similar legislation. Note 49 infra. No state without legislation of this sort has filed an opposing brief. But at least six states have held such action invalid, namely, Delaware, Oklahoma, New York, South Dakota, Washington and Wisconsin. Note 49 infra. The New York ruling was overturned by amendment to the state constitution in 1938. Constitution of New York, Art. XI, 4.

Furthermore, in this case the New Jersey courts divided, the Supreme Court holding the statute and resolution invalid, 132 N. J. L. 98, 39 A. 2d 75, the Court of Errors and Appeals reversing that decision, 133 N. J. L. 350, 44 A. 2d 333. In both courts, as here, the judges split, one of three dissenting in the Supreme Court, three of nine in the Court of Errors and Appeals. The division is typical. See the cases cited in note 49.

[73] See the authorities cited in note 49; and see note 54.

[74] Some state courts have sustained statutes granting free transportation or free school books to children attending denominational schools on the theory that the aid was a benefit to the child rather than to the school. See *Nichols* v. *Henry,* 301 Ky. 434, 191 S.W. 2d 930, with which compare *Sherrard* v. *Jefferson County Board of Education,* 294 Ky. 469, 171 S.W. 2d 963; *Cochran* v. *Board of Education,* 168 La. 1030, 123 So. 664, aff'd, 281 U.S. 370; *Borden* v. *Board of Education,* 168 La. 1005, 123 So. 655; *Board of Education* v. *Wheat,* 174 Md. 314, 199 A. 628; *Adams* v. *St. Mary's County,* 180 Md. 550, 26 A. 2d 377; *Chance* v. *State Textbook R. & P. Board,* 190 Miss. 453, 200 So. 706. See also *Bowker* v. *Baker,* 73 Cal. App. 2d 653, 167 P. 2d 256. Other courts have held such statutes unconstitutional under state constitutions as aid to the schools. *Judd* v. *Board of Education,* 278 N.Y. 200, 15 N.E. 2d 576, but see

recognized that this dichotomy is false, that both in fact are aided.[75]

The majority here does not accept in terms any of those views. But neither does it deny that the individual or the school, or indeed both, are benefited directly and substantially.[76] To do so would cut the ground from under the public function—social legislation thesis. On the contrary, the opinion concedes that the children are aided by being helped to get to the religious schooling. By converse necessary implication as well as by the absence of express denial, it must be taken to concede also that the school is helped to reach the child with its religious teaching. The religious enterprise is common to both, as is the interest in having transportation for its religious purposes provided.

Notwithstanding the recognition that this two-way aid is given and the absence of any denial that religious teaching is thus furthered, the Court concludes that the aid so given is not "support" of religion. It is rather only support of education as such, without reference to its religious content, and thus becomes public welfare legislation. To this elision of the religious element from the case is added gloss in two respects, one that the aid extended partakes of the nature of a safety measure, the other that failure to provide it would make the state unneutral in religious matters, discriminating against or hampering such children concerning public benefits all others receive.

As will be noted, the one gloss is contradicted by the facts of record and the other is of whole cloth with the "public function" argument's excision of the religious factor.[77] But most important is that this approach, if valid, supplies a ready method for nullifying the Amendment's guaranty, not only for this case and others involving small grants in aid for religious education, but equally for larger ones. The only thing needed will be for the Court again to transplant the "public welfare—public function" view from its proper nonreligious due process bearing to First Amendment application, holding that religious education is not "supported" though it may be aided by the appropriation, and that the cause of education generally is furthered by helping the pupil to secure that type of training.

This is not therefore just a little case over bus fares. In paraphrase of Madison, distant as it may be in its preesnt form from a complete establishment of religion, it differs from it only in degree; and is the first step in that direction. Id., Par. 9.[78] Today as in his time "the same authority which can force a citizen to contribute three pence only * * * for the support of any one [religious] establishment, may force him" to pay more; or "to conform to any other establishment in all cases whatsoever." And now, as then, "either * * * we must say, that the will of the Legislature is the only measure of their authority; and that in the plenitude of this authority, they may sweep away all our fundamental rights; or, that they are bound to leave this particular right untouched and sacred." Remonstrance, Par. 15.

The realm of religious training and belief remains, as the Amendment made it, the kingdom of the individual man and his God. It should be kept inviolately private, not "entangled * * * in precedents"[79] or confounded with what legislatures legitimately may take over into the public domain.

V

No one conscious of religious values can be unsympathetic toward the burden which our constitutional separation puts on parents who desire religious instruction mixed with secular for their children. They pay taxes for others' children's education, at the same time the added cost of instruction for their own. Nor can one happily see benefits denied to children which others receive, because in conscience they or their parents for them desire a different kind of training others do not demand.

But if those feelings should prevail, there would be an end to our historic constitutional policy and command. No more unjust or discriminatory in fact is it to deny attendants at religious schools the cost of their transportation than it is to deny them tuitions, sustenance for their teachers, or any other educational expense which others receive at public cost. Hardship in fact there is which none can blink. But, for assuring to those who undergo it the greater, the most comprehensive freedom, it is one written by design and firm intent into our basic law.

Of course discrimination in the legal sense does not exist. The child attending the religious school has the same right as any other to attend the public school. But he foregoes exercising it because the same guaranty which assures this freedom forbids the public school or any agency of the state to give or aid him in securing the religious instruction he seeks.

Were he to accept the common school, he would be the first to protest the teaching there of any creed or faith not his own. And it is precisely for the reason that their atmosphere is wholly secular that children are not sent to public schools under the Pierce doctrine. But that is a constitutional necessity, because we have staked the very existence of our country on the faith that complete separation between the state and religion is best for the state and best for religion. Remonstrance, Par. 8, 12.

That policy necessarily entails hardship upon persons who forego the right to educational advantages the state can supply in order to secure others it is precluded from giving. Indeed this may hamper the parent and the child forced by conscience to that choice. But it does not make the state unneutral to withhold what the Constitution forbids it to give. On the contrary it is only by observing the prohibition rigidly that the state can maintain its neutrality and avoid partisanship in the dissensions inevitable when sect opposes sect over demands for public moneys to further religious education, teaching or training in any form or degree, directly or indirectly. Like St. Paul's freedom, religious liberty with a great price must be bought. And for those who exercise it most fully, by insisting upon religious education for their children mixed with secular, by the terms of our Constitution the price is greater than for others.

The problem then cannot be cast in terms of legal discrimination or its absence. This would be true, even though the state in giving aid, should treat all religious instruction alike. Thus, if the present statute and its application were shown to apply equally to all religious schools of whatever faith,[80] yet in the light of our tradition it could not stand. For then the adherent of one creed still would pay for the support of another, the childless taxpayer with others more fortunate. Then too there would seem to be no bar to making appropriations for transportation and other expenses of children attending public or other secular schools, after hours in separate places and classes for their exclusively religious instruction. The person who embraces no creed also would be forced to pay for teaching what he does not believe. Again, it was the furnishing of "contributions of money for the propagation of opinions which he disbelieves" that the fathers outlawed. That consequence and effect are not removed by multiplying to all-inclusiveness the sects for which support is exacted. The Constitution requires, not comprehensive identification of state with religion, but complete separation.

VI

Short treatment will dispose of what remains. Whatever might be said of some other application of New Jersey's statute, the one made here has no semblance of bearing as a safety measure or, indeed, for securing expeditious conveyance. The transportation supplied is by public conveyance, subject to all the hazards and delays of the highway and the streets incurred by the public generally in going about its multifarious business.

Nor is the case comparable to one of furnishing fire or police protection, or access to public highways. These things are matters of common right, part of the general need for safety.[81] Certainly the fire depart-

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note 47 *supra; Smith* v. *Donahue*, 202 App. Div. 656, 195 N.Y.S. 715; *State ex rel. Traub* v. *Brown*, 36 Del. 181, 172 A. 835; *Gurney* v. *Ferguson*, 190 Okla. 254, 122 P. 2d 1002; *Mitchell* v. *Consolidated School District*, 17 Wash. 2d 61, 135 P. 2d 79; *Van Straten* v. *Milquet*, 180 Wis. 109, 192 N. W. 392. And cf. *Hlebanja* v. *Brewe*, 58 S.D. 351, 236 N.W. 296. And since many state constitutions have provisions forbidding the appropriation of public funds for private purposes, in these and other cases the issue whether the statute was for a "public" or "private" purpose has been present. Se Note (1941) 50 Yale L. J. 917, 925.

[75] *E.g., Gurney* v. *Ferguson*, 190 Okla. 254, 255, 122 P. 2d 1002, 1003; *Mitchell* v. *Consolidated School District*, 17 Wash. 2d 61, 68, 135 P. 2d 79, 82; *Smith* v. *Donahue*, 202 App. Div. 656, 664, 195 N.Y.S. 715, 722; *Board of Education* v. *Wheat*, 174 Md. 314, dissenting opinion at 340, 199 A. 628 at 639. This is true whether the appropriation and payment are in form to the individual or to the institution. *Ibid.* Questions of this gravity turn upon the purpose and effect of the state's expenditure to accomplish the forbidden object, not upon who receives the amount and applies it to that end or the form and manner of the payment.

[76] The payments here averaged roughly $40.00 a year per child.

[77] See Part V.

[78] See also not 46 supra and Remonstrance, Par. 3.

[79] Thus each brief filed here by the supporters of New Jersey's action, see note 47, not only relies strongly on *Cochran* v. *Board of Education*, 281 U.S. 370, but either explicitly or in effect maintains that it is controlling in the present case.

[80] See text at notes 17–19 supra and authorities cited; also Foote, Sketches of Virginia (1850) c. XV. Madison's entire thesis, as reflected throughout the Remonstrance and in his other writings, as well as in his opposition to the final form of the Assessment Bill, see note 43, was altogether incompatible with acceptance of general and "nondiscriminatory" support. See Brant, c. XII.

[81] The protections are of a nature which does not require appropriations specially made from the public treasury and earmarked, as is New Jersey's here, particularly for religious institutions or uses. The First Amendment does not exclude religious property or activities from protection against disorder or the ordinary accidental incidents of community life. It forbids support, not protection from interference or destruction.

It is a matter not frequently recalled that President Grant opposed tax exemption of religious property as leading to a violation of the principle of separation of church and state. See President Grant's Seventh Annual Message to Congress, December 7, 1875, in IX Messages and Papers of the Presidents (1897) 4288–4289. Garfield, in a letter accepting the nomination for the presidency said: "* * * it would be unjust to our people, and dangerous to our institutions, to apply any portion of the revenues of the nation, or of the States, to the support of sectarian schools. The separation of the Church and

ment must not stand idly by while the church burns. Nor is this reason why the state should pay the expense of transportation or other items of the cost of religious education.[82]

Needless to add, we have no such case as *Green* v. *Frazier*, 253 U.S. 233, or *Carmichael* v. *Southern Coal Co.*, 301 U.S. 495, which dealt with matters wholly unrelated to the First Amendment, involving only situations where the "public function" issue was determinative.

I have chosen to place my dissent upon the broad ground I think decisive, though strictly speaking the case might be decided on narrower issues. The New Jersey statute might be held invalid on its face for the exclusion of children who attend private, profit-making schools.[83] I cannot assume, as does the majority, that the New Jersey courts would write off this explicit limitation from the statute. Moreover, the resolution by which the statute was applied expressly limits its benefits to students of public and Catholic schools.[85] There is no showing that there are no other private or religious schools in this populous district.[85] I do not think it can be assumed there were none.[86] But in the view I have taken, it is unnecessary to limit grounding to these matters.

Two great drives are constantly in motion to abridge, in the name of education, the complete division of religion and civil authority which our forefathers made. One is to introduce religious education and observances into the public schools. The other, to obtain public funds for the aid and support of various private religious schools. See Johnson, The Legal Status of Church-State Relationships in the United States (1934); Thayer, Religion in Public Education (1947); Note (1941) 50 Yale L. J. 917. In my opinion both avenues were closed by the Constitution. Neither should be opened by this Court. The matter is not one of quantity, to be measured by the amount of money expanded. Now as in Madison's day it is one of principle, to keep separate the separate spheres as the First Amendment drew them; to prevent the first experiment upon our liberties; and to keep the question from becoming entangled in corrosive precedents. We should not be less strict to keep strong and untarnished the one side of the shield of religious freedom than we have been of the other.

The judgment should be reversed.

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the State in everything relating to taxation should be absolute." II "The Works of James Abram Garfield" (ed. by Hinsdale, 1883) 783.

[82] Neither do we have here a case of rate-making by which a public utility extends reduced fares to all school children, including patrons of religious schools. Whether or not legislative compulsion upon a private utility to extend such an advantage would be valid, or its extension by a municipally owned system, we are not required to consider. In the former instance, at any rate, and generally if not always in the latter, the vice of using the taxing power to raise funds for the support of religion would not be present.

[83] It would seem at least a doubtfully sufficient basis for reasonable classification that some children should be excluded simply because the only school feasible for them to attend, in view of geographic or other situation, might be one conducted in whole or in part for profit. Cf. note 5.

[84] See note 7 supra. The resolution was as follows, according to the school board's minutes read in proof: "The transportation committee recommended the transportation of pupils of Ewing to the Trenton and Pennington High Schools and Catholic Schools by way of public carrier as in recent years. On Motion of Mr. Ralph Ryan and Mr. M. French the same was adopted." The New Jersey court's holding that the resolution was within the authority conferred by the state statute is binding on us. *Reinman* v. *Little Rock*, 237 U.S. 171, 176; *Hadacheck* v. *Sebastian*, 239 U.S. 394, 414.

[85] The population of Ewing Township, located near the City of Trenton, was 10,146 according to the census of 1940. Sixteenth Census of the United States, Population, Vol. 1, 674.

[86] In *Thomas* v. *Collins*, 323 U.S. 516, 530, it was said that the preferred place given in our scheme to the great democratic freedoms secured by the First Amendment gives them "a sanctity and a sanction not permitting dubious intrusions." Cf. Remonstrance, Par. 3, 9. And in other cases it has been held that the usual presumption of constitutionality will not work to save such legislative excursions in this field. *United States* v. *Carolene Products Co.*, 304 U.S. 144, 152, note 4; see Wechsler, Stone and the Constitution (1946) 46 Col. L. Rev. 764, 795 et seq.

Apart from the Court's admission that New Jersey's present action approaches the verge of her power, it would seem that a statute, ordinance or resolution which on its face singles out one sect only by name for enjoyment of the same advantages as public schools or their students, should be held discriminatory on its face by virtue of that fact alone, unless it were positively shown that no other sects sought or were available to receive the same advantages.

[87] Decl. Rights, Art: 16. (Note in the original.)

APPENDIX

MEMORIAL AND REMONSTRANCE AGAINST RELIGIOUS ASSESSMENTS

To the Honorable the General Assembly of the Commonwealth of Virginia:

We, the subscribers, citizens of the said Commonwealth, having taken into serious consideration, a Bill printed by order of the last Session of General Assembly, entitled "A Bill establishing a provision for Teachers of the Christian Religion," and conceiving that the same, if finally armed with the sanctions of a law, will be a dangerous abuse of power, are bound as faithful members of a free State, to remonstrate against it, and to declare the reasons by which we are determined. We remonstrate against the said Bill,

1. Because we hold it for a fundamental and undeniable truth, "that Religion or the duty which we owe to our Creator and the Manner of discharging it, can be directed only by reason and conviction, not by force or violence." [87] The Religion then of every man must be left to the conviction and conscience of every man; and it is the right of every man to exercise it as these may dictate. This right is in its nature an unalienable right. It is unalienable; because the opinions of men, depending only on the evidence contemplated by their own minds, cannot follow the dictates of other men: It is unalienable also; because what is here a right towards men, is a duty towards the Creator. It is the duty of every man to render to the Creator such homage, and such only, as he believes to be acceptable to him. This duty is precedent both in order of time and degree of obligation, to the claims of Civil Society. Before any man can be considered as a member of Civil Society, he must be considered as a subject of the Governor of the Universe: And if a member of Civil Society, who enters into any subordinate Association, must always do it with a reservation of his duty to the general authority; much more must every man who becomes a member of any particular Civil Society, do it with a saving of his allegiance to the Universal Sovereign. We maintain therefore that in matters of Religion, no man's right is abridged by the institution of Civil Society, and that Religion is wholly exempt from its cognizance. True it is, that no other rule exists, by which any question which may divide a Society, can be ultimately determined, but the will of the majority; but it is also true, that the majority may trespass on the rights of the minority.

2. Because if religion be exempt from the authority of the Society at large, still less can it be subject to that of the Legislative Body. The latter are but the creatures and vicegerents of the former. Their jurisdiction is both derivative and limited: it is limited with regard to the coordinate departments, more necessarily is it limited with regard to the constituents. The preservation of a free government requires not merely, that the metes and bounds which separate each department of power may be invariably maintained; but more especially, that neither of them be suffered to overleap the great Barrier which defends the rights of the people. The Rulers who are guilty of such an encroachment, exceed the commission from which they derive their authority, and are Tyrants. The People who submit to it are governed by laws made neither by themselves, nor by an authority derived from them, and are slaves.

3. Because, it is proper to take alarm at the first experiment on our liberties. We hold this prudent jealousy to be the first duty of citizens, and one of [the] noblest characteristics of the late Revolution. The freemen of America did not wait till usurped power had strengthened itself by exercise, and entangled the question in precedents. They saw all the consequences in the principle, and they avoided the consequences by denying the principle. We revere this lesson too much, soon to forget it. Who does not see that the same authority which can establish Christianity, in exclusion of all other Religions, may establish with the same ease any particular sect of Christians, in exclusion of all other Sects? That the same authority which can force a citizen to contribute three pence only of his property for the support of any one establishment, may force him to conform to any other establishment in all cases whatsoever?

4. Because, the bill violates that equality which ought to be the basis of every law, and which is more indispensible, in proportion as the validity or expediency of any law is more liable to be impeached. If "all men are by nature equally free and independent," [88] all men are to be considered as entering into Society on equal conditions; as relinquishing no more, and therefore retaining no less, one than another, of their natural rights. Above all are they to be considered as retaining an "equal title to the free exercise of Religion according to the dictates of conscience." [89] Whilst we assert for ourselves a freedom to embrace, to profess and to observe the Religion which we believe to be of divine origin, we cannot deny an equal freedom to those whose minds have not yet yielded to the evidence which has convinced us. If this freedom be abused, it is an offense against God, not against man: To God, therefore, not to men, must an account of it be rendered. As the Bill violates equality by subjecting some to peculiar burdens; so it violates the same principle, by granting to others peculiar exemptions. Are the Quakers and Menonists the only sects who think a compulsive support of their religions unnecessary and unwarrantable? Can their piety alone be intrusted with the care of public worship? Ought their Religions to be endowed above all others, with extraordinary privileges, by which proselytes may be enticed from all others? We think too favorably of the justice and good sense of these denominations, to believe that they either covet preeminencies over their fellow citizens, or that they will be seduced by

[88] Decl. Rights, Art. 1. (Note in the original.)

[89] Art. 16. (Note in the original.)

them, from the common opposition to the measure.

5. Because the bill implies either that the Civil Magistrate is a competent Judge of Religious truth; or that he may employ Religion as an engine of Civil policy. The first is an arrogant pretension falsified by the contradictory opinions of Rulers in all ages, and throughout the world: The second an unhallowed perversion of the means of salvation.

6. Because the establishment proposed by the Bill is not requisite for the support of the Christian Religion. To say that it is, is a contradiction to the Christian Religion itself; for every page of it disavows a dependence on the powers of this world: it is a contradiction to fact; for it is known that this Religion both existed and flourished, not only without the support of human laws, but in spite of every opposition from them; and not only during the period of miraculous aid, but long after it had been left to its own evidence, and the ordinary care of Providence: Nay, it is a contradiction in terms; for a Religion not invented by human policy, must have preexisted and been supported, before it was established by human policy. It is moreover to weaken in those who profess this Religion a pious confidence in its innate excellence, and the patronage of its Author; and to foster in those who still reject it, a suspicion that its friends are too conscious of its fallacies, to trust it to its own merits.

7. Because experience witnesseth that ecclesiastical establishments, instead of maintaining the purity and efficacy of Religion, have had a contrary operation. During almost fifteen centuries, has the legal establishment of Christianity been on trial. What have been its fruits? More or less in all places, pride and indolence in the Clergy; ignorance and servility in the laity; in both, superstition, bigotry and persecution. Enquire of the Teachers of Christianity for the ages in which it appeared in its greatest lustre; those of every sect, point to the ages prior to its incorporation with Civil policy. Propose a restoration of this primitive state in which its Teachers depended on the voluntary rewards of their flocks; many of them predict it downfall. On which side ought their testimony to have greatest weight, when for or when against their interest?

8. Because the establishment in question is not necessary for the support of Civil Government. If it be urged as necessary for the support of Civil Government only as it is a means of supporting Religion, and it be not necessary for the later purpose, it cannot be necessary for the former. If Religion be not within [the] cognizance of Civil Government, how can its legal establishment be said to be necessary to civil Government? What influence in fact have ecclesiastical establishments had on Civil Society? In some instances they have been seen to erect a spiritual tyranny on the ruins of Civil authority; in many instances they have been seen upholding the thrones of political tyranny; in no instance have they been seen the guardians of the liberties of the people. Rulers who wished to subvert the public liberty, may have found an established clergy convenient auxiliaries. A just government, instituted to secure and perpetuate it, needs them not. Such a government will be best supported by protecting every citizen in the enjoyment of his Religion with the same equal hand which protects his person and his property; by neither invading the equal rights of any Sect, nor suffering any Sect to invade those of another.

9. Because the proposed establishment is a departure from that generous policy, which, offering an asylum to the persecuted and oppressed of every Nation and Religion, promised a lustre to our country, and an accession to the number of its citizens. What a melancholy mark is the Bill of sudden degeneracy? Instead of holding forth an asylum to the persecuted, it is itself a signal of persecution. It degrades from the equal rank of Citizens all those whose opinions in Religion do not bend to those of the Legislative authority. Distant as it may be, in its present form, from the Inquisition it differs from it only in degree. The one is the first step, the other the last in the career of intolerance. The magnanimous sufferer under this cruel scourge in foreign Regions, must view the Bill as a Beacon on our Coast, warning him to seek some other haven, where liberty and philanthrophy in their due extent may offer a more certain repose from his troubles.

10. Because, it will have a like tendency to banish our Citizens. The allurements presented by other situations are every day thinning their number. To superadd a fresh motive to emigration, by revoking the liberty which they now enjoy, would be the same species of folly which has dishonored and depopulated flourishing kingdoms.

11. Because, it will destroy that moderation and harmony with the forbearance of our laws to intermeddle with Religion, has produced amongst its several sects. Torrents of blood have been spilt in the old world, by vain attempts of the secular arm to extinguish Religious discord, by proscribing all difference in Religious opinion. Time has at length revealed the true remedy. Every relaxation of narrow and rigorous policy, wherever it has been tried, has been found to assuage the disease. The American Theatre has exhibited proofs, that equal and compleat liberty, if it does not wholly eradicate it, sufficiently destroys its malignant influence on the health and prosperity of the State. If with the salutary effects of this system under our own eyes, we begin to contract the bonds of Religious freedom, we know no name that will too severely reproach our folly. At least let warning be taken at the first fruits of the threatened innovation. The very appearance of the Bill has transformed that "Christian forbearance,[90] love and charity," which of late mutually prevailed, into animosities and jealousies, which may not soon be appeased. What mischiefs may not be dreaded should this enemy to the public quiet be armed with the force of a law?

12. Because, the policy of the bill is adverse to the diffusion of the light of Christianity. The first wish of those who enjoy this precious gift, ought to be that it may be imparted to the whole race of mankind. Compare the number of those who have as yet received it with the number still remaining under the dominion of false Religions; and how small is the former! Does the policy of the bill tend to lessen the disproportion? No; it at once discourages those who are strangers to the light of [revelation] from coming into the Region of it; and countenances, by example the nations who continue in darkness, in shutting out those who might convey it to them. Instead of levelling as far as possible, every obstacle to the victorious progress of truth, the bill with an ignoble and unchristian timidity would circumscribe it, with a wall of defence, against the encroachments of error.

13. Because attempts to enforce by legal sanctions, acts obnoxious to so great a proportion of citizens, tend to enervate the laws in general, and to slacken the bands of Society. If it be difficult to execute any law which is not generally deemed necessary or salutary, what must be the case where it is deemed invalid and dangerous? and what may be the effect of so striking an example of impotency in the Government, on its general authority.

14. Because a measure of such singular magnitude and delicacy ought not to be imposed, without the clearest evidence that it is called for by a majority of citizens: and no satisfactory method is yet proposed by which the voice of the majority in this case may be determined, or its influence secured. "The people of the respective counties are indeed requested to signify their opinion respecting the adoption of the bill to the next Session of Assembly." But the representation must be made equal, before the voice either of the Representatives or of the Counties, will be that of the people. Our hope is that neither of the former will, after due consideration, espouse the dangerous principle of the bill. Should the event disappoint us, it will still leave us in full confidence, that a fair appeal to the latter will reverse the sentence against our liberties.

15. Because, finally, "the equal right of every citizen to the free exercise of his Religion according to the dictates of conscience" is held by the same tenure with all our other rights. If we recur to its origin, it is equally the gift of nature; if we weigh its importance, it cannot be less dear to us; if we consult the Declaration of those rights which pertain to the good people of Virginia, as the "basis and foundation of Government,"[91] it is enumerated with equal solemnity, or rather studied emphasis. Either then, we must say, that the will of the Legislature is the only measure of their authority; and that in the plenitude of this authority, they may sweep away all our fundamental rights; or, that they are bound to leave this particular right untouched and sacred: Either we must say, that they may controul the freedom of the press, may abolish the trial by jury, may swallow up the Executive and Judiciary Powers of the State; nay that they may despoil us of our very right of suffrage, and erect themselves into an independent and hereditary assembly: or we must say, that they have no authority to enact into law the bill under consideration. We the subscribers say, that the General Assembly of this Commonwealth have no such authority: And that no effort may be omitted on our part against so dangerous an usurpation, we oppose to it, this remonstrance; earnestly praying, as we are in duty bound, that the Supreme Lawgiver of the Universe, by illuminating those to whom it is addressed, may on the one hand, turn their councils from every act which would affront his holy prerogative, or violate the trust committed to them: and on the other, guide them into every measure which may be worthy of his [blessing, may re]dound to their own praise, and may establish more firmly the liberties, the prosperity, and the Happiness of the Commonwealth.

II Madison, 183–191.

SUPPLEMENTAL APPENDIX

A bill establishing a provision for teachers of the Christian religion

Whereas the general diffusion of Christian knowledge hath a natural tendency to correct the morals of men, restrain their vices, and preserve the peace of society; which cannot be effected without a competent provision for learned teachers, who may be thereby enabled to devote their time and attention to the duty of instructing such citizens, as from their circumstances and want of education, cannot otherwise attain such knowledge; and it is judged that such provision may be made by the Legislature, without counteracting the liberal principle heretofore adopted and intended to be preserved by abolishing all distinctions of preeminence amongst the different societies or communities of Christians;

Be it therefore enacted by the General Assembly, That for the support of Christian teachers, per centum on the amount, or in the pound on the sum payable for tax on the property within this Commonwealth, is hereby assessed, and shall be paid

[90] Art. 16. (Note in the original.)

[91] Decl. Rights-title. (Note in the original.)

by every person chargeable with the said tax at the time the same shall become due; and the Sheriffs of the several Counties shall have power to levy and collect the same in the same manner and under the like restrictions and limitations, as are or may be prescribed by the laws for raising the Revenues of this State.

And be it enacted, That for every sum so paid, the Sheriff or Collector shall give a receipt, expressing therein to what society of Christians the person from whom he may receive the same shall direct the money to be paid, keeping a distinct account thereof in his books. The Sheriff of every County, shall, on or before the day of in every year, return to the Court, upon oath, two alphabetical lists of the payments to him made, distinguishing in columns opposite to the names of the persons who shall have paid the same, the society to which the money so paid was by them appropriated; and one column for the names where no appropriation shall be made. One of which lists, after being recorded in a book to be kept for that purpose, shall be filed by the Clerk in his office; the other shall by the Sheriff be fixed up in the Court-house, there to remain for the inspection of all concerned. And the Sheriff, after deducting five per centum for the collection, shall forthwith pay to such person or persons as shall be appointed to receive the same by the Vestry, Elders, or Directors, however denominated by each such society, the sum so stated to be due to that society; or in default thereof, upon the motion of such person or persons to the next or any succeeding Court, execution shall be awarded for the same against the Sheriff and his security, his and their executors or administrators; provided that ten days previous notice be given of such motion. And upon every such execution, the Officer serving the same shall proceed to immediate sale of the estate taken, and shall not accept of security for payment at the end of three months, nor to have the goods forthcoming at the day of sale; for his better direction wherein, the Clerk shall endorse upon every such execution that no security of any kind shall be taken.

And be it further enacted, That the money to be raised by virtue of this Act, shall be by the Vestries, Elders, or Directors of each religious society, appropriated to a provision for a Minister or Teacher of the Gospel of their denomination, or the providing places of divine worship, and to none other use whatsoever; except in the denominations of Quakers and Menonists, who may receive what is collected from their members, and place it in their general fund, to be disposed of in a manner which they shall think best calculated to promote their particular mode of worship.

And be it enacted, That all sums which at the time of payment to the Sheriff or Collector may not be appropriated by the person paying the same, shall be accounted for with the Court in manner as by this Act is directed; and after deducting for his collection, the Sheriff shall pay the amount thereof (upon account certified by the Court to the Auditors of Public Accounts, and by them to the Treasurer) into the public Treasury, to be disposed of under the direction of the General Assembly, for the encouragement of seminaries of learning within the Counties whence such sums shall arise, and to no other use or purpose whatsoever.

This act shall commence, and be in force, from and after the day of in the year .

A Copy from the Engrossed Bill.

JOHN BECKLEY, C. H. D.

Washington Mss. (Papers of George Washington, Vol. 231); Library of Congress.[92]

[92] This copy of the Assessment Bill is from one of the handbills which on December 24, 1784, when the third reading of the bill was postponed, were ordered distributed to the Virginia counties by the House of Delegates. See Journal of the Virginia House of Delegates, December 24, 1784; Eckenrode, 102–103. The bill is therefore in its final form, for it never again reached the floor of the House. Eckenrode, 113.

Mr. MORSE. Mr. President, replying briefly to the very distinguished Senator from North Carolina, I have the highest regard and great esteem for the legal learning of my friend from North Carolina. When I find myself in disagreement with him, I make absolutely certain I am satisfied my judgment is a sound one.

I have reviewed again, during the course of the very able remarks of the Senator from North Carolina, with whose major premises I find myself in major disagreement, the position our Senate committee has taken on the education bill and the position taken on a related subject matter in connection with S. 1021, the elementary and secondary school bill.

I wish to say for the record again, I am satisfied our bill is constitutional and that those of us supporting the bill are keeping faith with their oath of office in the Senate to uphold the Constitution.

I say to my friend from North Carolina, this once again demonstrates how sincere lawyers can disagree on some particular legal point.

Mr. ERVIN. Mr. President, will the Senator yield for me to make a statement?

Mr. MORSE. I am glad to yield.

Mr. ERVIN. I wish again to engage in reciprocity. I regard the Senator from Oregon as one of the great lawyers of the country. I should like to bear witness to this fact.

The Senator from Oregon and I have disagreed on some things in times past, but I think I can truthfully say this is the first time he and I have reached a disagreement on any question relating to a constitutional or a legal proposition.

Mr. MORSE. I think that is true.

Mr. ERVIN. As a lawyer, I am aware of the fact that sometimes, as my chief justice used to say, "Brethren read the same books but draw different conclusions therefrom."

Mr. MORSE. The Senator has put it very aptly. I appreciate very much his remarks.

Mr. President, I wish to point out that to date the Federal Government has made available under the college housing loan provisions a total of $1,565,156,000. I hope to obtain in the next hour a breakdown of the $1,565,156,000, as to the amount of those loans which has gone to private colleges. It is a very large amount. Sixty percent of the colleges of the United States are private colleges, and we have loaned a great deal of money to private colleges under the college housing loan bill.

It will be recalled that we passed that bill, S. 2539, in the 86th Congress.

Mr. President, I ask unanimous consent to have printed at this point in my remarks a portion of title 6 of that bill, which deals with the college housing.

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

TITLE VI—COLLEGE HOUSING

SEC. 601. Section 401(d) of the Housing Act of 1950 is amended to read as follows:

"(d) To obtain funds for loans under subsection (a) of this section, the Administrator may issue and have outstanding at any one time notes and obligations for purchase by the Secretary of the Treasury in an amount not to exceed $1,175,000,000: *Provided,* That the amount outstanding for other educational facilities, as defined herein, shall not exceed $125,000,000: *Provided further,* That the amount outstanding for hospitals, referred to in clause (2) of section 404(b) of this title, shall not exceed $50,000,000."

SEC. 602. (a) Title IV of the Housing Act of 1950 is amended by adding at the end thereof a new section as follows:

"Loans for classroom buildings and other academic facilities

"SEC. 405. (a) In addition to the other purposes for which financial assistance may be extended under this title, the Administrator may make loans to educational institutions for (1) the construction of new structures suitable for use as classrooms, laboratories, and related facilities (including initial equipment, machinery, and utilities) necessary or appropriate for the instruction of students or the administration of the institution, and (2) the rehabilitation, alteration, conversion, or improvement of existing structures for the uses described above if such structures are otherwise inadequate for such uses. As used in this section, the term 'educational institution' means any educational institution offering at least a two-year program acceptable for full credit toward a baccalaureate degree, including any public educational institution, or any private educational institution no part of the net earnings of which inures to the benefit of any private shareholder or individual.

"(b) Any educational institution which, prior to the effective date of this section, has contracted for the construction, rehabilitation, alteration, conversion, or improvement of any structures for the uses described in subsection (a) above may, in connection therewith, receive loans authorized by this section, as the Administrator may determine, but no such loan shall be made in connection with the construction, rehabilitation, alteration, conversion, or improvement of any such structure if the work thereon was commenced prior to the effective date of this section, or was completed prior to the filing of an application under this section.

"(c) There is hereby authorized to be appropriated not to exceed $50,000,000 which shall be deposited in a revolving fund to be used for the purpose of making loans under this section."

(b) Title IV of such Act is further amended by—

(1) striking out "HOUSING" in the heading of such title and inserting in lieu thereof "LOANS";

(2) striking out "FEDERAL" in the heading of section 401 and inserting in lieu thereof "COLLEGE HOUSING";

(3) inserting after "loan" in clause (1) of the proviso in section 401(a) the following: "(including any loan under section 405 of this title)";

(4) striking out "A loan to an educational institution may be in an amount not exceeding the total development cost of the facility, as determined by the Administrator" in section 401(c) and inserting in lieu thereof the following: "A loan under this section to an educational institution may be in an

amount not exceeding the total development cost of the facility, as determined by the Administrator, and a loan under section 405 of this title to an educational institution may be in an amount not exceeding the cost of construction of the structures involved (including related facilities), and the land on which the structures are located, as determined by the Administrator";

(5) striking out section 401(f) and inserting in lieu thereof the following:

"(f) There are hereby authorized to be appropriated to the Administrator such sums as may be necessary to carry out the purposes of this title."

(6) inserting before the semicolon in section 402(c)(2) a colon and the following: "*Provided*, That the Administrator shall extend financial assistance to educational institutions under section 405 only after consultation with, and in accordance with the advice and recommendation of, said Office of Education";

(7) adding the following new subsections at the end of section 402:

"(e) The provisions of section 309 of the Independent Offices Appropriation Act, 1950 (63 Stat. 662), which are applicable to corporations or agencies subject to the Government Corporation Control Act, shall also be applicable to the activities of the Administrator under this title.

"(f) The Administrator shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on any project assisted under this title, the construction or rehabilitation of which was commenced after the date of enactment of the Housing Act of 1959, (1) shall be paid wages at rates not less than those prevailing on the same type of work on similar construction in the immediate locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (Davis-Bacon Act), as amended, and (2) shall be employed not more than forty hours in any one week unless the employee receives wages for his employment in excess of the hours specified above at a rate not less than one and one-half times the regular rate at which he is employed; but the Administrator may waive the application of this subsection in cases or classes of cases where laborers or mechanics, not otherwise employed at any time in the construction of such project, voluntarily donate their services without full compensation for the purpose of lowering the costs of construction and the Administrator determines that any amounts saved thereby are fully credited to the educational institution undertaking the construction."; and

(8) Inserting after "For the purposes of this title," in section 404 the following: "except as otherwise provided in section 405,".

SEC. 603. (a) Section 404(b) of the Housing Act of 1950 is amended by striking out "and (4)" and inserting in lieu thereof "(4)" and by inserting before the period at the end thereof the following: ", and (5) any nonprofit student housing cooperative corporation established for the purpose of providing housing for students or students and faculty of any institution included in clause (1) of this subsection".

(b) Section 401 of such Act is amended by adding at the end thereof the following new subsection:

"(g) In the case of any loan made under this section to a nonprofit student housing cooperative corporation referred to in clause (5) of section 404(b), the Administrator shall require that the note securing such loan be co-signed by the educational institution (referred to in clause (1) of such section) at which such corporation is located; and in the event of the dissolution of such corporation, title to the housing constructed with such loan shall vest in such educational institution."

Mr. MORSE. Mr. President, from page 75 of that bill I read this language:

LOANS FOR CLASSROOM BUILDINGS AND OTHER ACADEMIC FACILITIES

SEC. 405. (a) In addition to the other purposes for which financial assistance may be extended under this title, the Administrator may make loans to educational institutions for (1) the construction of new structures suitable for use as classrooms, laboratories, and related facilities (including initial equipment, machinery, and utilities) necessary or appropriate for the instruction of students or the administration of the institution, and (2) the rehabilitation, alteration, conversion, or improvement of existing structures for the uses described above if such structures are otherwise inadequate for such uses. As used in this section, the term "educational institution" means any educational institution offering at least a two-year program acceptable for full credit toward a baccalaureate degree, including any public educational institution, or any private educational institution no part of the net earnings of which inures to the benefit of any private shareholder or individual.

Mr. President, we have used millions of dollars of Federal money for such loans to private institutions under the College Housing Act. I say most respectfully that on August 18, 1959, when the yea-and-nay vote in the Senate was 71 for and 24 against the bill that resulted in the College Housing Act, my good friend the Senator from North Carolina [Mr. ERVIN] was recorded in support of that bill, which provided loans for private institutions for college housing. I say most respectfully that the principle is identical. It is identical also with the principle in the National Defense Education Act, which my friend from North Carolina has supported. Through the National Defense Education Act since 1958 we have been making loans to private institutions to the tune of millions of dollars. We have made loans in the sum of $2,127,197 to nonprofit private schools alone. I say most respectfully that the principle which is in the higher education bill has been in the College Housing Act. It has been in the NDEA. In fact, we have been making available loans for equipment to help in the academic training of secondary school students in mathematics, science, and modern foreign languages when the students are attending private institutions just as we have made grant assistance available to public institutions for the same purposes.

Mr. President, I ask unanimous consent that a table showing, State by State, the loans which have been made under title III–B of the National Defense Education Act of 1958 to nonprofit schools be printed at this point in my remarks.

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

TITLE III–B, SEC. 305.—*Loans to nonprofit schools, as of Jan. 31, 1962*

	Number	Amount
1. Alabama		
2. Arizona	1	$19,475
3. Arkansas	1	13,000
4. California	7	47,475
5. Colorado	1	2,100
6. Connecticut	1	18,000
7. Delaware		
8. District of Columbia	4	13,835
9. Florida	2	8,585
10. Georgia	2	$12,300
11. Idaho		
12. Illinois	13	213,767
13. Indiana		
14. Iowa	2	51,449
15. Kansas	6	62,950
16. Kentucky	5	52,191
17. Louisiana		
18. Maine	2	25,256
19. Maryland	5	77,250
20. Massachusetts	6	303,575
21. Michigan	6	25,162
22. Minnesota		
23. Mississippi	1	20,000
24. Missouri	9	124,934
25. Montana	1	8,700
26. Nebraska	7	23,261
27. Nevada	1	5,000
28. New Hampshire	2	41,500
29. New Jersey	3	68,141
30. New Mexico		
31. New York	29	342,460
32. North Carolina	2	10,500
33. North Dakota	2	18,798
34. Ohio	17	131,850
35. Oklahoma	2	24,100
36. Oregon	3	14,167
37. Pennsylvania	5	57,300
38. Rhode Island		
39. South Carolina	1	5,956
40. South Dakota		
41. Tennessee	2	17,100
42. Texas	7	62,400
43. Utah		
44. Vermont	1	5,000
45. Virginia	6	60,045
46. Washington	3	56,790
47. West Virginia	1	10,000
48. Wisconsin	7	68,900
49. Wyoming		
50. Alaska		
51. Hawaii		
52. Puerto Rico	2	3,925
53. Virgin Islands		
Total	178	2,127,197

Total loans made	178
Loans paid in full	6
Loans referred to GAO for collection	1
Total loans outstanding	171

Mr. MORSE. Mr. President, once again I invite the attention of Senators to a point that we must not lose sight of. I shall necessarily emphasize it over and over again in the debate. So far as private institutions are concerned, the pending bill S. 1241, is a loan bill and not a grant bill. We are proposing no grants to private institutions. We are proposing in this particular section of the bill loans on the basis of the same principle that we have followed in connection with college housing and such as we followed in connection with the NDEA. What do we propose to do in the Hill-Morse amendment is to bring the bill into line with the House passed bill, H.R. 8900. We are adopting the House definition of "academic facilities," by providing that—

(B) any facility used or to be used for sectarian instruction or as a place for religious worship, or (C) any facility which (although not a facility described in the preceding clause) is used or to be used primarily in connection with any part of the program of a school or department of divinity. For the purpose of this subparagraph, the term "school or department of divinity" means an institution, or a department or branch of an institution, whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation or to prepare them to teach theological subjects.

I always try to give Senators every pertinent fact that I know of which involves me in connection with any pro-

posed legislation that I am advocating in the Senate. I am a strong supporter of private institutions of higher education because they perform a great academic service to this country. I happen to be a member of the board of trustees of Pacific University in Oregon, which was originally a Congregational college. Pacific University can still be considered a denominational college in the sense that it is of Congregational origin. But Pacific University is a great academic institution, as are many other so-called denominational universities.

I call attention to Willamette University in Salem, Oreg., which was started under the Methodist denomination. We have such colleges in every State in the Union.

I think it would be most unfortunate if, for example, we came to the point of view that a nuclear physicist or a student who wants to be a nuclear physicist, is denied training in a great college such as Linfield College, McMinnville, Oreg., which has one of the strongest science departments in the development of certain aspects of nuclear power of any of the institutions in our whole part of the country, if not in the Nation. The fact that the school is a denominational college should in no way prevent us from seeing to it that a loan can go to that college for the development and enlargement of its physics laboratory, its chemistry laboratory, or any other of its scientific or classroom needs. Yet Linfield has connections with the Baptist denomination.

Reed College, in Portland, Oreg., whose graduates have a most enviable record in the achievement of graduate degrees, originally had ties with the Unitarian denomination.

Surely we would not wish to deny to these institutions loan assistance for academic facilities, nor would we wish to deny loan assistance to the University of Portland, an institution with Catholic denominational affiliation.

We now come to the legal question as to whether or not the proposed legislation is in any way a violation of the first amendment. I point out that there has been no successful challenge of the policy of loans with the restrictions that we have adopted in legislation passed to date. But when this subject, in connection with the bill S. 1021, was before the Senate committee, there was a considerable amount of debate on it, both in committee and in the Department of Health, Education, and Welfare.

I assure the Senate that we have consulted the legal counsel of the Department of Health, Education, and Welfare. That Department supplied to the committee a legal brief. I agree with many of the observations in that brief, which I now read in connection with the subject of loans. The legal brief of the Department reads, as follows:

> Loans for construction of facilities may be less constitutionally vulnerable than grants for the same purposes. But this distinction is not here the only one or perhaps even the crucial one. More important are the distinctive factors present in American higher education: the fact that the connection between religion and education is less apparent and that religious indoctrination is less pervasive in a sectarian college curriculum; the fact that free public education is not available to all qualified college students; the desirability of maintaining the widest possible choice of colleges in terms of the student's educational needs in a situation no longer limited by the necessity of attending schools located close to home; the extent to which particular skills can be imparted only by a relatively few institutions; the disastrous national consequences in terms of improving educational standards which could result from exclusion of, or discrimination against, certain private institutions on grounds of religious connection; and the fact that, unlike schools, the collegiate enrollment does not have the power of State compulsion supporting it.

