

By Mr. LINDSAY:

H.R. 7994. A bill for the relief of Col. Ralph H. Wade, U.S. Air Force, retired; to the Committee on the Judiciary.

By Mr. MORRISON:

H.R. 7995. A bill for the relief of La Driere, Inc.; to the Committee on the Judiciary.

By Mr. O'NEILL:

H.R. 7996. A bill for the relief of Nai-chi Wang and Amy Fang Wang; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 7997. A bill for the relief of Nicola Di Lorenzo; to the Committee on the Judiciary.

## SENATE

WEDNESDAY, AUGUST 7, 1963

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

The Reverend Norton Scrimshire, minister, First Methodist Church, Laverne, Okla., offered the following prayer:

Eternal Father, strong to save, who art the author and giver of law, and from whom alone all just designs and righteous judgments come:

We confess how easy it is to yield to the temptation of feeding and serving our own prejudices and unworthy motives. Forgive us the sin of yielding to the devices and desires of our hearts, and enable us to seek and follow Thy good and perfect will. We acknowledge our weakness, and pray for Thy strength, that we may be courageous for Thee in the face of opposition. Increase our wisdom, that we may know Thy truth and uphold it in all legislation. Thou who art the source of all love, allow us to rise to the task of fulfilling our duties and responsibilities with love and charity for all and with malice toward none.

It is our earnest plea that we may be a part of the healing waters that flow throughout our world, and never a part of the raging turmoil of hatred and bitterness that destroys fellowship and understanding.

We pray for peace, a peace that is sustained by Thee. We ask this, our prayer, in the name of the Prince of Peace, Christ, the Lord of Life. Amen.

### THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, August 6, 1963, was dispensed with.

### MESSAGES FROM THE PRESIDENT

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

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills, in

which it requested the concurrence of the Senate:

H.R. 1201. An act for the relief of Mrs. Eurina P. Richards;

H.R. 1280. An act for the relief of Jan Koss;

H.R. 1532. An act for the relief of Herbert R. Schaff;

H.R. 1545. An act to provide for the relief of certain enlisted members and former enlisted members of the Air Force;

H.R. 1761. An act to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim of R. Gordon Finney, Jr.;

H.R. 1861. An act for the relief of the children of Mrs. Elizabeth A. Dombrowski;

H.R. 2238. An act for the relief of Erwin A. Suehs;

H.R. 2256. An act for the relief of Jose Domenech;

H.R. 2260. An act for the relief of Mrs. Rozsi Neuman;

H.R. 2303. An act for the relief of Elizabeth Kolloian Izmirian;

H.R. 2724. An act for the relief of Davey Ellen Snider Siegel;

H.R. 2756. An act for the relief of George R. Lore;

H.R. 2770. An act for the relief of Mrs. Justine M. Dubendorf;

H.R. 2790. An act for the relief of Owen L. Green;

H.R. 3648. An act for the relief of Fiore Luigi Biasiotta;

H.R. 3762. An act for the relief of Anna C. Chmielewski;

H.R. 3843. An act for the relief of Wallace J. Knerr;

H.R. 4075. An act for the relief of Noriyuki Miyata;

H.R. 4141. An act for the relief of Smith L. Parratt and Mr. and Mrs. Lloyd Parratt, his parents;

H.R. 4145. An act for the relief of certain individuals;

H.R. 4288. An act for the relief of Mrs. M. Orta Worden;

H.R. 4955. An act to strengthen and improve the quality of vocational education and to expand the vocational education opportunities in the Nation;

H.R. 5307. An act for the relief of Edward T. Hughes;

H.R. 5703. An act granting an extension of patent to the United Daughters of the Confederacy;

H.R. 5811. An act for the relief of L. C. Atkins and Son;

H.R. 5812. An act for the relief of Quality Seafood, Inc.;

H.R. 5814. An act for the relief of Norman R. Tharp;

H.R. 5822. An act for the relief of Theodore Zissu;

H.R. 6091. An act for the relief of Chief M. Sgt. Samuel W. Smith, U.S. Air Force;

H.R. 6180. An act for the relief of Maj. Warren G. Ward, Capt. Paul H. Beck, and 1st Lt. Russell K. Hansen, U.S. Air Force;

H.R. 6373. An act for the relief of Robert L. Nolan;

H.R. 6443. An act for the relief of Mrs. Margaret L. Moore;

H.R. 6628. An act for the relief of Dr. Henry H. Cohan;

H.R. 6663. An act for the relief of Louis C. Wheeler;

H.R. 6808. An act for the relief of the Shelburne Harbor Ship & Marine Construction Co., Inc.;

H.R. 7019. An act to provide further compensation to Mrs. Johnson Bradley for certain land and improvements in the village of Odanah, Wis., taken by the Federal Government; and

H.R. 7022. An act for the relief of Marguerite Lefebvre Broughton.

### ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the President pro tempore:

H.R. 1518. An act for the relief of Barbara Theresa Lazarus; and

H.J. Res. 324. Joint resolution extending an invitation to the International Olympic Committee to hold the 1968 winter Olympic games in the United States.

### HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 1201. An act for the relief of Mrs. Eurina P. Richards;

H.R. 1280. An act for the relief of Jan Koss;

H.R. 1532. An act for the relief of Herbert R. Schaff;

H.R. 1545. An act to provide for the relief of certain enlisted members and former enlisted members of the Air Force;

H.R. 1761. An act to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim of R. Gordon Finney, Jr.;

H.R. 1861. An act for the relief of the children of Mrs. Elizabeth A. Dombrowski;

H.R. 2238. An act for the relief of Erwin A. Suehs;

H.R. 2256. An act for the relief of Jose Domenech;

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H.R. 2790. An act for the relief of Owen L. Green;

H.R. 3648. An act for the relief of Fiore Luigi Biasiotta;

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H.R. 3843. An act for the relief of Wallace J. Knerr;

H.R. 4075. An act for the relief of Noriyuki Miyata;

H.R. 4141. An act for the relief of Smith L. Parratt and Mr. and Mrs. Lloyd Parratt, his parents;

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H.R. 4288. An act for the relief of Mrs. M. Orta Worden;

H.R. 5307. An act for the relief of Edward T. Hughes;

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H.R. 5811. An act for the relief of L. C. Atkins and son;

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H.R. 6180. An act for the relief of Maj. Warren G. Ward, Capt. Paul H. Beck, and 1st Lt. Russell K. Hansen, U.S. Air Force;

H.R. 6373. An act for the relief of Robert L. Nolan;

H.R. 6443. An act for the relief of Mrs. Margaret L. Moore;

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H.R. 6663. An act for the relief of Louis C. Wheeler;

H.R. 6808. An act for the relief of the Shelburne Harbor Ship & Marine Construction Co., Inc.;

H.R. 7019. An act to provide further compensation to Mrs. Johnson Bradley for certain land and improvements in the village of Odanah, Wis., taken by the Federal Government; and

H.R. 7022. An act for the relief of Marguerite Lefebvre Broughton; to the Committee on the Judiciary.

H.R. 4955. An act to strengthen and improve the quality of vocational education and to expand the vocational education opportunities in the Nation; to the Committee on Labor and Public Welfare.

#### LIMITATION OF STATEMENTS DURING MORNING HOUR

On request of Mr. MANSFIELD, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

#### COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Permanent Subcommittee on Investigations of the Committee on Government Operations was authorized to meet during the session of the Senate today.

#### EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nominations on the Executive Calendar.

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

#### EXECUTIVE MESSAGES REFERRED

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

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

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

#### DEPARTMENT OF JUSTICE

The Chief Clerk read the nomination of John H. Phillips, of Mississippi, to be a U.S. marshal for the northern district of Mississippi, for a term of 4 years.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

#### U.S. NAVY

The Chief Clerk read the nomination of Vice Adm. Ulysses S. G. Sharp, Jr., U.S. Navy, having been designated, under the provisions of title 10, United States Code, section 5231, for commands

and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of admiral while so serving.

#### THE ADMIRAL FROM FORT BENTON, MONT.

Mr. MANSFIELD. Mr. President, it is a special privilege to call to the attention of the Senate the assignment of Adm. Ulysses S. G. Sharp, Jr., as commander in chief of the Pacific Fleet, an assignment which coincides with his promotion from vice admiral to full admiral.

It is always a pleasure, Mr. President, to record the progress in the career of an able, distinguished, and dedicated officer of the Armed Forces. In this instance, the pleasure is enhanced because Admiral Sharp has a long and intimate association with the State of Montana, having been born in the State and spending the years of his boyhood at Fort Benton, Mont., before being appointed to the U.S