Mr. President, I have no question as to the constitutional defense ability of our bill. I would not have sponsored it if I thought it was subject to successful constitutional attack. We have checked it very closely with the legal advisers of our Government. They share the point of view that I am now stressing, that we have offered a bill that is constitutional. A loan section in the bill itself, which is repeated in the provisions of the Hill-Morse amendment, makes perfectly clear that all the checks and safeguards that anyone could possibly want are now in the bill.

I should like to go back to the comment I was making on the college housing program. At this point in my remarks I ask unanimous consent to have printed in the RECORD the loans made to all institutions in the country, including private institutions, as of August 31, 1961, under the College Housing Act. We find every State listed there, including the State of North Carolina. We find that North Carolina receives $33,112,000 in loans. There is a long list of institutions in North Carolina, including St. Andrew's Presbyterian College, and Duke University.

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

COLLEGE HOUSING PROGRAM, APPROVED LOANS, AUGUST 31, 1961

INSTITUTIONS AND LOCATIONS

Alabama, $23,996,000: The Marion Institute, Marion; Spring Hill College, Spring Hill; Auburn University, Auburn; Howard College, Birmingham; Tuskegee Institute, Tuskegee Institute; St. Bernard College, St. Bernard; Jacksonville State Teachers College, Jacksonville; Alabama A. & M. College, Normal; Troy State College, Troy; Florence State College, Florence; Birmingham Southern College, Birmingham; University of Alabama—Medical, Birmingham; Huntingdon College, Montgomery; University of Alabama, University; Alabama College, Montevallo; Athens College, Athens; Livingston State College, Livingston; Judson College, Marion; Sacred Heart College, Cullman.

Alaska, $2,920,000: University of Alaska, College.

Arizona, $15,398,000: Arizona State College, Tempe; University of Arizona, Tucson; Arizona State College, Flagstaff.

Arkansas, $20,922,000: Ouachita Baptist College, Arkadelphia; State A.M. & N. School, Pine Bluff; Henderson State Teachers College, Arkadelphia; Hendrix College, Conway; University of Arkansas, Fayetteville; Arkansas State Teachers College, Conway; University of Arkansas—Medical, Little Rock; Arkansas State College, State College; Harding College, Searcy; Arkansas Polytechnic College, Russellville; Little Rock University, Little Rork; Philander Smith College, Little Rock; John Brown University, Siloam Springs; Arkansas A. & M. College, College Heights.

California, $86,029,000: Menlo College, Menlo Park; University of San Francisco, San Francisco; Whittier College, Whittier; LaVerne College, LaVerne; University of Santa Clara, Santa Clara; University of Southern California, Los Angeles; Occidental College, Los Angeles; College of the Pacific, Stockton; University of Redlands, Redlands; Mount St. Mary's College, Los Angeles; Loyola University of Los Angeles, Los Angeles; College of the Holy Names, Oakland; College of Notre Dame, Belmont; University of California, Berkeley, Los Angeles, Goleta, Davis, Santa Barbara, Riverside; California Western University, San Diego; Westmont College, Santa Barbara; California State Colleges, Sacramento (11 campuses); Pasadena College, Pasadena; Marymount College, Palos Verdes Estates; Chapman College, Orange; California College of Arts & Crafts, Oakland; Stanford University, Stanford; Los Angeles College of Optometry, Los Angeles; St. Mary's College of California, St. Mary's College; San Francisco College for Women, San Francisco.

Colorado, $39,095,000: Colorado State University, Fort Collins; Colorado School of Mines, Golden; University of Colorado, Boulder; Colorado College, Colorado Springs; Western State College, Gunnison; Loretto Heights College, Loretto; Colorado State College, Greeley; Regis College, Denver; Colorado Women's College, Denver; Fort Lewis A. & M. College, Durango; University of Denver, Denver; Adams State College, Alamosa; Pueblo Junior College, Pueblo.

Connecticut, $15,810,000: University of Bridgeport, Bridgeport; Yale University, New Haven; Albertus Magnus College, New Haven; St. Joseph College, West Hartford; Connecticut College for Women, New London; Wesleyan University, Middletown; Trinity College, Hartford; Fairfield University, Fairfield.

Delaware, $4,404,000: University of Delaware, Newark; Wesley College, Dover.

District of Columbia, $14,789,000: Georgetown University, District of Columbia; The American University, District of Columbia; Trinity College, District of Columbia; the Catholic University of America, District of Columbia; the George Washington University, District of Columbia; Dunbarton College, District of Columbia.

Florida, $36,054,000: University of Florida, Gainesville; Florida A. & M. College, Tallahassee; University of Miami, Miami; John B. Stetson University, DeLand; Florida Southern College, Lakeland; Bethune Cookman College, Daytona Beach; Florida State University, Tallahassee; Rollins College, Winter Park; University of Tampa, Tampa; University of South Florida, Tampa; Barry College, Miami.

Georgia, $22,936,000: Emory University, Atlanta; Mercer University, Macon; Morries Brown College, Atlanta; Clark College, Atlanta; Georgia Military College, Milledgeville; Wesleyan College, Macon; University of Georgia, Athens; Georgia Teachers College, Statesboro; Georgia Institute of Technology, Atlanta; North Georgia College, Dahlonega; Tift College, Forsyth; Morehouse College, Morehouse; Gordon Military College, Barnesville; Young Harris College, Young Harris; Norman College, Norman Park; Shorter College, Rome; Abraham Baldwin Agricultural College, Tifton; Albany State College, Albany; LaGrange College, LaGrange; West Georgia College, Carrollton; Middle Georgia College, Cochran; Georgia Southern College, Statesboro.

Hawaii, $1,077,000: University of Hawaii, Honolulu.

Idaho, $4,640,000: University of Idaho, Moscow; the College of Idaho, Caldwell; Northwest Nazarene College, Nampa; North Idaho Junior College, Coeur d'Alene; Boise Junior College, Boise.

Illinois: $7,902,000: Knox College, Galesburg; Illinois Institute of Technology, Chicago; Southern Illinois University, Carbondale; Illinois College, Jacksonville; North Central College, Naperville; Loyola University, Chicago; North Park College and Theological Seminary, Chicago; Lake Forest College, Lake Forest; Lincoln College, Lincoln; Quincy College and Seminary, Quincy; University of Illinois, Urbana; Aurora College, Aurora; University of Chicago, Chicago; Barat College of the Sacred Heart, Lake Forest; Greenville College, Greenville; Shimer College, Mount Carroll; Illinois State Normal University, Normal; National College of Education, Evanston; Western Illinois University, Macomb; Northern Illinois University, DeKalb; Eastern Illinois University, Charleston; MacMurray College, Jacksonville; Milliken University, Decatur; Augustana College, Rock Island; Saint Xavier College, Chicago; Monmouth College, Monmouth; Rosary College, River Forest; Elmhurst College, Elmhurst; St. Procopius College, Lisle; Mundelein College, Chicago; Olivet Nazarene College, Kankakee; Bradley University, Peoria.

Indiana, $59,620,000: Butler University, Indianapolis; Anderson College and Theological Seminary, Anderson; Indiana University, Bloomington; St. Joseph's College, Rensselaer; Franklin College of Indiana, Franklin; Manchester College, North Manchester; Earlham College, Richmond; Taylor University, Upland; Marion College, Marion; Purdue University, Lafayette; Ball State Teachers College, Muncie; Indiana University-Medical, Indianapolis; the Vincennes University, Vincennes; Evansville College, Evansville; Valparaiso University, Valparaiso; Indiana State Teachers College, Terre Haute; University of Notre Dame du Lac, Notre Dame; Oakland City College, Oakland City; St. Francis College, Fort Wayne; Rose Polytechnic Institute, Terre Haute.

Iowa, $13,456,000: Drake University, Des Moines; Morningside College, Sioux City; Iowa Wesleyan College, Mount Pleasant; Simpson College, Indianola; Upper Iowa University, Fayette; Luther College, Decorah; Waldorf College, Forest City; Buena Vista College, Storm Lake; Parsons College, Fairfield; St. Ambrose College, Davenport; Grinnell College, Grinnell; Northwestern College, Orange City; Coe College, Cedar Rapids; William Penn College, Oskaloosa; University of Dubuque, Dubuque.

Kansas, $29,437,000: University of Wichita, Wichita; Ottawa University, Ottawa; Baker University, Baldwin; Sterling College, Sterling; Kansas State College, Pittsburg; University of Kansas, Lawrence; Kansas Wesleyan University, Salina; Fort Hays Kansas State College, Hays; St. Benedict's College, Atchison; Bethany College, Lindsborg; Kansas State Teachers College, Emporia; The Friends University, Wichita; The Southwestern College, Winfield; The College of Emporia, Emporia; Tabor College, Hillsboro; Sacred Heart College, Wichita; McPherson College, McPherson; Kansas State University of Agriculture and Applied Science, Manhattan; Bethel College, North Newton.

Kentucky, $38,408,000: University of Kentucky, Lexington; Murray State College, Murray; Western Kentucky State College, Bowling Green; Transylvania University, Lexington; Georgetown College, Georgetown; University of Louisville, Louisville; Eastern Kentucky State College, Richmond; Bellarmine College, Louisville; Kentucky State College, Frankfort; Morehead State College, Morehead; Union College, Barbourville; Pikesville College, Pikesville; Centre College of Kentucky, Danville; Nazareth College at Louisville, Louisville.

Louisiana, $39,056,000: Tulane University, New Orleans; Centenary College of Louisiana, Shreveport; Northwestern State College, Nachitouches; McNeese State College, Lake Charles; Louisiana College, Pineville; Southeastern Louisiana College, Hammond; Louisiana Polytechnic Institute, Ruston; St. Mary's Dominican College, New Orleans; Dillard University, New Orleans; Grambling College, Grambling; Southern University and A. & M. College, Baton Rouge; Northeast Louisiana State College, Monroe; Loyola University, New Orleans.

Maine, $680,000: Nasson College, Springvale.

Maryland, $11,192,000: The Johns Hopkins University, Baltimore; University of Maryland, College Park; Washington College, Chestertown; Ner Israel Rabbinical College, Baltimore; Hood College, Frederick; College of Notre Dame of Maryland, Baltimore; Loyola College, Baltimore; Mount St. Agnes College, Baltimore; Mount Saint Mary's College, Emmittsburg; Goucher College, Towson.

Massachusetts, $40,417,000: Tufts College, Medford; Brandeis University, Waltham; Assumption College, Worcester; Boston University, Boston; Lesley College, Cambridge; Bouve-Boston College, Medford; Stonehill College, North Easton; Worcester Polytechnic Institute, Worcester; Clark University, Worcester; New England Conservatory of Music, Boston; Emmanual College, Boston; Springfield College, Springfield; Wheaton College, Norton; Mount Holyoke College, South Hadley; Anna Maria College for Women, Paxton; Merrimack College, North Andover; Massachusetts Institute of Technology, Cambridge; Wellesley College, Wellesley; Dean Academy and Junior College, Franklin; Wheelock College, Boston; Eastern Nazarene College, Wollaston; College of the Holy Cross, Worcester; Regis College for Women, Weston; American International College, Springfield.

Michigan, $29,484,000: University of Detroit, Detroit; Hope College, Holland; Olivet College, Olivet; University of Michigan, Ann Arbor; Michigan State University, East Lansing; Eastern Michigan University, Yosilanti; Marygrove College, Detroit; Central Michigan College, Mount Pleasant; Michigan College of Mining and Technology, Houghton; Western Michigan University, Kalamazoo; Aquinas College, Grand Rapids; Adrian College, Adrian; Calvin College, Grand Rapids.

Minnesota, $27,614,000: Gustavus Adolphus College, St. Peter; Concordia College, Moorhead; Augsburg College and Theological Seminary, Minneapolis; Bethel College and Seminary, St. Paul; St. Olaf College, Northfield; Macalester College, St. Paul; Hamline University, St. Paul; University of Minnesota, St. Paul, Minneapolis, Duluth; St. Mary's College, Winona; Carleton College, Northfield; St. John's University, Collegeville; College of St. Thomas, St. Paul; The College of St. Catherine, St. Paul; College of Saint Teresa, Winona.

Mississippi, $21,046,000: University of Mississippi, University; Mississippi State University, State College; Mississippi Southern College, Hattiesburg; Millsaps College, Jackson; Mississippi State College for Women, Columbus; Delta State College, Cleveland; Mississippi College, Clinton; Alcorn A. & M. College, Lorman; Jackson State College, Jackson; William Carey College, Hattiesburg; Mississippi Vocational College, Itta Bena.

Missouri, $67,743,000: University of Kansas City, Kansas City; St. Louis University, St. Louis; Central Missouri State College, Warrensburg; Drury College, Springfield; Rockhurst University, Kansas City; University of Missouri, Columbia; School of Mines & Metallurgy (University of Missouri), Rolla; Park College, Parkville; William Jewell College, Liberty; Westminster College, Fulton; Northwest Missouri State College, Marysville; Webster College, Webster Groves; William Woods College, Fulton; Southwest Missouri State College, Springfield; Tarkio College, Tarkio; Northeast Missouri State Teachers College, Kirksville; Southeast Missouri State College, Cape Girardeau; Wentworth Military Academy, Lexington; the Washington University, St. Louis; Cottey Junior College, Nevada; Stephens College, Columbia; Christian College, Columbia; Parks College (St. Louis University), East St. Louis, Ill.; Kirksville College of Osteopathy and Surgery, Kirksville; Maryville College of the Sacred Heart, St. Louis; Culver-Stockton College, Canton; Missouri Valley College, Marshall.

Montana, $11,305,000: Montana State University, Missoula; Northern Montana College, Havre; Eastern Montana College of Education, Billings; Western Montana College of Education, Dillon; Montana State College, Bozeman; Montana School of Mines, Butte; Carroll College, Helena; Rocky Mountain College, Billings.

Nebraska, $5,474,000: Nebraska Wesleyan University, Lincoln; the Creighton University, Omaha; McCook College, McCook; Hastings College, Hastings; Dana College, Blair; Midland College, Fremont; Doane College, Crete; Duchesne College, Omaha.

Nevada, $2,012,000: University of Nevada, Reno.

New Hampshire, $4,959,000: Dartmouth College, Hanover; Rivier College, Nashua; St. Anselm's College, Manchester; New England College, Henniker.

New Jersey, $24,164,000: Fairleigh Dickinson University, Rutherford; Westminster Choir College, Princeton; Upsala College, East Orange; Institute for Advanced Study, Princeton; Rutgers University, New Brunswick; Drew University, Madison; Rider College, Trenton; Bloomfield College and Seminary, Bloomfield; Georgian Court College, Lakewood; Stevens Institute of Technology, Hoboken; Centenary College for Women, Hackettstown; Seton Hall University, South Orange.

New Mexico, $10,796,000: New Mexico School of Mines, Socorro; New Mexico Highlands University, Las Vegas; New Mexico State University, University Park; New Mexico Western College, Silver City; University of New Mexico, Albuquerque; College of St. Joseph on the Rio Grande, Albuquerque; St. Michael's College, Santa Fe; Eastern New Mexico University, Portales.

New York, $140,381,000: Rensselaer Polytechnic Institute, Troy; Syracuse University, Syracuse; St. Lawrence University, Canton; Clarkson College of Technology, Potsdam; St. Bonaventure University, St. Bonaventure; Alfred University, Alfred; New York University, New York; Briarcliff College, Briarcliff Manor; Cazenovia Junior College, Cazenovia; Yeshiva University, New York; Manhattan College, New York; Iona College, New Rochelle; Russell Sage College, Troy; Adelphi College, Garden City; Wagner Lutheran College, Staten Island; Colgate University, Hamilton; Fordham University, New York; University of Rochester, Rochester; Elmira College, Elmira; Hamilton College, Clinton; Hartwick College, Oneonta; Keuka College, Keuka Park; Bard College, Annandale-on-Hudson; Skidmore College, Saratoga Springs; Vassar College, Poughkeepsie; Houghton College, Houghton; Columbia University, New York; St. Bernardine of Siena College, Loudonville; the University of Buffalo, Buffalo; College of New Rochelle, New Rochelle; Nazareth College of Rochester, Rochester; Manhattanville College of the Sacred Heart, Purchase; Rochester Institute of Technology, Rochester; D'Youville College, Buffalo; the College of St. Rose, Albany; Hobart College, Geneva; Long Island University, Brooklyn; Union College, Schenectady; New York State Dormitory Authority, Albany (11 campuses); C. W. Post College, Brookville; Sarah Lawrence College, Bronxville; Barnard College, New York; Brooklyn College Student Services Corp., Brooklyn; Utica College (Syracuse University), Utica; Rosary Hill College, Buffalo; College of Mt. St. Vincent, New York; Ithaca College, Ithaca; Fashion Institute of Technology Dormitory Authority, New York; Marist College, Poughkeepsie; William Smith College, Geneva; Bennett College, Millbrook; LeMoyne College, Syracuse.

North Carolina, $33,112,000: Elon College, Elon College; Campbell College, Buies Creek;

St. Mary's Junior College, Raleigh; East Carolina College, Greenville; North Carolina State College of A&E, Raleigh; University of North Carolina, Chapel Hill; Wingate Junior College, Wingate; Western Carolina College, Cullowhee; Pfeiffer College, Misenheimer; Appalachian State Teachers College, Boone; Lenoir Rhyne College, Hickory; Louisburg College, Louisburg; The Woman's College of the University of North Carolina, Greensboro; Atlantic Christian College, Wilson; Queens College, Charlotte; Agricultural & Technical College of North Carolina, Greensboro; North Carolina College at Durham, Durham; Livingstone College, Salisbury; Bennett College, Greensboro; Chowan College, Murfreesboro; St. Andrews Presbyterian College, Laurinburg; Belmont Abbey College, Belmont; Meredith College, Raleigh; Winston-Salem Teachers College, Winston-Salem; Duke University, Durham.

North Dakota, $6,018,000: Jamestown College, Jamestown; Mayville State Teachers College, Mayville; State Teachers College, Dickinson; University of North Dakota, Grand Forks; State Teachers College, Minot; North Dakota State University of Agriculture and Applied Science, Fargo.

Ohio, $68,251,000: University of Dayton, Dayton; Antioch College, Yellow Springs; Xavier University, Cincinnati; Ohio Wesleyan University, Delaware; Findlay College, Findlay; Baldwin Wallace College, Berea; Heidelberg College, Tiffin; Ashland College, Ashland; John Carroll College, Cleveland; Oberlin College, Oberlin; Muskingum College, New Concord; Case Institute of Technology, Cleveland; Wittenberg University, Springfield; Miami University, Oxford; Marietta College, Marietta; University of Akron, Akron; Hiram College, Hiram; Central State College, Wilberforce; Ohio State University, Columbus; College of Mount St. Joseph, Mount St. Joseph; Defiance College, Defiance; University of Toledo, Toledo; Ohio Northern University, Ada; University of Cincinnati; Cincinnati; Lake Erie College, Painesville; Ohio University, Athens; Kent State University, Kent; Denison University, Granville; Bowling Green State University, Bowling Green; Mount Union College, Alliance; Western Reserve University, Cleveland; College of Wooster, Wooster; College of Steubenville, Steubenville; Otterbein College, Westerville; Rio Grande College, Rio Grande; Kenyon College, Gambier.

Oklahoma, $16,200,000: Oklahoma Baptist University, Shawnee; Oklahoma State University, Stillwater; Oklahoma City University, Oklahoma City; University of Oklahoma, Norman; Phillips University, Enid; Southwestern State College, Weatherford; Oklahoma Christian College, Oklahoma City; Northeastern Oklahoma A&M College, Miami; Northeastern State College, Tahlequah; Bethany Nazarene College, Bethany; Central State College, Edmond; Eastern Oklahoma A&M College, Wilburton; Cameron State Agricultural College, Lawton.

Oregon, $11,130,000: Lewis and Clark College, Portland; Reed College, Portland; University of Portland, Portland; Linfield College, McMinnville; Pacific University, Forest Grove; Eastern Oregon College, La Grande; Southern Oregon College of Education, Ashland; Mount Angel College, Mount Angel; Willamette University, Salem; George Fox College, Newberg.

Pennsylvania, $80,550,000: LaSalle College, Philadelphia; Philadelphia Textile Institute, Philadelphia; Villanova College, Villanova; Duquesne University, Pittsburgh; Allegheny College, Meadville; Juniata College, Huntingdon; Elizabethtown College, Elizabethtown; Moore Institute of Applied Science & Industry, Philadelphia; St. Francis College, Loretto; Beaver College, Jenkintown; Dickinson College, Carlisle; Temple University, Philadelphia; Lincoln University, Lincoln University; Thiel College, Greenville; Franklin and Marshall College, Lancaster; Lebanon Valley College, Annville; Westminster College, New Wilmington; Wilson College, Chambersburg; Lycoming College, Williamsport; University of Pennsylvania, Philadelphia; the Waynesburg College, Waynesburg; Gettysburg College, Gettysburg; Gannon College, Erie; Seton Hill College, Greensburg; Pennsylvania Military College, Chester; Carnegie Institute of Technology, Pittsburgh; University of Scranton, Scranton; Eastern Baptist College, St. Davids; St. Joseph's College, Philadelphia; Mercyhurst College, Erie; Delaware Valley College of Science & Agriculture, Doylestown; Moravian College, Bethlehem; Drexel Institute of Technology, Philadelphia; Chatham College, Pittsburgh; the Pennsylvania State University, University Park; Pennsylvania Military College, Chester; Muhlenberg College, Allentown; Susquehanna University, Selinsgrove; Geneva College, Beaver Falls; Mount Mercy College, Pittsburgh; Villa Maria College, Erie; University of Pittsburgh, Pittsburgh; St. Vincent College, Latrobe; Albright College, Reading; Lafayette College, Easton.

Puerto Rico, $8,243,000: Catholic University of Puerto Rico, Ponce; Inter-American University, San German; University of Puerto Rico, Rio Piedras.

Rhode Island, $9,663,000: University of Rhode Island, Kingston; Rhode Island School of Design, Providence; Bryant University, Providence; Brown University, Providence; Rhode Island College, Providence.

South Carolina, $14,580,000: Medical College of South Carolina, Charleston; Allen University, Columbia; Wofford College, Spartanburg; The Columbia College, Columbia; Newberry College, Newberry; Furman University, Greenville; Converse College, Spartanburg; Presbyterian College, Clinton; Erskine College, Due West; Lander College, Greenwood; Benedict College, Columbia; College of Charleston, Charleston; Claflin College, Orangeburg; University of South Carolina, Columbia; Anderson College, Anderson.

South Dakota $10,341,000: Augustana College, Sioux Falls; Dakota Wesleyan University, Mitchell; Southern State Teachers College, Springfield; South Dakota School of Mines and Technology, Rapid City; Black Hills Teachers College, Spearfish; South Dakota State College of A & M, Brookings; University of South Dakota, Vermillion; Northern State Teachers College, Aberdeen; General Beadle State Teachers College, Madison; Sioux Falls College, Sioux Falls; Huron College, Huron.

Tennessee, $25,280,000: Memphis State University, Memphis; the Vanderbilt University, Nashville; Tennessee A. & I. State University, Nashville; University of Tennessee, Martin, Knoxville; the Tennessee Wesleyan College, Athens; Carson-Newman College, Jefferson City; East Tennessee State College, Johnson City; Tennessee Polytechnic Institute, Cookeville; Christian Brothers College, Memphis; the Fisk University, Nashville; George Peabody College for Teachers, Nashville; Maryville College, Maryville; Knoxville College, Knoxville; Middle Tennessee State College, Murfreesboro; Lambuth College, Jackson; Siena College, Memphis; Bethel College, McKenzie; Southwestern at Memphis, Memphis.

Texas $93,715,000: St. Mary's University, San Antonio; Baylor University, Waco; Howard Payne College, Brownwood; Trinity University, San Antonio; Hardin Simmons University, Abilene; Lamar State College of Technology, Beaumont; Huston-Tillotson College, Austin; University of Texas, Austin; Abilene Christian College, Abilene; McMurray College, Abilene; Sam Houston State Teachers College, Huntsville; Southern Methodist University, Dallas; North Texas State College, Denton; West Texas State College, Canyon; Texas Wesleyan College, Fort Worth; Texas Christian University, Fort Worth; Austin College, Sherman; Texas Technological College, Lubbock; Texas Western College (U. of Tex.), El Paso; Texarkana College, Texarkana; University of Corpus Christi, Corpus Christi; Saint Edward's University, Austin; Texas Woman's University, Denton; University of St. Thomas, Houston; Wharton County Junior College, Wharton; Tyler Junior College, Tyler; Tarleton State College, Stephenville; Our Lady of the Lake College, San Antonio; Southwest Texas State College, San Marcos; Agricultural & Mechanical College of Texas, College Station; Incarnate Word College, San Antonio; San Angelo College, San Angelo; Texas College of Arts and Industries, Kingsville; Texas College, Tyler; Pan American College, Edinburg; Howard County Junior College, Big Spring; Sacred Heart Dominican College, Houston; East Texas State College, Commerce; Stephen F. Austin State College, Nacogdoches; South Plains College, Levelland; Blinn College, Brenham; Del Mar College, Corpus Christi; Sul Ross State College, Alpine; Wiley College, Marshall; Bishop College, Dallas; University of Dallas, Dallas; Texas Southern University, Houston; Jarvis Christian College, Hawkins; Lubbock Christian College, Lubbock; Arlington State College, Arlington.

Utah, $11,980,000: University of Utah, Salt Lake City; College of Southern Utah, Cedar City; Carbon College, Price; Snow College, Ephriam; Utah State University of Agriculture and Applied Science, Logan; Dixie College, St. George; Westminster College, Salt Lake City; Weber College, Ogden.

Vermont, $10,589,000: Norwich University, Northfield; Vermont College, Montpelier; Middlebury College, Middlebury; Trinity College, Burlington; St. Michael's College, Winooski; University of Vermont, Burlington; Windham College, Putney.

Virginia, $9,270,000: Hampton Institute, Hampton; Medical College of Virginia, Richman; Emory and Henry College, Emory; Clinch Valley College, Wise; Roanoke College, Salem; Bridgewater College, Bridgewater; Virginia Union University, Richmond; Mary Baldwin College, Staunton; Ferrum Junior College, Ferrum; Shenandoah College, Winchester; Marymount College, Arlington; Sweet Briar College, Sweet Briar.

Washington, $48,365,000: University of Washington, Seattle; University of Puget Sound, Tacoma; Seattle University, Seattle; Whitworth College, Spokane; Gonzaga University, Spokane; Seattle Pacific College, Seattle; Pacific Lutheran College, Tacoma; St. Martin's College, Olympia; Washington State University, Pullman; Western Washington College of Education, Bellingham; Central Washington College of Education, Ellensburg; Eastern Washington College of Education, Cheney.

West Virginia, $18,632,000: Davis & Elkins College, Elkins; Morris Harvey College, Charleston; Bethany College, Bethany; Potomac State College, Keyser; Concord College, Athens; West Virginia Wesleyan College, Buckhanon; Alderson Broaddus College, Philippi; Wheeling College, Wheeling; Fairmont State College, Fairmont; West Liberty State College, West Liberty; West Virginia University, Morgantown; Shepherd College, Shepherdstown; West Virginia State College, Institute; Marshall College, Huntington; Glenville State College, Glenville; West Virginia Institute of Technology, Montgomery; Salem College, Salem.

Wisconsin, $40,603,000: Marquette University, Milwaukee; St. Norbert College, West De Pere; Carroll College, Waukesha; Viterbo College, La Crosse; University of Wisconsin, Madison; Wisconsin State Colleges Building Corp, Madison (9 campuses); Beloit College, Beloit; Ripon College, Ripon; Milton College, Milton; Lawrence College, Appleton; Carthage College, Kenosha.

Wyoming, $635,000: Casper College, Casper.

Mr. MORSE. Mr. President, I believe it would be a serious blow to the educational strength of America if we followed

the constitutional interpretation made by the distinguished legal scholar, the senior Senator from North Carolina.

I believe that we provide in the amendment all the necessary safeguards for the American taxpayers.

Then, as the Senator from Pennsylvania [Mr. CLARK] and I have said so frequently for the past 2 years, we must move as rapidly as possible toward the adoption of legislation which will provide for an early judicial review of this whole question of the meaning of the first amendment in respect to Federal aid to educational institutions of a private nature.

Here on the floor of the Senate this afternoon I wish to say that we should not cripple the pending bill by adopting an amendment which may subsequently be offered by the Senator from North Carolina, and which would put the bill at complete variance with the version of the House of Representatives, particularly when the Senator from Alabama [Mr. HILL] and I have offered to the Senate an amendment which in our judgment meets the major objective the Senator from North Carolina has in mind, with which I am in complete agreement.

We ought once again restate and reiterate, as he has so eloquently done here this afternoon, the doctrine of separation of church and state. However, the bill provides only for loans for construction of academic facilities, for use in the teaching of academic curriculums in private institutions, and at the same time it does not violate the doctrine of separation of church and state. It is completely consistent in theory with the millions of dollars in loans which have been made available in connection with such legislation as the College Housing Act and the National Defense Education Act, to mention only two great enactments.

I sincerely hope that the amendment offered by the Senator from Alabama and the Senator from Oregon will be adopted.

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

Mr. MORSE. I am delighted to yield.

Mr. ERVIN. The Senator referred to my votes on previous bills. I voted for the bill to authorize college housing on the ground that dormitories are used for sleeping purposes, rather than for instructional purposes. The Senator from Oregon may see no distinction between the two, but I do. That is the reason why I voted as I did.

I also voted for the National Defense Education Act, because in that act, insofar as the loans for scholarships were concerned, they were made to individual students, who were allowed to select the colleges they attended. In that way aid was given to the student rather than to the college.

I also voted for the National Defense Education Act, notwithstanding that it allowed the Government to buy equipment of a laboratory nature, on the ground that in my judgment that equipment could not be used for the teaching of religion, but would have to be used for secular education exclusively.

I merely wish to point out the reasons why I voted for the other bills. I do not believe there is any inconsistency between my voting for those bills and the way I intend to vote on the subject we are now considering. The Senator may disagree with me, but I appreciate his giving me this opportunity to state my views.

Mr. MORSE. By all means, I am glad to have the Senator state his views. I do not seek to emphasize any inconsistency, incidentally. I merely wish to point out that my difference with the Senator from North Carolina is that I believe the position he is taking and his interpretation of the differences between the National Defense Education Act and the College Housing Act on the one hand, and the program we are sponsoring for higher educational facilities is a difference of form, not of substance.

Let us take the matter of dormitories. Let us take the case of a private institution where these dormitories are built. In fact, it is possible to buy the land and make available to that institution the land needed by fee simple, about which the Senator spoke earlier in his remarks this afternoon.

My point is that the institution could not function without students. It could not have students unless it could have some place where it could house the students and sleep them and feed them and care for them. In my judgment, that is essential to the operation of a private institution.

For the life of me I cannot see any substantial difference between taking care of the students after bringing them to the campus, and housing them and feeding then and taking care of them, and bringing them under the rules and regulations of the private institution with respect to their conduct on the campus, and what we would provide here.

As the Senator knows, once the students come on the campus they are "wards of the institution." They are subject to all the rules and regulations as to hours, social activities, and what not.

I most respectfully say that if we provide all those facilities by way of loans, there can be no substantial difference between that and providing loans for laboratories or for any other facilities. Let us not forget that under the Defense Education Act we provide not only laboratory equipment, but also remodeling of classrooms for the teaching of modern foreign languages.

The Senator from North Carolina earlier this afternoon raised the question that we have no guarantee that the schools would not use these facilities for religious purposes.

Let us not forget that we continue to follow through to see the use to which our loan money is being put. If we found bad faith on the part of any institution—and I am not one who would even suspect that such an institution would follow bad faith—we would have the remedies in such a case.

I wish to conclude my argument by saying that so far as loans for educational institutions are concerned, it does not make any difference to what academic purpose the institution puts the loans. We are putting a guarantee in the act however that they are prohibited from putting such a loan to any use in connection with the carrying out of a religious educational purpose or function.

Mr. ERVIN. Mr. President, will the Senator yield further?

Mr. MORSE. I yield.

Mr. ERVIN. Let me see if the Senator and I can reach agreement on one point. Does the Senator from Oregon concur or disagree with my opinion that under the ruling of the Supreme Court in the case of Massachusetts versus Mellon it would be impossible for any individual American citizen under the amendment proposed by the Senator from Oregon and the Senator from Alabama to contest in the Federal court the question of whether an institution receiving a loan is violating that amendment?

Mr. MORSE. I would go only this far under the Massachusetts case, to say that under the facts of that case the court has made very clear that one cannot raise a constitutional question before the court. I am not ready to say to the Senator from North Carolina that I think it is impossible to test the first amendment under the National Defense Education Act. It merely has not been attempted before the Supreme Court. That would be a most fascinating case. I would like to be in on it. I said in committee, and I believe I said in debate on the floor, when that question was before us, that I do not believe the Clark-Morse bill is necessarily essential in order to get judicial review. I believe we can probably get it under tests of either the College Housing Act or the National Defense Education Act. However, the surest way to get judicial review consideration of the first amendment is through the Clark-Morse bill, S. 1482.

Mr. ERVIN. I am still trying to see if we cannot reach agreement in the legal field. I wonder whether the Senator from Oregon will agree with me in the following, that the decision of the Supreme Court in Massachusetts versus Mellon certainly did put that question in a somewhat murky condition?

Mr. MORSE. Under the operative facts of that case, but only under that case. In other words, I say most respectfully to the Senator from North Carolina, I shall not say here that I think that case pertains to any other possible set of facts than those involved in it. However, I think it is possible to bring a case under the National Defense Education Act or the college housing bill which might very well reach the Supreme Court of the United States, and I should like to see it attempted.

In order to remove any doubt about it, the Senator from Pennsylvania [Mr. CLARK] and I have offered the judicial review section of the Clark-Morse bill, which is now before our committee, and which was worked out by the Attorney General of the United States, the Solicitor General of the United States, the senior Senator from Pennsylvania, and the senior Senator from Oregon. We are satisfied that under that judicial review section it will be possible to have adjudicated the whole question of how far it is possible to go under the first amendment in the whole educational field.

However, I wish to tie down the debate this afternoon to this point. I am satisfied that the provisions which are contained in the bill are constitutional; that loans under the limitations we have fixed in the bill are constitutional; and that the Hill-Morse amendment, joined with the definitive language of the House as to what an academic facility is, accomplishes, to all intents and purposes, the laudable major objective of the Senator from North Carolina, which I consider is an attempt upon his part to restate the doctrine of separation of church and State, with which I find myself in complete agreement.

Mr. President, I hope the Hill-Morse amendment will be adopted.

Mr. CLARK. Mr. President, first, I commend the Senator from Oregon and the Senator from Alabama for offering the pending amendment, which I think buttons up tightly the fact that Congress does not intend to have any Federal money used for edifices, buildings, or classrooms which will be used for religious purposes. I think we are all clear on that point.

Secondly—and this must be a matter for disagreement between lawyers—I do not share the view of the Senator from North Carolina about the implications of the amendment; in fact, I share the view of the Senator from Oregon that the section which we jointly wrote into the act he has mentioned make it possible—indeed, probable—that this question can be adjudicated in the Supreme Court of the United States.

Third, and finally, with respect to the proposed amendment of the Senator from North Carolina, whom I honor for his disagreement—if it is legal and if it is not, we have been violating the Constitution for many years, to make loans to private institutions for dormitories, dining halls, and cafeterias—it seems to me to be very difficult, indeed, to contend that such loans cannot equally be extended for academic facilities in the nature of laboratories, libraries, classrooms, and the like, when coupled with the stringent prohibition against using any of the space thus erected with Federal loan money for religious purposes.

PARTICIPATION BY FRANK B. ELLIS IN STOCKPILE INVESTIGATION

Mr. WILLIAMS of Delaware. Mr. President, last Friday President Kennedy announced that Mr. Frank B. Ellis, who, as Director of the Office of Emergency Planning, has for the past several months been in charge of the strategic stockpiling program of the U.S. Government, is resigning and that he is being nominated as a Federal judge for the eastern district of Louisiana.

In making this announcement a spokesman for the White House pointed out that Mr. Ellis had participated in the stockpile investigation which had been quietly initiated by the White House last spring and that it was this inquiry which led the President to the conclusion that a congressional investigation was needed and that the situation held a possibility of "unconscionable profits" and possible mismanagement. In pointing out Mr. Ellis' assistance in this preliminary inquiry, the White House emphasized that there was no relation between Mr. Ellis' selection for the judgeship and the stockpiling investigation.

I want to emphasize that I have no reason to think that Mr. Ellis as head of the Government stockpiling program did not do a good job, and as far as I know he is fully qualified for the Federal judgeship and will no doubt be confirmed by an overwhelming vote. I, personally, have every intention of voting for his confirmation.

However, I am going to make this suggestion, that the confirmation of Mr. Ellis for this judicial appointment be held up without prejudice until Mr. Ellis first has an opportunity to appear before the congressional committee which is being set up to investigate the stockpiling program and to give to that committee the benefit of his vast knowledge and experience concerning the operations of this program.

We cannot overlook the fact that once Mr. Ellis is confirmed as a Federal judge, under our constitutional system there would be a question as to the propriety of requiring him to testify before a congressional committee. I am not inferring that it is the intention of the administration to remove Mr. Ellis from the jurisdiction of any congressional committee, and I am confident the President would have no objection to our delaying, without prejudice, the confirmation of Mr. Ellis.

Mr. Ellis, as the recent head of the Office of Emergency Planning, was in charge of our strategic stockpiling program, and as an official he played an important part in the preliminary inquiry which was conducted at the White House suggestion into this program, which inquiry led to the President's request for a full-scale investigation. Certainly, as a result of this service, he does have a vast amount of knowledge which would be of great assistance to any congressional investigating committee. After the congressional committee has had the benefit of Mr. Ellis' testimony the Senate could then proceed with the consideration of his confirmation as a Federal judge.

It may well be that the Senate committee can develop all the information which is needed in its inquiry without the assistance of Mr. Ellis, but in the light of the importance which the President has placed upon this investigation we do not want to overlook any possibility for getting the whole story.

Once again I compliment the President upon the interest he is now displaying in curtailing the unnecessary expenditures required to purchase materials in our stockpiling program which are not needed for our national defense, and again I pledge both to the President and to the congressional committee my fullest cooperation in bringing to the attention of the American people all of the facts surrounding this program.

COMMUNITY SELF-HELP

Mr. CARROLL. Mr. President, we have heard much in this Chamber about programs to assist our small cities and communities in developing their economic position.

In fact, one of the most important pieces of legislation passed by the Congress in the last session was the much needed Area Redevelopment Act. This act is now providing grants and loans for technical assistance and economic development in areas of severe and persistent labor surplus. This is a program which I have long supported.

However, there is no substitute for private initiative.

As I have often pointed out in the past, no program of Federal and State assistance will be of any value unless the community itself is actively interested in helping itself. The community must seize the initiative. It must work to improve its facilities and make its attractions known to industry.

An example of such a community self-help program is found in my own State of Colorado. Last year the community and business leaders of Canon City established the Canon City Area Development Foundation, Inc.

This foundation, although little more than a year old, has already produced results. A site has been purchased for the Royal Gorge Industrial Park and already a $90,000 factor, producing airline baggage conveyors, has been constructed in the park.

I have now received a statement of the aims and accomplishments of this foundation.

The best summary of the activities of the Canon City Area Development Foundation is their motto—found in the capital letters C.C.A.D.F.—that is, Creating Concerted Action for a Definite Future.

In closing, I am sure the Senate will be interested in reading of the work of the incorporators of this organization. These men are all members of the business community of Canon City. They are Mr. Burl E. Huitt, Mr. William F. Jackson, Mr. David Marcott, Mr. Lee Peterson, Mr. George E. Smith, Mr. Ralph Tomberlin, and Mr. George S. Winters. Tribute must also be given to Mrs. Pauline L. Bryan, manager of the Canon City Area Development Foundation, Inc.

Mr. President, at this point I ask unanimous consent that the purposes and accomplishments of the Canon City Area Development Foundation be printed at this point in the RECORD.

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

PURPOSE AND AIMS

Promote and encourage industrial or commercial enterprises in the Canon City region by:

1. Providing suitable industrial sites through development of the Royal Gorge Industrial Park.

2. Insuring, after investigation, adequate financial assistance through local firms and/or the Small Business Administration.

3. Working for a planned development of the region with respect to present and prospective industry.

PRESENT TRACT

Twenty-eight and five-hundredths will be enlarged as additional investments are made by individuals and firms interested in planned industrial development of Canon City. Your investment or inquiries can be

made to: William F. Jackson, president, or Mrs. Pauline L. Bryan, manager, C.C.A.D.F., Inc., Post Office Box 366, Canon City, Colo.

Canon City (located on U.S. 50) is served by Atchison Topeka & Santa Fe Railroad and Denver & Rio Grande Western Railroad and Rio Grande Motorway.

Fremont County Airport, certified in 1961 by CAA, is 5 miles from Canon City on U.S. 50.

Plans are being developed for a helicopter port and runway at the Royal Gorge Industrial Park.

ACCOMPLISHMENTS

1. Negotiated purchase of a 28.05 acre plot through A.T. & S.F. Railway Co. from the Cherokee & Pittsburg Coal & Mining Co. as initial site for Royal Gorge Industrial Park.
2. Preliminary planning and development of the tract as follows:
   a. Surveyed and constructed access roads.
   b. Obtained electrical power and natural gas for the area.
   c. Secured water from Cotter Corp. and city of Canon City.
3. Gave 6-plus acres of the tract to Fry & Co. as site for construction of a new $90,000 factory building—completed December 1961. This building houses the company's local expanding airline baggage conveyor and Jeep-loading manufacturing plant.

IMMEDIATE NEEDS

1. Secure funds to complete payment for installation of water line.
2. Complete master plan.
3. Complete road construction.
4. Obtain option on surrounding land for future growth.

AID FOR HIGHER EDUCATION

The Senate resumed the consideration of the bill (S. 1241) to authorize assistance to public and other nonprofit institutions of higher education in financing the construction, rehabilitation, or improvement of needed academic and related facilities and to authorize scholarships for undergraduate study in such institutions.

Mr. ERVIN. Mr. President, I do not expect to vote against the amendment offered by the Senator from Oregon and the Senator from Alabama, although I think it is totally inadequate to meet the objection I have made. At the same time, I should say it is something in the nature of a powder puff improvement upon the bill in its original form. I do not intend to vote in opposition to the amendment.

Mr. MORSE. Mr. President, any compliment from the Senator from North Carolina concerning our amendment is appreciated.

Mr. ERVIN. I would lay the flattering unction to my soul that perhaps my amendment may have had something to do with the inspiration which led to the presentation of the amendment by the Senator from Oregon and the Senator from Alabama.

Mr. MORSE. I plead guilty to that charge.

Mr. ERVIN. I do not oppose the amendment. It does not interfere in any way with my amendment, because it covers other phases of the bill. So I offer no objection to its adoption.

Mr. RANDOLPH. Mr. President, this matter of loans and grants was a question of concern in the Subcommittee on Education of the Committee on Labor and Public Welfare. I should say that not only is it a matter of current interest and enduring significance; but during the time when the proposed legislation was before our subcommittee and later the full committee, it was a subject for considerable discussion. The proposal against grants was voted on in committee when the National Defense Education Act was before us.

Mr. President, in order that the record may be clear so far as the Senator from West Virginia is concerned, it will be recalled that during the consideration of the National Defense Education Act the subcommittee and committee were concerned on that phase of that legislation, as to the amounts of money and methods by which funds might be given in aid to institutions of higher learning. I offered an amendment which, in effect, would have prohibited any grants and would have confined the funds to loans. At the moment, there was no definitive language that we were actually considering. The record will indicate that the amendment which I offered in principle did not prevail. There was a feeling within the committee at that particular time that grants as well as loans should be provided both public and private nonprofit colleges and universities.

Mr. MORSE. Mr. President, will the Senator from West Virginia yield?

Mr. RANDOLPH. I yield.

Mr. MORSE. I wish to testify, as chairman of the Subcommittee on Education, that the Senator from West Virginia was the leader in committee in our discussion concerning loans and grants. The Senator from West Virginia made it perfectly clear to the committee that he would oppose a bill which provided grants to private schools. The Senator will recall that he was joined in that position by the able Senator from North Dakota [Mr. BURDICK]. He was joined also by the Senator from Texas and the Senator from Alabama in our full discussion of the issue. The Senator will recall that, as chairman of the subcommittee, I told them that I share the view that we should limit the bill to loans, and that it should not provide for grants. That is why I stated a few moments ago, in my answer to the Senator from North Carolina, that I wish to stress the fact that this bill provides for loans, not for grants, to private educational institutions.

Mr. RANDOLPH. Mr. President, the distinguished Senator from Oregon, who is in charge of this bill on the floor, is correct; he will recall that last week in the debate it was said that the House version differs from the proposal now before the Senate, in that the House measure, in dealing with the specific subject of aid to institutions of higher education, would provide grants, as well as loans, whereas the substance of the measure now before the Senate is entirely in the category of loans, and has no relationship to grants to private nonprofit institutions.

Furthermore, I should like to make the record clear as to my own position, which has been stated over and over again in both the subcommittee and the full Committee on Labor and Public Welfare. It is that of course I am opposed to public grants which would be used by private and parochial schools. Regardless of whether we are concerned with the use of Federal funds for the construction of school facilities or the giving of aid in connection with the salaries of teachers in connection with public education at either the primary or the secondary level, I have felt that no funds should be appropriated by Congress for the purpose of making grants to private or parochial or church schools, regardless of the level of education involved.

The legislation as proposed, and also as strengthened by the amendment of the Senator from Oregon [Mr. MORSE] and the Senator from Alabama [Mr. HILL], does not violate the position which has been taken by me. This proposed legislation confines itself—very properly—to loans; and it has been my belief that this measure would not result in any violation of the constitutional provision for separation between church and state.

I can well understand the concern of the Senator from North Carolina. His belief, which is shared by many of us, is that we should not approach the edge—perhaps one could call it the ragged edge—and should not approach the brink of violating the clearly expressed principle of separation of church and state, by a provision of funds for the purpose of religious education, directly or indirectly.

At this point I should like to read from an article prepared by me in 1938, and published in the periodical Liberty, a magazine of religious freedom:

> When we speak of the separation of church and state in the United States, we do not mean simply the absence of a church supported by Federal taxes, nor do we mean simply the rights of all men, regardless of religious credo, to the privileges of citizenship. If religious freedom is to be triumphant in our Republic, its spirit must live within the constitutions of all the component States. The judge of every local court must be imbued with it. And above all, no one of us can afford to lose sight of it as being one of the pillars upon which our Republic is founded. Our belief in the freedom of conscience is the very material of that structure.

Mr. President, each of us should, I believe, exercise constant vigilance against any intrusion by the church into state affairs, or by the state—I shall say to the Senator from North Carolina—into the affairs of religion.

Since publication of the magazine article which I wrote in 1938, the Supreme Court has rendered many decisions in which it has given specific expression to the general philosophy I have voiced.

Unfortunately, I was unable to be on the floor during all of the speech delivered by the Senator from North Carolina [Mr. ERVIN]; therefore, I am not sure whether at that time he stated that in its opinion in the case of Everson against Board of Education, the Supreme Court declared:

> The "establishment of religion" clause of the first amendment means at least this: Neither a State nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or prac-

tice religion. In the words of Jefferson, the clause against establishment of religion by law was intended to erect a "wall of separation between church and state."

Mr. ERVIN. Mr. President, will the Senator from West Virginia yield?

The PRESIDING OFFICER (Mr. BURDICK in the chair). Does the Senator from West Virginia yield to the Senator from North Carolina?

Mr. RANDOLPH. I am glad to yield.

Mr. ERVIN. I should like to say to the senior Senator from West Virginia that in my speech earlier today I read exactly that part of the opinion of the Supreme Court in the Everson case, and I emphasized that in that opinion the Supreme Court stated that neither the Federal Government nor the States can aid any religion or all religions. I specifically cited that part of the Supreme Court's opinion, to prove that any kind of aid—whether in the form of grants, or in the form of loans, or in any other form—would contravene the establishment-of-religion clause of the first amendment of the Constitution.

I thank the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, it will do no harm to have cited that Supreme Court opinion a second time for the record, inasmuch as the opinion is stated in such clear and forceful language.

Mr. ERVIN. Mr. President, I take great satisfaction in the fact that the Senator from West Virginia agrees with me that that is a great statement of the principle involved in the establishment-of-religion clause in the first amendment of the Constitution. I feel flattered that the Senator from West Virginia has selected the same part of the opinion that I did, because it is a beautiful passage, and it is also a wonderful exposition of the principle involved.

Mr. RANDOLPH. Mr. President, I am in complete agreement with the observation of the Senator from North Carolina.

In the Everson case there was a dissent—with the concurrence of Justice Frankfurter, Justice Jackson, and Justice Burton, and by Justice Rutledge—which perhaps is relevant today, as relevant to our thinking here on this question as was the majority opinion from which I have just quoted. Referring to the history of the first amendment and the meaning which the freedom-of-religion clause held for its framers, Justice Rutledge stated that its purpose—

> Was to create a complete and permanent separation of the spheres of religious activity and civil authority by comprehensively forbidding every form of public aid or support for religion. * * * In view of this history no further proof is needed that the amendment forbids any appropriation, large or small, from public funds to aid or support any and all religious exercises.

I said earlier that there have been attempts to breach this complete and permanent separation by offering governmental assistance to private and parochial and church-affiliated elementary and secondary schools. These efforts are often justified, according to those who advocate them, on these arguments: First, for the national defense. That is certainly a primary argument which is used. Second, the nondiscriminatory treatment of parochial and church schools. And then, of course, the third reason of the public welfare concept, on which some States have taken certain actions going to that particular point, which I shall not elucidate at this time.

I could, of course, reply that we may not allow unconstitutional practices to be smuggled in under this legislative proposal or any other legislative proposal cloaked in the guise of the what I believe to be faulty reasoning.

To speak with complete candor, the national defense, in the sense that the term is used in the cold-war context, is not involved in the measure before the Senate this afternoon. We have considered the National Defense Education Act, and the background of action within the subcommittee and the full committee has been attested to not only by the remarks which I have made, but by the pertinent comment of the Senator from Oregon [Mr. MORSE].

I would desire to ask, before leaving this subject, whether there is in the Senate, a desire at present to advance grants to private and parochial and church-related schools for the purpose of higher education involved in the pending bill? I say no, it is not involved. Of course, I can realize very well that there is some shading of opinion. The conviction of each Senator is involved on basic principle. When we make a loan, a loan which is to be repaid, and when we make a grant, a grant which is an outright gift, there is a very real difference, in the thinking of the Senator who now speaks. I am a member of the board of trustees of Salem College, at Salem, W. Va., and I also have been a member of the board of directors of Davis and Elkins College, an institution in which I had the responsibility of teaching for 6 years. In the former instance, I was a student and was graduated from that institution. In the second instance, as indicated, I was a member of its faculty.

I say to Senators who are present in this forum that both institutions have been the recipients of loans which have come to us for dormitories and dining rooms constructed on their campuses. Both of these very splendid schools have received loans which have enabled them to construct facilities which were needed.

They were loans, I repeat, and do no violence to the principles to which I adhere.

The security and integrity of American freedoms, of course, must be preserved. I do not want to, shall I say, wave any flag here, or emphasize with undue vigor the so-called patriotic angle. I have no wish to do that. I speak on this subject quietly and, I trust, succinctly. I hope also to talk earnestly.

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

Mr. RANDOLPH. I yield.

Mr. MORSE. I am very glad the Senator is giving his support, on the floor, just as he did in committee, to loans under the bill. The universities and colleges of West Virginia have received, under existing college housing loan policies, a total of $18,632,000. In many other States, other schools in varying proportions have received this loan aid.

Mr. RANDOLPH. I thank the Senator for providing those figures at this point in the debate.

The freedoms which have been enjoyed, we would place in jeopardy if we were to make outright grants rather than loans. As the Senator from North Carolina would say again if he were speaking, the grants would certainly violate the letter and the intent of the first amendment clause which goes to the "establishment of religion." But when we provide a loan which is to be repaid, regardless of the interest rate, we are in a different category from that which exists when we make an outright grant, a contribution, a gift, to an institution of higher learning.

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

Mr. RANDOLPH. I yield to the Senator from Ohio.

Mr. LAUSCHE. Is it the position of the Senator from West Virginia that a distinction must be made between outright grants or gifts, on the one hand, and loans, on the other hand, and that a loan does not violate the constitutional prohibition, while a grant does?

Mr. RANDOLPH. The Senator from Ohio is correct in the manner in which he states the position of the Senator from West Virginia.

Mr. LAUSCHE. The Senator from West Virginia has obviously given considerable thought to this subject. I would direct his attention, if I may, to title II of the bill, which deals with scholarships. Grants will be made to scholars in the sum of $1,000 a year, but in addition to those grants, title II provides that the Federal Government shall pay to the school which the applicant chooses as his school the sum of $350 a year.

The grant of $1,000 to the applicant scholar will be made. He then will choose his school. After he chooses his school, under the provisions of title II, $350 will be paid to the school, regardless of whether it is of denominational or public background.

My question is, Would that provision for the payment of $350 to the school, which might include a denominational school, violate the constitutional provision?

Mr. RANDOLPH. I say to my colleague, this phrase of the bill gives me grave concern. I cannot pass it over lightly by saying we did that in the so-called GI bill of rights, which legislation has become law. It is there. The situation the Senator has outlined does exist.

There will be offered, this afternoon or tomorrow, certain amendments which may go to the exact point of scholarships and the relationship of the contributions in reference to this question.

I appreciate the inquiry and, coupled with it, the thinking, in degree, of the Senator from Ohio.

Mr. LAUSCHE. There seems to be a parallel, in that it will be not a loan but a grant. It will be a grant to the school. The Senator from West Virginia lays the groundwork that there is a distinction between the loan and a grant, that

loans are permissible and grants are not. I can understand his concern. I have a grave question about the situation.

I am grateful to the Senator from West Virginia.

Mr. RANDOLPH. This is an issue which is well raised in connection with our deliberations on this subject.

Mr. MORSE. Mr. President, will the Senator yield on the point raised by the Senator from Ohio?

Mr. RANDOLPH. I yield.

Mr. MORSE. I wish to make it clear that under the scholarship provision of the bill the scholarship will be granted to the student. Then the student will make a decision as to what institution he wishes to attend. Let us assume he selects the University of Ohio, or selects a private institution in the State of Ohio. The bill provides that he will take with him to that institution an additional $350 to pay part, and only part, of the cost the institution will incur as the result of his selection of that institution as the place for his education.

Three hundred and fifty dollars, as the testimony and evidence taken in our committee show, will not begin to pay the real cost occasioned to the institution, which it, in turn, will have to pay in order to educate that student, but at least it will be some contribution to the institution for accepting the student, to carry on his work in that university.

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

Mr. RANDOLPH. I yield.

Mr. LAUSCHE. Section 208 of the bill provides, in part:

> In order partially to compensate institutions of higher education for expenses, in excess of student tuition and other fees, incurred by such institutions in providing education to persons awarded scholarships and receiving payments with respect thereto under this title, the Commissioner shall, in accordance with regulations, pay each institution which such a person attends during the major portion of each academic year for which such person receives scholarship payments, the amount of $350.

The money will be paid directly to the institution of higher learning and it will be a supplement to the $1,000. That is about the best one can say for it. It will be a supplement to the $1,000 paid to the student, while allowing him to choose the college he will attend.

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

Mr. RANDOLPH. I yield further.

Mr. MORSE. What the Senator from Ohio says is perfectly true. As the Senator pointed out in his reading, it is to be a partial payment toward the encumbrance which the institution will incur in educating the student.

We took the position that if student X were to select institution A as the institution which he wished to attend to get his education, there ought to follow him to that institution a sum of $350 to be of assistance to the institution, to pay part of the extra cost which the institution will incur as a result of his matriculation.

In that sense, it is a contribution to the institution, but the institution still will have to pay more than the student will bring to the institution, both by way of the tuition, which he will pay for out of his scholarship grant, plus the $350.

I say to my friend from Ohio: we feel that money is really following the student. The money is contributed to the institution through the conduit of the student. The decision as to which institution will get the money will be left up to the voluntary judgment of the student, who will select the school at which he wishes to get his training.

Mr. LAUSCHE. Does the Senator from Oregon agree that the particular institution to which the student goes, whenever a selectee under the law goes to the school, will receive $350 more than it would receive from its private students?

Mr. MORSE. That is true.

Mr. LAUSCHE. In the minority views, it is stated:

> But, and this is the significant provision, "the college attended by the scholarship recipient receives from the Federal Government a grant of $350 per annum for each scholarship recipient in attendance during the year." Thus, the education of a student who can pay his own way without the aid of a Federal scholarship costs the college, out of its own resources, $350 a year more than does the education of a scholarship recipient who brings with him, for the institution, a direct Federal grant of $350.

Mr. MORSE. That is true.

Mr. LAUSCHE. That is true.

Mr. MORSE. What we are trying to do is to save the waste of a very valuable brainpower source of this country. It is represented by those students who probably will not go to college at all if we do not have the scholarship program. We say that if we are to help these students who otherwise might not go to college—and thereby, in my judgment, cause a loss of great wealth to the country as a whole—and if we are to encourage them to go on to college, it is only fair and equitable to say to the institution which will receive them, "We are going to help you out this much. We are going to help you out in the amount of $350."

If the Senator asks me why it is $350 rather than $300 or $400, or any other figure, I shall be forced to say, "We think this is a fair and reasonable figure based upon the judgment we received from educational authorities who testified before us. We think it is a pretty equitable adjustment."

In considering whether the figure should be $350, $375, or $325, the Senator from Oregon could not justify the $350 in relation to some other close figure. We think $350 is a pretty equitable figure.

Mr. LAUSCHE. I cannot see the justification for requiring a student who is not receiving a Federal scholarship to pay $1,000 to the institution, while the one who receives the Federal scholarship will pay $1,000 and the Government will add $350, to be paid to that institution of higher learning regardless of whether it is a public institution of higher learning or a private denominational school.

Mr. MORSE. We think it is a reasonable program to obtain the cooperation we need from the educational institutions. We think it is not particularly fair to say to an educational institution, "We are going to be responsible for these students urging their admission to your institution on the basis of a scholarship and then say that you have to take care of them and we will not make any contribution at all."

Mr. LAUSCHE. Mr. President, will the Senator yield for one further statement?

Mr. CASE of New Jersey. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield first to the Senator from Ohio and then I shall yield to the Senator from New Jersey.

Mr. LAUSCHE. The Senator from Ohio does not agree with the Senator from Oregon that unless scholarships by way of grant are provided, highly intelligent students will not go to college on the basis of lack of money. In my judgment, if the only way we can induce students to go to college is by providing payments through scholarships, we would, by doing so, indulge in a hazard at the very beginning. In my opinion, the intellectual student, if he were provided with the power to borrow the necessary money, would avail himself of that borrowing power and attend the university of his choice.

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

Mr. RANDOLPH. I yield.

Mr. MORSE. I understand the point of view of the Senator from Ohio. One of the problems involved in the debate is that we are urging the adoption of a program before men and women who are self-made men and women. The men and women in the Senate are men and women who have made great sacrifices in practically every instance to attain the position they have attained. But I think it is easy for us to judge others by ourselves, and so easy to take the position that my friend from Ohio has taken.

After all, we would be running a risk that young men and women would not be willing to borrow the necessary money in order to go to college, as we did, for example. But the evidence is against us. The evidence is that many thousands of high school graduates in this country are very superior. Last Friday I had printed in the RECORD an analysis of the number of high school graduates who are in the upper 30 percent of their graduating class but are not going on to college. They want to go on to college and ought to be helped to do so, not only from their own standpoint but from the standpoint of the strength and security of our country.

The sad fact is that, though we may not appreciate it, it is true that if we insist that such students encumber themselves with loans, which over a college course would total $7,000 minimum—the figures submitted at the hearings show a minimum figure of $7,000 to go through a 4-year course—the students will not do it.

The question I ask the Senate to consider is, Can we afford that potential loss of valuable brainpower resource in this country? That is why the Senate will find me, when we reach that section of the bill, opposing striking grants and substituting loans on the scholarship question, because it is in the interest of the national self-defense to see to it that we stop wasting that brainpower.

I wish I could agree with my friend from Ohio, but I think he is dead wrong if he thinks that all potentially able students will borrow money to go to college. They are not doing so. They get jobs and think of the immediate present and the future. They will get married. They are going ahead and living out their lives; and, as a result, they will not return to the Treasury of the United States the great increase in tax dollars that they otherwise would pay into the Treasury of the United States if we were willing to help them now in their formative years to go to college, to receive their degrees, and to realize a greater earning power later.

It is very easy for us in our fifties, sixties, and seventies, to speculate as to what we might do if we were 17 or 18 years old today, as contrasted with the situation which existed when we were 17 or 18 years of age. There have been great changes. We must not project ourselves into the position of the 17- and 18-year-old at the present time. But we ought to listen to the testimony of educational authorities about the problem. They say that the position taken by the Senator from Ohio does not square with what happens in practice.

I ask unanimous consent to have printed at this point in the RECORD—I shall not take the time of the Senate to read them now—statements on this subject by college presidents and others.

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

[From p. 280 of the hearing record]

STATEMENT OF EVERETT CASE, PRESIDENT, COLGATE UNIVERSITY; ACCOMPANIED BY LOGAN WILSON, PRESIDENT, AMERICAN COUNCIL ON EDUCATION; AND CHARLES G. DOBBINS, STAFF ASSOCIATE, AMERICAN COUNCIL ON EDUCATION, AND SECRETARY, COMMITTEE ON RELATIONSHIPS OF HIGHER EDUCATION TO THE FEDERAL GOVERNMENT

Dr. CASE. Thank you, Mr. Chairman.

* * * * *

Proceeding now to Title II: Scholarships for college students, the council finds reason for deep gratification. We have recommended a Federal scholarship program for many years. The Federal Government, we believe, can and should provide greater assistance in removing financial barriers to higher education for qualified students. Costs to the students, according to a council survey, have risen at both public and private institutions as much in the last 4 years as in the preceding 8 years or in the 20 before that. The loan program under the NDEA has helped many families in the middle-income brackets, but qualified students at the very low income levels are finding college more and more difficult to finance.

All the studies made in recent years by the council have shown strong support in the academic world for Federal scholarships. An inquiry to our membership as late as last November asking, "Should a Federal scholarship program be added to the NDEA?" brought an affirmative vote of more than 2 to 1. It will not surprise you, I am sure, to know that in answer to the question, "For each scholarship student enrolled, should the educational institution receive a cost-of-education grant?" there was an affirmative vote of 4 to 1.

Early in 1958 the council proposed a program that in nearly all essential details, including total cost, was the program in S. 1241. We proposed then, for the first time, a cost-of-education payment to the institution chosen by the scholarship holder, a proposal which, we are pleased to note, is included in this bill. The council's current recommendations are fully in harmony also with the bill's provision for variable stipends not to exceed $1,000 for any academic year, and with the objective of seeking out and assisting students of academic promise in greatest financial need.

SUPPLEMENTARY STATEMENTS ON HIGHER EDUCATION BILLS S. 1241 AND S. 585 BY THE ASSOCIATION FOR HIGHER EDUCATION

* * * * *

FEDERAL LOAN FUNDS AND SCHOLARSHIPS

We recommend continuation of the Federal student loan program on a permanent basis.

To identify students of high potentiality and, by reducing economic barriers, to encourage them to attend college, we recommend a Federal scholarship program providing a minimum of 25,000 new scholarships annually.

We recommend the elimination of the requirement of the disclaimer affidavit in the present National Defense Education Act.

* * * * *

G. KERRY SMITH,
Executive Secretary,
Association for Higher Education.

EXCERPTS FROM SOURCE MATERIALS RELATING TO COLLEGE ENROLLMENT PREPARED BY THE OFFICE OF EDUCATION

SUPERIOR HIGH SCHOOL GRADUATES WHO DO NOT ENTER COLLEGE

Between 160,000 and 200,000 youth of high ability annually fail to attend college. Of these, 60,000 to 100,000 might be reached if financial assistance was made available to them.

Charles C. Cole, Jr., of Columbia University has made the most comprehensive and significant study of able high school graduates who fail to go to college. He writes:

"Despite the increased interest in the bachelor of arts degree, higher education is still losing up to one-half of the top 30 percent or so of the Nation's high school seniors. Each year, apparently, between 60,000 and 100,000 highly able secondary school graduates with aptitude and interest for college fail to continue their education for financial reasons. Another group of similar size and ability lack the interest or motivation for college. This is a serious waste of intellectual resources which should not be overshadowed by the rising tide of college enrollments (Charles C. Cole, Jr, 'Encouraging Scientific Talent, 1956')."

A study [1] of the top 25 percent of the graduating classes in Wisconsin public and private high schools showed:

1. Forty-seven percent did not go on to college.

2. Between one-third and one-half of these students said lack of money was the major deterrent to going to college (J. Kenneth Little, "A Statewide Inquiry Into Decisions of Youth About Education Beyond High School, 1958").

A study [1] of the top 25 percent of the June 1957 graduating classes of 25 Utah high schools located 25 miles from a junior or 4-year college showed:

1. Eighty percent went to college.

2. Thirty percent in college indicated they anticipated financial difficulties which might force them to withdraw prior to graduation.

3. Forty-eight percent of the top quarter of those not going on to college would attend if given sufficient financial assistance.

4. If a suitable system of financial assistance were put into effect, about 93 percent of Utah's top quarter high school graduates could be induced to attend and remain in college.

A study [2] of the top 10 percent of the 1956 South Carolina high school graduates showed:

1. Of the top 10 percent of students graduating from South Carolina high schools, 30 percent did not continue their education in college.

2. Of the 1,282 who enrolled in college, 513 received some sort of financial aid, averaging $377 per white student and $200 per Negro student.

3. Although a number of superior students were offered scholarships, most of these awards were not sufficiently large to enable the student to enter college.

A study [3] of 18,000 high school seniors expecting to graduate in June 1957 from Philadelphia public, private, and Catholic diocesan schools showed:

1. Nearly half of the top 25 percent of all the high school graduates were not entering college.

2. Seventeen percent of those students stated that finances were the principal barrier to achievement of their post-high-school goals.

A study [4] based on a questionnaire received from 744 Ohio public and private high schools concerning June 1960 graduates showed:

1. Number of high school graduates, June 1960	78,452
2. Number academically prepared to attend college	41,383
3. Number who entered college, September 1960 (70.5 percent of item 2)	29,185
4. Number known not to have entered college due to lack of scholarships and/or other financial resources (10.5 percent of number of qualified high school graduates, item 2)	4,352

RISING COSTS OF ATTENDING COLLEGE

Costs of tuition and required fees have risen about 75 percent in the past decade, and promise to increase still further.

Student costs, however, must include other expenses, such as books, room rent, board, travel, and clothing.

Annual student expenses in representative institutions of higher education, 1958–59

[A—Private liberal arts college. B—Private university in large city. C—State university in small city. D—Municipal university]

	A	B	C	D
Tuition and fees	$1,000	$1,000	$300	$500
Books and supplies	100	100	100	100
Room rent	260	-------	275	-------
Board	500	150	500	150
Travel	100	-------	100	-------
Clothing and incidentals	300	250	250	250
Total	2,260	1,500	1,525	1,000

FAMILY INCOME IN THE UNITED STATES

Family income in the United States has risen substantially during the past decade, but more than 62 percent of families in 1957 had incomes below $6,000.

Income class	1947 percentage	1957 percentage
$2,000 or less	25	14
$2,000 to $3,999	38	23
$4,000 to $5,999	20	25
$6,000 to $7,999	9	18
$8,000 to $9,999	3	9
$10,000 or over	5	11

[1] Testimony presented to the House Subcommittee on Education and Labor, Salt Lake City, Utah, Nov. 1, 1957, by David R. Dixon.

[2] By the State department of education.

[3] Joint study by Temple University and the Philadelphia Board of Higher Education.

[4] Ohio Scholarship Funds Study, 1960.

A recent New York State study[5] showed that among high school graduates in 1954 with IQ's of 120 or above, about 40 percent of those from families having incomes of $4,000 or less did not plan to attend college.

[From "College Admissions—The Search for Talent, College Entrance Examination Board," published by the College Board, 1960]

WHERE THE LOSS OF TALENT OCCURS AND WHY

(By Donald S. Bridgman)

Reasons for not attending college given in State and National studies

[In percent]

	Upper 10 percent		Upper 30 percent	
	Boys	Girls	Boys	Girls
Upstate New York:				
Economic	28.7	28.4	19.2	27.9
Lack of interest	8.8	31.6	12.8	34.3
Military service	40.5	1.2	45.8	1.2
Marriage	-------	13.4	.7	11.6
Other	22.0	26.0	21.7	25.2
ETS–NSF:				
Expense	-------	-------	32.0	31.0
No college goal	-------	-------	29.0	48.0
Personal inadequacy	-------	-------	18.0	6.0
Family or social pressure	-------	-------	21.0	15.0
Indiana:				
Financial need	24.0	28.0	-------	-------
Other interest	34.0	13.0	-------	-------
Indifference	21.0	28.0	-------	-------
Marriage	8.0	30.0	-------	-------
	Valedictorians and salutatorians			
Kansas:				
Financial need	18.0		49.0	36.0
Other economic	13.0		9.0	14.0
Lack of interest	13.0		14.0	21.0
Military service	4.0		18.0	-------
Marriage	32.0		-------	22.0
Other	20.0		10.0	7.0

NATIONAL MERIT SCHOLARSHIP COMPETITION, 1960[6]

"Whatever the proper standard of talent loss may be, a high percentage of the most able participants in the national merit scholarship competition do enter college. Among the participants ranking in the top one-third with respect to aptitude for college study, about 8 out of 10 enroll. Of greater significance, among the finalists (now about 9,800 annually, each of whom is considered highly qualified) more than 19 out of 20 enter college."

This means that of the approximately 1,800,000 high school graduates for 1960, the top 500,000 entered national merit competition. These students represent the general level of college ability. Of the top one-third, or 165,000 of the most able students, 20 percent, or 33,000 are unable to attend college. Further, 1 in 20 of the top one-half percent of this most capable group fail to go on to college.

[From the Washington Post, June 11, 1961]

COLLEGE COST $485 IN 1878, $3,665 NOW

(By Terry Ferrer, New York Herald Tribune News Service)

NEW YORK.—With the Cutler family of Massachusetts, Harvard is a habit.

Bradley Cutler, deceased textile manufacturer, graduated in 1878. His son Roger, a textile manufacturer, was a graduate of 1911. Bradley Cutler's grandson Eric, now assistant director of admissions and scholarships for Harvard College, was a 1940 man. And two of Bradley's great-grandchildren, Erica and Robert, are members of the class of 1963—the girl at Radcliffe and the boy at Harvard.

Tracing the actual college expenses of four generations of Cutlers at Harvard the other day, Eric Cutler (that's 1940) came up with some fantastic figures.

Bradley (that's 1878) spent around $485 for a year at the Cambridge, Mass., campus. His great-grandson Robert (that's 1963) will spend about $3,665 next year, or almost eight times as much.

While every one of the 3,790,000 boys and girls in college next fall obviously will not be spending as much as Robert Cutler—particularly at a public college or university—the true cost of a college year will be frighteningly high in 1961–62.

The 1,546,000 students in private colleges and universities will be spending an average $2,140, according to the U.S. Office of Education. The 2,244,000 in public institutions will get by with an average $1,325.

"It is not only the high cost of education that makes it so difficult for families to finance college," says Ernest V. Hollis, college financial expert in the Office of Education, "it is also the cost of high living by the student in college."

All of this might have come as a shock to Bradley Cutler, Harvard, 1878. An examination of Harvard records shows that his yearly college expenses ran something like this:

Instruction and library fees	$150
Rent and care of room in college building (with "chums")	65
Board for 38 weeks	220
Textbooks	16
2 cords of hard firewood (chums also contribute)	24
Total	485

By contrast, Bradley's son Roger (1911) spent about $589 a year; Eric (1940) the grandson, around $1,190.

Erica Cutler, Radcliffe 1963, Eric's daughter, was not even sure last week just what her expenses will be next year. She was unaware that Radcliffe, as well as Harvard, will increase its tuition $300 next fall for a total of $1,520.

Adding $1,030 for room and board, $170 for meal (her house gives only two meals a day), books, and supplies, another $100 for "special social events like skiing, weekends," Erica's budget next year will be $2,920. Many of her friends will spend more.

Erica's cousin Robert estimates his Harvard expenses next year thus:

Tuition	$1,520
Room	430
Board	590
Personal expenses (including car)	1,125
Total	3,665

A girl whom we shall call Betty will also require plenty of cash at Bennington, a private women's college in Bennington, Vt., which is the most expensive college in the United States. Bennington is also raising its comprehensive fee (tuition, room, and board) by $300 to $2,950. Two-thirds of the student body of 340 girls will pay the full amount; the rest will get financial aid through scholarships or loans or both.

Betty, who lives in Greenwich, Conn., likes to go home for Thanksgiving, Christmas, and spring vacation, and takes about 4 weekends a year away from the Vermont campus (conservative for a Bennington girl). She rides bus at $8.32 one way, and figures that $150 a year covers transportation.

To this she adds $100 for books and supplies, $75 for laundry and cleaning, and $100 for clothing (this would not include evening dresses for dates at men's college affairs). Totaling these items with the $2,950 fee, she will spend $3,375 next year.

Other girls who take every weekend away and buy more clothes could easily run the college bill up to $4,000 or $5,000 a year.

Incidentally, the average woman college student spends less than a man unless the woman comes from a high-income family. According to a 1957 study by Hollis, families and relatives provide more of a woman's college budget than of a man's. This, said Hollis, "may account for the widely held belief that it costs more to send a girl than a boy to college."

At the low end of the varying scale of college expenses are the four senior colleges at City University of New York and the 69 free public junior colleges of California—provided you live in California. (In fact, if you want to gear your family economics to college costs, move to California right now.)

Connie will be a senior at City College of City University of New York next year. She lives with her family and thus pays no room rent. Her fixed fees at the tuition-free municipal college are $28 a year. She is taking one course which carries a $7 laboratory fee.

Her books will cost her about $50 a year, her clothes another $120. For meals, carfare, and cigarettes, based on past experience, she budgets $360 a year. Total outlay: $565 in 1961–62.

Sam, who lives in San Diego, has decided that he would like to get away from home. He plans to attend one of the 14 public junior colleges in California which have dormitories.

There are no fees except for a student organization fee he figures at its lowest, $3.50 (it can run up to $10). He can get room and board in the dormitory for a minimum of $420 a year. Incidentals, including books, will run to $147 plus $100 for clothes. Sam's total: $670.50.

If Sam goes on to the University of California at Berkeley, his expenses will jump to about $1,300 a year for the junior and senior years, if he lives in a dormitory. If he lives in a fraternity house, he will need an extra $400 minimum for a total of $1,700.

(If Sam were from New York, he would also have to pay an out-of-State fee of $500 for a total of $1,800 in the dormitory and $2,200 in the fraternity.)

And so it goes. Hal, from Newark, N.J., won't have any fraternity expenses at Hiram College in Hiram, Ohio. The 675-student, coeducational, private college doesn't have either fraternities or sororities. Hal's bill next year will run about $2,200.

At Beloit, a 990-student, private, coeducational institution in Beloit, Wis., Hal would pay about $2,500, including $100 in fraternity fees.

The cost of attending college can be as high or as low as the student wants to make it. A New York girl at coeducational, private MacMurray College in Jacksonville, Ill., can spend $3,260 a year (including $500 on clothes) even though her tuition, room, and board will run to only $1,850. A Jersey boy at Amherst can get by in a squeak with $2,675, of which $2,035 will be tuition, room, and board.

Mr. LAUSCHE. Mr. President, will the Senator yield for one additional statement?

Mr. RANDOLPH. I yield.

Mr. LAUSCHE. I have on my desk a letter from the president of an institution of higher learning in Ohio, stating that the provisions of the House bill from his personal standpoint are more acceptible than those on the pending Senate bill.

The president of Miami University, John D. Millet, testified on the pending bill and stated that the grants for

[5] Philip A. Cowen, "Certain Factors Relative to the Continuance of Education of Graduates of Secondary Schools in New York State, 1954."

[6] National Merit Scholarship Corp. Annual Report, 1960, p. 26.

scholarships are not warranted at this time. I am not willing to concede the correctness of the position of the Senator from Oregon that when the Federal Government says, "We will lend you $1,000 a year if you go to college," that is not enough, but that we should say, "We will give you $1,000 if you will go to college."

I do not believe that American boys and girls who really wish to study expect the Federal Government to give them the necessary money. All such students want is the ability to go, and if they would not go unless the money were given to them, there is not much hope that they would complete their courses.

Mr. MORSE. Does the Senator feel that way about the GI bill?

Mr. LAUSCHE. Yes; I am speaking of the GI bill, which provides a loan of $750 or $1,000 a year.

Mr. MORSE. Not the GI bill.

Mr. LAUSCHE. How much does it provide?

Mr. MORSE. The GI bill is based upon grants.

Mr. LAUSCHE. The GI bill is based upon loans, with forgiveness provisions. I am talking about the National Defense Education Act.

Mr. MORSE. I am talking about the GI bill.

Mr. LAUSCHE. I am talking about the National Defense Education Act.

Mr. MORSE. I asked the Senator if he thinks the grants of millions of dollars which were made available to the GI's, grants which have been more than repaid already by the increased taxes the recipients are paying, were a mistake? I believe they were a sound investment in the potential brainpower of America. The taxpayers have been repaid many times their investment.

Some students will take the position of the Senator from Ohio and say, "If I can get a loan, I will do so." But there are many thousands whose potential brainpower we would waste if we were to insist upon that parsimonious position.

Mr. RANDOLPH. Mr. President, I am not insensitive to the argument which has been made by the Senator from Ohio or the argument made by the Senator from Oregon. I think we have a burden that our thinking processes in connection with a question of the kind now before the Senate must be weighed in view of the first amendment, combining, very frankly, religious and secular aid to students. Parents and their children must think that question through very carefully.

As I said at the beginning of my remarks, the amendment I offered in the Committee on Labor and Public Welfare relating to the subject of loans as against grants was defeated by a vote of 9 to 5. That was last July when we were considering a bill to extend and amend the National Defense Education Act. The proposal before us contained a provision under which grants could be made to the States for the acquisition of equipment for use in providing education in public institutions of higher education in science, mathematics, modern foreign languages, and other subjects delineated.

Contained in this same part of the bill was a provision directing the Commissioner of Education to make loans to nonprofit—other than public—institutions of higher education for the same purpose.

As stated, I offered an amendment which would have had as its effect to provide that such aid to institutions of higher education would be in the form of loans to both public and nonprofit private institutions. It was rejected by a 9-to-5 vote.

But whereas that was a question handled at that time within the committee relative to the National Defense Education Act, there is equal validity to bringing that matter to the attention of the Senate at this time when we are considering amendments to a bill providing aid to institutions of higher education.

I do not want to labor the point too much, but I feel it is pertinent to quote one of the distinguished jurists of another era, Jeremiah S. Black, who in an essay entitled "Religious Liberty" stated as follows:

> The manifest object of the men who framed the institutions of this country was to have a state without religion, and a church without politics—that is to say, they meant that one should never be used as an engine for any purpose of the other. * * * Our fathers seem to have been perfectly sincere in their belief that the members of the church would be more patriotic, and the citizens of the state more religious, by keeping their respective functions entirely separate. For that reason they built up a wall of complete and perfect partition between the two.

As we consider matters of criteria, and as we discuss the subjects to be taught within an institution of higher learning, we are admittedly treading on ground which in all instances is not watertight or foolproof.

However, I have studied this subject over and over again. Mr. President, even though I have held these very pertinent opinions and/or convictions in the matter of grants, I have come to the conclusion that in the matter of loans there is no violation of this concept of separation of church and state.

I know that the problem is complicated as we study our Constitution, because we have developed a wide and varied pattern of religious organizations and activities, and a manifold educational system in which the churches have performed an important role.

The question now is to determine the essential meaning in a multitude of situations in which the concepts vary as to where no restriction or no support of religious activities by the Federal Government is involved.

Insofar as the Senator from West Virginia is concerned, he believes that there is no violation of this concept of separation of church and state when we extend loans. If we were providing for grants under this proposal, I would be fighting against such a measure this afternoon.

In facing these multiple issues, we would do well to bear in mind the remarks of the Roman philosopher Epictetus who, when commenting on the fall of Athenian democracy as caused by educating the few, observed:

> The state says that only freemen will be educated; God says only educated men will be free.

The PRESIDING OFFICER (Mr. BURDICK in the chair). The question is on agreeing to the amendment offered by the Senator from Oregon and the Senator from Alabama.

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

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

The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MORSE. Mr. President, I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to table was agreed to.

Mr. DIRKSEN. Mr. President, has the motion to reconsider the vote been made?

The PRESIDING OFFICER. Yes, the motion has been made; and the motion to table has been agreed to.

Mr. MORSE. Mr. President, I ask unanimous consent that the Senate may temporarily vacate the motion to reconsider, although eventually I shall make it again.

The PRESIDING OFFICER. Is there objection?

Mr. MORSE. It being understood, of course, that I will have the right to make it again by unanimous consent.

Mr. ERVIN. I could not hear what the Senator was saying.

Mr. MORSE. The situation is that we have been trying to make it perfectly certain that every one of our colleagues is perfectly willing to have a yea and nay vote on the amendment. We did not have a yea and nay vote because we did not feel we could delay any longer. The amendment was agreed to. Then I made a motion to reconsider the vote by which the amendment was agreed to, and that motion was laid on the table. I have agreed to vacate my motion temporarily, so that it may be possible to get in touch with some Senators. I address this parliamentary inquiry to the Chair, however: If I do that, will I later be able to make my motion? I am sure that I can do so by unanimous consent.

The PRESIDING OFFICER. The motion may be subsequently renewed.

Mr. MORSE. I ask unanimous consent to withdraw my motion to reconsider the vote by which the amendment was agreed to.

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

Mr. MORSE. I wish to make perfectly clear what the situation is, and therefore I address this parliamentary inquiry to the Chair, because I want the RECORD to show that we are waiting to get in touch with a Senator, and we want to be sure that he understands we did not take advantage of him in this case. After

we get in touch with him I will again, later in the afternoon, make my motion to reconsider the vote by which the amendment was adopted, and that motion will then be followed by a motion to lay on the table.

The PRESIDING OFFICER. This action does not preclude the making of a motion later.

Mr. DIRKSEN. Did I hear the Chair correctly? I want to be sure that the Senator from Oregon is in accord and in "court" on this.

Mr. MORSE. I understood the Chair to say that this does not preclude me later in the afternoon from moving to reconsider the vote by which the amendment was adopted, and for a motion to lay on the table to be made later.

The PRESIDING OFFICER. That is correct.

Mr. CASE of New Jersey. Mr. President, for more than 5 years I have urged Congress to encourage and stimulate the development of community colleges in this country. I have been motivated by the growing need for academic facilities in the face of a steadily increasing number of college students and a growing proportion of students interested in pursuing education beyond high school. I have been interested in this type of institution also because it seeks to provide education shaped for local needs and local interests. It meets all these needs in a most economical manner.

Let me take a minute here to describe the activities of the community college: In this country we now have approximately 400 public and 275 private junior colleges attended by more than 800,000 young men and women. This represents a tremendous growth in recent years. In fact, educational authorities and three Presidential commissions have focused attention on these colleges as the most logical way to expand higher education facilities. The hope has been expressed by one outstanding educator that junior colleges may be able to enroll 50 percent of all students entering college by 1970.

These 2-year institutions vary from community to community depending on local needs. But in general they offer all or a part of the following programs:

First. A transfer program, enabling the student to transfer to a 4-year college or university to pursue a program leading to a baccalaureate degree in the arts or sciences, or to a professional degree.

Second. A terminal program, designed to provide a specific unit of training for entrance into employment, but not intended to include transfer to a degree-granting 4-year institution.

Third. A program of general education, not intended to include transfer to a degree-granting institution.

Fourth. A program of adult education that may parallel those described above, depending on the demand, usually offered in an evening session.

Because of the advantage of this type of institution and because of the contribution it can make to the educational needs of this country at the higher levels, I was greatly pleased and gratified by the willingness of the chairman of the Subcommittee on Education, the other members of the subcommittee, and the members of the full Committee on Labor and Public Welfare to accept an amendment to title 3 of the bill, an amendment which I offered to a bill several years ago, for a community college program.

Title III of the bill will go a long way to assure every American the opportunity to continue his education up to the maximum of his ability. The expansion of existing 2-year colleges and the establishment of new ones have been recommended by the Committee on Labor and Public Welfare in its report on the bill. The committee looks on the 2-year institutions as providing "widespread opportunity for post-high-school education of college grade at a reasonable cost both to the student and to the supporting public. The committee regards the community college as a major new hope for the successful accommodation of increasing college enrollment."

The essence of title III is to provide Federal financial assistance to the States on a matching basis to stimulate increased State and local effort in constructing community colleges. Federal outlays of $50 a million for 5 years are a modest contribution toward the costs that are faced by the States in community college construction.

Secretary of Health, Education, and Welfare Abraham Ribicoff has recognized the great value of community colleges. In testimony before our committee he said:

> A community college to me is the answer to the floodgate of education in this country. I feel with the fantastic cost of education, the fantastic cost of buildings, the fantastic cost of room and board, that the answer to the large educational problem will be found in the community.
>
> Our population is changing and shifting. We are shifting away from the villages in the country, and our rural population is shifting to the city.
>
> It is expensive now to build a college and university in the country.
>
> I think with all the boys wanting to go to school, you will find a higher education basically developing in community colleges right in built-up areas in the cities, where young men and women may live at home and go to college, and this would eliminate the necessity of athletic fields and student unions and dormitories, expense for room and board, which is more expensive in many schools than the tuition; and this would be where the growth will be, Senator CASE, in the community colleges, and everything should be done to encourage it.

Dr. Alan T. Waterman, Director of the National Science Foundation, testified before our committee and indicated his interest in the provisions of S. 1140, my bill for assistance to the junior colleges, which now has been adopted by the committee as title III of the pending bill. While urging support for a broad program of aid for construction of college facilities, he referred to S. 1140, in these words:

> S. 1140 raises another and quite interesting set of questions. If I interpret correctly the recent trends in higher education, the 2-year college, although already of considerable importance, is likely to become still more important in the next few years. The projected increases in college enrollments between now and 1970 will place many strains on our existing institutions. The possibility of providing Federal funds to assist in the establishment of additional community colleges is therefore worthy of careful attention.

Already, the community college program has indicated its great potential for helping young people achieve education beyond high school. Our committee was told that in the State of Washington one community college last year turned away a thousand applicants because of lack of space. In some junior colleges on the eastern seaboard the enrollment is completed 10 months ahead of the academic year.

I think that the comprehensive community college meets so many problems for so many people that its establishment is almost assured of immediate success. In the first instance it brings education close to students, making training accessible both in terms of distance and cost. It offers training for those who want to transfer to a university to prepare for a professional career or for those who are interested in a semiprofessional or technical career. And for many people it provides the stimulation to continue their education through adult programs many years after they have completed their high school training. In many of our smaller communities the community college therefore tends to become a center of education and culture, providing facilities for various age groups.

Since the 2-year institutions are relatively new in the field of education, there are those who do not yet recognize their value. But I point out that these new institutions offer facilities different from those of the 4-year university and at the same time alleviate the pressure on the 4-year schools.

Unless we help establish more of these junior colleges and expand the existing ones, there will be a growing number of young men and women of real ability who will have to miss out on college training. Last year, Dr. Arthur S. Flemming, former Secretary of Health, Education, and Welfare, told a House committee hearing that, despite the remarkable growth of college enrollments, experts estimate that some 160,000 to 200,000 of high ability annually fail to attend college.

These youngsters are losing out on training which will enable them to reach their fullest capacity. The Nation is losing out on the fullest development of their talents and abilities. These young people should not be deprived; and the Nation cannot afford to let it happen.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, informed the Senate that, pursuant to section 194 of title 14 of the United States Code, the chairman of the Committee on Merchant Marine and Fisheries had appointed Mr. GARMATZ of Maryland, Mr. LENNON of North Carolina, and Mr. MAILLIARD of California, as members of the Board of Visitors to the U.S. Coast Guard Academy, for the year 1962.

The message also informed the Senate that, pursuant to Public Law 301 of the 78th Congress, the chairman of the Com-

mittee on Merchant Marine and Fisheries had appointed Mr. ZELENKO of New York, Mr. DOWNING of Virginia, and Mr. VAN PELT of Wisconsin as members of the Board of Visitors to the U.S. Merchant Marine Academy in 1962.

GOV. NELSON A. ROCKEFELLER AND THE PROPOSED DEPARTMENT OF URBAN AFFAIRS—COMPLETING THE RECORD

Mr. McGEE obtained the floor.

Mr. MUSKIE. Mr. President, will the Senator from Wyoming yield?

Mr. McGEE. Mr. President, I am happy to yield to the distinguished Senator from Maine.

Mr. MUSKIE. Mr. President, on February 1, 1962, Gov. Nelson A. Rockefeller, of New York, addressed a partisan fundraising dinner in Des Moines, Iowa. He took that occasion to attack President Kennedy's Reorganization Plan No. 1, which would combine the Housing and Home Finance Agency and related agencies in a Department of Urban Affairs and Housing. According to the Friday, February 2, issue of the New York Times:

> Governor Rockefeller of New York charged today that President Kennedy's proposal to create a Department of Urban Affairs "is being used as a smokescreen."
>
> "If President Kennedy wanted a Negro in the Cabinet, why did he have to create a new department?" the Governor added as he arrived by plane to address a Republican fundraising dinner tonight.
>
> "States can meet their own problems on urban affairs," Mr. Rockefeller contended. "The States should give leadership in this matter. I don't think a department should be set up in Washington to bypass the States."
>
> He expressed the view that such a department should be set up as part of the executive branch instead of as a Cabinet post.

This appears to be an unequivocal position on the urban affairs issue by Governor Rockefeller. But the record of his position will not be complete if it stands on the Des Moines statement.

As an addition to that record, I offer for the consideration of Senators a document dated July 2, 1957, including a covering "Memorandum for Governor Adams, Subject: Proposed Department of Urban Affairs," signed by Arthur S. Flemming as Acting Chairman, and a "Memorandum for the President, Subject: Establishment of a Department of Urban Affairs" from the President's Advisory Committee on Government Organization, and signed by Nelson A. Rockefeller, Chairman.

In the covering memorandum, Mr. Flemming states that the memorandum to the President "represents my views and Nelson Rockefeller's." The following statement is taken from conclusions in the memorandum to the President:

> It is our conclusion that a Department of Urban Affairs is already needed and that the need will rapidly become more urgent. It is our further view that the imaginative leadership taken by the administration in securing the enactment of the Housing Act of 1954 and the institution of the urban renewal program logically require that the Housing and Home Finance Agency be superseded by such an executive department.

As I have noted above, that recommendation was signed by Nelson A. Rockefeller as Chairman of the President's Advisory Committee on Government Organization. I ask unanimous consent that the complete texts of both memorandums be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. CLARK. Mr. President, will the Senator from Maine yield?

Mr. McGEE. Mr. President, the Senator from Wyoming has the floor. He will gladly yield for a comment by the distinguished Senator from Pennsylvania.

Mr. CLARK. I thank the Senator from Wyoming. I merely wished to inquire of the Senator from Maine whether I had not seen something in the newspapers recently to the effect that the Governor of New York appears to have changed his mind.

Mr. MUSKIE. He certainly has changed his mind since 1957. I have here another statement, to which I shall refer in just a moment, of the state of his mind last August.

Mr. CLARK. Does not the Senator from Maine agree with me that Governor Rockefeller's first conclusion was a sound one?

Mr. MUSKIE. Since he repeated it again last week, I would agree.

Mr. President, on August 28, 1961, it was my privilege to speak to the American Municipal Congress at its meeting in Seattle, Wash., and on the same day Governor Rockefeller delivered the principal address.

Commenting on the proposed Department of Urban Affairs, Governor Rockefeller had this to say:

> We hear much these days about the decline of State and local government and the concentration of power in Washington. The best way to stop this decline is for those of us who are the heads of State and local governments to have the courage to assume our full responsibilities. In New York, governments at all levels are working together in an effort to solve our own problems without constantly throwing up our hands and turning to Washington. Frankly, I think that is a pretty good objective for any State, or county, or municipality.
>
> However, this does not mean that I am opposed to the creation of a Department of Urban Affairs in the Federal Government. As a matter of better organization in Washington, it would make sense to coordinate scattered functions of the Federal Government related to urban problems. But it would be a tragedy if such a new department or agency were merely to become a handy instrument for the surrender of local responsibility, the bypassing of State government, or a substitute for courage and for making of difficult decisions back home.

Mr. President, as one who was intimately involved in the development of S. 1633, a bill to establish a Department of Urban Affairs and Housing, as reported by the Committee on Government Operations, I may say that Governor Rockefeller's August 28, 1961, statement is an accurate reflection of the intent of S. 1633, and I am happy to associate myself with his comments on the importance of local and State responsibility.

But returning to the history of Governor Rockefeller's statements on the issue of a Department of Urban Affairs, I must observe that the inconsistencies in his record are obvious. They need no elaboration by me. However, the motivation behind those inconsistencies is something Governor Rockefeller may want to clarify.

EXHIBIT 1

JULY 2, 1957.

Memorandum for Governor Adams.

Subject: Proposed Department of Urban Affairs.

The attached memorandum represents my views and Nelson Rockefeller's as to a possible solution to the problems of Federal civil defense organization and organization of Federal housing activities, based on our studies to date.

Due to his recent illness, Milton Eisenhower has been unable to attend the last two or three Committee meetings and has not participated in the development of this Committee paper.

Do you believe that the idea we have outlined has sufficient potential to justify my discussing it informally with the President? If so, and if he should feel that this approach merits further consideration, our Committee feels that it should consult with heads of the agencies principally concerned (Albert Cole, Governor Hoegh, and Gordon Gray) in developing a definite proposal.

ARTHUR S. FLEMMING,
Acting Chairman.

EXECUTIVE OFFICE OF THE PRESIDENT,
PRESIDENT'S ADVISORY COMMITTEE ON GOVERNMENT ORGANIZATION,
Washington, D.C., July 2, 1957.

Memorandum for the President.

Subject: Establishment of a Department of Urban Affairs.

THE PROBLEM

In recent years the problems of planning, building, and conserving our cities and metropolitan areas have become increasingly acute, and demands have multiplied, in and out of Congress, for the establishment of a new executive department to take the lead in those aspects of urban affairs. At the same time, the Housing and Home Finance Agency has come to be charged with programs which go far beyond the encouragement of housing and which involve the Agency in the general physical planning and development of communities. To these trends must be added the growing belief that the reduction of urban vulnerability through community planning, zoning, shelter construction, and other measures should be given greater emphasis in our civil defense program. It has also been urged that civil defense should be focused more directly on the critical target areas, most of which are large cities, and on the use of the resources of the fire, police, public works, and other full-time personnel of local governments.

The question thus arises: Should the administration recommend the establishment of a Department of Urban Affairs to carry out the functions of the Housing and Home Finance Agency and the Federal Civil Defense Administration?

FINDINGS

The Housing and Home Finance Agency was given its present status by a reorganization plan approved in 1947. Except for a modest low-rent housing program and the operation of war housing projects, the Agency was initially concerned chiefly with mortgage insurance, the promotion of savings associations, and the insurance of the deposits of savings and loan institutions. Subsequently, reorganization plans and acts of Congress (particularly the Housing Acts of

1949 and 1954) have broadened the functions of the Agency. A large-scale slum clearance activity was instituted and, during your administration, has been broadened into an imaginative, diversified urban renewal program. The responsibility for assisting local governments through advances for the planning of public works and loans for the construction of public facilities was lodged in the Housing and Home Finance Agency. Also added were such functions as making loans for college dormitories and related facilities, administering grants to assist metropolitan area and general community planning, and providing flood insurance. Although the Home Loan Bank Board has been removed from the supervision of the Agency, the Housing and Home Finance Agency's housing finance functions have grown with the greater utilization of mortgage insurance, the acquisition of secondary market responsibilities, and the initiation of a voluntary home mortgage credit program.

Consequently, the Housing and Home Finance Agency has become a serious contender for departmental status. It employs more than 10,000 persons, most of whom work in the six great bureaus of the Agency: the Federal Housing Administration, the Public Housing Administration, the Urban Renewal Administration, the Federal National Mortgage Association, the Community Facilities Administration, and the Federal Flood Indemnity Administration. The new obligational authority of the Agency for the current fiscal year exceeds $1 billion. New commitments to insure mortgages and home improvement loans are running at a rate of $5 billion per year, and the total amount of mortgage and loan insurance outstanding is now in excess of $24 billion. Nearly 400,000 units of low-rent public housing are being partially financed through annual contributions to local authorities totaling $93 million per year.

In the course of administering its existing programs, the Housing and Home Finance Agency has developed close relationships with the officials of cities, towns, and other local authorities. Its staff understands the problems of the explosive metropolitan growth now taking place in this country and is helping in the solution of those problems with the tools now available. It is, therefore, already in important respects the Federal urban affairs agency.

There is more justification for a new department than merely the present size of the Housing and Home Finance Agency and the cost of the programs which it administers. Departmental status would carry with it representation in the Cabinet, which has become increasingly important as a council for the consideration and resolution of important issues of national policy. At present agriculture, health, education, natural resources development, and other fields of Federal concern have spokesmen in the Cabinet and have the prestige of inclusion in an executive department. Such representation and status are now denied to the Agency most directly concerned with conserving and developing our cities and communities, which now include approximately two-thirds of the population of the United States.

Those civil defense functions which relate to reducing urban vulnerability to attack are closely related to the existing planning, urban renewal, mortgage insurance, and community facilities functions of the Housing and Home Finance Agency. If placed within a Department of Urban Affairs, they could be administered through the same staff and field organization, with reasonable augmentation, which would perform other community development functions of the Department. These vulnerability reduction activities, which may eventually include a shelter program, could be performed either through a delegation from a separate civil defense agency or as a direct statutory responsibility of the Department of Urban Affairs.

Civil defense activities relating to planning and organizing for postattack relief and rehabilitation could continue to be administered in a separate agency. However, experience with such an agency has not been satisfactory to date. Placing the disaster relief activities for both wartime and peacetime disasters in a major constituent of the Department of Urban Affairs would continue Cabinet representation for civil defense and would at the same time associate civil defense with important peacetime programs in an executive department. The new constituent could be called the Federal Emergency Administration.

Civil defense affects other departments and agencies such as those concerned with medical services, military operations, food supplies, maintenance of industrial production, and so on. Yet the largely urban focus of most civil defense activities may justify the exercise of Federal leadership by an urban-oriented department able to promote Federal-local cooperation because its peacetime programs require an understanding of urban government, its resources, and its methods of operation. It should be noted that only a few years ago it was the Housing and Home Finance Agency which coordinated peacetime disaster functions and directly provided much of the assistance required to restore services in affected communities.

A number of important problems will still be faced should civil defense responsibilities be lodged in the new department. The role of the Office of Civil and Defense Mobilization in the coordination of civil defense planning with other aspect of mobilization and nonmilitary war planning will need clarification. Fallout problems will not be limited to urban areas, but they will have to be dealt with in terms of rural home and community shelters which could logically be handled by an extension of housing functions. Evacuation and support of damaged communities will require regional measures not limited to particular metropolitan areas. The supervision and coordination by one executive department of civil defense responsibilities delegated to other departments and agencies will continue to give rise to difficulties. Adequate arrangements for the performance of early warning functions by the new department will be necessary. Finally, it must be recognized that organizational measures, however soundly conceived, cannot substitute for forceful Federal leadership in generating and executing a truly national, up-to-date civil defense plan.

In certain respects the inclusion of civil defense disaster relief functions in a Department of Urban Affairs could impede future progress in this area. First, there is the danger that such a reorganization would be interpreted as demoting this phase of civil defense to bureau status. Should such an impression be created, other Federal agencies, State and local authorities and the public might conclude that civil defense was being deemphasized and that energetic preparations to deal with enemy attack were no longer necessary. It is our feeling that the proper explanation of the role and purposes of the Department of Urban Affairs can prevent such misconceptions and that the Secretary of the new department could give enhanced status and representation to the civil defense as well as the other urban affairs activities of the Government.

ADMINISTRATION POSITION

In the last Congress a number of bills were introduced to convert the Housing and Home Finance Agency into a Department of Urbiculture or a Department of Urban Affairs, and hearings were held by the House Committee on Government Operations. This year a number of similar bills are pending. On May 27, 1957, Senator CLARK of Pennsylvania and a number of cosponsors (including Senator JAVITS of New York and Senator CASE of New Jersey), introduced S. 2159, to establish a Department of Urban Affairs. This bill is the first to include the functions of the Federal Civil Defense Administration as well as those of the Housing and Home Finance Agency in the proposed Department. Outside the Government, the demands for a Department of Urban Affairs have come from such sources as the American Municipal Association, which passed a formal resolution on this subject at its last annual congress.

The administration, in reports submitted to the Congress on the various urban affairs bills and in letters to interested persons and groups, has acknowledged that the case for a Department of Urban Affairs is a strong one meriting serious study and consideration. The specific bills have, however, been opposed on the grounds of inadequacies in approach or content. It will not be possible to maintain this stance much longer, and a decision for or against the new department on its merits will have to be taken.

CONCLUSIONS

It is our conclusion that a Department of Urban Affairs is already needed and that the need will rapidly become more urgent. It is our further view that the imaginative leadership taken by the administration in securing the enactment of the Housing Act of 1954 and the institution of the urban renewal program logically require that the Housing and Home Finance Agency be superseded by such an executive department. We also believe that the Department of Urban Affairs will have the means, the competence, the relationships and the status required to carry out a shelter program and other physical measures for reducing the vulnerability of metropolitan areas to enemy attack. It is likewise probable that civil defense disaster relief functions can be administered more successfully in the setting of a powerful executive department with active peacetime programs than in a separate agency, as is now the case, or in a new department concerned solely with civil defense and emergency relief.

RECOMMENDATION

It is recommended that you request the Director of the Bureau of the Budget, in cooperation with this committee and in consultation with the Director of Defense Mobilization, the Housing and Home Finance Administrator, and the Federal Civil Defense Administrator, to proceed with the development of a reorganization plan to create a Department of Urban Affairs to carry out the conclusions noted above. The reorganization plan should be prepared in time to permit its transmittal to the Congress early in 1958.

NELSON A. ROCKEFELLER,
Chairman.

Mr. MILLER subsequently said: Mr. President, will the Senator from Wyoming yield?

Mr. McGEE. The Senator from Wyoming will be glad to yield for a question.

Mr. MILLER. I have been trying to get the Senator's attention ever since the colloquy between him and the Senator from Maine took place. I wonder if I could ask a question and make a comment, which comments could be inserted following the colloquy between the Senator from Maine and the Senator from Wyoming.

Mr. McGEE. If I yielded 2 minutes to the Senator, would that be sufficient?

Mr. MILLER. I would very much appreciate that courtesy.

Mr. McGEE. I yield for that purpose.

Mr. MILLER. I ask unanimous consent that the comments appear in the RECORD following the colloquy between

the Senator from Maine and the Senator from Wyoming, relating to the Rockefeller speech.

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

Mr. MILLER. I think it is unfortunate that the Governor of New York could not be here to defend himself in this situation. It so happened that I was in Des Moines and heard the speech. I recall the Governor of New York stated very precisely he was opposed to the reorganization plan and the proposed Department of Urban Affairs in its present form as submitted under the reorganization plan.

I hope the Senator from Maine will at the appropriate time see fit to insert in the RECORD a comparison between what the Governor of New York previously approved of, as proposed by the Eisenhower administration, and the reorganization proposal that has come from the White House now under the reorganization plan. I would hazard a guess that there would be a substantial difference between the two, and that one could well be for the first and be against the second.

In this connection, I ask unanimous consent to have printed in the RECORD at this point an article which appears in today's Washington Evening Star, entitled "Real or Fancied Need for Urban Department?" by John C. Williamson, director of the departmental relations, National Association of Real Estate Boards.

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

REAL OR FANCIED NEED FOR URBAN DEPARTMENT?

The Star's editorial of January 31 on the proposed Cabinet-rank Department of Urban Affairs and Housing misses the point. The issue is not to pull together under one executive head a multiplicity of functions now exercised by a variety of agencies. The agencies covered by the President's Reorganization Plan No. 1 of 1962 are already under one executive head, namely, the Administrator of the Housing and Home Finance Agency.

The issue is much broader—whether it is in the public interest to create an executive department which will have the responsibility of coping with the problems of urban dwellers which the President states "are as complex as they are manifold."

The few functions of the Housing and Home Finance Agency directly and immediately affected by the reorganization plan don't begin to cover the complex and manifold problems of the urban dwellers. However, when we examine these problems we discover that they run the gamut of American life. Here are a few of these urban problems cited by proponents of a Cabinet-rank Department of Urban Affairs before the 1960 Democratic Convention platform committee and in testimony before Senate and House committees: Juvenile delinquency, water and air pollution, slum clearance, housing, mass transit, airports, public roads, relocation of industry, education, immigration, public health, unemployment, marketing of agricultural products, consumer protection, strikes, water, sewage and snow removal.

The issue then is whether it is practical to create a Department of Urban Affairs to devote its efforts to coping with the complex and manifold problem of the urban dweller.

The reorganization plan purports also to bring the housing functions of the Federal Government into the Cabinet department. Here, too, the plan falls woefully short of its objective. The veterans' home loan program and the Federal Home Loan Bank System together contribute to 63 percent of the Nation's residential mortgage financing. Yet, they are left out of the grand design to give the problems of urban dwellers an adequate voice in the highest councils of Government.

It has been suggested that because the Department of Agriculture looks out for the farmer, ergo, a Department of Urban Affairs and Housing would look out for the urban dweller. This analogy does not stand up even under cursory examination. The Department of Agriculture concerns itself with a major aspect of the economy, the production and marketing of food and fiber. Certainly the marketing of agricultural products is an urban interest when one reflects the havoc wrought when a teamster strike (Department of Labor) causes the hijacking (Department of Justice) of milk (Department of Agriculture) trucks using the Interstate Highway System (Department of Commerce) to bring nourishment (Department of Health, Education, and Welfare) to the schoolchildren of New York City (Department of Urban Affairs).

The most recent evidence at hand that the Department of Agriculture concerns itself with urban interests is the recent address of the Secretary of Agriculture in which he stated: "The Department of Agriculture plays an exceedingly important role in the daily life of every American—not just those who live on the farm. Yet, the impression which many urban families have is that the Department of Agriculture is concerned only with farming, and therefore, rarely touches their day-to-day activities."

Congress should therefore first direct its attention to the feasibility of bringing together the problems of the urban dweller into one executive department. Unfortunately, too much political emotion is being generated over a proposed Department of Urban Affairs (which includes only a fraction of urban affairs) and Housing (which includes only a fraction of housing).

Thus the proposal has become a symbol—a political symbol—and the public's emotion is being directed toward the symbol oblivious to its faulty identification with the problems of the urban dweller. In the final analysis these urban problems are the problems of all Americans and their voice in the highest councils of government is the President of the United States.

JOHN C. WILLIAMSON,
Director, Department of Governmental Relations, National Association of Real Estate Boards.

Mr. MILLER. I would guess that, if the Governor of New York were here and could speak for himself, he would continue to ask the question which has not been answered either by the White House or by any Member on the other side of the aisle in the Senate, which he asked pointedly the other night: That if indeed the President is so concerned about having Bob Weaver a member of the Cabinet, why has he not appointed him to the Cabinet in the first place?

Mr. McGEE. I wish to commend the Senator from Maine for his efforts to set the record straight. I think it is well we bear in mind that one of the distinguished "professors" at the Republican school of political knowledge, conducted last weekend and also this weekend in Washington, was forthright enough to say that one of the difficulties of the Republican Party is that it has been maneuvered into the position of being against, all the time. So perhaps he will agree with me that because this proposal now has come as a proposal from the President of the United States, it behooves some, in their attempts to be the opposition, to be against, even though in their freer moments they believed it to be a good idea and a sound approach to good government in the field of urban affairs.

Mr. MORSE. Mr. President, will the Senator from Wyoming yield?

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

Mr. McGEE. I am in the midst of a colloquy with the Senator from Maine, at the moment; and then I shall be glad to yield.

Mr. MUSKIE. I thank the Senator for his remarks. I think his observation is appropriate and is supported by the record at this point.

Mr. McGEE. Yes.

Now I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I have heard enough of the remarks of the Senator to understand their purport. It so happens that I am a sponsor of the Urban Department bill, and I shall stand by that position. But I say in good spirit to the Senator that I question very much the taste or the validity of naming the person whom the President may desire to put at the head of the new Department, and reading into it the implication that anyone who in good conscience is opposed to the reorganization plan or to that bill is therefore opposed to having a Negro appointed to the Cabinet.

To the extent that Governor Rockefeller made that point very strongly, I agree with him. As I have said, it is well known that I am one of the sponsors of this bill; and I intend to continue to support the proposal, whether it is in the form of a reorganization plan or in the form of a bill. But in all fairness to others who may not feel as I do about the bill, I do not think any Member should be dragooned into voting for a proposal in which he does not believe, simply because he is concerned about a possible implication that he is opposed to having a Negro serve in the Cabinet.

Personally, I would welcome the appointment of a Negro to the Cabinet; but I must agree with Governor Rockefeller that this method is not the single and only one which can be used to achieve that result, and that therefore such an argument should not be used to intimidate one not in favor this bill—although I repeat that I am in favor of it; I have been before, and I am now.

Mr. MUSKIE. Mr. President, will the Senator from Wyoming yield again to me?

Mr. McGEE. I am glad to yield.

Mr. MUSKIE. I believe I should make two points in regard to the comment made by the Senator from New York: First of all, the bill to create the proposed new Department was before the Senate all last year, and its merits were considered by the Committee on Government Operations and by the Advisory Commission on Intergovernmental Relations. During all that year, no mention was made by any of the proponents of the bill of the proposition that a Negro might be appointed to head the new Department. There was a desire on the

part of the proponents to bring the bill to the floor of the Senate in August of last year. One of the reasons why that was not done was that in our judgment there were not then available sufficient votes to pass the bill. One of the reasons why there were not then available sufficient votes to pass the bill was that the opponents of the bill made no secret of their argument against the bill, to those who might otherwise have supported it, namely, that the President intended to appoint a Negro as the first Secretary of the new Department. So the race issue—if one is involved in the debate—was raised, not by the proponents, this year, but by the opponents, last year.

The second point I should like to make is that President Eisenhower was the first to use a reorganization plan in order to create a new Department. As Senators are well aware, in the creation of the Department of Health, Education, and Welfare, no secret was made at that time—indeed, it was disclosed by the President or by his spokesmen—that if the proposed Department were created, the first Secretary would be Mrs. Hobby. No objection was raised then to the disclosure, in advance of the implementation of the reorganization plan, of the name of the first Secretary. If it was then appropriate, I suggest that it is now appropriate. Since the opponents have made use of it, in an attempt to weaken the support of the bill, if it is fair game for the opposition to use this issue against the bill, then I suggest it is fair game for the President to disclose that there has been such speculation as to whom he will name, and to take advantage of it—if that was his intent—in support of the bill.

Mr. JAVITS. Mr. President, will the Senator from Wyoming yield again to me?

Mr. McGEE. I yield.

Mr. JAVITS. I should like to say that I think the Senator has referred to a very different situation. Perhaps there are some persons who are opposed to the proposed new Department for the reason the Senator has stated; but I do not think they can properly be lumped with the persons who have no such views, but who happen to be opposed to the creation of such a new Department for other reasons. Therefore, I think the idea of lumping together, in one mass, so to speak, all the opponents is very unfair, because certainly the negative of discrimination is very different from the positive of good-faith opposition to a bill.

In the second place, I wish to say that I do not quarrel in any way with the President about stating the name of the one he intends to appoint. That is his business. I only wish to make clear, so far as I can, because I am well known to favor civil rights legislation, and also to favor the enactment of this bill—that, I repeat, if my voice can be of help, I wish to help in the effort to prevent people from being tagged with the label of being opposed to having a Negro appointed to the President's Cabinet, when the record of such persons is directly to the contrary, even though in good conscience they may be opposed to this reorganization plan.

So my only purpose is the affirmative one of wishing to have this matter placed in proper focus. Citizens may judge whether a Member of the Senate had that point in mind before, or not. But I simply wish to be sure that it is not assumed that all those who oppose the creation of the proposed new Department should be considered as being in one big, amorphous mass of persons opposed to the appointment of a Negro to the President's Cabinet.

Mr. MUSKIE. Mr. President, if the Senator from Wyoming will yield further to me, let me say that I said that issue was used last year by the opponents—although I did not say it was used by all the opponents—in an attempt to hurt the chances of enactment of the bill. I also said that the proposed reorganization plan should stand on its own merits, without regard to any race issue.

Those are the two things I wished to stress.

Mr. JAVITS. I thank the Senator.

Mr. McGEE. Mr. President, on the front page of yesterday's edition of the New York Times—one of the greatest newspapers in the Nation, in my opinion—the following appeared:

> Governor Rockefeller attacked the Kennedy plan Thursday in a speech in Des Moines that was carried by closed-circuit television to a series of Republican fund-raising dinners across the Nation.

The article describes his attack, not as one confined to the particular appointee proposed to be given the job, but to the idea itself; and that was really the point which was being approached by the Senator from Maine, if I understood him correctly—namely, that it was not an attempt to becloud the issue by referring to a personality, but that Governor Rockefeller was quoted by the New York Times—an outstanding newspaper published in his own State—as suggesting that the form used by the President "might well be used 'as a subterfuge to bypass the constitutional sovereignty of the States and to gain direct political control over the Nation's big cities.' He did not state what form he thought the Department should take."

I think the Senator's point is that such judgment seems to depend upon which administration is in office, regardless of how good the proposal may be.

Certainly we should not lose sight of the merits of the proposal.

Mr. JAVITS. I am grateful to my colleague who has the floor for allowing us to separate the wheat from the chaff. I think one's attitude toward a person must stand on his own record. As I have said, I am in a unique position to speak on this matter because of my views on both subjects. I am grateful to the Senators who have helped unscramble the issues one from the other.

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

Mr. McGEE. I yield.

Mr. CAPEHART. I want to say, with respect to the urban renewal proposal, that, as a member of the Banking and Currency Committee which has been handling these matters for many years, we do have an Urban Renewal Department now, and Mr. Weaver is the head of it. I voted for his nomination in committee and have cooperated with him ever since he has held that position. I was the author of the Housing Act in 1954 when we changed the name from slum clearance to urban renewal. I am not opposed to an Urban Renewal Department because we have one now. What I am opposed to is setting it up with a Cabinet status and having a Secretary, because by so doing we will add more expense and more expense, and another big building with thousands of employees, which is not necessary, particularly in view of the big demands on our tax money and the huge national debt.

I am opposed to the idea, because I do not think it is necessary at this time. I think we are covering the field quite well.

The Banking and Currency Committee has covered the field of housing legislation and of urban renewal legislation and of other legislation, and has covered the field quite well and sufficiently to this time.

I think we are merely being asked to add another Department and another Secretary, which will require lots of money and many more employees. I fear that once we get into the housing and slum clearance aspects, there will be other steps to be taken, and the first thing we know the cities will be dealing directly with Washington, D.C., rather than their own State governments and their own local governments.

I do not think we need what is proposed. I think the field is being thoroughly covered at the moment. I think we can do everything under existing legislation, with the present group, which, by the way, Mr. Weaver heads. I voted for the confirmation of his nomination. I have been cooperating with and working with him.

AID FOR HIGHER EDUCATION

The Senate resumed the consideration of the bill (S. 1241) to authorize assistance to public and other nonprofit institutions of higher education in financing the construction, rehabilitation, or improvement of needed academic and related facilities and to authorize scholarships for undergraduate study in such institutions.

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

Mr. McGEE. I yield to the Senator from Oregon.

Mr. MORSE. Mr. President, I have conferred with the distinguished minority leader, the Senator from Illinois. I now move again that the Senate reconsider the vote by which the Hill-Morse amendment was recently adopted.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, will the Senator from Wyoming yield for the purpose of my presenting a unanimous-consent request?

Mr. McGEE. I yield for that purpose.

Mr. MANSFIELD. Mr. President, I withdraw my request.

Mr. MORSE. Mr. President, will the Senator from Wyoming yield?

Mr. McGEE. I yield.

Mr. MORSE. I wanted to make a comment before the Senator from New Jersey [Mr. CASE] left the floor. A few moments ago he stated his views on the junior college problem. No one in the Senate has been a greater supporter and promoter of the junior colleges than has the Senator from New Jersey. I have always found it a privilege to stand shoulder to shoulder with him in the Senate Committee on Labor and Public Welfare, particularly in the subcommittee; but in view of the comments he made, I wanted the record to show the very deep regret I have that we are going to lose the Senator from New Jersey from the Committee on Labor and Public Welfare.

The Senator from New Jersey has been one of the most effective friends for strengthening the educational program of this country that we have had on the committee. The bill now pending before the Senate would not be in the strong form in which I consider it to be had it not been for the many wonderful contributions the Senator from New Jersey made to the discussions on the bill and the great assistance he was to me and to the chairman of the full committee, the Senator from Alabama [Mr. HILL], as we took up one section after another.

All I can say is, I congratulate the Senator on his new appointment. I know of his desire to serve on the committee to which he has been assigned. But I am sure I speak for all members of the Senate Committee on Labor and Public Welfare when I say it is our loss. I want him to know, however, I shall continue to call on him from time to time to come to my assistance as we in the future bring to the floor of the Senate other pieces of education legislation. But on this particular bill I express to him my sincere thanks for the assistance he was to me.

Mr. CASE of New Jersey. Mr. President, will the Senator yield briefly?

Mr. McGEE. I yield.

Mr. CASE of New Jersey. I can only say "Thank you" to the Senator from Oregon. I appreciate deeply his kind and generous statement. I, too, was very reluctant to leave the Committee on Labor and Public Welfare, and one of the chief reasons is that I have found it possible, under the chairmanship of the subcommittee chairman, the Senator from Oregon, to be a little bit effective in this area, because of the way he has handled that subcommittee, and not only his relationships with all its members in committee, but, I may say, his ability to draw out what is best in a man. I regret leaving the committee. In a sense, I wanted to do that in which I was most useful. One must make a choice, and it was with great reluctance that I chose to leave the Labor and Public Welfare Committee. However, I will in no way have a lesser interest in the subjects which come under the jurisdiction of that committee, and particularly in the field of education. I most certainly hope that the chairman will feel free to call upon me when I can in any way be useful.

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

Mr. McGEE. Does the Senator wish to speak on the point the Senator from Oregon was raising?

Mr. CAPEHART. I wanted to make a short statement.

Mr. McGEE. The Senator from Wyoming will be glad to yield to the Senator from Indiana.

Mr. CAPEHART. I am sorry there was a voice vote on the Morse amendment, because I would like to have been recorded in favor of it. I wish to say, with respect to college facilities, that, as chairman and ranking minority member of the Committee on Banking and Currency for many years, many, many years ago we in that committee made assistance available to college facilities under what was called the College Housing Act. I think it has served the colleges well and the people well, and for that reason I would have liked to support by a "yea" vote the amendment of the Senator from Oregon.

Mr. McGEE. Mr. President, if I may, I wish to change the subject now and speak on the subject for which I originally rose, about which as yet I have not had an opportunity to speak, because of yielding to my colleagues in this body on other subjects.

The subject to which I wish to address myself for a few moments is that of college education, or, indeed, all education, in this country at the present time.

It sometimes strikes me as a peculiar contradiction of principles or as working at cross-purposes that people who say again and again they believe in the power of knowledge and in the principle of education find it such a tortuous and delaying process to do anything about it. That is precisely the plight in which we find ourselves today when we talk about college education.

We found ourselves in this position last year, when we were talking about the proposed new program for elementary and secondary schools.

I think a part of the problem may stem from the fact that we have said so often that we believe in education many of us have come to take it for granted without stopping long enough to think what it really means. Education has come a long way in this country since the old cliché that it was simply a process of the wise man and the boy on opposite ends of the log exchanging experiences and ideas. For that reason I think, the time has come when not only Senators, but also all the other people of our country, must reassess and reevaluate, in a process of priority, the real power of knowledge, to determine whether we believe in the directions in which more and more enlightened education can take this country.

Despite whatever else may be said, the events of our own times have illustrated again that the pursuit of knowledge is no longer a national monopoly, nor can it be confined by legislative fiat through the enactments of some national legislative body, no matter what country is involved. Knowledge is universal. The pursuit of truth knows no man-imposed bound.

With that in mind we have a choice in our land, it seems to me. We may begin to act upon the premises in which we say we believe, the power of education included, or we may abandon this concept and retreat from the educational front. I say "retreat" because those who seek to rationalize the little that we do from year to year, on a spasmodic basis, in the realm of education do so with the seeming purpose of not allowing too much education or of being fearful of too much knowledge. In my judgment, there cannot be too much of either education or knowledge, unless we confess to a fear of truth and the logic that the pursuit of knowledge implies.

When we imposed a set of principles which we described as compulsory free education up to 14 or 15 or 16 years of age, we were subscribing to a principle of faith in knowledge which we now seem reluctant to carry forward, at times, to a logical outcome. I say that because the more we consider public education the more we find ourselves up against the real or imaginary stone wall of what lies beyond the high school diploma. We have found it necessary to disguise our educational endeavors under some names other than "education." This in itself, it seems to me, stands to the discredit of the great free people who profess that free education is the hallmark of freedom in politics and government and democracy, which our system connotes.

So, to help the colleges advance higher learning in this country we have, up until now, found it difficult if not impossible to advance a College Education Act. We disguised it as a Defense Education Act. So long as it was for defense, so long as it could assume a negative connotation, so long as it was under the garb of a handmaiden, somehow it was honorable to pursue it.

I ask my colleagues in this body, and all Americans, what has happened to free education as a dedicated article of faith among our people, that we cannot make it the epitome of that which we seek in the cause of the national interest? It is that, it seems to me, which ought to be the prime measure of our legislative endeavors in this body at the present time, for what has happened to the world in the time of all the Members assembled here has been a stepping up of the pace of revelations of great learning and the consequences of universal learning, thereby imposing great truths upon what was once an unfathomable globe made up of billions of people remotely separated from one another. In consequence, we find ourselves today sitting literally in each other's laps, trying to find space on the same globe in which we can carve out our way of life in our own fashion and still survive, short of extermination.

This is what places in focus the kind of stress and priority that, in my judgment, college education or higher education in America requires in our calculations at the present time.

The welfare of our country and the well-being of our individual citizens are two factors which are inextricably bound together. The tragedy is that on a higher educational level somehow—perhaps through indifference or perhaps through apathy—we have accepted the principle of free mandatory

education, mostly through the high school, but now are fighting the old windmills all over again about how much further than that we ought to go in the realm of pursuing knowledge. That is the nub of the bill. That is the essence of the proposed legislation. We seek to enhance the opportunities for a fuller assault upon higher learning among greater masses of our young Americans as they come through the school processes of our land.

What has happened in American colleges and universities is an explosion, a mushrooming of new faces of people with new aspirations and new personalities, who seek the opportunities only a few before them had opened up to them.

One of the contradictions of our system is that a great many of these bright young minds find the doors of colleges closed to them for want of dollars. They are barred merely because they do not have the financial capability of opening up this new vista of learning into the secrets, the mysteries, and the wonders of more and still more knowledge.

According to Secretary Ribicoff of the Department of Health, Education, and Welfare, the Nation's colleges and universities must spend between now and 1966—the next 4 years—almost $18½ billion in physical undertakings.

To state the point in another way, if we are only to put a roof over the heads of the generations now knocking at the doors of our institutions of higher learning, if we are merely to keep them dry, if we are only to protect the physical circumstances under which they convene in their seminars, we shall have to build more structures on the campuses of the land than we have built altogether in the last 200 years. That is the magnitude, indeed, of the task that faces us.

Need I remind Senators that however powerful this body may be, however select this club may be regarded, that even an act of the Senate of the United States cannot bring new buildings into being overnight. New structures do not just happen. They are planned for and they are financed. Student scholarships do not arise only because they are right and just. The opportunity for scholastic aids must be legislated and that takes time. In the case of buildings and scholarships it would probably be two years before any action taken by this body today would be translated into new facilities on the campuses and new scholarships in our universities for deserving students. For that reason our discussions this week on the college education bill assume a greater sense of urgency than might ordinarily be attached to words that are spoken on the floor of this body.

A distinguished American educator, Dean Charles C. Cole, Jr., of Lafayette College in Pennsylvania, has made a most significant and comprehensive study of the available high school graduates who fail to go on to colleges and universities.

Appearing as a witness in the 1961 hearings before a special Subcommittee on Education in the House, Dean Cole said that in his own survey of the Nation's public secondary school seniors, he found among them some 60 to 100 thousand of superior ability who would not enter college for one reason—the lack of financial resources.

He found also that another group, numbering 60 to 100 thousand—about the same size—would not go on to college because they were not motivated. They did not care a great deal about going on to college. But as Dean Cole went on to say—and it is worth repeating here—

> As college applicants increase in number in the years to come, and as the costs of education rise, it will become more difficult for those who lack the financial means to secure that college education.

What Dean Cole is saying is that as tuition and cost of living for students who go away from home to school rise, the effect will be a decrease in the proportion of students that go on to college rather than an increase in those proportions. The failure of some of the best of our high school students to go on to college for financial reasons is a complete defaulting nationally upon one of the richest, almost immeasurable resources available to our Nation and to our people.

What that statement means in terms of higher income, what it means in terms of new resources taxwise for financing the necessities of a very complex society, what it means in terms of a more sophisticated public judgment of the difficult questions of the day would defy any simple measurement in absolute dollars and cents.

Yet, if, rather than merely giving lip service to education, if we believe in it, then we have only one direction to go, and that is toward supplying all the education that our resources, our ingenuity, and our vision enable us to command.

I direct the attention of Senators to tuition rates for a moment. Recently one of my sons returned to the second semester of his university. The increase in tuition rates struck a forceful blow to his "old man" in terms of the theoretical budgeting that had been projected for the spring semester on the college level. The average tuition rates have been increasing all across the land in both private and public institutions at a faster rate, not only than the cost of living, but also of personal income at the same time.

Within that identical context the scholarship allowances and the numbers of scholarships available to students who desperately need them and who are scholastically qualified to accept them have decreased in proportion to the other increases I have stated.

For example, the average institutional scholarship, during the last 4 years increased by $63, but during the same period the average increase in tuition was not $63 but $242—nearly four times as great.

Similarly, student living costs have gone up. Estimates place the average annual expense of the student living away from home at $1,500 in public institutions and about $1,000 more in private institutions.

The average scholarship, on the other hand, in public institutions is worth only $220 a year to the student, an amount equal to less than 15 percent of the estimated average expense.

But while Dean Cole has alluded to the increasing numbers of qualified scholastically inclined students who year after year cannot go on to college because they cannot afford it, he also has alluded to a second group of approximately the same size—who lack the interest, the incentive, and the motivation to go on to college.

It is easy for us to say, "Well, if a young person does not want to go to college, that is his business."

I ask the Senate very seriously today whether that question can any longer be accepted as a valid generalization. It once was the case, because we used to deal in relative terms. We were satisfied by commanding that students were required to attend school until the ages of 14, 15, or 16, or whatever age the State law decreed. But in a world that has grown progressively smaller, in a world in which the quest for knowledge has become intensively greater, the old standards of education, the old levels of educational attainment no longer assume a validity that merits our national acceptance without serious challenge. What it means is that we must raise our sights to a level at which we shall command the young minds of this country to higher and ever higher levels of learning, if we are to hold our own and surpass the bounds of competitive knowledge pursuits in other parts of the world.

It is not enough to suggest to ourselves that if we do just a little bit, it may be enough. This matter has become so critical, we dare not leave it again to the element of chance. We have discovered in the last 4 or 5 years that leaving the pursuit of knowledge to chance may mean the losing of the pace of learning that is next to impossible to recapture or recover.

The only pace to which we dare subscribe, and the only rate of learning in the pursuit of knowledge to which we dare become dedicated, is the ultimate, the maximum, the most compared with anyone, compared with all. This can be the only definition of the proper rate of change in the realm of the search for new ideas.

The U.S. Chamber of Commerce in its testimony before one of our educational committees said—and I take issue with it:

> The fact is that we have always had and should continue to have large numbers of men and women of above average mentality in vocations which do not require a college degree; and conversely that there are many approaches to manpower development for vocations in the trades and in the business world other than the college campus.

This sounds like the days of William McKinley. This sounds, at the very most, like the 1920's, before the new breakthroughs in science and understanding of the human race which has occurred in our time. Who is kidding whom?

We dare not retreat to the lowest standards, to the bare minimums, en-

visioned in this shocking testimony from the U.S. Chamber of Commerce. The fact remains that as man reaches a higher and ever higher plane on the level at which he has a right to expect to live, it imposes upon education greater and greater responsibilities for teaching him how to live at that level.

This precisely is another one of the key points at stake in this critical question. For all too long, in our concepts, once we have gotten a young man out of high school, our tendency and our inclination have been to say, "Let's get him into college, and let him specialize in some particular trade." No one ever paused long enough to say to him, "But first get an education."

So we always want to know in what field will he major. We want to know what he is going to do when he graduates. I used to be an adviser to freshmen when they entered the university. We always would say, "What is your major? What are you going to do when you get out of college?" We, in other words, panic them before they have any right to know. So they decide they will become lawyers, professors, doctors, or engineers. For decades we have been turning out generation after generation of little more than trained specialists.

This will no longer do. I say that because again the time has come when we must have a great mass, an unlimited mass, of people with a liberal education, with a philosophy for living with and understanding where they as individuals hope to go and what they hope to achieve, before the material factors of job hunting, salaries, incomes, and dollars get in their way.

It is this role, it is this task, it is this responsibility that we are increasingly imposing upon the institutions of higher learning in our land, and expecting them somehow, through miraculous gestures of their own, to meet, without any financial assistance or, in fact, without assuring them of any way of arriving at a position where they have a chance of meeting this challenge.

The great emphasis in business in this country, the great pressure in industry in the land, is automation.

Automation, new skills, and the inventive genius of our people have shortened the time in which a man has to work, in the physical sense. However, it has lengthened the time that he has for his leisure. This idea is one of the goals of our life. It is of this that all men have dreamed when they have envisioned the better way, the life of tomorrow.

But what does it avail him if he does not know what to do with his leisure time, if he does not know what to do with himself? What does it avail him, once we have scored these great breakthroughs that enable us to live with lesser energy devoted toward achieving and sustaining the kind of economical well-being for which we hope?

Thus the question is compounded. It is not only a matter of building buildings, but it is also a matter of equipping people, and a matter of educating man for living with himself, and, in living with himself, understand the complexities of living with others.

These questions seem to me to be the real core of what we face in the bill now pending before the Senate. These questions require a straightforward and courageous answer, not only by the Senate and the House, but also by all the people of our country.

Barbara Ward, the distinguished British economist and writer, said in a short article a few days ago that imagination is not limited by resources; on the contrary, resources are limited by scarce imagination.

To put it another way, what Barbara Ward is saying is that the times in which we are living are going to tax the greatest genius in the realm of ideas that we can command. We do not invent genius on Wall Street. We do not invent genius in jobs on Main Street. We invent genius in the heart and soul and belief and faith of man in men.

This, then, is the only goal. This, then, is the keystone to the arch of American faith in education. Unless and until we can raise our national sights to encompass the new level of higher learning for all people in our land, we will fall short, sadly short, of the kind of goal we have a right to expect in what we have come to call glibly, and sometimes unthinkingly, our free society.

It was President Kennedy who reminded us in February of last year, a year ago:

> Our progress as a Nation can be no swifter than our progress on education. Our requirements for world leadership, our hopes for economic growth, and the demands of citizenship itself in an era such as this all require the maximum development of every young American's capacity.
>
> The human mind is our fundamental resource. A balanced Federal program must go well beyond incentives for investment in plant and equipment.

If I may paraphrase the President, it is time indeed that this country, with no holds barred, with no reservation, with no hesitation, with no uncertainty, commit itself to an investment in the human resources of its youth that learning and knowledge inspire. It is this that really represents the essence of what we feel rides on the enactment of this college education bill this year.

These are among the reasons that will move me to support it with my vote and with the greatest personal enthusiasm.

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.

Mr. MCNAMARA. Mr. President, in his opening statement on S. 1241, the chairman of the Subcommittee on Education, the distinguished Senator from Oregon [Mr. MORSE] made a plea that no crippling amendments be offered to the bill. However, since he said he was in favor of strengthening amendments, I feel certain he would be in favor of the amendment I shall now offer.

Mr. President, I call up my amendment designated "2-2-62-E." I ask that in lieu of having the amendment read, it be printed at this point in the RECORD.

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

The amendment is as follows:

On page 37, between lines 5 and 6, insert a new title IV, as follows, and redesignate the following title and sections of the bill accordingly:

"TITLE IV—SCHOOL ASSISTANCE ACT OF 1962

"SEC. 401. This title may be cited as the 'School Assistance Act of 1962'.

"Declaration of purpose

"SEC. 402. It is the purpose of this title to authorize a two-year program of Federal grants to States to assist their local education agencies to construct urgently needed public elementary and secondary school facilities. It is the intent of Congress that with this assistance the quality of public elementary and secondary education will be substantially improved in all States and that inequalities of educational opportunities within and between States will be substantially reduced.

"Assurance against Federal interference in schools

"SEC. 403. In the administration of this title, no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the policy determination, personnel, curriculum, program of instruction, or the administration or operation of any school or school system.

"Authorization of appropriations

"SEC. 404. There is hereby authorized to be appropriated, without any limitation of such appropriation or condition inconsistent with or contrary to the terms or purposes of this title, for the fiscal year beginning July 1, 1962, and for the succeeding fiscal year, $325,000,000, for the purpose of making payments to State education agencies as provided in this title.

"Allotment to States

"SEC. 405. (a) The sums appropriated pursuant to section 404 shall be allotted among the States on the basis of the income per child of school age, the number of children of school age, and the effort for public school purposes of the respective States. A State allotment under this section for any fiscal year shall be available for obligation by the State, in accordance with the provisions of this title, during such year and the next fiscal year (and for those two years only). Except as provided by section 406, such allotments shall be made as follows: The Commissioner shall allot to each State for each fiscal year an amount which bears the same ratio to the sums appropriated pursuant to section 404 for such year as the product of—

"(1) the number of children of school age in the State in the preceding fiscal year, and

"(2) the State's allotment ratio (as determined under subsection (b)),

bears to the sum of corresponding products for all the States.

"(b) For purposes of this title—

"(1) The 'allotment ratio' for any State shall be 1.00 less the product of (A) .50 and (B) the quotient obtained by dividing the income per child of school age for the State by the income per child of school age for all the States (exclusive of Puerto Rico, Guam, American Samoa, the District of Columbia, and the Virgin Islands), except that (i) the allotment ratio shall in no case be less than .25 or more than .75 and (ii) the allotment ratio for Puerto Rico, Guam, American Samoa, and the Virgin Islands shall be .75, (iii) the allotment ratio for the District of Columbia shall be .50, and (iv) the allotment ratio of any State shall be .50 for any fiscal year if the Commissioner finds that the cost of education in

such State exceeds the median of such costs in all the States by a factor of 2 or more as determined by him on the basis of an index of the average per pupil cost of constructing minimum school facilities in the States as determined for such fiscal year under section 15(6) of the Act of September 23, 1950, as amended (20 U.S.C. 645), or, in the Commissioner's discretion, on the basis of such index and such other statistics and data as the Commissioner shall deem adequate and appropriate.

"(2) The allotment ratios shall be promulgated by the Commissioners for each fiscal year, between July 1 and August 31 of such fiscal year, except that for the fiscal year beginning July 1, 1962, such allotment ratios shall be promulgated as soon as possible after the enactment of this title. Allotment ratios for each fiscal year shall be computed on the basis of the average of the incomes per child of school age for the States and for all the States (exclusive of Puerto Rico, Guam, American Samoa, the District of Columbia, and the Virgin Islands) for the three most recent consecutive fiscal years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for the purposes of this title, except that the Commissioner may estimate and subsequently revise such allotment ratios, and, as so revised and promulgated, such promulgation shall be equally conclusive.

"(3) The term 'income per child of school age' for any fiscal year for a State or for all the States means the total personal income for the State or for all the States in the calendar year ending in such fiscal year (exclusive of Puerto Rico, Guam, American Samoa, the District of Columbia, and the Virgin Islands), respectively, divided by the number of children of school age in the State or in all such States, respectively, in such fiscal year.

"(4) The term 'child of school age' means a member of the population between the ages of five and seventeen, both inclusive.

"Maintenance and improvement of State and local support for public school financing

"SEC. 406. (a) The sum otherwise allocable to any State under section 405 for any fiscal year after the fiscal year beginning July 1, 1962, shall be reduced if such State's effort for such fiscal year is not at least equal to such State's base effort for such year. The amount of such reduction shall be the difference between the State's public school expenditures in such year and the public school expenditures it would have made in such year had it exerted the State's base effort for such year.

"(b) The sum otherwise allocable to any State under section 405 for any fiscal year after the fiscal year beginning July 1, 1962, shall also be reduced if such State's effort for such year is not at least equal to the State's base effort for such year plus the average annual rate of increase in the national effort over the five-fiscal-year period beginning July 1, 1957, and ending June 30, 1962. The amount of the reduction under this subsection (which shall be in addition to the reduction, if any, under subsection (a)) shall bear the same relation to the sum otherwise allocable to the State under section 405, (1) as the difference between the State's effort and the national effort for such year bears to the national effort for such year, or (2), if it would result in a smaller reduction, as the difference between the State's expenditure per public school pupil and 110 per centum of the national expenditure per public school pupil for such year, bears to 110 per centum of the national expenditure per public school pupil for such year. This subsection shall not apply to any State for any year for which the State's effort equaled or exceeded the national effort for such year or the State's expenditure per public school pupil equaled or exceeded 110 per centum of the national expenditure per public school pupil for such year.

"(c) The total reductions which may be made under subsections (a) and (b) from the sum otherwise allocable to a State for any fiscal year shall not exceed one-third of such sum.

"(d) The sum of the reductions under this section for each fiscal year shall be reallotted by proportionately increasing the allotments under section 405 for such year of those remaining States (other than the District of Columbia, Puerto Rico, Guam, American Samoa, and the Virgin Islands) whose allotments for such year have not been reduced under this section.

"(e) For purposes of this section—

"(1)(A) A 'State's effort' for any State for a fiscal year is the quotient obtained by dividing (i) the State's expenditure per public school pupil by (ii) the income per such pupil for the State; except that the State's effort shall be deemed to be equal to the State's base effort and to the national effort in the case of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia.

"(B) A State's 'base effort' for a fiscal year means the average State effort over the three immediately preceding fiscal years.

"(C) The 'income per public school pupil' for a State or for all the States for any fiscal year means the total personal income for the State or for all the States in the calendar year ending in such fiscal year (exclusive of Puerto Rico, Guam, American Samoa, and the Virgin Islands), respectively, divided by the number of public school pupils in the State or in all such States, respectively, in such fiscal year.

"(2)(A) The 'national effort' for any fiscal year is the quotient obtained by dividing (i) the expenditure per public school pupil for all the States (exclusive of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the District of Columbia) by (ii) the income per such pupil for all such States.

"(B) The average annual rate of increase in the national effort over the five fiscal year period beginning July 1, 1957, and ending June 30, 1962, shall be determined by dividing the difference between the national effort for the fiscal year beginning July 1, 1957, and for the fiscal year beginning July 1, 1961, by four.

"(3)(A) The 'public school expenditures' of any State in any fiscal year means the total expenditures by the State and subdivisions thereof in such year for public elementary and secondary education made from funds derived from State and local sources in the State (including payments in the nature of payments in lieu of taxes from any sources).

"(B) The 'expenditure per public school pupil' for any State for any fiscal year means the quotient obtained by dividing the State's public school expenditures in such year by the number of its public school pupils for such year.

"(C) The 'national expenditure per public school pupil' for any fiscal year means the quotient obtained by dividing (i) the public school expenditures of all the States in such year (exclusive of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the District of Columbia) by (ii) the number of public school pupils in all such States for such year.

"(4) The Commissioner's determinations of the State effort, base effort, income, public school expenditures, and expenditure per public school pupil, for any State, and his determinations of the national effort, averaging rate of increase, and expenditure per public school pupil, shall be conclusive for purposes of this title, except that the Commissioner may estimate and subsequently revise any such determination, and as so revised, such determination shall be equally conclusive.

"Payment of allotments to States

"SEC. 407. Payments to States which have submitted and had approved their applications under this title of Federal funds allotted to them pursuant to section 405 (as adjusted by the application of the provisions of section 406 and as adjusted on account of overpayments or underpayments previously made) shall be made by the Commissioner on the basis of such estimates, in such installments, and at such times, as may be reasonably required for expenditure by the States of the funds so allotted.

"State agency administrative costs

"SEC. 408. From the sums allotted to it under section 405, as adjusted by section 406, for each fiscal year, a State education agency may use such amount as it deems necessary for any supervision, services, and other costs of administering its activities under this title in that year, except that such amount shall not be more than whichever is the lesser of (1) ten cents multiplied by the number of public school pupils in the State during the prior fiscal year, and (2) $150,000, except that if, for any State, such lesser amount is less than $25,000, such amount shall be increased to $25,000.

"State applications

"SEC. 409. (a) A State which desires to receive its allotments under this title shall submit through its State education agency an application to the Commissioner which—

"(1) provides assurance that the State education agency shall be the sole agency for administering the funds received under this title;

"(2) provides that such allotment, except for sums used in accordance with section 408, shall be used exclusively for the construction of public elementary and secondary school facilities;

"(3) sets forth criteria and procedures to insure that in allocating funds received under this title (exclusive of amounts to be used under section 408) to local education agencies priority will be given to local education agencies which, in the judgment of the State education agency, have the greatest need for additional school facilities and which are least able to finance the cost of needed school facilities;

"(4) provides assurance that every local education agency whose application for funds under this title is denied will be given an opportunity for a hearing before the State education agency;

"(5) sets forth procedures for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, funds paid to the State and by the State to the local education agencies under this title, which procedures shall include provision for repayment to the United States of any sums received by the State from its allotment for any fiscal year under this title which are not obligated by it in accordance with the provisions of this title by the end of the fiscal year following that for which such allotment was made, or which are not expended in accordance therewith by the end of the second fiscal year following that in which they were obligated (unless such sums have been deducted from subsequent payments pursuant to section 407);

"(6) provides assurance that the requirements of section 504 will be complied with on all construction projects in the State assisted under this title; and

"(7) provides for making such reports in such form and containing such information as the Commissioner may from time to time reasonably require and for access by the Commissioner, upon request, to the records upon which such information is based.

"(b) With respect to any public school operated by a public agency or institution other than a State or local education agency, and in the case of any State in which a State education agency has exclusive responsibility

for financing the construction of school facilities within the entire State, within a given geographical area within the State, or with respect to particular categories of public schools, the Commissioner may modify or make inapplicable any of the provisions of subsection (a), to the extent he deems such action appropriate in the light of the special governmental or school organization of such State.

"Review of State applications

"SEC. 410. (a)(1) The Commissioner shall approve an application of a State which fulfills the conditions specified in section 409 (a), and shall not finally disapprove a State application except after reasonable notice and opportunity for hearing to the State education agency.

"(2) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State education agency, finds that such agency is not complying substantially with the provisions required to be included in its application under section 409(a), or that any funds have been diverted from the purposes for which they have been paid, the Commissioner shall forthwith notify the State education agency, and he shall thereafter withhold further payments to the State under this title until there is no longer any such failure to comply, or, if compliance is impossible, there is a repayment, or an arrangement for repayment, of Federal moneys which have been diverted or improperly expended.

"(b)(1) A State education agency dissatisfied with a final action of the Commissioner under subsection (a) of this section may appeal to the United States court of appeals for the circuit in which such State or agency is located by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner, or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

"(2) Upon the filing of the petition referred to in paragraph (1) of this subsection, the court shall have jurisdiction to affairm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"Definitions

"SEC. 411. For the purposes of this title—

"(1) The term 'local education agency' means a board of education or other legally constituted local school authority having administrative control and direction of public schools in a city, county, township, school district, or political subdivision.

"(2) The term 'State education agency' means the State board of education or other agency or officer primarily responsible for the State supervision of public schools.

"(3) The term 'public school pupils' means pupils in average daily attendance at public schools within a State, or within all of the States, as determined by the Commissioner in accordance with criteria developed by him to assure uniform determinations for all the States.

"(4) The term 'public schools' means schools providing free education at public expense, under public supervision and direction and without tuition charge to resident pupils, and which is provided as elementary or secondary school education—

"(a) by a State or local education agency, or

"(b) if the State application approved under this title so provides, by another State or local public agency or institution.

"(5) The term 'elementary and secondary education' shall not include any education provided below the kindergarten level or beyond grade 12.

"(6) The terms 'school facilities' and 'public school facilities' means classrooms and related facilities (including furniture, instructional materials other than textbooks, equipment, machinery, and utilities necessary or appropriate for school purposes) for public schools, and interests in land (including site, grading, and improvement) on which such facilities are constructed. Such terms shall include gymnasiums and similar facilities, except those intended primarily for exhibitions for which admission is to be charged to the general public.

"(7) The terms 'construct', 'constructing', and 'construction' include the preparation of drawings and specifications for school facilities; erecting, building, acquiring, altering, remodeling, improving, or extending school facilities; and the inspection and supervision of the construction of school facilities."

On page 41, line 16, strike the words "title III," and insert the following: "titles III or IV,".

On page 43, after line 10, strike the amendment to the title and insert in lieu thereof, the following:

"Amend the title so as to read: 'A bill to authorize assistance to public and other nonprofit institutions of higher education in financing the construction, rehabilitation, or improvement of needed academic and related facilities, to authorize scholarships for undergraduate study in such institutions, to provide financial assistance to the States for the construction of public community colleges, and to provide a two-year program of financial assistance to the States for public elementary and secondary school construction.'"

Mr. MCNAMARA. Mr. President, before discussing the amendment, I should like to have corrected a typographical error which appears in section 402, on page 2, line 3; namely, to strike out "three-year" and insert in lieu thereof "two-year". This is a technical correction.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. MCNAMARA. I thank the Chair.

Mr. President, at this point I should like to refresh the memories of Senators—and the chairman, if necessary—on the origin of the higher education bill now before the Senate. The bill was considered and approved by the Committee on Labor and Public Welfare in the last weeks of the last session and was then placed on the Senate Calendar.

This was part of an alleged grand strategy that would provide a package of education measures—as a lure to those who seemed to be dragging their heels on the general aid to education bill.

This was the supermarket approach to education legislation, offering specials to get you into the store.

Needless to say, and as was predicted by many of us at the time, the strategy was a miserable failure.

We got neither the general aid legislation nor the higher education program.

All we got was an extension of the National Defense Education Act and an extension of the impacted areas legislation, a rather sorry showing for the grand strategists.

Now we are faced with this modest handout to higher education as the only new education program likely to be enacted by the 87th Congress.

If our aim is simply to have something with an education label on it, then this bill is just as good as any.

But if our desire is to really improve the national education system, to show that we have enough commonsense to start where the need is greatest, then we will concentrate on elementary and secondary education.

I am sure that my attempt to amend the higher education bill so as to include a school construction program comes as no surprise to most Senators.

But I wish it to be clearly understood that I do not seek this amendment to provide one more futile demonstration of my conviction that our school problem begins in the elementary and secondary grades.

The Senate has demonstrated, time and again, the most recent evidence being the passage of S. 1021 last year, that it favors a broad program of Federal assistance to the Nation's schools.

It is my further belief—and there is evidence to support it—that such a broad program of Federal assistance to education would be favored by a majority of our colleagues in the House.

Last year I offered an amendment similar to that which I offer now, when the bill to extend the federally impacted school districts program and the National Defense Education Act was before us.

I did not press that amendment to a vote because of this body's consensus of opinion; namely, that time was so short that we might jeopardize the impacted areas and the National Defense Education Act program if they were so amended.

I was told that the adoption of my amendment by the Senate would, in effect, end both of those programs.

That situation is not duplicated here. The bill before us would establish a higher education assistance program, which would not go into effect until July 1 of this year at the earliest.

We have, therefore, 5 months in which to determine whether or not the majority of Members of this Congress favors an effective school program; that is, one which will help children of all ages. I believe it does.

If my amendment is adopted, there will be sufficient time for the House to accept or reject it. We must have an honest test of the will of the elected Members of Congress, and not be stymied by parliamentary roadblocks that are contrary to the will of the people.

We are facing no deadlines of the kind that have created the pressures for empty compromises at the tail end of recent sessions.

In short, there is ample time to reach a decision on the merits of the program I propose, and I am hopeful that the Senate will join with me in seeking such a decision.

I shall not spend any lengthy period discussing the contents of this amendment. I will only say that if it be enacted, the Federal Government would embark upon a 2-year program for the assistance of construction of public elementary and secondary schools.

A total of $325 million in Federal grants would be available to the States in each of the next 2 years.

As I have said on many occasions, I favor a much broader educational effort than that contained in this amendment.

It is not enough to provide buildings if those buildings are to be staffed by undertrained and underpaid teachers.

But the realities of the conflict in the House lead me to the conclusion that a program of Federal assistance for teachers' salaries simply could not pass.

Therefore, I offer this amendment to accomplish two purposes. First, to stimulate badly needed school construction in the States; and second, to release present State construction money for the improvement of teachers' salaries and skills.

Mr. President, I ask unanimous consent that following my remarks a table containing an analysis of school construction needs, State by State, be printed in the RECORD.

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

(See exhibit 1.)

Mr. MCNAMARA. Mr. President, I am hopeful that we will make this determined last effort to provide Federal assistance and leadership where it is needed most—in the Nation's school establishments.

EXHIBIT 1.—*Fall 1961 statistics on enrollment, teachers, and schoolhousing in full-time public elementary and secondary day schools*

[NOTE.—National totals, while shown to the last digit, are not in fact precise to that degree but merely represent the sum of unrounded and rounded figures furnished by the various States. Advance data from forthcoming Office of Education Circular No. 676.]

Region and State	Number of pupils enrolled			Number of classroom teachers			Number of classroom teachers with less than standard certificates			Number of pupils in excess of normal capacity		
	Total	Elementary [1]	Secondary [1]	Total	Elementary [1]	Secondary [1]	Total	Elementary	Secondary [1]	Total	Elementary [1]	Secondary [1]
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
United States (50 States and District of Columbia)	37,504,190	24,685,888	12,818,302	1,462,859	870,631	592,228	89,697	64,464	25,233	1,693,862	962,934	730,928
North Atlantic	8,734,239	5,313,426	3,420,813	363,563	195,919	167,644	26,358	16,176	10,182	494,540	263,408	231,132
Connecticut	498,992	349,867	149,125	20,531	12,374	8,157	1,700	1,100	600	18,722	13,382	5,340
Delaware	86,908	49,750	37,158	3,875	1,999	1,876	490	400	90	2,782	1,774	1,008
Maine [3]	207,261	156,795	50,466	8,531	5,813	2,718	356	270	86	13,515	8,339	5,176
Maryland	634,988	370,235	264,753	[4] 24,929	[4] 12,857	[4] 12,072	6,452	4,377	2,075	66,273	33,828	32,445
Massachusetts	911,840	557,499	354,341	38,108	21,004	17,104	898	410	488	36,226	16,720	19,506
New Hampshire	110,185	73,582	36,603	4,663	2,813	1,850	183	113	70	4,708	2,825	1,883
New Jersey	1,102,712	738,068	364,644	48,774	27,895	20,879	6,605	5,010	1,595	79,364	42,980	36,384
New York [5]	2,843,000	1,659,000	1,184,000	122,985	64,039	58,946	6,191	2,674	3,517	170,463	93,125	77,338
Pennsylvania	1,998,347	1,142,641	855,706	77,661	39,415	38,246	1,400	547	853	76,755	33,455	43,300
Rhode Island [3]	136,393	78,783	57,610	5,583	2,887	2,696	349	154	195	4,741	2,074	2,667
Vermont	76,345	53,473	22,872	3,394	2,155	1,239	254	151	103	5,282	3,411	1,871
District of Columbia	127,268	83,733	43,535	4,529	2,668	1,861	1,480	970	510	15,709	11,495	4,214
Great Lakes and Plains	10,495,210	7,052,983	3,442,227	424,250	264,496	159,754	24,424	20,770	3,654	376,624	222,122	154,502
Illinois	1,810,064	1,293,762	516,302	76,387	53,110	23,277	5,900	5,298	602	94,437	77,815	16,622
Indiana	1,010,290	659,463	350,827	36,763	23,999	12,764	2,700	2,250	450	10,000	6,188	3,812
Iowa	589,499	376,184	213,315	26,621	14,980	11,641	280	200	80	12,000	4,500	7,500
Kansas	474,871	357,385	117,486	22,085	13,525	8,560				39,200	21,000	18,200
Michigan	1,726,468	1,070,410	656,058	66,159	38,372	27,787	6,957	6,540	417	51,900	30,000	21,900
Minnesota	708,894	413,748	295,146	29,381	15,157	14,224	527	425	102	28,363	15,904	12,459
Missouri [3]	838,723	634,197	204,526	30,894	21,035	9,859	136	49	87	38,004	174	37,830
Nebraska	291,229	189,581	101,648	13,920	8,598	5,322	582	459	123	19,686	11,526	8,160
North Dakota	138,729	98,853	39,876	6,857	4,425	2,432				5,159	3,383	1,776
Ohio	2,007,117	1,323,114	684,003	75,278	45,318	29,960	5,170	3,880	1,290	47,945	34,136	13,809
South Dakota	153,077	103,842	49,235	7,959	5,239	2,720	1,172	869	303	9,217	6,097	3,120
Wisconsin [11]	746,249	532,444	213,805	31,946	20,738	11,208	1,000	800	200	20,713	11,399	9,314
Southeast	8,990,292	5,973,924	3,016,368	324,395	198,103	126,292	15,360	11,703	3,657	531,263	297,415	233,848
Alabama [6]	786,978	457,411	329,567	26,297	14,684	11,613	2,072	1,199	873	99,962	52,562	47,400
Arkansas [6]	430,309	240,512	189,797	15,453	8,557	6,896	1,948	1,559	389	20,224	10,169	10,055
Florida	1,030,353	598,349	432,004	39,724	21,737	17,987	311	296	15	77,803	38,486	39,317
Georgia [12]	957,768	652,151	305,617	33,102	21,032	12,070	592	428	164	62,852	35,603	27,249
Kentucky	625,000	447,000	178,000	23,735	15,475	8,260	2,478	2,141	337	31,860	22,786	9,074
Louisiana	725,875	560,000	165,875	27,118	16,115	11,003	1,500	1,020	480	15,500	10,000	5,500
Mississippi	553,805	357,154	196,651	19,027	10,973	8,054	795	420	375	20,364	14,380	5,984
North Carolina	1,125,834	843,886	281,948	39,013	28,045	10,968	1,354	1,148	206	62,263	42,398	19,865
South Carolina	598,558	379,470	219,088	21,273	12,289	8,984	[14] 37	[14] 11	[14] 26	31,128	13,788	17,340
Tennessee	845,000	585,000	260,000	29,593	19,520	10,073	1,075	860	215	28,487	17,520	10,967
Virginia	874,022	592,044	281,978	33,814	20,328	13,486	2,057	1,765	292	61,020	33,576	27,444
West Virginia	436,790	260,947	175,843	16,246	9,348	6,898	1,141	856	285	19,800	6,147	13,653
West and Southwest	9,284,449	6,345,555	2,938,894	350,651	212,113	138,538	23,555	15,815	7,740	291,435	179,989	111,446
Alaska	46,929	38,030	8,899	2,037	1,442	595	60	42	18	5,530	4,881	649
Arizona [3]	344,000	265,000	79,000	12,042	9,004	3,038	72	67	5	23,375	9,000	14,375
California	3,560,000	2,410,000	1,150,000	124,250	76,750	47,500	11,500	8,000	3,500	43,086	37,120	5,966
Colorado	415,282	251,496	163,786	17,763	9,666	8,097	273	214	59	25,380	14,591	10,789
Hawaii [6]	148,333	88,457	59,876	5,004	3,004	2,000	38	13	25	4,682	2,621	2,061
Idaho	163,878	90,892	72,986	6,893	3,422	3,471	1,636	1,053	583	9,295	5,281	4,014
Montana	149,706	101,309	48,397	6,961	4,810	2,151	89	84	5	6,204	2,655	3,549
Nevada	70,117	45,512	24,605	2,980	1,825	1,155				4,926	2,013	2,913
New Mexico [6]	228,778	134,526	94,252	9,122	5,028	4,094	19	14	5	13,213	6,358	6,855
Oklahoma	550,000	335,500	214,500	21,355	12,155	9,200				20,000	16,000	4,000
Oregon	398,841	271,611	127,230	17,736	10,858	6,878	1,136	1,086	50	7,009	4,101	2,908
Texas [3]	2,219,811	1,715,153	504,658	85,531	51,960	33,571	6,900	3,795	3,105	75,633	50,687	24,946
Utah	246,892	146,244	100,648	9,019	4,910	4,109	263	186	77	18,382	12,154	6,228
Washington	660,230	403,183	257,047	25,800	14,950	10,850	1,100	900	200	33,714	11,771	21,943
Wyoming [6]	81,652	48,642	33,010	4,158	2,329	1,829	469	361	108	1,006	756	250
Outlying parts:												
American Samoa	5,557	3,532	2,025	323	260	63	5		5	270		270
Canal Zone	11,943	6,860	5,083	374	201	173	2	2		384	384	
Guam	14,148	8,919	5,229	512	296	216	57	53	4			
Puerto Rico	581,204	389,138	192,066	14,159	8,415	5,744	3,835	1,143	2,692	160,382	127,632	32,750
Virgin Islands [6]	7,349	5,011	2,338	241	132	109				2,346	1,868	478

See footnotes at end of table.

EXHIBIT 1.—*Fall 1961 statistics on enrollment, teachers, and schoolhousing in full-time public elementary and secondary day schools*—Con.

[NOTE.—National totals, while shown to the last digit, are not in fact precise to that degree but merely represent the sum of unrounded and rounded figures furnished by the various States. Advance data from forthcoming Office of Education Circular No. 676.]

Region and State	Statewide standard used to determine normal capacity (number of pupils per instruction room)		Number of pupils on multiple or half-day sessions			Instruction rooms available, completed, and abandoned				Additional instruction rooms needed—			Instruction rooms scheduled for completion during 1961–62
	Elementary	Secondary	Total	Elementary [1]	Secondary [1]	Available, beginning 1960–61	Completed during 1960–61	Abandoned during 1960–61	Available, beginning 1961–62	Total	To accommodate excess enrollment shown in col. 10	To replace unsatisfactory facilities (exclusive of those in col. 23)	
	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)	(23)	(24)	(25)
United States (50 States and the District of Columbia)			[2] 503,108	[2] 317,539	[2] 185,569	1,331,624	72,157	18,701	1,385,080	127,165	60,169	66,996	62,737
North Atlantic			258,103	121,676	136,427	307,787	14,155	3,924	318,018	33,325	18,232	15,093	12,934
Connecticut			16,732	8,928	7,804	18,134	769	163	18,740	941	683	258	801
Delaware	30	30	98	98		3,369	130	6	3,493	167	93	74	86
Maine [3]			5,162	1,275	3,887	7,644	494	294	7,844	856	504	352	420
Maryland	30	25	14,446	12,611	1,835	19,307	1,292	63	20,536	2,952	2,515	437	1,240
Massachusetts			24,420	7,108	17,312	33,189	1,713	353	34,549	2,382	1,351	1,031	1,462
New Hampshire	[4] 30	[4] 25	2,674		2,674	4,173	321	171	4,323	245	153	92	179
New Jersey			61,151	35,882	25,269	38,507	1,947	285	40,169	3,902	2,797	1,105	2,228
New York [5]			103,716	43,280	60,436	99,950	3,970	939	102,981	13,599	6,117	7,482	4,320
Pennsylvania	30	22	23,645	10,181	13,464	71,546	3,022	1,583	72,985	6,883	3,083	3,800	1,969
Rhode Island [6]			3,746		3,746	4,798	234	19	5,013	297	185	112	62
Vermont	(7)	(7)	344	344		3,197	161	48	3,310	315	199	116	83
District of Columbia	30	25	1,969	1,969		3,973	102		4,075	786	552	234	84
Great Lakes and Plains			[2] 86,810	[2] 70,074	[2] 16,736	387,142	20,397	5,134	402,405	33,014	14,063	18,951	17,055
Illinois			39,634	37,459	2,175	64,761	4,013	964	67,810	7,409	3,669	3,740	2,386
Indiana	30	30				35,685	2,000	320	37,365	1,262	333	929	1,620
Iowa	30	25				20,148	540	91	20,597	620	470	150	500
Kansas	30	25	(8)	(8)	(8)	25,185	461	138	25,508	2,513	1,428	1,085	468
Michigan	30	25	7,600	4,125	3,475	[9] 57,479	3,616	240	60,855	7,923	1,876	6,047	3,450
Minnesota	30	32	11,655	8,606	3,049	27,518	1,583	408	28,693	2,126	1,110	1,016	992
Missouri [3]	30	[10] 28				30,975	1,114	396	31,693	3,601	1,439	2,162	1,643
Nebraska	(7)	(7)	2,664	964	1,700	14,001	529	378	14,152	1,600	865	735	407
North Dakota	30	30	1,017	737	280	6,737	438	459	6,716	704	172	532	310
Ohio	30	30	23,433	17,538	5,895	69,279	3,770	910	72,139	3,096	1,598	1,498	3,581
South Dakota	(7)	(7)	632	575	57	7,831	230	202	7,859	653	363	290	287
Wisconsin [11]			175	70	105	27,543	2,103	628	29,018	1,507	740	767	1,411
Southeast			93,940	79,604	14,336	308,969	15,516	5,402	319,083	40,399	17,458	22,941	13,158
Alabama [6]			14,201	12,396	1,805	25,740	1,397	632	26,505	5,166	2,982	2,184	1,530
Arkansas [6]	30	25	3,549	3,549		14,548	954	478	15,024	2,696	871	1,825	306
Florida			40,703	29,528	11,175	33,064	2,396	404	35,056	4,703	2,575	2,128	2,902
Georgia [12]			16,439	16,253	186	34,024	970	311	34,683	3,464	2,088	1,376	884
Kentucky	[13] 27	[13] 27	2,260	2,260		22,662	1,243	200	23,705	7,374	1,180	6,194	1,100
Louisiana			2,010	2,010		27,213	780	242	27,751	1,875	687	1,188	1,170
Mississippi						17,420	1,540	788	18,172	1,578	586	992	882
North Carolina			167	167		39,650	1,615	625	40,640	4,026	1,645	2,381	1,616
South Carolina	36	30	1,554	791	763	20,341	869	469	20,741	1,895	961	934	440
Tennessee	33	28	1,294	887	407	28,582	1,107	328	29,361	1,918	934	984	1,000
Virginia	30	25	11,629	11,629		29,387	2,039	557	30,869	3,943	2,302	1,641	1,899
West Virginia	30	28	134	134		16,338	606	368	16,576	1,761	647	1,114	329
West and Southwest			64,255	46,185	18,070	327,726	22,089	4,241	345,574	20,427	10,416	10,011	19,590
Alaska	25	25				1,713	180	32	1,861	361	226	135	126
Arizona [3]	30	25	19,500	10,000	9,500	10,335	800	120	11,015	1,215	875	340	720
California						117,000	10,000	1,000	126,000	3,000	1,500	1,500	10,000
Colorado	30	25	12,572	10,575	1,997	15,373	1,095	551	15,917	1,609	988	621	405
Hawaii [6]	32	32	1,215	1,215		5,101	346	64	5,383	350	149	201	253
Idaho	(7)	(7)				6,193	316	110	6,399	708	340	368	135
Montana			7,442	2,551	4,891	6,798	454	186	7,066	441	256	185	266
Nevada	30	25	5,929	4,752	1,177	2,522	296	91	2,727	278	173	105	256
New Mexico [6]	30	30				8,240	473	116	8,597	846	440	406	325
Oklahoma						22,824	1,026	850	23,000	3,100	800	2,300	1,000
Oregon			386	323	63	16,316	755	258	16,813	729	312	417	500
Texas [3]	32	30	2,249	2,249		79,288	3,752	360	82,680	4,395	2,445	[14] 1,950	3,868
Utah	30	30	13,855	13,855		8,141	500	122	8,519	928	614	314	541
Washington			1,107	665	442	24,376	1,855	332	25,899	2,285	1,258	1,027	1,015
Wyoming [6]	30	25				3,506	241	49	3,698	182	40	142	180
Outlying parts:													
American Samoa	30	30				251	29		280	186	9	177	81
Canal Zone	30	30				412	44	14	442	8	8		28
Guam	30	30				525	63	39	549	230		230	49
Puerto Rico	40	35	424,863	359,425	65,438	12,207	507	168	12,546	4,752	4,115	637	509
Virgin Islands [6]	30	25				197	3	1	199	107	83	24	40

[1] Unless otherwise noted, data for elementary and secondary schools are classified by type of organization of the school, rather than by grade group.
[2] Incomplete; total for States reporting.
[3] Data for elementary and secondary schools are reported by grade-group (kindergarten through grade 8 for elementary, and grades 9 to 12 for secondary).
[4] Includes librarians and guidance personnel.
[5] Recommended by State; not a formal "standard" or regulation.
[6] Data for elementary and secondary schools are reported by grade-group (kindergarten through grade 6 for elementary, and grades 7 to 12 for secondary).
[7] Standard based on number of square feet per pupil.
[8] Data not available.
[9] Data relate to number of teacher stations.
[10] Represents standard for junior high schools; standard for senior high schools is 25.
[11] Excludes vocational schools not operated as part of the regular public school system.
[12] Data for elementary and secondary schools are reported by grade-group (kindergarten through grade 7 for elementary and grades 8 to 12 for secondary).
[13] Standard for schools with 100 or more pupils in average daily attendance.
[14] Data for 1960–61 school year.

Mr. MORSE. Mr. President, with regard to the amendment offered by the distinguished senior Senator from Michigan [Mr. McNAMARA], I wish to say that I believe his amendment has a very laudable objective, and it is one which I deeply regret I cannot support. My reasons for taking this position are that, first, the Senate already has passed Senate bill 1021, which I believe to be sounder legislation for elementary and secondary schools than this amendment, with its limited scope—sounder both from the standpoint of the money involved and from the standpoint of the breadth of the legislation contained in Senate bill 1021. So adoption of the amendment of the Senator from Michigan could be regarded, in a sense, as a retreat of vital importance.

I do not deny that we may be in a situation in which early action by the House will not be had. But in my judgment, we should not, by adopting this amendment, put ourselves in the position of making passage of the bill by the House of Representatives more difficult. We need to provide money for teachers' salaries as well as for the construction of elementary and secondary schools and for their operation and maintenance.

In my judgment, if the amendment of the Senator from Michigan were adopted or, for that matter, even if an amendment involving all of title I of Senate bill 1021 were to be adopted, there would then have to be a conference with the House of Representatives. Do we really wish to offer up, as a burnt sacrifice, aid for the colleges of this country and for the future students who would be aided by title II of Senate bill 1241, merely because we wish also to aid public elementary and secondary schools?

Mr. President, I greatly value my friendship with the distinguished senior Senator from Michigan [Mr. McNAMARA]; and in a moment I shall have something to say about the great contributions he has made in the field of education. Certainly no Member of this body is more devoted than is he to the field of education. So I regret that here on the floor of the Senate we differ in regard to the tactics to be followed. But as the floor leader in connection with Senate bill 1241, I must oppose his amendment, and I must urge that other Senators likewise oppose it.

Mr. President, although the purpose of the amendment of the Senator from Michigan is a laudable one, I do not consider it germane to the basic purposes of this higher education bill.

In the second place, I believe that adoption of his amendment would endanger the passage of this bill by the House of Representatives, inasmuch as the House Committee on Rules has already ruled against general elementary and secondary aid proposals.

Furthermore, it is my understanding—and let me say that I hope both the majority leader and the minority leader will check on this, because they have served in the House of Representatives—that if we may assume, as a hypothetical, that the Senate would pass the higher education bill with the McNamara amendment included in it, it is conceivable that the House Rules Committee might not even give a rule to have the bill taken to conference, if they did not like to have in the higher education bill a provision which they might deem to be, in effect, a rider.

Does the Senator from Montana think that would be a possibility in the House?

Mr. MANSFIELD. I think it might be a very strong possibility, with the result that no higher education legislation at all would be enacted.

Mr. MORSE. My next point is that Senate bill 1021 offers a more comprehensive approach to public school needs. I wish to say—because I see no reason why these matters should be confined to the cloakrooms—that I have talked there with many of the other members of the committee. We agree we have been ably assisted on school legislation by the Senator from Michigan [Mr. McNAMARA]. All of us have the same great esteem for him, and all of us feel very badly that we cannot support him in the position he has taken on this amendment. We understand the parliamentary tactics he wishes to follow. I simply have an honest difference of opinion with him as to them. I disagree with him regarding how best to serve the legislative needs of the country, both for higher education and for elementary and secondary school legislative problems.

All of us know that the Senator from Michigan has very strong feelings on this matter. He has made that very clear in utterances both on and off the floor of the Senate; and certainly he has made it very clear here this afternoon. He has stated that he is greatly disappointed because of the failure of the House of Representatives to act on elementary and secondary school legislation. I share his feeling. I, too, have been very critical because of the failure of the House to act. But, Mr. President, I think the Senate has a responsibility to carry out its obligations regarding each one of the educational subject matters which will come before it. The Senate has already acted on the secondary and elementary school education bill. The Senate has passed Senate bill 1021. So the Senate's record in regard to Senate bill 1021 is perfectly clear.

I wish to make very clear now, from the standpoint of the legislative history of the pending bill—and I shall try to make it clear as an assistance to the other members of the committee who have talked to me about the matter, and to whom I have said I would do my very best to make the record clear, so that when the Members of the House read it, they will understand our position in regard to Senate bill 1021—what I believe to be a very real danger. I speak quite noncritically about it, but I now state what I think will be a possible interpretation by Members of the House if we do not make this legislative history clear: I believe there is a real possibility that rejection of the amendment of the Senator from Michigan may be interpreted by some Members of the House—including some members of the Rules Committee who want to kill all secondary and elementary school legislation, and who therefore have been voting against giving a rule unless they can get a rule which would, in the opinion of those of us who have fought so hard for the enactment of Senate bill 1021, violate the doctrine of separation of chuch and state—unless they can get a rule that will provide for aid to the private schools on the same basis as aid to the public schools, they are likely to say, "The Senate marched up the hill and passed Senate bill 1021. But then, when the McNamara amendment came along, the Senate marched down the hill, and reversed its position."

Mr. President, I wish to make clear that as the floor leader in connection with Senate bill 1021, and as the floor leader in connection with the pending higher education bill, in voting against the McNamara amendment, this afternoon, I stand foursquare in continued support of Senate bill 1021, and I am satisfied that other Senators who will join me in voting, this afternoon, against the McNamara amendment will in no way be reversing the position they took when they voted in favor of Senate bill 1021. Although we shall vote against the McNamara amendment, we agree with the Senator from Michigan that some legislation for secondary and elementary public schools should be enacted; but we take the position that, in addition, there should be some aid for teachers' salaries; and, in addition, we believe that the broad scope of Senate bill 1021 should be reiterated.

In passing S. 1021 on May 25, 1961, we have done that job. It is now on the doorstep of the House; and the responsibility for not passing a public elementary and secondary school bill in the House rests squarely, at the present moment, with the Rules Committee of the House.

I cannot speak more emphatically or with deeper feeling than when I say that the Rules Committee has an obligation to the American people to proceed to give the House a rule so that the Members of the House can stand up and be counted on S. 1021 in the House of Representatives.

I have sincere and honest differences of opinion with the Senator from Michigan as to the parliamentary strategy that should be followed here in connection with the higher education bill. I think the effect of his amendment would be to cripple the higher education bill. I say respectfully, and we have checked it with some of our advisers in the House, that to add this amendment to the Senate bill on higher education might very well result in a resentful and negative attitude in the House which could jeopardize the possibility of passing any legislation in this session of Congress on higher education. We want to help both primary and secondary and higher education.

There are honest differences of opinion as to strategy. We do not think we ought to follow the Senator's leadership in regard to his amendment, which would have a very unfortunate parliamentary effect, by adding to this bill what is really a rider of an ungermane provision, which could result in no legislation, and at the least increase the probabilities or possibilities of no legislation at all on higher education.

If one wants to talk about the effect of passing higher education legislation

in the House, I will tell the Senate what I think one of the effects may very well be. I think if the Senate does its job with respect to the elementary, secondary, and higher school systems, the parents, including those with children in grade and high schools, as well as in college, will take note of where the bottleneck is, where the bogging down has occurred, and the House will hear from them about its responsibilities with respect to both higher and primary and secondary education.

I know there can be a sincere difference of opinion as to the best parliamentary tactic. I shall vote against the McNamara amendment, because I think it is a parliamentary strategic mistake. I do not think it would be tactically wise to follow this course of action. We have other education bills. There is the NDEA amendments bill S. 2345. Are we going to add the McNamara amendment to that? We have the medical construction and the fellowships bill.

Are we going to add the McNamara amendment to them? To do so is not the best way in my judgment to carry on a parliamentary disagreement with the House of Representatives. I think the best way to put the matter to the House of Representatives is for us to complete our job in the Senate on each independent piece of education legislation. We then can say to the country, "We have done our job. Now the country has a right to ask for exercise of responsibility by the House of Representatives." I say most respectfully the people have not received what is their due because of the fact that the House of Representatives has not taken the action it has the parliamentary power to take if it has the will to do so. It could take that responsible action by making it perfectly clear to the Rules Committee that the House wants a rule from the Rules Committee on elementary and secondary public school legislation. It could also adopt alternative parliamentary procedures in the House in order to insure that the House would vote on that bill.

I close—subject to the agreed interruption by the Senator from Michigan—by saying that I know very well how he feels. I respect him for his view. Seldom have the Senator from Oregon and the Senator from Michigan disagreed on these matters since we have been in the Senate together. I think I can speak most sincerely when I say it pains me no end that we find ourselves in disagreement on this question of parliamentary tactic, but I wanted the Senator from Michigan to know why I am going to vote against his amendment.

I yield now to the Senator from Michigan.

Mr. McNAMARA. Mr. President, at the outset, let me say that I am a little surprised that the chairman of the Subcommittee on Education takes such a strong position in opposition to something that has been approved so often by the subcommittee he represents. Moreover, his whole public record refutes the position he now takes. I have heard him stand up and speak time and time again for the schoolchildren of the country. That is exactly what my amendment does.

Furthermore, I do not want to presuppose what will happen in the House, but I call the attention of the Senator in charge of the bill, the Senator from Oregon [Mr. MORSE], to the fact that under the Eisenhower administration the House passed a Federal aid to school construction program similar to this measure. Why is the Senator so sure the House will not accept this kind of amendment in the light of its once having passed a Federal aid to schools program?

Practically the same persons are Members of the House of Representatives. The only difference is that there is a new administration. What does the President say about the bill? He says he is for Federal aid to primary and secondary schools. The Senator uses the argument that my amendment does not go far enough. Of course, it does not. But that argument is an old sick horse. Everyone who is opposed to medical aid under social security, for example, says it does not go far enough. This is an old technique.

I am very much disappointed to find the chairman of the subcommittee in opposition to this amendment to the bill.

I wish to make reference to a statement I made on the floor on January 25 regarding this measure. I noted then that President Kennedy told us in his state of the Union message that he could "see no reason to weaken or withdraw" the bill passed by the Senate last year and sent to the House.

My amendment does not go that far. I see no reason to weaken or water down S. 1021. Neither does the Senator from Oregon. But at least we can take the first, feeble, necessary step and accomplish something for education while we have the schoolroom measure before us. To say it is not germane is reaching out. We have before us a bill to provide for classroom construction. This is what my amendment does. I repeat what I said a few days ago on this measure when I quoted the President's support of assistance to elementary and secondary education.

President Kennedy told us in his state of the Union message he could "see no reason to weaken or withdraw" the bill passed by the Senate last year and sent to the House.

Since he made his remarks on January 11, however, the political air between Capitol Hill and the executive department has been charged with considerable static that the administration does not really mean what it says.

These reports have it that no push will be made on general Federal aid and that the education record will be made this year with an innocuous bill to assist higher education.

This, of course, is the easy approach. It requires no great effort; it attracts no great opposition and it accomplishes very little.

I reject this approach.

When we deal with the education problems of our Nation it is necessary to establish certain priorities.

By anyone's measurement the greatest need in education is at the level which represents the foundation of our educational system, the elementary and secondary schools.

But time after time the interests of the schoolchildren have been sold out by following the easy, uncomplicated approach of bolstering higher education.

Each time a higher education bill is passed, general aid legislation is pushed back still further, postponed again while the needs and the population multiply.

In 1958 the National Defense Education Act was Congress' answer to the unmet needs of education.

This year, according to the reports, Congress and the administration are prepared to settle for the higher education bill now on the Senate Calendar as the latest sop to education needs.

I do not say these bills are worthless. NDEA was a valuable program and I was proud to support it.

I supported the current bill on the calendar—S. 1241—in the Committee on Labor and Public Welfare.

But I supported it as a companion to the general aid bill—S. 1021—not as a substitute for it.

Under these circumstances and in view of the priority needs of education, I intend to oppose the higher education bill until general aid legislation is given the consideration that we have every right to expect.

I recognize the argument that the Senate, at least, met its responsibility by passing the general aid bill last year and sending it to the House.

That is true, but I believe that all energies in the education field, administration and congressional alike, should be directed toward freeing that bill for the President's signature and not by dissipating our strength with a relatively minor and noncritical handout to higher education.

UNANIMOUS-CONSENT AGREEMENT

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

Mr. MORSE. I yield to the Senator from Montana.

Mr. MANSFIELD. I thank the Senator from Oregon. I appreciate his courtesy, and I ask unanimous consent that he may yield to me without losing his right to the floor.

The PRESIDING OFFICER (Mr. HICKEY in the chair). Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, on behalf of the minority leader and myself I send to the desk a proposed unanimous-consent agreement and ask that it be stated.

The PRESIDING OFFICER. The proposed unanimous-consent agreement will be stated for the information of the Senate.

The legislative clerk read as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That, effective on Tuesday, February 6, 1962, at the conclusion of routine morning business, during the further consideration of the bill (S. 1241) to authorize

assistance to public and other nonprofit institutions of higher education in financing the construction, rehabilitation, or improvement of needed academic and related facilities and to authorize scholarships for undergraduate study in such institutions, debate on any amendment (except the so-called Prouty-Keating amendment numbered 2–2–62–C, which shall be limited to 2 hours, with 1½ hours to be controlled by the proponents and one-half hour to be controlled by the opponents) motion, or appeal, except a motion to lay on the table, shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment or motion and the majority leader: *Provided,* That in the event the majority leader is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: *Provided further,* That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the majority and minority leaders: *Provided,* That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement?

Mr. McNAMARA. Mr. President, reserving the right to object——

Mr. MILLER. Mr. President——

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. McNAMARA. I raised a question with the Senator from Oregon, who is managing the bill, a little earlier. I should like to have his comment on the question.

Mr. MORSE. First, the Senator from Michigan talked with me in regard to whether, on the matter of parliamentary procedure, I would move to lay his amendment on the table. Although we think there is much that might be said for a motion to lay the amendment on the table, we feel, with the explanation I have already given and with the very brief explanation I shall give before we reach a vote on the question, that the Senator from Michigan is entitled to the courtesy of a yea-and-nay vote on his amendment, and I shall support his getting a yea-and-nay vote on his amendment.

Mr. McNAMARA. I shall not object, under those circumstances.

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

Mr. MORSE. I yield.

Mr. MILLER. Reserving the right to object, Mr. President, I should like to make it clear that the Senator from New Hampshire [Mr. COTTON] and I have an amendment to offer to the amendment of the Senator from Michigan [Mr. McNAMARA]. We would appreciate it if we might have the same consideration the Senator from Oregon has granted to the Senator from Michigan.

Mr. MORSE. I shall certainly grant that courtesy to the Senator from New Hampshire and the Senator from Iowa.

Mr. COTTON. Mr. President, reserving the right to object, may I be permitted, without the Senator from Oregon losing his right to the floor, to propound a parliamentary inquiry?

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and the Senator will state his parliamentary inquiry.

Mr. COTTON. If the unanimous-consent agreement is entered into at this time, since it carries within it a provision that no amendments may be offered which are not ruled by the Chair to be germane to the bill, would the amendment to be offered by the Senator from Iowa [Mr. MILLER], on behalf of himself and me, be germane? It is germane, in my opinion, to the amendment of the Senator from Michigan, to which it is offered. If the unanimous-consent agreement were agreed to, could our amendment be ruled to be out of order, as not being germane to the original bill, even though it is germane to the amendment now under consideration, offered by the Senator from Michigan?

Mr. MORSE. I do not know what the amendment is.

Mr. COTTON. The Senator knows what it is, for it relates to the cigarette tax.

Mr. MORSE. Thank you.

The PRESIDING OFFICER. The Chair states that if the amendment were germane to the pending amendment it would be in order.

Mr. MANSFIELD. Mr. President, has the Chair ruled on the request of the leadership?

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement?

Mr. DIRKSEN. Mr. President, reserving the right to object, it is my understanding the agreement is designed to go into effect tomorrow. Consequently, the germaneness provision in the proposed unanimous-consent agreement would not apply to an amendment offered tonight.

Mr. MANSFIELD. Mr. President, may we have a ruling? I should like to make a request about something else of interest.

The PRESIDING OFFICER. The Chair has responded to the inquiry on the amendment.

Mr. MANSFIELD. I mean on the proposed unanimous-consent agreement.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement?

Mr. COTTON. Mr. President, reserving the right to object, may we offer the amendment before the proposed unanimous-consent agreement is agreed to, and then agree to the proposed unanimous-consent agreement? In that way we will be protected on the question of germaneness.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement?

Mr. COTTON. May we have an exception for the amendment to be offered by the Senator from Iowa and myself, so that it may be offered subsequent to an agreement to the proposed unanimous-consent agreement?

Mr. MORSE. If the Senator wishes to send it to the desk, by all means he should do so. There is an amendment pending.

Mr. MILLER. Mr. President, I have an amendment at the desk, and I should like to have it stated.

Mr. MANSFIELD. Mr. President, I should like to have a ruling on the proposed unanimous-consent agreement.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement? The Chair hears none, and, without objection, the proposed unanimous-consent agreement is agreed to.

Mr. MANSFIELD. Mr. President, it is my understanding that there will be further debate on the Miller-Cotton amendment to the amendment offered by the Senator from Michigan [Mr. McNAMARA]. I express the hope, on behalf of the distinguished minority leader and myself, that we can finish debate on the McNamara amendment and the amendment thereto tonight. If that meets with the concurrence of all concerned, on behalf of the minority leader and myself, I make a further unanimous-consent request to the effect that the votes on the McNamara amendment and the amendment thereto be taken at 1:30 p.m. tomorrow.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MORSE. Mr. President, I wish to make some brief additional remarks in regard to the comments of my friend from Michigan [Mr. McNAMARA]. He pointed out that under the Eisenhower administration the House passed a school construction bill. In effect, he has said to the Senator from Oregon, "What makes the Senator from Oregon think that the House would not do that again?"

I shall answer that argument after I yield to the Senator from Montana [Mr. MANSFIELD] who I understand wishes to have me yield to him for a moment.

Mr. MANSFIELD. Mr. President, I thank the Senator from Oregon.

Mr. President, notwithstanding the germaneness provision of the unanimous-consent agreement previously entered into, I ask unanimous consent that the pending McNamara amendment and the Miller-Cotton amendment to be offered, be in order.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The unanimous-consent agreement, as subsequently reduced to writing, is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That, effective on Tuesday, February 6, 1962, at the conclusion of routine morning business, during the further consideration of the bill (S. 1241) to authorize assistance to public and other nonprofit institutions of higher education in financing the construction, rehabilitation, or improvement of needed academic and related facilities and to authorize scholarships for undergraduate study in such institutions, debate on any amendment (except the so-called Prouty-Keating amendment numbered "2–2–62—C," which shall be limited to 2 hours, with 1½ hours to be controlled by the proponents and one-half hour to be controlled by the opponents, and the pending amendments—the McNamara amendment (2–2–

62—E) and the Miller amendment thereto—on which the votes will come at 1:30 p.m.), motion, or appeal, except a motion to lay on the table, shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment or motion and the majority leader: *Provided,* That in the event the majority leader is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: *Provided further,* That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the majority and minority leaders: *Provided,* That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr President I ask unanimous consent that when the Senate concludes its deliberations today it stand in adjournment to meet at 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

AID FOR HIGHER EDUCATION

The Senate resumed the consideration of the bill (S. 1241) to authorize assistance to public and other nonprofit institutions of higher education in financing the construction, rehabilitation, or improvement of needed academic and related facilities and to authorize scholarships for undergraduate study in such institutions.

Mr. MORSE. Mr. President, replying to my friend the Senator from Michigan [Mr. McNAMARA] as to what makes me think that the House of Representatives would not pass such a school construction bill again, I wish to say that I am satisfied that the House would not pass the bill in the form that the Senator from Michigan seeks to have it passed. As the floor leader of the bill, I have not been acting in a vacuum. I have been doing a great deal of work on the bill, off the floor as well as on the floor. I have been in consultation with leaders on the House side. All I can say is that I am perfectly satisfied that if the amendment to the higher education bill is agreed to, the amendment will have the result of making it very difficult to get the Senate bill even into conference with the House.

The Senator from Michigan has said that the House passed a school construction bill. It never passed a school construction bill as a rider to a higher education bill, and there is no way of changing the fact that the action will be recognized as a bit of parliamentary strategy in the Senate to seek to force on the House a secondary and elementary school rider to a higher education bill.

Furthermore, I point out that on the House side the Representatives do not have the same committee organization that we have in the Senate. For example, in the Senate my subcommittee has jurisdiction over all education bills, so a higher education bill and an elementary and secondary education bill would come to the same subcommittee. But that is not true on the House side. On the House side one subcommittee has jurisdiction over the higher education bill, and an entirely different subcommittee has jurisdiction over an elementary and secondary school bill.

I do not need to tell the Senate that on the House side these lines of jurisdiction are very highly respected and carefully guarded, and all we would do would be to create a parliamentary difficulty for ourselves by seeking to trespass on the jurisdictional boundaries on the House side.

So my reply to the Senator from Michigan is that I am satisfied that if the Senate should agree to his amendment, the effect of such action would be to defeat the probability of passing a higher education bill.

Now we come to what I believe is really the key difference between the Senator from Michigan and the Senator from Oregon. I respect the Senator from Michigan for taking his point of view. I do not share it. In my judgment, the Senator from Michigan does not care whether a higher education bill is passed if he cannot get a secondary and elementary bill passed first in the House of Representatives. I think his design and strategy is to accomplish that purpose. I do not share his view in respect to such strategy. Having done our job in the Senate on an elementary school bill known as S. 1021, we now have the responsibility of going ahead with a higher education bill, then a National Defense Education Act bill, then a medical school bill, and any other education bill that may be pending before the Senate. I hope that before we are through the Yarborough GI bill will be on the calendar of the Senate for a vote. But that is a subject for the future.

I should like to state the difference which causes some of us to find ourselves not in a happy position. I would be less than honest if I did not say in the presence of the Senator from Michigan and other Senators that I am not happy about the Senator's strategy because he has me in this position. As the Senator in charge of the bill, I can say that with the assistance of the overwhelming majority in the Senate, S. 1021 was passed. It may seem to those who do not understand the parliamentary situation in the Senate that when those of us who supported S. 1021 now vote against the McNamara amendment, we shall have marched up the hill and down again, and that we shall have followed an inconsistent course of action. But we are not following an inconsistent course of action on the merits. We are following a parliamentary program in the Senate that we think will offer a better guarantee to boys and girls. The Senator from Michigan chided me by saying he had heard me many times defend the needs of boys and girls. I repeat that defense today, Mr. President. It may seem as though we were letting down those boys and girls. But, in my judgment, we shall increase the possibility of getting legislation passed through the House of Representatives, not only for elementary and secondary schools, but also higher education institutions, by voting against the McNamara amendment.

I do not reflect on the Senator from Michigan [Mr. McNAMARA]. I think he is sincere. He believes his course is correct. I respect him for his courage and attitude. I am sure he will give us the benefit of the same consideration when we say that it is our honest judgment that the best way to pass proposed education legislation is to defeat the McNamara amendment. We should pass the aid to higher education bill. It is my hope that the citizens in each State will make clear to the House of Representatives that they want enacted into law legislation similar to S. 1021. I hope that parents will make it crystal clear to the Members of the House their desire that the procedures of the House should be used to overrule the House Rules Committee, or to initiate discharge action, to get the bill before the House of Representatives for a vote. That is the proper parliamentary way to go. That is the way to show respect for both Houses and the procedural rights of both Houses, rather than to agree to an amendment today which is nongermane to the higher education bill and an amendment that would be bound to give us trouble in the House of Representatives.

In conclusion, I have checked with the House of Representatives. That is my answer to the Senator from Michigan. I am satisfied that the strategy that the Senator from Michigan wants me to follow would result in the passage of no higher education bill. I am satisfied that it would not advance the cause of S. 1021, the elementary and secondary school bill, on the House side. Therefore I hope that tomorrow at 1:30, when we come to a vote, we will vote against the McNamara amendment. I shall set forth my reasons tomorrow as to why I express the hope that we shall also vote against the Miller and Cotton amendments as well.

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

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. Is the Senate operating under a time limitation?

The PRESIDING OFFICER. The time limitation agreed upon does not begin until tomorrow afternoon after the conclusion of morning business.

Mr. SMITH of Massachusetts. Mr. President, I fully support the higher education bill before us today. As a member of the Labor and Public Welfare Committee, I wish to commend the senior Senator from Oregon [Mr. MORSE] and the senior Senator from Alabama [Mr. HILL] for the leadership they have provided.

With over 80 public and private universities, my State of Massachusetts is known throughout the world as an outstanding center of higher education. More money is spent on higher education in Massachusetts per college age youth than in any other State in the Union. When people in other parts of the country ask us why Massachusetts has seized the leadership in research, in

electronics, in science, and in cultural activities, we tell them it is in large part because of the university centers located in the Commonwealth. I believe our experience should be instructive to the Nation as a whole. If America wants progress in this modern age, we must have well-educated young people. Our Nation must act on this lesson if we are to succeed in competition with the Soviets and Chinese.

S. 1241 acts on this lesson. Title I provides loan funds for a 5-year period to help institutions of higher learning build facilities and acquire equipment. Massachusetts institutions would receive $10,700,000 a year for this purpose.

Title II, which I consider of equal importance, provides scholarships for college age children. In its full operation, title II will provide 5,000 scholarships for Massachusetts students. The University of Massachusetts has completed a questionnaire on the financial resources of the parents of this year's freshman class. The results show a median income of $7,500 a year. This is $2,000 over the national average.

The University of Massachusetts is a State institution whose tuition fee is only $200 a year. If it takes $7,500 a year income to send a child to a college with tuition this low, it is obvious that millions of American families cannot afford to send their children to any college at all.

I ask unanimous consent that the report "Parents' Financial Resources, Class of 1965—University of Massachusetts" be printed at this point in the RECORD.

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

PARENTS' FINANCIAL RESOURCES, CLASS OF 1965, UNIVERSITY OF MASSACHUSETTS

In an unusual cooperative effort, the parents of this year's freshman class of the University of Massachusetts completed, anonymously, detailed and comprehensive financial information questionnaires. Some 1,600 of the 1,800 families queried (about 90 percent) responded to questions concerning such basic matters as family income, income tax paid, numbers of children and dependents, savings, and investments. In brief, these parents presented complete sketches of their financial capabilities and plans for meeting the necessary costs of education at the University of Massachusetts.

The response of these parents will enable the university to understand and to present to the legislature, a clear and accurate picture of the financial demands being met by parents sending their sons or daughters to the university. Although the full report has not yet been completed, certain key facts and highlights are available. Among these are the following:

TOTAL FAMILY INCOME

The middle, or median, family reported a 1960 income before taxes, of $7,575; a figure which includes both mother's and father's contributions. The largest number of families (30 percent) reported incomes between $6,000 and $8,000, with more than three of every four families having total family incomes below $10,000 per year.

Two families in every ten who had sons or daughters attending the university for the first time this September had 1960 incomes of less than $5,500. At the upper income levels, only 8 of each 100 families had total incomes for 1960, of more than $14,000.

FATHER'S INCOME

The median, or middle, father had a 1960 income of $6,775. Further support for this picture of lower middle income earnings is provided by the fact that almost 60 percent of all fathers reported incomes between $4,000 and $8,000.

One in every ten fathers reported 1960 income below $4,000, with a 2 in every 10 falling below the $5,000 income level.

MOTHER'S INCOME

One of the most frequently mentioned methods of increasing family income to meet educational costs was the mother's employment. More than 40 percent of all mothers reported some income for 1960. The median income for employed mothers was $2,450.

WEEKLY INCOME

If we combined in a single weekly paycheck, the earnings for both father and mother of our middle or median, family, it would be approximately $146 per week before taxes and other deductions. The median Federal income tax reported for 1960 by parents was $768, or approximately $15 per week. Subtracting this amount plus an estimated additional $10 for retirement, dues, State tax, and hospitalization costs, the most typical weekly family paycheck would be $121.

One family paycheck of every four received would have to be set aside to pay university bills if they are to be met from regular family income.

SAVINGS AND INVESTMENTS

Few families have any sizable holdings in stocks, bonds, or other investments. Over three-quarters of the families reported no investments or amounts below $2,000.

Typical family savings (checking or savings accounts) were reported at $1,300 total, with 1 family in 10 reporting less than $170 and 5 in every 100 reporting $3,500 or more.

The median student savings account in this summer before the start of the freshman year, was $380, with 1 in every 10 reporting as much as $1,200.

FAMILY SIZE

Only one-quarter of the class of 1965 freshmen were the only dependent child in the family. The typical family, one-third of all respondents, reported two children, with another 20 percent of families reporting three dependent children.

Almost 40 percent of all families had three or more children either below the age of 18 or in some form of continuing education. In addition to these dependent children, approximately 1 family in every 10 reported one additional dependent as part of the family's continuing budget.

CAR OWNERSHIP

Parents reported clearly that they are one-car families with 85 percent of all families owning only one car. One-quarter of these cars could be classed as relatively new, having been purchased within the last 2 years. One-half of all cars owned were 4 or more years old, with over 10 percent of all cars falling in the 8-or-more-year-old category.

Mr. SMITH of Massachusetts. Mr. President, title III provides a program of matching grants for public community colleges. I have long been interested in the development of these colleges. They are the fastest growing segments of higher education in the country. They serve important needs. Last year I introduced S. 1567 to include community colleges in the National Defense Education Act. I am gratified that the committee has proposed to recognize the construction needs of community colleges in the bill before us. Massachusetts already has 4 such colleges in operation and has programed a total of 14. This title will provide the Commonwealth with $1,369,000 a year in Federal funds contingent on expenditures of double that amount by the State.

At this point I ask unanimous consent to insert into the RECORD a letter from president of the University of Massachusetts, Mr. John Lederle, a telegram from Mr. Walter Taylor, director of the Massachusetts Board of Community Colleges, and an open letter to the U.S. Congress, published by the Boston University News, largest college weekly in America.

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

UNIVERSITY OF MASSACHUSETTS,
Amherst, Mass., August 31, 1961.

HON. BENJAMIN A. SMITH,
Senate Building,
Washington, D.C.

MY DEAR SENATOR SMITH: As President of the University of Massachusetts I am writing to express our deep concern about the widely accepted belief that Congress may adjourn this year without approving either of the two major items of legislation affecting higher education. We are convinced that if this happens, at least three serious results may be expected to follow:

1. Many of our young men and women will be deprived of opportunities for college or university education which rightfully are theirs, and which are essential to the strength and continuing leadership of the United States.

2. The colleges and universities, struggling to meet demands for a higher standard of education for greater numbers of students, will have to face a responsibility for which they simply do not have the resources.

3. A world convinced that the future lies with the best educated peoples will wonder about the vision, the wisdom, and the determination of the people of the United States.

Knowing that you share our concern in this matter, I am writing to set forth the position of the American council on the two major items of legislation affecting higher education:

HIGHER EDUCATION BILL

By consensus in higher education, a program of Federal assistance in construction of academic facilities—classrooms, laboratories and libraries—should have a top priority. Even when all potential private, State, and local support is taken into account, these capital needs cannot be met by the institutions. The American council for several years has advocated optional Federal grants or loans for this purpose. We have recommended a Federal program of about $1 billion a year, based on a 1960 council survey of demand among its member institutions. While legislation now before Congress provides only $300 million annually, this amount, with required matching funds, would provide tremendous stimulus and encouragement to the institutions. Postponement of action for at least another year will mean delay at a critical time for the Nation's educational and scientific progress.

Scholarships provided by the higher education bill are also strongly supported by the council. The loss of student talent for lack of educational opportunity, by reason of financial inadequacy, can no longer be afforded by this country. With college costs rising rapidly, the loan program under the NDEA has helped many families in the middle-income brackets, but qualified students at the very low income levels are finding the financing of college more and more difficult.

Now that hearings have been concluded on this legislation we urge the Congress to give it early and favorable consideration.

BOSTON, MASS., *January 31, 1962.*
HON. BENJAMIN A. SMITH,
Senator From Massachusetts,
Washington, D.C.

DEAR SENATOR SMITH: Urge passage of S. 1241 with title III intact and keeping title III intact in the House-Senate conference even if this requires separate consideration as in H.R. 8900. Development of community colleges in New England hinges on this kind of support.

WALTER M. TAYLOR,
Massachusetts Board of Regional Community Colleges.

AN OPEN LETTER TO THE U.S. CONGRESS

Tomorrow you will meet for the 2d session of the 87th Congress. Your decisions during the months that follow will shape the future of the more than 180 million Americans you represent.

More than 38 million of your constituents are students in elementary and secondary schools, colleges, and universities. They face a dim future of crowded classrooms, a shortage of qualified teachers, and rising college costs that will mean abbreviated college careers for many of them unless you respond to their urgent needs.

During this session of Congress you must pass a realistic aid to education bill.

The conflicts of today are struggles of ideas. The outcome will be determined not in the battlefield but in the classroom. The quality of education offered in our schools and colleges is the key to the preservation of our heritage and the fulfillment of our destiny.

While quality education is dependent on more than money, without it, without a great deal more money than is now spent on education, standards in our schools will crumble with the upsurge in enrollment ahead.

You know that State, community, and private resources cannot sustain the cost of education, which will more than double to $35 billion by 1970. The Federal Government can painlessly alleviate the burden but is now paying only 5 percent of the cost.

A climate for quality education in the United States can only be maintained by the fiscal powers of the Federal Government. During this session you must bring these powers to the aid of schools and colleges.

Federal aid to education need not mean Federal control of schools, as some of you have suggested. The billions of dollars in aid to foreign countries have hardly resulted in U.S. control of these countries.

There was, for instance, nothing in the several bills of the unsuccessful aid to education program last year that would have infringed on the power of States, communities, or college administrations to control schools, determine what would be taught in them, or select those who would do the teaching.

Last year's bills, which over a 3-year period would have provided $2.3 billion for aid to public schools, $577 million in scholarship aid to college students and $2.8 billion in loans for physical expansion by colleges and universities, would have been a good beginning toward alleviating many of the financial problems facing education. These bills, however, failed to become law.

Those of you who were instrumental in their defeat subverted the good of the Nation for reasons that are religious, racial, and political. Some of you supported the bills but failed to exert the influence to see them passed.

The responsibility for the failure of these bills, however, is not all yours. College students were content to remain voiceless while their future was being drawn and quartered in the House of Representatives. Teachers made a few idealistic whimpers, but only in the safety of the classroom. Administrators would not condescend to "get involved in politics" to pressure adoption of the program.

But the failure of these bills has stunned us to awareness. Students, wondering how they're going to pay next year's tuition; teachers, watching the number in their classrooms mushroom, and administrators facing shortages of classrooms, libraries, and laboratories are realizing that Federal aid to education is an acute necessity.

Our plea is a reflection of this concern. You must answer it. Early in this session you must adopt an adequate Federal aid to education program.

Mr. MILLER. Mr. President, I have at the desk an amendment offered by the Senator from New Hampshire and myself to the amendment of the Senator from Michigan. I ask that it be read.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. Strike all after line 6 on page 1 and insert in lieu thereof the following:

SEC. 402. (a) There is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year beginning July 1, 1962, and for each fiscal year thereafter, to each State, to be used by such State for elementary and secondary educational purposes only, an amount equal to 25 per centum of the Federal tax on cigarettes (computed as provided in this Act) collected on cigarettes sold within such State during the preceding fiscal year.

(b) The Secretary of the Treasury shall, on or before October 1, 1962, and on or before October 1 of each succeeding year, pay to each State the amount authorized to be appropriated to such State pursuant to subsection (a) of this section. For the purpose of determining the amount of payments under the provisions of this section, the Secretary of the Treasury shall estimate the number of cigarettes sold in each State in each fiscal year on the basis of such statistics as may be available.

(c) For the purposes of this section the term "State" includes Puerto Rico, Guam, American Samoa, the District of Columbia, and the Virgin Islands.

Mr. MILLER. Mr. President, I hope that my friend from Oregon will think a little about this amendment between now and tomorrow, so that by the time the Senate reassembles tomorrow he may reconsider the suggestion he made a few moments ago that he hoped not only that the McNamara amendment would be voted on, but that the amendment which has just been stated would be voted down.

I believe he can very strongly support a vote against the McNamara amendment. However, if our amendment to the McNamara amendment is adopted, I hope he will be able very strongly to support the McNamara amendment as it would then be amended. I believe it would achieve the objectives for the most part that he fought so very hard for in the past session in connection with S. 1021.

I can understand why the McNamara amendment as it now reads should be resisted by the Senator from Oregon as a matter of parliamentary procedure or parliamentary tactics. We know that the attitude in the House has been pretty well expressed in the Rules Committee. It is true that a great deal has been said about how the Rules Committee has frustrated the majority will of the House. It is also true that some Members of the House who, while publicly proclaiming the virtues of S. 1021 as passed by the Senate, have privately confided to their friends that they are very happy with the action of the Rules Committee in the House.

During the debate on S. 1021 I said on the floor of the Senate that if the Senator from Oregon would accept what was then the Cotton-Miller amendment, which is the same amendment which is now being offered to the McNamara amendment, it would achieve the objectives which the Senator from Oregon was trying to achieve by the enactment of S. 1021; further, that it would do so without the very many controversies that were inherent in S. 1021, such as segregation, religion, Federal control, and Federal bureaucracy.

This amendment would have eliminated from S. 1021 those very controversies. They were the reasons why S. 1021 was not reported from the House Rules Committee. They were also the reasons why some Members of the House who publicly proclaim the virtues of S. 1021 are privately saying to their friends that they are very happy that the Rules Committee has bottled up S. 1021.

I say also to my friend, the Senator from Oregon that if the pending amendment to the amendment had been accepted by him to S. 1021, it would have got out of the Rules Committee of the House, and many hundreds of millions of dollars for educational purposes for our young people would be appropriated and would be spent right now.

The amendment seeks to achieve the objective of enabling States to handle their primary responsibility for the education of their young children who are not today receiving the equal educational opportunities that my friend from Oregon wants so deeply to have them receive.

It does this in this fashion: First of all, it recognizes the fact that the States, much as they may wish to do so, do not have the wherewithal with which to fulfill their responsibilities for adequate education for all of their young people. We know that the States are literally strapped in raising revenue. Sales taxes have been raised in most States to the breaking point. Property taxes have gone beyond the breaking point. The same is true with respect to income taxes in some States.

The Senator from New Hampshire and I, in an effort to determine a formula for getting money back into the hands of the States on an equitable basis, reviewed the various Federal taxes as a possible avenue of returning revenue to the States.

We finally hit on the cigarette tax as being the most equitable way of doing that, because people throughout the various States of the Union smoke about the same number of cigarettes.

During the debate on the school bill last year, the then Senator from Texas, Mr. Blakley, had an income tax approach, which I supported only because I thought it was better than S. 1021 as then devised. I supported it with much

less feeling of equity than I support the cigarette tax approach, because the cigarette tax approach is the only equitable approach to returning to the States and their people the tax moneys collected from them by the Federal Government. Income taxes are quite disproportionate throughout the United States because of the difference in the level of income among the States. As the Senator from South Dakota [Mr. CASE] pointed out, corporation income taxes are even more disproportionate, because while corporations earn their money in the various States, they file their income tax returns in their home States.

Therefore we have used the cigarette tax approach. In this amendment we propose to take 2 cents of the 8-cent-per-pack Federal cigarette tax and return that money to the States for educational purposes—not only for construction purposes, but for educational purposes—thus enabling the States to decide where to spend the money which has been collected from their own taxpayers. The total amount that would be raised by this amendment would be $455 million, which is considerably in excess of the $325 million for construction of facilities only, which the amendment of the Senator from Michigan would provide.

In this way, we have an approach which would furnish a substantial amount of money. It would go back to the taxpayers from whom it would be collected. The taxpayers in the States, who pay the cigarette tax, would know that from the tax on every package of cigarettes, 2 cents would be returned to their home States for education purposes. There is no possibility of Federal control, such as is inherent in the approach to S. 1021, passed at the last session, and which is one of the reasons for its being blocked in the House Committee on Rules. There is absolutely no possibility that one cent of this money would be used for Federal bureaucracies. The Senator from Oregon will remember how, the last time, I put the proponents of S. 1021 to the test concerning Federal bureaucracy. I used the estimates of the Secretary of Health, Education, and Welfare himself in the hearings on S. 1021, when he stated that it would cost, roughly only $600,000 or $700,000 a year to administer the bill. My amendment provided that up to $1 million, but no more, could be used to administer the bill. Still, that amendment was not accepted. The fear of many of the opponents of S. 1021 was that a great new Federal bureaucracy, which would drain away many of the tax dollars which would otherwise go to the education of young people, would be established.

The approach of the Senator from New Hampshire [Mr. COTTON] and myself would avoid that danger completely. As I have pointed out, there is no possibility for an argument, at least on the Federal level, relating to religious segregation and controversies. The people back home would know that they were getting their own tax money. I recognize that one of the objections to this approach was that it would disproportionately return tax moneys to the States and the people, whereas, in order to provide educational opportunity, we ought to return proportionate amounts of money to the States according to formulas. I recognize this objection, but I maintain that if the States had the revenue which is being taken from them by the Federal Government by way of the cigarette tax, there would not be any talk about Federal aid to education. The people then would have long since had the wherewithal to fulfill their responsibilities for education.

All that the Senator from New Hampshire and I are seeking to do by this approach is to get back into the hands of the States their own revenue, so that the States can fulfill their responsibilities for educating their young people.

If this approach were tried, and there were still a disproportion of opportunity for education among the children of the various States, then, if and when that point is reached, we might devise a formula for some type of redistribution of the tax money. However, until that point is reached, let us give the States some additional resources to fulfill their responsibilities, and see how they handle them.

There is another point that should be made. It is one of the reasons why I think S. 1021 was hung up in the House Committee on Rules. The proponents argued in favor of it on the basis of providing equality of educational opportunity. That is a noble objective. But in the same breath they said there would be no Federal controls, which meant no Federal standards. We know there cannot be equality of educational opportunity without standards. So the bill itself, while proposing a noble objective, held off the possibility for equality of educational opportunity by eliminating the possibility of Federal standards. I believe the failure to recognize that point is another of the reasons why the bill has not got out of the House Committee on Rules, and probably why it will never get out.

If this amendment were adopted, and if the amended McNamara amendment were then adopted, I do not believe the Senator from Oregon or anyone else would have to worry about the action of the conference committee in approving the bill, because this approach contains none of the elements which have caused so much dissatisfaction on the part of the House Committee on Rules and the Members of the House who support that approach.

In this one package I think we can fulfill the objectives not only of higher education, but also of primary and secondary education, without worries about parliamentary procedure and tactics.

I know what a wonderful work the Senator from Oregon did in handling S. 1021. I know how deeply he feels about the objectives of that bill. If he will accept this amendment and fight for it, so that it can be left in the bill, the objectives he fought for so hard in the last session can be achieved in this session. If those objectives are not fought for, then I am afraid we shall not have any benefits for primary and secondary education in this session of Congress.

Mr. COTTON. Mr. President, I shall not take the time of the Senate or detain the distinguished Senator from Oregon by repeating the very cogent arguments offered by the distinguished Senator from Iowa [Mr. MILLER]. However, I wish to make one point crystal clear.

The question of offering as an amendment to the amendment of the Senator from Michigan this proposal for returning a portion of the cigarette tax to the States for use in education has been debated on the floor of the Senate at least twice. It was my proposal 2 years ago when I first offered it. It was my proposal when I went before the Subcommittee on Education, as the Senator from Oregon will remember. Last year, together with the distinguished Senator from Iowa, I offered it on the floor of the Senate. We fought it out and had a yea-and-nay vote.

Speaking only for myself—because in what I am about to say I am not indicating, nor do I know, what the attitude of the Senator from Iowa is—I wish to make it very clear to the Senate and especially to the distinguished Senator from Oregon, the Senator in charge of the proposed legislation, that I agree with the Senator from Oregon that fundamentally the bill should have been restricted to a bill for higher education. I would not under any circumstances have tried to offer the so-called Miller-Cotton amendment to the bill if the Senator from Michigan had not opened the door and endeavored to substitute or write into the bill another rehash of S. 1021.

The Senate debated S. 1021. We tried to have our amendment adopted. We were defeated. The Senate worked its will. I did not vote for S. 1021, but it passed the Senate and has gone to the House.

So far as I am concerned, if the Senator from Michigan were to withdraw his amendment tomorrow morning, I would be in favor—and, again, I cannot speak for the Senator from Iowa—of instantly dropping this amendment. I would go along with the distinguished Senator from Oregon in the view that as the bill brought out in the hearings, it was a bill for higher institutions of learning, for college institutions, and that it is not advisable to complicate it. So I would vote against the amendment of the Senator from Michigan.

However, he has opened the door. By offering his amendment, he has endeavored to reopen the situation in regard to elementary and secondary schools. Therefore, I was most happy to associate myself, and I do associate myself, with the distinguished Senator from Iowa in offering our amendment, because if we are going back to the kind of proposal offered by the Senator from Michigan, we should have our day in court.

I simply make this statement. The Senator from Iowa [Mr. MILLER] has ably recapitulated the arguments for this amendment. I believe in this amendment, and I shall continue to believe in it; and I shall take every opportunity afforded to me to fight for this proposal, because, first—as has been said—under it there will be no problem of allocation

of funds; there will be no need for any complicated formulas which can never be quite satisfactory.

Second, this amendment avoids largely the problem of how this money may be used—the controversy which we have every year as to whether it shall be confined to construction, to classrooms, or whether it may be used for teachers' salaries, and so forth. Under this formula it is returned to the States. It was collected from the people within the States. It can be used in whatever way the States decide—for classrooms or for teachers' salaries—as long as it is used for education.

Third, it obviates the problem which has been such a roadblock in the way of Federal aid—the question of racial segregation and the question of aid to private and religious schools. As the Senator from Iowa has well stated, that is what is holding up the entire legislation in the House of Representatives. This effort has been made year after year after year, but each time we run squarely against that roadblock.

Fourth, no added Federal bureaucracy is needed to administer this bill, because the States maintain their own records in regard to retail sales of cigarettes in the States; and

Fifth, it is a complete answer to those who opposed Federal aid to education because they fear Federal control.

Mr. President, I ask unanimous consent to have printed in the RECORD, as part of my remarks, a preliminary estimate of annual receipts per State if 2 cents of the Federal tax on each package of cigarettes were returned to the States, as proposed by the Cotton-Miller amendment at the time when we offered it to Senate bill 1021.

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

Preliminary estimate of annual receipts per State if 2 cents of the Federal tax on each package of cigarettes were returned to States, as proposed by Senator Cotton's amendment to S. 1021

	Receipts in millions
Alabama	$5.60
Alaska	.50
Arizona	3.60
Arkansas	3.00
California	44.00
Colorado	4.00
Connecticut	8.00
Delaware	1.40
Florida	11.00
Georgia	8.50
Hawaii	1.10
Idaho	1.40
Illinois	35.00
Indiana	12.00
Iowa	6.20
Kansas	4.70
Kentucky	8.40
Louisiana	7.20
Maine	2.80
Maryland	8.00
Massachusetts	14.10
Michigan	19.10
Minnesota	8.30
Mississippi	4.00
Missouri	11.90
Montana	1.60
Nebraska	3.10
Nevada	1.15
New Hampshire	3.00
New Jersey	17.80
New Mexico	2.00
New York	$50.00
North Carolina	9.50
North Dakota	1.30
Ohio	26.00
Oklahoma	6.00
Oregon	4.50
Pennsylvania	23.00
Rhode Island	2.10
South Carolina	5.00
South Dakota	1.40
Tennessee	7.70
Texas	22.00
Utah	1.25
Vermont	1.10
Virginia	8.20
Washington	6.60
West Virginia	4.10
Wisconsin	9.20
Wyoming	1.00
District of Columbia	2.50
Total	455.00

Mr. COTTON. Mr. President, in closing, I wish to say to the Senator from Oregon that I have made my position clear: I agree with him that this bill should be kept a college bill. I believe he is completely justified in the attitude he takes about the bill; and certainly he is not surrendering one bit of his constant fight for Senate bill 1021. But in view of the fact that this door has been opened, I believe we should have our day in court. Therefore we are offering this amendment to the McNamara amendment.

Mr. MORSE. Mr. President, I shall make a brief comment; and then I shall yield to other Senators.

I wish to say to the Senator from New Hampshire [Mr. COTTON] that I appreciate very much his statement in regard to what his position on the pending bill would have been if the McNamara amendment had not been offered. I am grateful to him for making the record here this afternoon, when he places himself shoulder to shoulder with me on the matter of the parliamentary procedure which should be followed in the Senate in dealing with the pending bill. He was very kind; and it means a great deal to me to have him say that he thinks that from the standpoint of good legislative procedure in the Senate, we should keep the pending measure a higher education bill, and should not encumber and endanger it by adding to it amendments which deal with the subject matter of Senate bill 1021—in other words, elementary and secondary school legislation. I believe he is unanswerably correct in his statement in regard to the parliamentary procedure; but I fully appreciate the position in which he and the Senator from Iowa [Mr. MILLER] find themselves—namely, that if we are to begin to digress from consideration of a higher education bill, then the door is open or the windows are open, so to speak, and certainly in that case it is then within the right of any Senator to proceed to offer any amendment he may care to offer to the bill—whether it be an amendment dealing with secondary school legislation or an amendment dealing with any other matter, I may say, subject only to the unanimous-consent agreement which has been entered into.

What the Senator from New Hampshire has said gives strong support to the position I took earlier this afternoon with most of the members of my subcommittee when I opposed the McNamara amendment. I said then, and I now repeat, that the McNamara amendment is really an amendment by way of legislative rider, and, in fact, it is not germane to the subject matter of the higher education bill. I should like to add—because I did not say this in my previous remarks—that this is not the first time in the Senate that I have opposed amendments by way of riders. Senators will remember that during the debate on Senate bill 1021, last year, other Senators sought to offer amendments which we thought really were not germane to the objectives of that bill.

Mr. President (Mr. METCALF in the Chair), the Chair will remember—because the Chair was then of great assistance to me in my opposition to the amendment I shall now mention—that at that time some Senators sought to add a civil rights amendment to Senate bill 1021. Those who proposed it had various motivations; some thought it should be added on the basis of its merits; others undoubtedly thought it would be helpful in killing the bill. I said then, and I repeat now, that I yield to no one in my record in the Senate in defense of civil rights. But I said that any legislative proposals dealing with civil rights should be offered as amendments to the existing civil rights law, and should not be added to an elementary-secondary school bill, because one of the costly effects of the latter course would be that the addition of such an amendment would be bound to jeopardize the possibility of the enactment of any such bill at all.

I repeat that I realize that I might be misunderstood by some who do not understand parliamentary procedure here in the Senate; in other words, it might be said by some that I was then voting against civil rights legislation. However, the fact is that I was voting against the addition of an amendment which I believed would have the effect of killing an elementary-secondary school bill. I said then that I thought that would be the effect of the amendment of the Senator from Michigan, if it were to prevail; and I said I hoped it would not prevail.

However, Mr. President, now that the amendment has been offered, the Senator from Iowa [Mr. MILLER] and the Senator from New Hampshire [Mr. COTTON] certainly have a right to step through that door, so to speak. I opposed the amendment before, and I oppose it now; and I wish to say that I disagree with the Senator from Iowa [Mr. MILLER]. I do not believe that if we only agree to this amendment, we shall have no difficulty in getting the Rules Committee to adopt a rule for the bill in the House. I say that I believe that would not make any difference to the Rules Committee, insofar as opposition to Senate bill 1021, or opposition to Senate bill 1021 when amended by the Miller-Cotton amendment, is concerned, because in the Rules Committee—and

let us not mince words about this matter—the issue is over aid to private schools. That is the issue there.

The reason why we cannot get a majority vote in the House Rules Committee is that a member of that committee has made it crystal clear that he would not help give a majority vote in the Rules Committee until there was a surrender to the private-school forces. In other words, until the public school bill was modified to insure that the private schools would be treated exactly as the public schools were. I said then, and I repeat now, that I favor fighting out the battle on that front. The Miller-Cotton amendment will not make any difference in connection with that fight.

But I wish to say, Mr. President, that the American people, the parents of these boys and girls—Catholics, Protestants, Jews, and non-believers, too—must make their position clear to the leaders of the private-school forces, to those who are taking the adamant position of "all or nothing," and who are saying "Either there will be an elementary-secondary school bill that provides the same treatment to private schools, or there will be no public-school bill at all." I say to all those parents that the time has come, in acting in defense of the education of their boys and girls, they should make clear to the leaders of the private-school forces that as parents and citizens they are going to make clear to their Representatives that they want the public-school bill passed in the House of Representatives, that as parents and citizens they want the bill voted on in the House as soon as possible. I also say—as I have said across America during the months following the adjournment, last fall—that in the months ahead, Americans should put this issue squarely up to the elected representatives of the people in the House of Representatives—squarely up to any Member of the House who takes the "all or none" approach to this matter.

If a Member takes the position that there will be no Federal aid to education bill unless there is support for what many consider to be a violation of the first amendment of the Constitution, his constituents should let him know their views frankly. I do not care whether he is a Democrat or Republican. I say that, in my judgment, every candidate for the House of Representatives in the 1962 election, whether he be a Democrat or Republican, who takes an all-or-none approach to Federal aid to education has a duty to, and should make clear to the voters his position so that they can decide upon whether or not he should be returned.

This whole situation of church and State relationship is basic in the Rules Committee problem, and the Cotton-Miller amendment, I believe, would not make one whit of difference.

I close by asking unanimous consent to have inserted in the RECORD at the appropriate points in the RECORD such material as the staff of the Senate Committee on Labor and Public Welfare, through me, wishes to insert in the RECORD to buttress and support the position that I have taken as floor leader of the bill. The Presiding Officer will remember that in some instances we talked about National Defense Education Act. I want to put material pertaining to that bill in the RECORD. We talked about college housing. I want to put material pertaining to that subject in the RECORD. I assure the Presiding Officer and the Senate that we will put in the RECORD only such material as is germane and coming out of the files of the committee.

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

There being no objection, the materials ordered to be printed in the RECORD are as follows:

CURRENT INTEREST RATE ON ACADEMIC FACILITY LOANS, TITLE I OF S. 1241

At present, the Commissioner of Education, under the bill as amended in committee, would have to charge interest on loans at an annual rate of 3⅜ percent. This is the same as the rate now charged under the college housing program and is arrived at as follows:

The bill, as amended in committee, provides that loans for academic facilities shall bear interest at a rate determined by the Commissioner of Education which shall not be less than one-fourth of 1 percentage point above the interest rate paid by the Commissioner on funds obtained from the Secretary of the Treasury (p. 4, lines 4–10). The Commissioner's borrowings from the Secretary of the Treasury shall bear interest at a rate equal to the average annual interest rate on all interest-bearing obligations of the United States forming a part of the public debt as computed at the end of the fiscal year next preceding the issuance of the notes or other obligations of the Commissioner to the Treasury, and adjusted to the nearest one-eighth of 1 percent (p. 5, lines 6–11).

The average interest rate on the public debt as of the end of the last fiscal year adjusted to the nearest one-eighth percent is 3⅛ percent. To this, the Commissioner would add one-fourth of 1 percent so that he would charge 3⅜ percent as a minimum.

FEDERAL PROGRAMS UNDER WHICH INSTITUTIONS WITH RELIGIOUS AFFILIATION RECEIVE FEDERAL FUNDS THROUGH GRANTS OR LOANS

Following is a description of Federal programs under which educational institutions with religious affiliation receive Federal funds through grants or loans. The following should be kept in mind in using this material:

1. Payments to institutions for which the United States receives a quid pro quo in a proprietary sense are outside the scope of the attached listing. However, Federal programs are so diverse that a clear line in this respect is not always possible, and many programs, not listed here because the Federal Government receives such a quid pro quo, are frequently of benefit to institutions.[1]

2. Programs to pay institutions for training Government civilian or military personnel are not included here. See, for example, 5 U.S.C. 2301 for a Government-wide employees' training program.

3. Except as noted under item 3 of the description of programs of the State Department, and in the case of payments for the education of Indian children, institutions with religious affiliation participate in all of the programs listed.[2]

25 U.S.C. 280 authorized the Secretary of the Interior to issue a patent to religious organizations for lands used by them prior to Sept. 21, 1922, for mission or school purposes.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

A. National Defense Education Act Programs

1. National defense student loan program (National Defense Education Act (Public Law 85–864), sec. 201 et seq.; 20 U.S.C. 421 et seq.):

Funds are made available by the Commissioner of Education under title II of the National Defense Education Act to enable public and private nonprofit institutions of higher education to make low-interest loans to needy students.

The Federal Government advances up to 90 percent of the capital needed for a loan fund at an institution.[3] In any fiscal year, the Federal capital contribution at any institution may not exceed $250,000. The loan to an individual student may not exceed $1,000 for a fiscal year and no student may borrow more than $5,000 for all years. Special consideration must be given in providing loans to students with superior academic backgrounds who express a desire to teach in elementary or secondary schools (not necessarily those which are public) and students with strong academic backgrounds in science, mathematics, engineering, or a modern foreign language, but other students may also receive loans. Each note must provide that up to 10 percent of the loan (plus interest) will be canceled for each year of service as a full-time teacher in a public elementary or secondary school, but not more than 50 percent of a loan can be canceled in this manner.

2. National defense fellowships (National Defense Education Act (Public Law 85–864), sec. 404; 20 U.S.C. 464):

Graduate programs in institutions of higher education are given quotas by the Commissioner of Education for the award of graduate fellowships. The Commissioner awards 1,500 fellowships per year for periods of study in such programs, not in excess of 3 academic years. The individual receiving the fellowship receives $2,000 to $2,400 per year, depending on the year of study, plus an allowance for dependents. In addition, the institution which the individual attends receives the portion of the cost attributable to such individual's study not to exceed $2,500 per fellowship holder per academic year.

3. Loans to nonprofit private schools (National Defense Education Act (Public Law 85–864), sec. 305; 20 U.S.C. 445):

Title III of National Defense Education Act is designed to strengthen science, math-

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[1] 52 U.S.C. 1891–1893 provides that authority to contract for basic scientific research at nonprofit institutions of higher education shall be deemed authority to make grants for that purpose. Furthermore, authority to make grants or contracts for basic or applied research at such institutions provides authority to vest in the institution title to equipment purchased with grant or contract funds, without further obligation to the Government.

[2] No statute has been found where authority to deal with nonpublic institutions excludes dealing with those with religious affiliation, except 25 U.S.C. 278, 279. The law declares "the settled policy of the Government to make no appropriation whatever out of the Treasury of the United States for education of Indian children in any sectarian school." Subsistence and clothing are provided for some children in such schools.

[3] The Commissioner may make loans to institutions to help them finance their required 10 percent advance to the loan fund, where such funds cannot be secured from non-Federal sources upon terms and conditions deemed reasonable by the Commissioner. The term is up to 15 years with interest at such rate as the Commissioner determines will cover all costs to the Government, including probable losses.

ematics, and modern foreign language instruction in elementary and secondary schools. The title contains provisions for grants to strengthen State supervisory services for public elementary and secondary schools and for grants to enable public elementary and secondary schools to acquire science, mathematics, and modern foreign language equipment (and at remodel space used for such equipment).

Twelve percent of each appropriation for the acquisition of science, mathematics, or foreign language equipment (or minor remodeling of space for such equipment) is required to be allotted by the Commissioner of Education for loans to private, nonprofit, elementary and secondary schools. Affiliation or nonaffiliation with a religious organization is immaterial. The loans are authorized to enable the borrowing school to acquire equipment of the types referred to above (and do minor remodeling) and must bear interest at one-fourth of 1 percent above the current average yield on all outstanding marketable obligations of the United States, adjusted to the nearest one-eighth of 1 percent. Such loans must mature within 10 years.

4. Testing students in secondary schools (National Defense Education Act (Public Law 85–864), sec. 504(b); 20 U.S.C. 484(b)):

Under title V of the National Defense Education Act, grants to State educational agencies may be used, among other things, for testing students in secondary schools, public or private. The Federal participation through the State grant is one-half the cost of such testing. The section cited above provides that in any State with an approved State plan which is not authorized by law to pay for the cost of testing students in one or more secondary schools, the Commissioner of Education shall arrange for the testing of such students and pay one-half the cost thereof (for the first fiscal year of the program the payment for testing was the full cost). In carrying out this provision during the 1960–61 school year, the Commissioner arranged for testing students in private secondary schools of 40 States. (For purposes of the act the Virgin Islands, Puerto Rico, the District of Columbia, and Guam are treated as States.)

The provision for the Commissioner to arrange testing was inserted in the law because of the knowledge that in some States the State educational agency would not have authority to make payments toward the testing of students in nonpublic schools, particularly those with religious affiliation.

5. Institutes for training secondary school counselors and institutes for training modern foreign language teachers (National Defense Education Act (Public Law 85–864), secs. 511, 611; 20 U.S.C. 491, 521):

The Commissioner of Education is authorized to contract with institutions of higher education for summer and regular academic year training programs to improve the qualifications of counselors in secondary schools and modern foreign language teachers. The teachers from public, sectarian or any other types of private schools receive the opportunity for training without tuition costs. However, the act authorizes the Commissioner to pay a stipend for subsistence only to those who are to teach in public schools.

Although the instruction is conducted under a "contractual" arrangement pursuant to statute, it is included in this listing because the effect is very similar to that of a grant. The contract finances educational services by which the participating institutions serve a segment of people whom it would be their normal function to train.

6. Language and area centers (National Defense Education Act (Public Law 85–864), sec. 601(a); 20 U.S.C. 511(a)):

The Commissioner of Education is authorized to arrange through "contracts" with institutions of higher education for the establishment and operation by them of centers for the teaching of certain modern foreign languages and studies related to the cultures in which such languages are used. The languages are confined to those for which trained individuals are needed in business, government or education. While the statute authorizes only "contracts" for payment of one-half the cost, the program has all the earmarks of a grant situation.

7. Language fellowships (National Defense Education Act (Public Law 85–864), sec. 601(b); 20 U.S.C. 511(b)):

The Commissioner of Education is authorized to pay stipends to individuals undergoing advanced training in any modern foreign language with respect to which he determines there is a special need in business, government, or education. No payment is made to the institutions of higher education, although the stipend is so computed as to include an amount which will enable the individual to meet his tuition and subsistence needs.

8. Foreign language research (National Defense Education Act (Public Law 85–864), sec. 602; 20 U.S.C. 512):

The Commissioner of Education is authorized to contract for studies and surveys relating to the need for improved instruction in modern foreign languages and research in effective methods of improving such instruction. While the statute provides for a contractual arrangement, the program has many of the attributes of a grant situation.

9. Research and experimentation in more effective utilization of television, radio, motion pictures and related media (National Defense Education Act (Public Law 85–864), sec. 702; 20 U.S.C. 542):

In carrying out his authorization to make grants or contracts for research, experimentation, and dissemination of information in the development of methods for utilizing new media of communication for educational purposes, the Commissioner of Education has frequently paid for research, experimentation and dissemination activities of institutions of higher education without regard to religious affiliation.

B. Grants for Teaching in the Education of Mentally Retarded Children (Public Law 85–926, Sec. 1, as Amended by Public Law 86–158 at 73 Stat. 346 (20 U.S.C. 611))

The Commissioner of Education makes grants to public or other nonprofit institutions of higher education to assist them in providing training of teachers in fields related to the education of mentally retarded children. These grants may be used both in connection with the costs of instruction and for establishing and maintaining fellowships. This is a new program under which grants have been made to only 19 institutions. One of these is known to have religious affiliation.

C. Cooperative Research on Problems in Education (Public Law 531, 83d Cong., Sec. 1; 20 U.S.C. 331)

The Commissioner of Education is authorized to contract or make other jointly financed cooperative arrangements with institutions of higher education for studies and research on problems in education. In practice all arrangements have been made through contract. The program is listed here, however, because it has many of the attributes of a grant situation.

Public Health Service

A. Health Research Project Grants (PHS Act, Sec. 301(d); 42 U.S.C. 241(d) Public Law 660—84th Cong.; 33 U.S.C. 466, et seq. Public Law 159—84th Cong.; 42 U.S.C. 1857, et seq.)

Grants are authorized to defray the cost of research projects relating to the causes, prevention, treatment, or control of the physical and mental diseases and impairments of man, and also relating to the cause, control, and prevention of air and water pollution.[4]

B. Construction of Hospitals and Other Medical Facilities (PHS Act, Title VI; 42 U.S.C. 291, et seq.)

Grants are authorized to meet from one-third to two-thirds the cost of construction of general hospitals and other medical facilities. Such other facilities include hospital-related housing for nurses and nursing homes.

C. Construction of Health Research Facilities (PHS Act, Title VII; 42 U.S.C. 292, et seq.)

Grants are authorized to meet up to 50 percent of the cost of construction, remodeling or equipping of facilities for the conduct of research in the sciences related to health.

D. Categorical Training Grants and Traineeships (PHS Act, Secs. 403, 412, 422, 433(a) and 303; 42 U.S.C. 283, 287a, 288a, 289c and 242a)

Grants may be made to training institutions to meet the costs of providing specialized, technical or advanced training with respect to particular diseases of public health significance (cancer, heart disease, mental health, etc.) or with respect to air or water pollution (42 U.S.C. 1857; 33 U.S.C. 466). One example of such grants were those by the National Institute of Mental Health to schools of divinity of the three major faiths to develop on a 5-year pilot basis improved instruction in mental health. Authority is also provided for awarding traineeships to individuals, selected either by the training school or by the Public Health Service, to provide them subsistence support and expenses during their period of categorical training (42 C.F.R., pts. 63 and 64).

E. Research Fellowship Grants and Awards (PHS Act, Secs. 301(c), 433(a); 42 U.S.C. 241(c), 289c)

Authority is provided to award fellowships to individuals selected by the service, or to make grants to institutions to permit them to award fellowships, for the purpose of providing subsistence support and expenses to an individual in his conduct of research or in his acquisition of research training (42 C.F.R., pt. 61).

F. Traineeships for Professional Public Health Personnel (PHS Act, Sec. 306, 42 U.S.C. 242d)

Authority is provided for awards either directly to individuals or by means of grants to the training institution to cover the cost of the individual's tuition, fees and subsistence during his graduate or specialized training in public health for physicians, engineers, nurses and other professional health personnel.

G. Advanced Training of Professional Nurses (PHS Act. Sec. 307; 41 U.S.C. 242e)

Authority is provided for the award of traineeships by grants to training institutions to cover the cost of tuition, fee, stipends, and allowances of professional nurses

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[4] A recent amendment (Public Law 86–798) has also authorized the use of up to 15 percent of the amounts appropriated for health research projects for grants to nonprofit universities or other institutions for the general support of their health research and research training programs. While no such grants have yet been made, present plans are to make awards without regard to the religious affiliation of the grantees.

being trained to teach or to serve in an administrative or supervisory capacity.

H. Project Grants for Graduate Training in Public Health (PHS Act, Sec. 309; 42 U.S.C. 242g)

Project grants are authorized to be awarded to schools of public health, nursing or engineering to meet the costs of graduate or specialized training in public health for nurses or engineers and for the purpose of strengthening or expanding graduate public health training in such schools.

I. Indian Health—Aid in Construction of Community Hospitals (Public Law 85–151; U.S.C. 2005)

Grants are authorized to aid in the construction of community hospitals based on the proportion of construction costs attributable to the health needs of the Indians in the community.

J. Cancer Control Grants (Public Law 86–703)

Under authority of the current Department of Health, Education, and Welfare Appropriation Act (Public Law 86–703), grants are made to hospitals, universities, or other such institutions, for the conduct of cancer prevention, control, and eradication programs.

Office of Vocational Rehabilitation

A. Grants for Research, Demonstration and Training Projects Related to Vocational Rehabilitation (Vocational Rehabilitation act (Public Law 565, 83d Cong.), Sec. 4(a); 29 U.S.C. 34(a))

The Secretary of Health, Education, and Welfare is authorized to make grants to public and other nonprofit organizations for paying a part of the cost of projects for research and demonstrations in the field of vocational rehabilitation and training of individuals in professional fields which provide services to physically handicapped individuals. Many of the grants for research and demonstration are made to institutions of higher education, and most of the grants for training are made to such institutions. The training grants include an amount to enable the institutions to pay stipends to persons in training.

B. Vocational Rehabilitation Fellowships (Vocational Rehabilitation Act (Public Law 565, 83d Cong.), Sec. 7(a)(3); 29 U.S.C. 37(a)(3))

The Secretary of Health, Education, and Welfare is authorized to provide training in technical matters relating to vocational rehabilitation services, including the establishment and maintenance of research fellowships with stipends and allowances. Pursuant to this a limited number of research fellowships are awarded for study and research at various institutions of higher education.

Social Security Administration

A. Cooperative Research or Demonstration Projects (Sec. 1110 of the Social Security Act, as Added by Sec. 331 of Public Law 880, 84th Cong.; 42 U.S.C. 1310)

The Secretary of Health, Education, and Welfare is authorized to make grants to or contracts with public and other nonprofit organizations for paying part of the cost of research or demonstration projects relating to public welfare and social security matters. While the enabling legislation was effective for fiscal year 1957, appropriations were first available to carry out this program during the 1961 fiscal year. There has been made available $350,000 for this purpose, and it is anticipated that one-third to one-half of that amount will be for financing projects at institutions of higher education. In the approval of such projects no distinction is made because of religious affiliation of an institution.

B. Children's Bureau—Special Projects Relating to Crippled Children and Maternal and Child Health Services (Secs. 502(b) and 512(b) of the Social Security Act, as Amended by Secs. 707(b)(1)(A) and 707(b)(2)(A) of Public Law 86–778; 42 U.S.C. 702(b) and 712(b))

The Secretary of Health, Education, and Welfare is authorized to make grants to State health agencies and nonprofit institutions of higher education for special projects in the field of services for crippled children and maternal and child health. Up to now such projects have been financed by State agencies as the result of receiving grants from the Federal Government. In the future, however, grants will be made directly from the Federal Government, and no distinction is planned with respect to sectarian institutions.

Office of Field Administration

Surplus Property Utilization Program (Federal Property and Administrative Services Act of 1949 (Public Law 152, 81st Cong.), as Amended, Secs. 203(j) and 203(k); 40 U.S.C. 484 (j) and (k))

Under these provisions the Secretary of Health, Education, and Welfare is authorized to allocate surplus personal property for transfer by the Administrator of General Services to State agencies for distribution to educational, health and civil defense organizations. Surplus real estate assigned by the General Services Administrator is transferred by the Secretary of Health, Education, and Welfare for educational and public health purposes at a public benefit discount which can be as much as 100 percent of the appraised fair value. The institutions which receive real and personal property include public and private nonprofit elementary and secondary schools and institutions of higher education.

ATOMIC ENERGY COMMISSION

Aid for nuclear equipment and loan of nuclear materials to colleges (Atomic Energy Act of 1946 (Public Law 585, 79th Cong.), as amended, secs. 3(a), 5(c)(2); 42 U.S.C. 2051, 2111)

The Atomic Energy Commission operates a variety of programs under which support is given for activities in institutions of higher education. For purposes of this listing these programs are grouped as follows:

1. Special fellowships for study at institutions of higher education under which payments are made to individuals to cover tuition and subsistence costs for students in nuclear science and engineering and for graduate work in the atomic energy aspects of the life sciences.

2. Grants to institutions to enable them to acquire:

(a) nuclear laboratory equipment;

(b) research reactors; and

(c) teaching aids and laboratory equipment for radioisotope technology.

3. Loans of materials for instruction in nuclear fields and for research reactors.

4. Support of research in institutions of higher education through grants or contracts in various fields involving atomic energy.

5. Summer institutes in institutions of higher education to train teachers in various fields relating to atomic energy. Instructional costs are defrayed by the Atomic Energy Commission; stipends to teachers, who may be from schools with religious affiliation are paid by the National Science Foundation. (Cf. National Defense Education Act counseling and foreign language institutes where, because of statute, stipends are paid only to public school teachers.)

VETERANS' ADMINISTRATION

A. Vocational rehabilitation (veterans' benefits (Public Law 85–857), ch. 31, secs. 1503, 1504; 38 U.S.C. 1503, 1504)

Training is purchased from educational institutions of all types, including those with sectarian affiliation, for the rehabilitation of war veterans with service-connected disabilities. In addition, a subsistence allowance is paid the veteran.

B. Educational benefits for World War II and Korean veterans (veterans' benefits (Public Law 85–857), ch. 33, sec. 1601 et seq.; 38 U.S.C. 1601 et seq.)

Educational benefits for veterans of World War II were included in Public Law 346, 78th Congress. Under the original arrangement, a tuition payment was made directly to the school which the veteran attended, and this could include a theological school. In addition, a subsistence payment was made to the veteran. The arrangement for payment of tuition directly to the school was changed by Public Law 550, 82d Congress, which authorized a payment to the veteran and left it to him to take care of any tuition charges. The program for World War II veterans ended in July 1956, except for a small number of persons who were entitled to training benefits beyond that date. The present program authorized by Public Law 85–857 provides for an education and training allowance directly to the veteran. Small allowances are paid to each educational institution to reimburse it for the cost of making required reports to the Veterans' Administration regarding the veterans in attendance (38 U.S.C. 1645).

C. War orphans educational assistance (veterans' benefits (Public Law 85–857), ch. 35, secs. 1701 et seq.; 38 U.S.S. 1701 et seq.)

This program provides educational opportunities for children of wartime veterans who died from a service-incurred disease or injury. The student must be pursuing an approved program of education in an institution of higher education or in a vocational school below the college level.

Payments are made directly to the student to meet in part the expense of his tuition and subsistence. The Veterans' Administrator is required to pay each educational institution $1 per month for each eligible person enrolled to assist in defraying the cost of preparing and submitting reports (38 U.S.C. 1765).

NATIONAL SCIENCE FOUNDATION

(National Science Foundation Act of 1950 (Public Law 507, 81st Cong.), secs. 3(a)(2), (3), (4), and (b), 11(c) and 14, as amended by Public Law 85–510, sec. 2 and Public Law 86–232, sec. 1; 42 U.S.C. 1862 (a), (2), (3), (4) and (b), 1870(c) and 1872a(b))

Pursuant to broad statutory authorizations to foster research and education in scientific fields, the National Science Foundation provides the following support for activities in institutions of higher education:

1. Fellowships for various types of graduate studies include allowance for tuition and subsistence and permit study at any accredited nonprofit institution of higher education in the United States or abroad.

2. Summer, academic year, and inservice institutes are financed at institutions of higher education through stipend and tuition payments to improve the qualifications of high school and college teachers in science and mathematics. Stipends are paid without regard to the fact that the teacher is from a school with religious affiliation. (Cf. National Defense Education Act counseling and foreign language institutes (p. 4, supra)

where, because of statute, stipends are paid only to public school teachers.)

3. Special projects in science education are financed to provide the experimental testing and development of promising new ideas for the improvement of science instruction.

4. Programs are financed to improve course content and supplementary teaching aids in science.

5. Grants are made for basic research in the sciences, including funds for the use of graduate students as research assistants.

STATE DEPARTMENT

The State Department supports educational activities to a considerable extent by a variety of programs for international exchange, improvement of cultural relationships and rendering of technical assistance to foreign countries. Basically, under the programs students from this country are permitted to attend educational institutions abroad and students from foreign countries are permitted to attend educational institutions in this country. In either case payments are made to cover the cost of instruction and subsistence. For the education of foreign students in this country, the State Department makes contractual arrangements with the Institute of Internation Education, a private nonprofit organization in New York City, which in turn sponsors and makes specific arrangements for educating the foreign students. Training for a profession in religion is not financed but schools with religious affiliation are used. In performing this service IEE gives financial aid to the students to cover tuition and other related student costs.

The State Department has also made direct financial arrangements with universities and charitable organizations in this country to provide student leader seminars, high school training for teenagers, and English language classes for foreign students. In addition, the State Department has a variety of exchange and other educational programs by which foreign individuals are able to study in this country with the assistance of other Government agencies and private educational organizations. Examples of programs are:

1. U.S. information and educational exchange programs. 22 U.S.C. 1991 et seq.

2. Technical cooperation with foreign countries. 22 U.S.C 1891 et seq.

Under 22 U.S.C. 1448, a program has been implemented for technical cooperation in the form of assistance to schools abroad, founded or sponsored by citizens of the United States and serving as demonstration centers for methods and practices employed in the United States in certain areas of training. A specific limitation of this program established by the State Department is that no funds may be channeled to a school operated under religious auspices.

DEPARTMENT OF DEFENSE

The Department of Defense has a number of training and research programs which finance activities at institutions of higher education. Research contracts fall under the procurement authority of each of the three branches of the Armed Forces. Thus, research is supported because of benefits to be received by the Defense Department and training is paid for because it improves the qualifications of military and civilian personnel. Such arrangements have also been made on a grant basis to institutions pursuant to 42 U.S.C. 1891–1893, which specifies that the authority to contract for certain scientific research at nonprofit institutions of higher education shall be deemed to be authority to make grants.

SMALL BUSINESS ADMINISTRATION

Business management research (Small Business Investment Act of 1958 (Public Law 85–699), sec. 602(c); 15 U.S.C. 636(d))

The Small Business Administration is authorized to make grants to various organizations including colleges, universities, and schools of business for research in the field of business management and finance.

Grants have been made in prior years including those to institutions with religious affiliation. No funds are available to conduct this activity for the 1961 fiscal year.

DEPARTMENT OF AGRICULTURE

A. National school lunch program (National School Lunch Act (Public Law 396, 79th Cong.), as amended; 42 U.S.C. 1751 et seq.)

The purpose of this program is to improve the health and well-being of the Nation's children by providing funds and foods to States and territories for use in serving nutritious midday meals to children attending schools of high school grade and less. The Federal assistance is through payments to the educational agency of each State which then channels the aid to participating schools. However, 42 U.S.C. 1759 provides that in any State where the State educational agency is not permitted by law to disburse the funds to nonprofit schools they shall be disbursed directly to such schools for program purposes. In more than half of the States the educational agency has considered that it could not make the funds available to nonprofit private schools and as a result in those States the Secretary of Agriculture makes funds available directly to such nonprofit schools, including those with religious affiliation.

B. Special milk program (Agricultural Act of 1954 (Public Law 690, 83d Cong.), sec. 204(b); 7 U.S.C. 1446(c))

Under this program funds of the Commodity Credit Corporation are used to increase the consumption of fluid milk by children in nonprofit schools of high school grade and under, in nonprofit nursery schools, child care centers, etc., devoted to the care and training of children.

C. Forestry research (Public Law 466, 70th Cong., sec. 1; 16 U.S.C. 581)

The Secretary of Agriculture is authorized to conduct research relating to reforestation and forest products through arrangements with outside organizations. A part of this program is conducted through cooperative arrangements with colleges and universities, and at least one such arrangement has been made with a university with religious affiliation.

D. Use of national forests (30 Stat. 36, 55th Cong.; 16 U.S.C. 479)

The Act of June 4, 1897, cited above, authorizes a group of persons residing in the vicinity of national forests to occupy not exceeding 2 acres of forest land for the erection of a school and not exceeding 1 acre for the erection of a church. One hundred and sixty-three schools were on forest land on June 30, 1959. Information is not available as to possible religious affiliation, but it is believed that few if any of such schools have religious affiliation. There is, however, no rule to prevent erection of a school because of such affiliation.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

University research program (National Aeronautics and Space Act of 1958 (Public Law 85–568), sec. 203(b)(5); 42 U.S.C. 2473 (b)(5))

Research is conducted through contract with institutions of higher education in matters within the scope of interest of the National Aeronautics and Space Administration. The agency has also made grants to institutions with religious affiliation pursuant to the provision of 42 U.S.C. 1891–1893, which provides that authority to contract with institutions of higher education for certain types of research shall also include the authority to make grants.

DEPARTMENT OF THE INTERIOR

Education of Indian children

Title 25, United States Code, section 278, declares it "to be the settled policy of the Government to make no appropriation whatever out of the Treasury of the United States for education of Indian children in any sectarian school." (See *Quick Bear* v. *Leupp* (1908), 210 U.S. 50, holding that a similar prohibition did not apply to an appropriation from funds held by the United States "in trust" for a tribe.) Title 25, United States Code, section 279, authorizes the Secretary to provide Indian children in missions with the rations and clothing to which they would be entitled under treaty stipulations if living with their parents.

The Bureau of Indian Affairs arranges for the placement of Indian children in schools with religious affiliation only because of special circumstances. In such cases they make no payment toward instructional costs but do use welfare funds to pay the institution for other needs of the children.

HOUSING AND HOME FINANCE AGENCY

College housing loan program (Housing Act of 1950 (Public Law 475, 81st Cong.), sec. 401 et seq.; 12 U.S.C. 1749)

The Housing and Home Finance Administrator is authorized to make construction loans to assist public and private nonprofit institutions offering at least a 2-year program of higher education and public and private nonprofit hospitals operating student nurse or internship programs so that they may provide new or improved housing and other related facilities (such as dining rooms, student centers, and infirmaries) for students and faculties. Under this program, loans are made only where the institution is unable to secure funds for such purposes from other sources upon equally favorable terms and conditions. The loans can cover up to the full cost of construction and have a maturity of up to 50 years, with interest one-fourth of 1 percent above the average interest rate on all outstanding Federal obligations.

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

Mr. MORSE. I yield to the Senator from Montana.

Mr. METCALF. I took this time to ask the Senator from Oregon to yield because I wanted to compliment him on the very fine statement he has made about the position he has taken with respect to the pending bill, with which I completely and entirely concur. I yield only to the Senator from Oregon in my interest in education. He is the only man in America who I think has tried to do more for education than I.

It is completely consistent with the position which the Senator from Oregon and I have taken on the floor of the Senate, throughout the country, in speeches all over America, to oppose the Cotton-Miller amendment or the McNamara amendment to the bill, because they have no place either legislatively, in the order or legislative procedure, or traditionally, in this legislation.

I compliment the chairman of the subcommittee for coming here and taking this stand. I want him to know that

tomorrow I shall vote with him both in opposition to the Cotton-Miller amendment and the McNamara amendment, even though the McNamara amendment seeks to achieve what we tried to do in S. 1021.

Mr. MORSE. Mr. President, the Senator from Montana has been very kind in his remarks, but I look to him as one of my leaders in the field of education, because his great record in the House of Representatives, plus his record here in the Senate, make him one of the leaders. As a matter of fact, the Senator is not a member of the Committee on Labor and Public Welfare, but we frequently called him into consultation last year. Time after time we call him into conferences to act in an advisory capacity, particularly because of his great leadership in the House.

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

Mr. MORSE. I yield to the Senator from New York.

Mr. JAVITS. I, too, wish to join in compliment of the leadership the Senator from Oregon has taken on this bill. I have not been heard from yet on the bill, but I will be tomorrow. I think the Senator knows of my fidelity to the obligations undertaken as a member of the subcommittee in seeing that we get action on as much of this legislative package as we can.

It seems to me those who do any real thinking on the higher education bill must equate it with the posture we occupy in the world. We are not living in a vacuum as to this bill.

I hope the rest of the debate will demonstrate what the Senator from Oregon has initiated—the place which the bill has in the framework of freedom, in defense of our national security, and our leadership in the free world.

Mr. MORSE. I thank the Senator.

Mr. ALLOTT. Mr. President, I agree wholeheartedly that the so-called McNamara amendment should be defeated. This position does not mean that I would necessarily vote against the Cotton-Miller amendment, because I would rather see the McNamara amendment amended in this fashion if it should pass the Senate. I do not want to jeopardize the higher education support contained in the bill, although I may have some amendments to offer to it myself.

We have certain specified needs in this bill that we must take care of, and I personally do not want to jeopardize them in the House by adding the amendment to it. We can face that situation when we come to it. Some of us will disagree on it, as we have in the past, but we will take care of it when we come to it.

DAY CARE CENTERS

Mr. JAVITS. Mr. President, I am gratified to note that the President of the United States in his message to the Congress outlining his public welfare program made certain recommendations for Federal aid to the States for local day care programs for children of working mothers. This is a welcome step in the right direction. The President recommended earmarking up to $5 million of social security funds for grants to the States in 1963 and $10 million a year thereafter. I believe, however, the provision suggested to be inadequate to the purpose.

I have been calling attention to the need for a Federal program of day care assistance for a long time, and in the 86th Congress I introduced "The Day Care Assistance Act of 1959," authorizing a Federal program of $12.5 million annually, to be allotted to the States on a matching dollar for dollar basis, and $12.5 million to be administered to "impacted" areas.

Again, in the first session of the 87th Congress, on March 7, 1961, I introduced legislation to establish a program of Federal aid to improve day care services in the same amount. That bill, S. 1209, has been endorsed by the Day Care Council of New York, Inc., a voluntary group that has pioneered in the improvement of day care services; and by the National Committee for the Day Care of Children.

I am also a cosponsor of S. 1131, which would amend the Social Security Act to establish and operate day care centers for children of migrant agricultural workers.

My bill would make available a total of $25 million a year in Federal funds for this much-needed program of day care centers—a far more realistic sum of money to meet the need. It is moreover, the kind of proposal also that incorporates Republican principles of Federal-State responsibility. I have been calling for hearings by the Committee on Labor and Public Welfare, and I hope now that they will be given an early schedule.

REPORT OF OUTDOOR RECREATION RESOURCES REVIEW COMMISSION

Mr. ALLOTT. Mr. President, on January 31, 1962, the Outdoor Recreation Resources Review Commission submitted its report, and this important document should not go unnoticed. Having just concluded a study of this 246-page report, I find there are some aspects of it which warrant comment.

The Outdoor Recreation Resources Review Commission was established by an act of Congress in June of 1958 with a threefold mission:

First. To determine the outdoor recreation wants and needs of the American people now and what they will be in the years 1976 and 2000.

Second. To determine the recreation resources of the Nation available to satisfy those needs now and in the years 1976 and 2000.

Third. To determine what policies and programs should be recommended to insure that the needs of the present and future are adequately and efficiently met.

Created as a bipartisan commission, its members are a distinguished group drawn from Congress as well as those in private life. Under the chairmanship of Laurance S. Rockefeller, a comprehensive and well-documented report has been furnished which will have a great influence, and surely will help guide the thinking of Senate and House Members as regards this important area. Unfortunately, the size of the staff and the advisory council is too large to permit individual recognition. However, I am certain that I express the feeling of all in extending plaudits for the work which has been put into the report. Members of the Commission who have also earned our gratitude, in addition to the Chairman, are: Senator Clinton P. Anderson, Senator Henry C. Dworshak, Senator Henry M. Jackson, Senator Jack R. Miller, Representative John P. Saylor, Representative Gracie Pfost, Representative Ralph J. Rivers, Representative John Kyl, Mr. Samuel T. Dana, Mr. Bernard L. Orell, Mrs. Marian S. Dryfoos, Mr. Joseph W. Penfold, Mr. M. Frederik Smith, and Mr. Chester S. Wilson.

Recreation resources are becoming a matter of ever-increasing importance in view of the developments and changes taking place in this country. As leisure time increases, as personal income increases, it becomes imperative that recreation needs be provided for, adequately. While recognizing that the Federal Government must play a role, part of which the report suggests takes the form of a Bureau of Outdoor Recreation, within the Department of the Interior, it is significant that the States are charged with a great responsibility to protect and enhance recreation resources. Government is charged with three basic responsibilities: First, to insure access to the outdoor environment and an opportunity to benefit from such activities as enjoyment of scenery and wildlife, picnicking, and hiking; second, to recognize the importance of recreation in the management of its own lands; and third, to preserve certain outstanding resources for future generations. On the other hand, the States are described as playing the pivotal role in providing outdoor recreation opportunities for their citizens.

Stress is laid throughout upon the fact that to a large degree there has been a failure to use well what is already available in the way of resources, and that the problem is essentially one of management. There is, however, one area of real need, and that is shoreline along the Atlantic, gulf, and Pacific coasts, as well as the Great Lakes. Under the able leadership of Senator ANDERSON, we in the Interior and Insular Affairs Committee are making strides in this area. The Cape Cod bill was signed into law last session; Padre Island and Point Reyes National Seashores are under consideration, and there is a study proposed for inland shorelines as well.

The report recommends a system of classifying recreation resources into six categories, one of which, class V, is termed the "primitive areas." The suggestion was made last year as we were considering S. 174, the wilderness bill, that we might be well advised to postpone action on it, pending this very report. It is unfortunate that the suggestion was not followed. In the primitive area category, the ORRRC has the following to say:

Areas in this class are inspirational, esthetic, scientific, and cultural assets of the

highest value. They, and they alone, satisfy the longing to leave behind for a time all contact with civilization. Fortunately, they are a resource of which the country still has an abundant supply, and which it can afford to preserve from other uses for the benefit of future generations. At the same time, it must be recognized that there are some areas which meet the physical requirements of this class but which, for economic and social reasons, are more valuable for some other purposes.

The report goes on to recommend:

Primitive areas (class V) should be carefully selected and should be managed for the sole and unequivocal purpose of maintaining their primitive characteristics.

At another point the recommendation regarding these areas is as follows:

There is widespread feeling, which the Commission shares, that the Congress should take action to assure the permanent reservation of these and similar suitable areas in national forest, national parks, wildlife refuges, and other lands in Federal ownership. The objective in the management of all class V areas, irrespective of size or ownership is the same—to preserve primitive conditions. The purpose of legislation to designate outstanding areas in this class in Federal ownership as wilderness areas is to give the increased assurance of attaining this objective that action by the Congress will provide.

In passing, I might say that the Commission apparently does not share the sense of urgency which some supporters of wilderness legislation were wont to express. For the Members of the other body, presently considering this legislation, I would call attention, particularly, to that language which suggests that areas for inclusion in wilderness be chosen with care. I detect the possibility that this could better be accomplished by a congressional review of areas to be included, prior to such inclusion.

The report does a great service by crystallizing the areas of interest and need. In this and other respects, the Commission has performed a very useful service, and I commend them for it. I trust that the report will be available, as a public document, to the general public. In my own office there have already been a number of requests for copies, which as yet I have been unable to fill due to the limited quantity presently furnished to me. This is must reading by members of State and local government as well.

CIVILIAN AUTHORITY AND MILITARY SPEECHES

Mr. HUMPHREY. Mr. President, the Senate is conducting an important investigation relating to charges that the Department of Defense is carrying out unneeded and injurious censorship of statements of our military officers.

The so-called censorship issue is before the subcommittee headed by the Senator from Mississippi [Mr. STENNIS] and has aroused considerable interest and concern throughout the Nation.

I wish to invite to the attention of the Senate two excellent articles which appeared in a recent issue of the Minneapolis Star of Thursday, January 25. The first is an article by John Foster Dulles from his book entitled "War or Peace." A careful reading of that article will give proper perspective on the issue of civilian control over the military and the coordination of military statements and policy with the overall objectives of our foreign policy.

The second article, entitled "Military Advice" is an editorial from the Minneapolis Star which merits the most careful consideration and reading.

These articles speak for themselves. There is no need of my drawing any conclusions. I quote one paragraph which states the essence of the two articles referred to:

The lessons of history certainly support the position taken by the administration in the present controversy—i.e., when the top civil authority has fixed upon a specific course for national policy, high-ranking military officers should not make public speeches which undermine that policy. The proper place for them to press their views is within Government councils.

If despite their arguments in that forum, the Government's policy seems intolerably wrong, their proper course is to leave the service—as Gen. Edwin Walker did—and press their case as civilians, free of proper military discipline.

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

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

DULLES ON MILITARY ADVICE

(By John Foster Dulles)

The military profession can produce great statesmen. General Eisenhower and General Marshall are two of our time.

But when military people function in their military capacity, they are specialists. They do not purport to be judges of economics or of world opinion. They do not attempt to take account of possibilities that reside in moral forces. They do not claim to understand the working of organizations like the United Nations, and the intangible but powerful influences that radiate from them.

It is not their business to measure the resources of diplomacy and conciliation. In the United States, at least, they assume that final decision will be made by the National Government after expert judgments on all relevant factors have been assembled and weighed.

This is what the American people have always wanted, and it has resulted in what General Eisenhower calls "the necessary and wise subordination of the military to civil power."

That "subordination" means that the American people have faith that war is not inevitable; that our policies should seek peace, and that we should take some risks for peace, just as in war we take risks for victory. It implies that the civilians in our Government who make final policy decisions must be willing to accept the responsibility of overriding at times the purely military judgment * * *.

It is imperative that our Government should get good military advice. I have no doubt that we are getting it, for American officers are the most competent and most patriotic of any in the world. But that advice should be weighed by those who believe that war is not inevitable, that we can and must have peace, and that it may be necessary to take some chances for peace.

Indeed, history suggests that only those who are willing to take some chances for peace have a good chance of winning total war.

MILITARY ADVICE

Behind the so-called censorship issue involved in the Stennis committee hearings in Washington are two basic questions of principle: (1) When the judgments of our military and civilian leaders collide, which shall prevail? and (2) What sort of advice are military men best qualified to give us?

The words of the late Secretary of State John Foster Dulles reprinted elsewhere on this page deal admirably with both questions.

The question of the subordination of the military to civil power has arisen many times in our history, and it can be counted on to arise again. Dulles' wise words, therefore, are worth remembering.

The lessons of history certainly support the position taken by the administration in the present controversy—i.e., when the top civil authority has fixed upon a specific course for national policy, high-ranking military officers should not make public speeches which undermine that policy. The proper place for them to press their views is within Government councils.

If, despite their arguments in that forum, the Government's policy seems intolerably wrong, their proper course is to leave the service—as Gen. Edwin Walker did—and press their case as civilians, free of proper military discipline.

The public needs also to make up its mind as to what sort of advice it should expect from military experts.

When such experts describe the nature of the military threat facing us and prescribe military measures to meet that threat, surely they are on their own familiar ground. But, as Dulles said, they can hardly purport to be equally expert judges of economics, world opinion, diplomacy, theories of history, etc.

A general's or admiral's very specialized and concentrated career does not allow him the time necessary to become an expert on complicated political and economic subjects. As former President Eisenhower once remarked, they are inclined to have "provincial" points of view.

Mr. Eisenhower knew from his own experience that a purely military approach to political problems can be misleading.

Speaking as a general in 1945, he declared, "I see nothing in the future that would prevent Russia and the United States from being the closest possible friends." On another occasion in the same year he said: "On two occasions now I have had the great honor of meeting officials of the Soviet Government. It is my feeling that in the basic desires of all of us they are one with us. Regardless of the methods by which we arrive at that goal, that is what we are struggling for.

Later, after General Eisenhower had the broadening experience of being President Eisenhower, he changed many of his views.

If a statesman like Dwight Eisenhower could have found purely military experience as an inadequate basis for making sound judgments on political matters, military men of the same experience but narrower interests may be doubly misled.

NATIONAL SCHOOL LUNCH PROGRAM

Mr. HUMPHREY. Mr. President, I invite to the attention of the Senate an editorial which appeared in the Minneapolis Morning Tribune of Saturday, January 27.

This editorial relates to the national school lunch program. It appropriately reminds us that this splendid program has been one of the most successful and

least troublesome of any of the programs sponsored by our Government and the Department of Agriculture.

As one Senator who has actively supported the national school lunch program and urged its expansion and improvement, I am very pleased with this editorial.

I ask unanimous consent that this commendatory article of Saturday, January 27, be printed at this point in the RECORD.

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

CHILDREN'S LUNCH

The national school lunch program, started in 1946, is now reaching 14 million children, about 1 in 3 through high school. It is undoubtedly one of the least troublesome and most successful programs of the U.S. Department of Agriculture.

Purpose of the program, as stated in the law, is "to safeguard the health and well-being of the Nation's children and to encourage the domestic consumption of nutritious agricultural products." This school year the Federal Government is spending nearly $280 million—close to $100 million in cash reimbursements to be spent locally by school systems for food, about $70 million for food bought by the Agriculture Department for school lunch use, and more than $100 million in Government price-support and surplus-removal food supplies. About four-fifths of all the food used is purchased by the schools from local suppliers. The amount paid by the children averages about 60 percent or more of the total national cost.

President Kennedy and George S. McGovern, director for the food-for-peace program, are recommending expansion of the school lunch program, including an oversea lunch project. Managers of the food service operations in schools in this country for some time have been urging revision of the cash reimbursement formula, whereby amounts given by the Government would be determined by the number of children participating in the lunch program, rather than by total school population. This would mean a minimum Federal cash-per-lunch allowance which would remain stable for the participating schools. At present the cash received per lunch served goes down as the total number of schoolchildren in the country rises.

Besides providing a low-cost hot lunch for children who do not live near enough to their schools to go home at noon, the lunch program apparently does serve useful nutritional and educational purposes. Children get used to eating more varied foods than normally served at home, and their mothers often gain ideas for balanced menus from the school lunch lists.

The system doubtless can profit by some changes, but in its present form it works well enough so that administrators of 64,000 public and nonprofit private schools think it worthwhile to add funds and supply the personnel and equipment necessary to qualify for Federal contributions.

AID FOR HIGHER EDUCATION

The Senate resumed the consideration of the bill (S. 1241) to authorize assistance to public and other nonprofit institutions of higher education in financing the construction, rehabilitation, or improvement of needed academic and related facilities and to authorize scholarships for undergraduate study in such institutions.

Mr. HUMPHREY. Mr. President, it gives me great pleasure to speak today in support of the pending measure, S. 1241, the College Academic Facilities and Scholarship Act. This is a subject in which I have had a long and abiding interest, going back to the days when it was my pleasure and privilege to serve on the Labor and Public Welfare Committee.

First of all, I commend the chairman of that distinguished committee the Senator from Alabama [Mr. HILL] the chief sponsor of this important legislation. The Senator from Alabama long ago established a reputation in this body as a great legislator and a great humanitarian. This measure before us today which he sponsors further attests to this well-earned reputation and I want to say how pleased I am to be associated with him on this issue.

I would be remiss if I did not also take this opportunity to salute the distinguished senior Senator from Oregon [Mr. MORSE] the chairman of the Education Subcommittee, which spent long days and weeks and months on this legislation. No Member of this body has done more than the Senator from Oregon on behalf of education.

In considering this bill, the first question that is raised is, Why is such legislation necessary? Mr. President, the facts and figures that we have before us spell out the answer to that question in no uncertain terms.

During the next 10 years, the population of college age is expected to increase at a rate almost twice that of the 1950's, and technological advances are expected to move at an unprecedented pace. Indeed, we live in such an age of innovation that we must educate young people to cope with work which does not yet exist and cannot yet be clearly defined. If the present trend of college-going continues, colleges will need to accommodate an average of 300,000 more undergraduates each year for 10 years, an annual increase of almost 10 percent of present enrollments.

The institutions themselves have sought, and continue to seek, savings and increased productivity through better utilization of faculty and facilities, better scheduling of work through the day, the week, and the year, and improved instructional methods. And yet, no matter how much success there may be in using present resources more effectively, there still must be a substantial increase of funds to provide quality education for increasing enrollments. Projections of the amounts expected from all present sources in 1970 have been made, based on the assumption that tuition charges will be increased in proportion to the rise in family incomes, that State and local governments—as a minimum—will continue to make as high a tax effort for student higher education as they have in the past, and that other funds for the purpose, both public and private, will be enlarged in amounts consistent with the growth in the national economy and with past trends. If there is no change in the basic structure of financing, the estimated income will provide only about three-fourths of that needed to finance the costs of student higher education—instructional and related costs for the enrollments expected in 1970. This means that the additional fourth will have to come from increased effort—beyond that anticipated—through existing sources or from new sources. Let us look first at the prospects for increasing the contributions from existing sources.

Increased tuition, offset by scholarship aid from private philanthropy, has been a means frequently mentioned for deriving the additional resources needed by higher education. Let us look at the facts. Since about 1954, tuition charges both in public and in private institutions have been increasing at a rate faster than that of the cost of living, and scholarship increases have lagged far behind tuition increases. While the average institutional scholarship grant increased by $63—from $277 to $340—between 1955–56 and 1959–60, the average increase in tuition was $242, or almost four times as great. Not only did a smaller proportion of the student body receive scholarship aid in 1959–60 than in 1955–56, but the average scholarship paid a smaller proportion of the student's basic educational costs. Furthermore, the fact that more than 40 percent of the scholarship and other student aid funds available are provided by transfer from the general funds of the institutions serves further to increase the tuition and other basic charges to those who can pay for them. There is no margin of tuition income to cover expansion needs, and the rising costs limit educational opportunity for many and create serious hardship for others.

Estimates place the average annual expense of a student living away from home at about $1,500 in public institutions and about $2,500 at private institutions. In 1959–60, the average scholarship in public institutions was worth only $220 to the student fortunate enough to have one, an amount equal to less than 15 percent of the estimated average expense. In the same year, the average scholarship in private institutions was $430 and would have paid only 17 percent of the estimated average expense. Furthermore, 59 percent of the scholarships were in private institutions and only 41 percent in public institutions, a proportion inverse to enrollment. Clearly, not many students can be brought into college by such scholarships, unless they or their families have considerable other resources out of which to pay the costs of attending college.

Loans assist many students in furthering their education. In 1959–60, the average loan under provisions of the National Defense Education Act amounted to $435 while loans from institution loan funds amounted to $275. While neither amount is large enough to pay a major part of the student's total expenses, the figures do reflect availability of limited funds for such purposes and the willingness of many students to go into debt for their education. I, of course, supported the National Defense Education Act and believe that the loan program is sound and desirable. I do not believe,

however, that loans in themselves are the answer. There are many young people who for understandable reasons would be most hesitant and reluctant to go in debt to obtain an education even if loan funds in adequate amounts were available. Nor do I believe that our young people's ability to obtain a higher education should depend upon their willingness to mortgage future earnings.

Voluntary contributions to institutions of higher education are also a source of the needed funds. Between 1954–55 and 1958–59, according to information from the Council for Financial Aid to Education, individuals or families increased their contributions to higher education institutions by 318.1 percent, alumni by 192.9 percent, and corporations and business concerns by 149.7 percent. In the overall picture of philanthropic giving, however, their total gifts and grants in 1957–58 were the source of 7 percent of the total current-fund income of all institutions of higher education—12.7 percent of such income in private institutions and only 2.6 percent in public institutions. We must, therefore look to a further, and potentially the most extensive, source of support for higher education—the public.

Well over 40 percent of the current costs of student higher education—including instructional and related costs but excluding organized research and living accommodations—now are derived from State and local tax sources. About 60 percent of the plant funds of colleges and universities come from State and local governments. While most of these State and local funds go to public institutions, private colleges and universities are aided as well, either directly or indirectly, through student scholarship support or tax exemption.

A number of States have turned to the establishment of community junior colleges in an effort to bring education to students without the need for providing additional residential housing for them. In fact, degree-credit enrollment more than doubled in junior colleges between 1950 and 1960—108 percent increase—whereas it increased only 51.8 percent in 4-year institutions. In addition, community colleges enroll a large proportion of the students in terminal-occupational curriculums leading directly to employment in technical and semiprofessional work and a large number of adult education students seeking to upgrade their cultural and vocational qualifications. The accommodation of rapid enrollment increases in public community colleges represents a substantial outlay for new faculty and new facilities.

In their search for ways and means to meet their responsibilities to their youth, almost all States have made statewide studies of their higher education offerings and needs in order to increase productivity while they economize in the use of funds. In 1960, State tax collections reached an alltime high of $18 billion, $2 billion more than in 1959, and yet legislatures in 1961 had to press for still more revenue to meet the increasing demands for State services of many kinds. If the States increase their tax effort approximately in proportion to the numbers of students enrolled in public colleges during the coming decade, State and local expenditures for student higher education will be more than doubled by 1970, with no margin for raising the quality of education offered. Furthermore, increased State and local taxation means higher burdens on the low- and middle-income groups than would a comparable Federal taxload. Some States simply do not have resources necessary for the task. We must, therefore, find other sources of support so that the uneven abilities of the States will not deprive a substantial segment of American youth of the educational opportunities needed for national growth and world understanding.

The National Defense Education Act will inject a stimulus of about a billion dollars into our schools and colleges over a 4-year period—a healthy shot in the arm to be sure. Yet it will increase the amount we currently spend on education by less than 2 percent. It has not killed local responsibility or support for our schools. Its matching provisions and other built-in stimuli are certainly resulting in increased local and State support of education. More than anything else, the act has shown that constructive Federal assistance can be given without domination, that stimulation can be given without suffocation.

S. 1241 SERVES HIGHER EDUCATION'S NEEDS

The bill now before us will give assistance in three vital areas: academic facilities, aid for needy students with superior intellectual qualifications, and aid for the development of community colleges.

Already, our facilities are strained to capacity and approximately 11 percent of the Nation's higher education physical plant is obsolete and in urgent need of replacement. It will be a minimum of 2 years from enactment of any Federal assistance legislation before the first building can be completed with the Federal aid provided. By that time, the situation will be materially worsened. Needed physical facilities in the decade ahead are estimated to cost $18.9 billion, to provide for replacements and rehabilitation of existing facilities and for expansion to accommodate additional students. As Secretary Ribicoff pointed out last August, resources will fall short of facilities needs to the extent of $2.9 billion by 1965, $3.5 billion by 1966, and $5.2 billion by 1970.

The maximum amount of outstanding loans authorized by title I of the bill would be only $1.5 billion in the 5-year period of the bill, at the rate of $300 million per year. The requirement that at least a fourth of the development cost—construction, site acquisition, and improvement—be financed from non-Federal sources is an incentive for local effort and represents a larger downpayment than is required in most financing of private and business capital outlays.

As the world continues to grow more complex, the same forces which raised educational opportunities through the high school grades now necessitate providing similar opportunities at higher levels. The American public must find a way to provide the needed resources so that no segment of the population will lack opportunities as a result of inabilities of individuals or States to pay the cost. Even though family incomes have increased during the past 10 years, a substantial number of superior students fail to go to college because they cannot pay the costs. The average institutional scholarship—$340—may help borderline cases but it is not sufficient to bring into college a superior student who does not have considerable other resources. Add to it the maximum NDEA loan—$1,000, if the maximum is available—and the sum would not be sufficient to bring some truly needy superior students into college. Over a 5-year period, 1962–66, title II of the bill would provide an average stipend of $700 to 212,500 students, beginning with 25,000 such scholarships in 1962. To those who feel that this would swell the already overloaded enrollment, let me remaind you that the 25,000 scholarships provided for 1962 represents less than 1 percent of the total degree-credit enrollment in the fall of 1960 and less than 3 percent of the first-time degree-credit enrollment. Under the watchful eye of State scholarship commissions, this is certainly not a large enough proportion to include students of mediocre quality or those affluent enough to pay for their own education. Since the amount of the annual award must be related to factors other than the cost of education at the college selected by the student, normal prudence of the superior student recipient should result in his choice of the institution which seems to offer the best program for his needs at a price he can afford to pay.

The growing enrollment in both transfer—bachelor's degree credit—and terminal-occupational curriculums of community colleges is evidence that these institutions are meeting a real need in our increasingly urban society. Furthermore, because the major proportion of the student body at these institutions can reside at home, thereby saving room and board costs for themselves, community colleges can offer expanded higher education opportunities with greater economy than is possible through expansion of institutions whose enrollment must largely be housed in campus facilities. Title III of the bill, for emergency public community college construction, provides for Federal financial assistance to the States on a matching basis to stimulate increased State and local effort. Federal outlays of $50 million a year for 5 years are a modest contribution toward the costs that are faced by the States in community college construction.

Now, let us see what this bill means to my own State, Minnesota. In rank order of the States, according to 1957 figures, Minnesota ranks 23d in per capita personal income and 21st in State tax revenue per capita. Of its college age population in that year, 23 percent were enrolled in institutions of higher learning ranked 10th among the States and 7 out of 10 of these were in public institutions. More than half of the current income of Minnesota colleges

and universities is derived from State and local governments.

To state the matter more precisely, Minnesota is above the national average both in the percent of personal income devoted to higher education and in expenditures per college age resident. In other words, Minnesota believes in higher education and is trying to do something about it.

In 1961, the Office of Education had received preliminary plans describing needed and tentatively planned new construction valued at about $120 million to be completed by Minnesota colleges and universities by the fall of 1965. This includes reports from only 19 of the State's 44 institutions and does not include costs for rehabilitation or the acquisition of land. It is in no sense a complete picture of the State's total needs for adequate facilities, but it does indicate the magnitude of the work the institutions are undertaking. If the maximum authorized by title I of the bill is in proportion to "degree credit" enrollment, Minnesota would be eligible for academic facilities loans totaling only about $6.3 million in a single year, or about $31.5 million over the 5-year period. Under the 12½-percent limitation, no State would be eligible for more than $37.5 million in a single year and, although this amount may be a powerful incentive to local effort, it still leaves much to be done by the State.

In 1959–60, the average scholarship reported by Minnesota colleges and universities was $272, the average National Defense Education Act loan was $434, and the average other institutional student loan was $306. Clearly, except for those students who live within commuting distance of a college or university, these amounts would not bring into college a single student who does not have considerable other resources, even though he may have within him the makings of a great scientist or statesman. Not including some students in terminal-occupational curriculums and adult-education courses, the total "degree credit" enrollment in Minnesota in the fall of 1960 was 75,763, and the first-time enrollment was 19,394. Title II of the bill would provide scholarships averaging $700 for only 551 students in 1962, increasing to only 4,130 in 1966 to include the total new scholarships to be made available for fiscal years 1963–66. While these may help the State conserve the human resources of the superior students to whom they are awarded they do not go nearly far enough toward assuring that no capable Minnesota student shall be denied the advantages of a higher education simply because he lacks the money to pay for it. The incentive they provide, however, will be an important factor.

The nine community colleges in Minnesota had a total "degree credit" enrollment of 2,381 in the fall of 1959 and about twice that number in terminal-occupational and adult education courses. Community college enrollment generally includes a relatively large proportion of capable students who cannot afford the cost of attending a college away from home.

Mr. President, I digress to note that only this past week visitors from my home State emphasized the importance of the development of these community colleges. I wish to underscore the importance of this as we discuss the proposed legislation relating to aid to colleges. I am convinced that the junior colleges and community colleges can do a remarkable job in the field of higher education. Whatever funds we put into them will result in helping to relieve much of the pressure for additional educational opportunity.

Additional funds are needed to expand facilities of the existing community colleges and to establish other such institutions throughout the State in order to serve the maximum number of students at a minimum of cost. Title III would provide $1,261,501 in Federal allotment, to be matched by $2,270,785 in Minnesota State funds, thus providing the incentive for emergency community college construction worth $3,532,286 during each of the 5 years in which expansion is most sorely needed.

One of the most striking failings of our affluent society seems to be its reluctance to finance to anywhere near its economic ability the most productive investment opportunity open to it: The education of its young people to the full extent of their capability. This bill is a step in the right direction, but it is only a step. It will take the full utilization of all our efforts through all sources to bring quality higher education to the quantity of students which our society must have if the Nation is to remain economically strong and intellectually mature.

Mr. President, it is essential that every young person in the United States who has the ability to go to college be afforded that opportunity. We simply cannot afford to waste any of our brainpower. It is our obligation as legislators to do all that we can to contribute toward the building of adequate college facilities and to provide the opportunity for talented young Americans to gain a college education. I am hopeful that the proposed legislation we have before us today will be passed by Congress promptly.

I am confident the proposed legislation will be a boon for the entire educational structure of the Nation. I am also confident that the differences between the bill of the House and the bill of the Senate can be resolved in a manner which will give a great stimulus to the private educational establishments as well as to the State colleges and universities.

Again I commend the Senator from Oregon and his associates for the outstanding job they have done in handling the proposed legislation. I am hopeful that tomorrow we shall be able to complete our legislative processes on the bill, send it to conference, and soon thereafter to the President, so that before the first of March we shall be able to say that the 2d session of the 87th Congress passed a vital and important bill affecting the well-being and progress of American education.

UNITED NATIONS BONDS

Mr. HART. Mr. President, all of us are conscious of the controversy over the proposal that the United States finance the United Nations, in part at least, through the purchase of bonds. This the President has recommended, specifically asking that we purchase bonds in the amount of $100 million.

Sometimes I think we miss in the discussion what is at least a key, if not the key, to it. The fact is that as of today there are members of the United Nations who refuse to put up money to pay for extraordinary actions by the United Nations—actions taken in pursuit of peace, actions which may well have spared us and the world from a major war with its devastation and incredible cost.

With bonds as the means of financing the United Nations, there will be no way for those nations to drag their feet. The United States cannot be left picking up the big end of this check any longer. There are many other reasons—meritorious reasons—which would urge us to support the proposal to finance the United Nations through the bond purchase, but I think as we consider the proposal this should be one of the things we have in mind.

In that connection I ask unanimous consent that two editorials, one from the Washington Star and the other from the Washington Post, on this subject be printed at this point in the RECORD.

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

[From the Washington Star, Jan. 31, 1962]

ON BUYING U.N. BONDS

In asking Congress for authority and funds to purchase half of the $200 million in bonds to be issued by the United Nations, President Kennedy has not exaggerated the urgency of the organization's financial plight. The trouble, of course, stems mainly from the fact that all too many of the member states—notably the Soviet bloc, most Arab lands, and such Western countries as France, Belgium, and Portugal—have steadfastly declined to pay the assessments levied against them to support U.N. troops in the Congo or the Middle East.

As a result, to cope with the threat of an empty till and economic bankruptcy, the General Assembly has voted to float the bond issue, which is to be repayable at an interest rate of 2 percent over a 25-year period, with the annual repayments to be assessed against all members as part of the regular U.N. budget. This action has received the President's strong endorsement as something that promises to put the organization in a vastly improved financial position and thus enable it to carry out peace-keeping tasks of vital importance to the American people and the world at large.

Further, in urging Congress to act favorably on his request, Mr. Kennedy has asserted that failure to do so "would serve the interests of the Soviet Union, which has been particularly opposed to the operation in the Congo and which voted against this [bond] plan as part of the consistent Communist effort to undermine the United Nations and undercut its new Secretary General." With certain reservations, we think this is a persuasive line of argument, and the Senate and House will have reason to respond to it affirmatively if the World Court—which has been asked for an advisory opinion on the

matter—determines that the United States and the majority of the U.N. are correct in holding that delinquent members must pay the special assessments or lose their right to vote in the General Assembly.

In any event, it seems to us that the legislation sought by the President should be conditioned on what the World Court may have to say about the obligations of the states in arrears. Beyond that, another important question of principle has to do with the purchase of the balance of the bonds if our country buys half. The congressional hearings to be held on the subject presumably will look for firm evidence that a sufficient number of other U.N. members will join Britain—which plans to invest $12 million in the project—in taking care of that balance. Certainly, without such evidence, our outlay of $100 million would be a venture of dubious wisdom.

However, if the Court rules against the delinquents and if buyers are assured for the other half of the total bond issue, favorable congressional action will be warranted. To be sure, under normal circumstances, this kind of financing would be hard to defend, but it can be justified now as a stopgap emergency undertaking to keep the U.N. from going broke and entering upon a decline that could be fatal.

[From the Washington Post and Times Herald, Feb. 1, 1962]

BOND SINEWS FOR U.N.

President Kennedy has left Congress no reasonable alternative to support of the United Nations bond issue. In the first place, his message makes it plain that failure on the part of the United States to buy its share of the bonds would be a vote of no confidence in the U.N. Such an outcome would cause rejoicing in Moscow, but it would be a perilous blow to the hope of maintaining a strong peace-keeping organization. No less serious than such a loss of prestige would be the denial of funds for the U.N.'s operations in the Middle East and the Congo.

The clincher in the President's argument, however, is that support of the bond issue is essential to reduce the long-run cost of U.N. operations to the United States. At present the United States is supplying nearly 50 percent of the funds for the special operations—such as those in the Congo. If the bond issue succeeds, the President said, the U.S. share of these special costs will be reduced to 32 percent.

The facts behind this conclusion are these: At present the Soviet Union and various other countries refuse to pay special assessments, thus throwing a heavy burden on the countries that want the U.N.'s police operations to succeed. But if the U.N. raises $200 million through its bond issue, it will have funds to continue present operations and possibly to finance peace-keeping activities in future emergencies. The bonds will be repaid at the rate of about $10 million annually, for interest and payment on the principal, and this $10 million will be part of the U.N.'s regular budget. All members are assessed a share of this budget, and if they do not pay it, they will lose their vote in the General Assembly.

Actually, then, the bond issue is a device for compelling the delinquents, or near delinquents, to pay their fair share of the cost of U.N. operations, if they wish to retain active membership. No country will be able to thwart a peace-keeping operation by withholding funds assessed for that specific purpose, for the U.N. will be financed by a general fund to which all active members will have to contribute. Congress could not reject a proposal so obviously desirable from the viewpoint of the U.N.'s largest contributor and foremost supporter, without incalculable damage to the basic concept of international policing.

Mr. HART. Mr. President, to give the Senate an example of an American family which has faith in the United Nations, I ask unanimous consent that a letter, dated January 28, to the Acting Secretary General of the United Nations, a copy of which was sent to me by Mr. Joseph Burgess, a constituent of mine, be printed at this point in the RECORD.

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

FLINT, MICH., *January 28, 1962.*

Mr. U THANT,
Acting Secretary General,
The United Nations, New York, N.Y.

DEAR MR. THANT: Enclosed is a check for $10, which will begin a self-initiated series of periodic contributions to the United Nations. We would appreciate it if our checks were used to further peacemaking enterprises, at the discretion of the Acting Secretary General. This amount is not to be deducted from any general fund expected from the U.S. Government.

Like the American Quaker group from whom we have drawn our inspiration, we do not feel that this is in any sense a charity, but rather an obligation of world citizenship which must soon become general practice.

Sincerely,

JOSEPH BURGESS FAMILY.

Mr. HART. Mr. President, the letter speaks very eloquently of the aspirations and the prayers of men and women of this country who are not heard directly in this body, and whose pleas do not reach newspaper print, but I do hope that a reading of the RECORD will emphasize this type of feeling which I believe to be widespread in this country.

U.S. FISCAL POLICY RECORD SUPERIOR TO MAJOR EUROPEAN COUNTRIES

Mr. DOUGLAS. Mr. President, in recent years I have been concerned about what I consider to be overly pious and overly self-righteous statements by some of the international bankers concerning the economic and fiscal policies of the United States.

Some international bankers have told us that we should put our house in order and have freely offered their advice to us. One of the most conspicuous occurrences was at the recent International Monetary Fund meeting in Vienna when Mr. Blessing of the German Central Bank made such statements.

This was also hinted at in their speeches, notably that of the French Minister of Finance.

Most of these statements take the old "bankers" line: Our budget should be balanced whether we have high unemployment or not, interest rates should be raised, and things should be tightened up generally. These statements have been made even though our price levels have remained steady and we have suffered from excessive unemployment.

I may say also that these statements have far too often been echoed by those in high places in our own central banking system and by bankers and political conservatives here at home.

FACTS ABOUT BUDGETS

What are the facts? The facts are that the budgets of many European countries show a surplus only because they do not include capital improvements in their budgets as we do. Outlays for public improvements, public investment, the construction of buildings, dams, and so forth, are not included. In this country we do include them.

I therefore asked our Budget Bureau to provide me with information comparing our budget record in recent years with those of the major European nations.

The results are these:

Adjusted to a basis comparable to the U.S. cash statement, the study of Mr. Andrew Gantt of Harvard who has been advising the Budget Bureau shows:

West Germany, 1955–60: Deficits in 4 of the last 6 calendar years.

France, 1951–60: Deficits in every one of the last 10 calendar years.

Great Britain, 1950–60: Deficits in 9 of the last 11 calendar years.

United States, 1950–60: Surpluses in 5 years. Deficits in 6 years.

UNITED STATES HAS BEST RECORD

Thus, Mr. President, the United States has a much better record than any of these major Western European countries, some of whose central bank representatives have been overly self-righteous about our fiscal policy.

The simple answer to them is, "Physician, heal thyself."

I hope that when our Secretary of the Treasury and representatives of the Federal Reserve Board come in contact with these men, as they will, that they stress this point very strongly and no longer permit us to be put in a false position.

PHYSICIAN, HEAL THYSELF

Our balance-of-payments problem has been caused mainly by the fact that while we have a huge surplus in our physical trade, we have had a deficit because of, first, foreign aid; second, military aid and cost of troops abroad; third, expenditures by American tourists abroad; and, fourth, foreign investment.

Our European allies could help a great deal with these problems if they would bear their fair share of the cost of foreign aid, of helping to defend the West, including themselves, and in removing quotas and restrictions on some of our key products, especially coal and agricultural products like wheat, feed grains, soybeans, frozen chickens, and tobacco.

If they would do their fair share, we could then take even more effective action here at home to increase our growth rate, to reduce unemployment, and to solve the balance-of-payments problem.

I ask unanimous consent that a statement and a table provided to me by the Budget Bureau be printed at this point in my remarks.

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

EXECUTIVE OFFICE
OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., January 30, 1962.

Hon. PAUL H. DOUGLAS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOUGLAS: The Director has asked me to send you the enclosed advance copy of his response for the record to a question raised by you during his appearance

before the Joint Economic Committee last Friday.

It is our understanding that this information will become part of a more detailed study, and we will be happy to call this to your attention when it is published.

Sincerely yours,

TERRENCE J. MCDONNELL,
Staff Assistant.

The Bureau of the Budget subsequently furnished the following information for the record:

Bureau of the Budget staff was of some assistance to him, and therefore has been advised generally by Mr. Andrew H. Gantt of the preliminary results of a forthcoming study prepared by him for Harvard University. This study compares the central government budget results of England, France, and Western Germany with the United States. Adjusted to a basis comparable to the U.S. consolidated cash statement (Federal receipts from and payments to the public), the study shows that England ran deficits in 9 of the last 11 calendar years (1950 through 1960); France in every one of the last 10 calendar years (1951 through 1960); and Germany in 4 of the last 6 calendar years (1955 through 1960). In the 11 calendar years 1950 through 1960 inclusive, the United States ran surpluses in 5 years and deficits in 6.

Central government surpluses and/or deficits for recent years for 4 countries

Calendar year	England	France	Germany	United States
	Millions of current pounds	*Billions of current new francs*	*Millions of current deutsche marks*	*Billions of current dollars*
1950	611	----------	----------	0.5
1951	−55	−2.40	----------	1.2
1952	−464	−6.27	----------	−.6
1953	−628	−7.94	----------	−7.2
1954	−74	−7.56	----------	−1.1
1955	−42	−8.32	2,221	−.7
1956	150	−11.72	1,331	5.5
1957	−175	−12.21	−2,926	1.2
1958	−101	−9.36	−1,755	−7.3
1959	−282	−5.48	−3,881	−8.0
1960	−453	−3.24	−200	3.5

NOTES.—The figures in this table differ from the usual "budget" deficit or surplus figures printed by these countries, which usually do not express adequately the surpluses or deficits for which their central governments are responsible. For instance, in the United States, the trust funds and other items are excluded from the "budget" figures. The figures in the table are on a basis analogous to the "Cash receipts from and payments to the public" of the United States, which encompass the entire operations of the central governments of these countries, including trust funds, government owned and sponsored enterprises, etc. It should be noted, however, that no attempt has been made to include exactly the same operations in each country. If the central government of the United Kingdom operates her radio stations and they run a deficit, this deficit is included above, even though the U.S. Government has nothing to do in an operational way with the radio stations here.

OUTDOOR RECREATION REVIEW COMMISSION REPORT GIVES STRONG ARGUMENTS FOR SAVING THE INDIANA DUNES AS A NATIONAL PARK

Mr. DOUGLAS. Mr. President, I have just had an opportunity to study the report of the Outdoor Recreation Review Commission, "Outdoor Recreation for America," which was published earlier this week. I have found it to be a compelling essay in support of my proposal to establish the Indiana Dunes National Lakeshore Park.

The proposed Dunes National Lakeshore Park uniquely contains the virtues and characteristics of five of the six classes of recreation areas described in the report. The 9,000 acres of the proposed park would offer the advantages of the report's high-density recreation area, general outdoor area, natural environment area, unique natural area, and historic site.

With their magnificent swimming areas and sand beaches, exciting walking paths, pleasant picnicking possibilities, botanical wonders unique to this Northern Hemisphere location, and history as a route to the early exploration and settlement of the Midwest, the dunes are an unequaled and irreplaceable site for a national park.

The Dunes Park will be the Central Park and Jones Beach of the southern Lake Michigan metropolitan area.

Now is the time for the Congress and the leaders of the great north-central metropolitan area of the country to exercise the same kind of foresight as did the founders of New York City's Central Park more than a century ago.

As the Outdoor Recreation Review Commission's report makes clear, the recreation facilities of the vast and heavily populated area running from Milwaukee to Michigan City along Lake Michigan are out of balance with existing needs and are rapidly becoming more inadequate.

The report shows that right now more than 7 million persons live in this metropolitan belt, and that the population in this area will at least double in the next 40 years. Further, the report shows that in the west-north-central region surrounding lower Lake Michigan, the population is now 15.4 million, will be 18.4 million in 1976, and by the year 2000 will reach 25.9 million. In view of the report's finding of grossly inadequate recreational facilities in the highly populated areas, the urgency of action to save the dunes becomes apparent.

But in addition to population increases recreational needs will swell even more because of increased leisure time due to shorter workweeks and because of the rapid increase in per capita disposable income. One indication of this is shown by the report that visits to national parks have more than doubled in the period 1950–59, and the total national demand for recreation is expected to at least double in the next 40 years.

A striking finding of the report which points to the need for the Dunes Park is that simple recreational pleasures are most in demand. The report shows walking for pleasure is second only to automobile driving among national recreational pastimes and it is one of the chief family recreations, and with the dunes' closeness to large numbers of people and their fine and pleasant pathways, they are exceptionally valuable in this regard.

Moreover in keeping with its finding of the high utilization of swimming and beach facilities, the report emphasizes the most important necessity of preserving for public use more of our coast and shorelines. The report shows that only 2 percent of the shoreline of the 48 contiguous States is now in public ownership for recreation.

In fact, the report states:

Highest priority should be given to acquisition of areas located closest to major population centers and other areas that are immediately threatened. The need is critical—opportunity to place these areas in public ownership is fading each year as other uses encroach.

This is exactly what those of us who wish to save the dunes have been saying.

Finally, the report makes a very valuable contribution by pointing out that the acquiring of land for parks does not economically deprive nearby landowners and businessmen. On the contrary, the report accurately shows that leisure is now a big and rapidly growing business—with which tourists and visitors spent $30 billion in 1954 and nearly $40 billion last year. In 1957, visitors for recreation spent a billion dollars in each of the States of New York, Florida, New Jersey, and Pennsylvania; and about a half billion dollars in Illinois, Michigan, Virginia, Kentucky, Texas, and California.

Moreover, the Commission reports that parks enhance the value of adjoining lands because they make nearby properties more attractive for industrial and commercial development. In Essex County, N.J., for example, it was found that the land adjacent to parks increased in value three times as fast as in other areas.

The Outdoor Recreation Resources Review Commission has furnished the Congress with a systematic and convincing document in support of increased efforts to meet our national and regional recreation needs. Establishing the Indiana Dunes National Lakeshore Park is an opportunity meeting the highest priorities and recommendations of the report. Hearings on this proposal will be held before the Public Lands Subcommittee of the Senate Interior Committee on February 26 and 27, and the Commission report is therefore most timely and welcome.

ADJOURNMENT

Mr. DOUGLAS. Mr. President, in accordance with the order previously entered, I move that the Senate now adjourn until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 45 minutes p.m.), the Senate, in accordance with the order previously entered, adjourned until tomorrow, Tuesday, February 6, 1962, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 5, 1962:

DIPLOMATIC AND FOREIGN SERVICE

Philip J. Farley, of Virginia, for appointment as a Foreign Service officer of class 1, a consul general, and a secretary in the diplomatic service of the United States of America.

The following-named persons, now Foreign Service officers of class 2 and secretaries in the diplomatic service, to be also consuls general of the United States of America:

Lewis E. Gleeck, Jr., of California.
Joseph Godson, of New York.
Alfred le S. Jenkins, of Georgia.
Spencer M. King, of Maine.
Elias A. McQuaid, of New Hampshire.
Charles N. Manning, of Texas.
Julian L. Nugent, Jr., of New Mexico.
Philip P. Williams, of California.

The following-named persons, now Foreign Service officers of class 3 and secretaries in the diplomatic service, to be also consuls general of the United States of America:

Samuel Owen Lane, of California.
Everett K. Melby, of Illinois.

Norman Armour, Jr., of New York, for reappointment in the Foreign Service as a Foreign Service officer of class 3, a consul, and a secretary in the diplomatic service of the United States of America, in accordance with the provisions of section 520(a) of the Foreign Service Act of 1946, as amended.

Charles H. Taquey, of the District of Columbia, for appointment as a Foreign Service officer of class 3, a consul, and a secretary in the diplomatic service of the United States of America.

The following-named persons for appointment as Foreign Service officers of class 4, consuls, and secretaries in the diplomatic service of the United States of America:

Charles C. Flowerree, of Virginia.
Colbert C. Held, of Nebraska.
Alvin T. Siemons, of Indiana.
Windsor W. Stroup, of Virginia.
Miss Dorthy E. Weihrauch, of Florida.

James F. Shea, of Maryland, for appointment as a Foreign Service officer of class 5, a consul, and a secretary in the diplomatic service of the United States of America.

Joseph Basile, of New Jersey, now a Foreign Service officer of class 6 and a secretary in the diplomatic service, to be also a consul of the United States of America.

Joseph O. Eblan, of New Hampshire, for appointment as a Foreign Service officer of class 6, a vice consul of career, and a secretary in the diplomatic service of the United States of America.

The following-named persons for appointment as Foreign Service officers of class 7, vice consuls of career, and secretaries in the diplomatic service of the United States of America:

Philip J. Adler, of Pennsylvania.
James R. Falzone, of Massachusetts.
J. Hal Lesh, of Indiana.
David Dysart Morse, of Illinois.
Peter Solmssen, of Pennsylvania.
George Peter Varros, of Connecticut.

The following-named persons for appointment as Foreign Service officers of class 8, vice consuls of career, and secretaries in the diplomatic service of the United States of America:

David L. Aaron, of California.
Miss Peggy Ann Antonides, of Illinois.
Edwin L. Barber III, of Virginia.
J. Peter Becker, of Pennsylvania.
John P. Becker, of Massachusetts.
Peter T. Beneville, of Colorado.
Robert B. Bentley, of California.
Alan D. Berlind, of Virginia.
F. James Bingley, Jr., of Pennsylvania.
Stephen M. Boyd, of Missouri.
Werner W. Brandt, of New York.
Philip E. Burnham, Jr., of New Hampshire.
F. Scott Bush, of Illinois.
James A. Carney, Jr., of Virginia.
Reed Cecil, of Texas.
James Richard Cheek, of Arkansas.
Timothy W. Childs, of Connecticut.
John H. Christensen, of Iowa.
Carl John Clement, of Minnesota.
John Albert Collins, of New York.
Edwin G. Corr, of Oklahoma.
David W. Cox, of Wisconsin.
Miss Patricia A. Dawson, of New York.
Richard J. Dols, of Minnesota.
Mark M. Easton, of New York.
Lloyd H. Ellis, Jr., of Nebraska.
Edward M. Featherstone, of Pennsylvania.
William A. Feldt, of Wisconsin.
Patrick E. FitzGerald, of Montana.
Robert A. Flaten, of Minnesota.
Jerry A. Fowler, of California.
Ralph P. Gallagher, Jr., of New Jersey.
Stephen R. Gibson, of California.
Philip C. Gill, of California.
Alexander G. Gilliam, Jr., of Virginia.
Robert F. Gillin, of Pennsylvania.
Robert Coleman Gratsch, of Michigan.
Olaf Grobel, of Tennessee.
David W. Guthrie, of Ohio.
Ralph E. Hamil, of New York.
Donald D. Haught, of California.
Charles Higginson, of Massachusetts.
Miss Elinor V. Hohman, of Illinois.
George R. Hoover, of California.
Alden H. Irons, of Massachusetts.
Miss Harriet W. Isom, of Oregon.
William Harding Jackson, Jr., of Virginia.
Philip K. Johnson, Jr., of Ohio.
William P. Kelly, of Pennsylvania.
Don Roland Kienzle, of Massachusetts.
Roland Karl Kuchel, of Massachusetts.
Walter J. Landry, of Louisiana.
James O. Langland, of Iowa.
Walter C. Lenahan, of Oregon.
Donald R. Lesh, of Massachusetts.
Howard C. Loper, of Pennsylvania.
Winston Lord, of New York.
Matthew T. Lorimer, of New Hampshire.
George E. Lowe, of Illinois.
James M. Lucas, of California.
John T. McCarthy, of New York.
Mark McCormack, of Pennsylvania.
William J. McDonough, of Illinois.
Thomas J. McGee, Jr., of New York.
Carroll R. McKibbin, of Iowa.
J. Phillip McLean, of Washington.
Donald M. Maclay, of Pennsylvania.
John Linden Martin, of Oregon.
David P. Matthews, of Virginia.
Gary L. Matthews, of Missouri.
Robert Allan Mautino, of California.
William B. Milam, of California.
Robert Wesley Miller, of California.
Miss Carole A. Millikan, of Indiana.
Miss Marilyn H. Moninger, of Illinois.
Robert J. Montgomery, of Texas.
Lewis Roy Murray, Jr., of Tennessee.
William V P. Newlin, of Pennsylvania.
David G. Newton, of Massachusetts.
Thomas J. O'Donnell, of Michigan.
Bradford C. Oelman, of Ohio.
Robert H. Pelletreau, Jr., of New York.
Charles R. Pogue, of Indiana.
Henry Precht, of Virginia.
Leo J. Reddy, of Maryland.
James W. Reeves, of California.
Davis R. Robinson, of Connecticut.
Fernando E. Rondon, of California.
Richard C. Schenck, of New York.
Carl W. Schmidt, of New Jersey.
Cornelius D. Scully III, of Virginia.
John W. Sewell, of New York.
Henry Jacob Silverman, of Pennsylvania.
Samuel Sloan, of New York.
Miss Edith Smith, of Illinois.
Murray C. Smith, of Virginia.
Richard J. Smith, of Connecticut.
Gerald E. Snyder, of Ohio.
Joel S. Spiro, of Pennsylvania.
John P. Steinmetz, of California.
Miss Joan L. Steves, of Ohio.
William Morgan Stewart, of Maryland.
Richard L. Storch, of Illinois.
Garett Gordon Sweany, of Washington.
Peter Tarnoff, of New York.
Clyde Donald Taylor, of the District of Columbia.
Rush W. Taylor, Jr., of Texas.
James F. Twaddell, of Rhode Island.
Lannon Walker, of the District of Columbia.
William Graham Walker, of California.
William J. Waller, of California.
Donald J. Walsh, of the District of Columbia.
Ralph Clairborne Walsh, of Texas.
Barclay Ward, of Connecticut.
Alexander F. Watson, of Massachusetts.
Martin A. Wenick, of New Jersey.
Frank G. Wisner II, of Maryland.
Miss Joanna W. Witzel, of California.
William R. Womack, of Virginia.
Murray David Zinoman, of New York.

Harris H. Huston, of Ohio, a Foreign Service Reserve officer, to be a consul general of the United States of America.

The following-named Foreign Service Reserve officers to be consuls of the United States of America:

Stuart J. Bohacek, of Nebraska.
Alessandro Cagiati, of Massachusetts.
Harold C. Champeau, of Maryland.
Nelson Chipchin, of New York.
Miss Frances E. Coughlin, of California.
William F. DeMyer, of New York.
James R. Echols, of Washington.
Robert H. Feldmann, of California.
Charles T. Foo, Jr., of Florida.
Jack B. Geaslin, of Maryland.
Edward J. Killeen, of California.
Charles M. Levy, of New York.
Hugh J. McMillan, of Washington.
Howard L. McVitty, of the District of Columbia.
John L. Maddux, of California.
Jean M. Nater, of Connecticut.
Charles C. Penney, of Massachusetts.
W. Wolf Reade, of the District of Columbia.
Howard E. Stingle, of Maryland.
Gerald Stryker, of Virginia.

The following-named Foreign Service Reserve officers to be consuls and secretaries in the diplomatic service of the United States of America:

John W. Dixon, of Virginia.
Rodney N. Landreth, of Pennsylvania.

The following-named Foreign Service Reserve officers to be vice consuls of the United States of America:

Charles L. Acree, Jr., of New Jersey.
Rexford L. Baer, of California.
Melvyn R. Brokenshire, Jr., of Georgia.
Allan W. Brown, of Virginia.
Fred A. Coffey, Jr., of Texas.
William E. Dietz, of Maryland.
Neal T. Donnelly, of New York.
Abol F. Fotouhi, of North Carolina.
David K. Grinwis, of New Jersey.
Pilti M. Heiskanen, of Maryland.
Donald C. Horan, of Maine.
Desmond L. Jackson, of Texas.
Joseph R. Johnson, of Virginia.
Louis P. Linfante, of Pennsylvania.
John F. McDonald, of Maine.
Joseph F. McManus, of Massachusetts.
Charles L. Medd, of New York.
James D. Montgomery, of Virginia.
John E. Palevich, of Pennsylvania.
Vincent Rotundo, of New Jersey.
I. L. Sablosky, of Indiana.
Chapman Stockford, of Maine.
Stanley E. Williams, of Hawaii.
Warren W. Williams, of Pennsylvania.
Douglas A. Zischke, of Wisconsin.

Charles H. Bibbings, of Virginia, a Foreign Service Reserve officer, to be a vice consul and a secretary in the diplomatic service of the United States of America.

The following-named Foreign Service Reserve officers to be secretaries in the diplomatic service of the United States of America:

Thomas R. Blackshear, of California.
Alexander Bloomfield, of California.
Ernest F. Chase, of Virginia.
John P. Condon, of Oklahoma.
Thomas E. Drumm, Jr., of New Jersey.
Albert Harkness, Jr., of Rhode Island.
Peter K. Heimann, of the District of Columbia.
Arthur L. Jacobs, of the District of Columbia.
Andrew S. Kelsey, of Virginia.
Nathaniel Knowles, of Pennsylvania.
William A. Krauss, of California.
Carney G. Laslie, Jr., of the District of Columbia.
Harry T. Mahoney, of Illinois.
John W. Mowinckel, of the District of Columbia.
Lawrence E. Norrie, of Washington.
Rutherford T. Walsh, of California.

Ernest J. Colton, of Virginia, a Foreign Service staff officer to be a consul of the United States of America.

CONFIRMATIONS

Executive nominations confirmed by the Senate, February 5, 1962:

AGENCY FOR INTERNATIONAL DEVELOPMENT

William S. Gaud, of Connecticut, to be Assistant Administrator for the Near East and south Asia, Agency for International Development.

Edmond C. Hutchinson, of Maryland, to be Assistant Administrator for Africa and Europe, Agency for International Development.

Seymour J. Janow, of California, to be Assistant Administrator for the Far East, Agency for International Development.

Teodoro Moscoso, of Puerto Rico, to be Assistant Administrator for Latin America, Agency for International Development.

UNITED NATIONS

Adlai E. Stevenson, of Illinois, to be a representative of the United States of America to the 16th session of the General Assembly of the United Nations.

Francis T. P. Plimpton, of New York, to be representative of the United States of America to the 16th session of the General Assembly of the United Nations.

Charles W. Yost, of New York, to be representative of the United States of America to the 16th session of the General Assembly of the United Nations.

Philip M. Klutznick, of Illinois, to be representative of the United States of America to the 16th session of the General Assembly of the United Nations.

Jonathan B. Bingham, of New York, to be representative of the United States of America to the 16th session of the General Assembly of the United Nations.

AMBASSADORS

Robert McClintock, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Argentina.

John M. Steeves, of the District of Columbia, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Afghanistan.

C. Allan Stewart, of Arizona, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Venezuela.

U.S. ATTORNEYS

Robert D. Smith, Jr., of Arkansas, to be U.S. attorney for the eastern district of Arkansas.

Clinton N. Ashmore, of Florida, to be U.S. attorney for the northern district of Florida for the term of 4 years.

John M. Imel, of Oklahoma, to be U.S. attorney for the northern district of Oklahoma for the term of 4 years.

Charles M. Conway, of Arkansas, to be U.S. attorney for the western district of Arkansas for the term of 4 years.

Nathan S. Heffernan, of Wisconsin, to be U.S. attorney for the western district of Wisconsin for the term of 4 years.

U.S. MARSHALS

Richard J. Jarboe, of Indiana, to be U.S. marshal for the southern district of Indiana for the term of 4 years.

Joseph W. Keene, of Louisiana, to be U.S. marshal for the western district of Louisiana for the term of 4 years.

U.S. CIRCUIT JUDGES

Griffin B. Bell, of Georgia, to be U.S. circuit judge, 5th circuit.

Walter Pettus Gewin, of Alabama, to be U.S. circuit judge, 5th circuit.

U.S. DISTRICT JUDGES

Clarence W. Allgood, of Alabama, to be U.S. district judge for the northern district of Alabama.

Talbot Smith, of Michigan, to be U.S. district judge for the eastern district of Michigan.

COMMISSIONER OF IMMIGRATION AND NATURALIZATION

Raymond F. Farrell, of Rhode Island, to be Commissioner of Immigration and Naturalization.

ASSISTANT SECRETARY OF THE TREASURY

James Allan Reed, of Massachusetts, to be an Assistant Secretary of the Treasury.

U.S. TARIFF COMMISSION

Ben David Dorfman, of the District of Columbia, to be a member of the U.S. Tariff Commission for the term expiring June 16, 1967.

COMPTROLLER OF CUSTOMS

Andrew M. Bacon, of Louisiana, to be comptroller of customs, with headquarters at New Orleans, La.

SURVEYOR OF CUSTOMS

John A. Vaccaro, of New York, to be surveyor of customs in customs collection district No. 10, with headquarters at New York, N.Y.

COLLECTORS OF CUSTOMS

Eugene V. Atkinson, of Pennsylvania, to be collector of customs for customs collection district No. 12, with headquarters at Pittsburgh, Pa.

Minnie M. Zoller, of Texas, to be collector of customs for customs collection district No. 21, with headquarters at Port Arthur, Tex.

Sam D. W. Low, of Texas, to be collector of customs for customs collection district No. 22, with headquarters at Galveston, Tex.

Charles H. Kazen, of Texas, to be collector of customs for customs collection district No. 23, with headquarters at Larado, Tex.

William W. Knight, of Alaska, to be collector of customs for customs collection district No. 31, with headquarters at Juneau, Alaska.

Samuel S. Wyatt, of Tennessee, to be collector of customs for customs collection district No. 43, with headquarters at Memphis, Tenn.

Craig Pottinger, of Arizona, to be collector of customs for customs collection district No. 26, with headquarters at Nogales, Ariz.

SUPERINTENDENT OF THE MINT

Michael H. Sura, of Pennsylvania, to be Superintendent of the Mint of the United States at Philadelphia, Pa.

ADMINISTRATION OF GENERAL SERVICES

Bernard L. Boutin, of New Hampshire, to be Administrator of General Services.

EXTENSIONS OF REMARKS

The Dairy Outlook

EXTENSION OF REMARKS

OF

HON. ALEXANDER WILEY

OF WISCONSIN

IN THE SENATE OF THE UNITED STATES

Monday, February 5, 1962

Mr. WILEY, Mr. President, last week the administration presented its farm recommendations to the Congress. The message, of course, covered major features of the agriculture picture. Of particular interest to the State I represent, Wisconsin—the No. 1 milk-producing State, with an output of about 18 billion pounds—are these proposals relating to dairying.

In a weekend broadcast over Wisconsin radio stations, I was privileged to discuss the President's recommendations, some alternatives, and the general outlook in dairying.

I ask unanimous consent to have excerpts of my talk printed in the RECORD.

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

WILEY SAYS OUTLOOK DIM FOR PRESIDENT'S DAIRY PROPOSALS

I want to utilize this get-together with you for a discussion of problems and challenges in an industry which has helped to make Wisconsin famous; provides hundreds of millions of dollars in income; creates a livelihood for over 100,000 farm families here in Wisconsin; results in thousands of nonfarm jobs; and provides our Nation with one of its most rich and vital food resources: the dairy industry.

During this week, the President delivered a farm message to Congress. The message contained recommendations on the major features of the agricultural picture. Of particular interest to Wisconsin—the No. 1 milk producing State, with an output of about 18 billion pounds of the Nation's 125 billion pounds of milk—of course, are those proposals relating to dairying.

The dairy highlights of the President's message included the following:

1. A recommendation for continuation of the present level of price supports of $3.40 per hundredweight until December 31, 1962. To prevent further decline of dairy income—now disproportionately low in relation to the cost of operations—there is, in my judgment, a need to maintain support prices at at least the current level. To accomplish this, I will support a recommended joint resolution in Congress.

2. The adoption of a milk marketing allotment system for dairying. I believe such a program—in itself controversial—would: (a) be extremely difficult to administer; (b) provide inadequate safeguards against extreme price drops; or foreign producers taking over U.S. markets—in the event production is too greatly curtailed; (c) it is extremely doubtful whether such a program could be successful in equitably eliminating the supply-demand imbalance; and (d) the farmers, themselves, must have a determining voice in the adoption of such a program and consumers, too, have a stake in such considerations—particularly as this may affect the price of milk and other dairy foods.

The outlook for such a marketing allotment program—in my judgment, inadequate and possibly dangerous for lack of protection against "extreme price reduction" or competition from abroad—is extremely dim.

ALTERNATIVES

Now, what would be constructive alternatives?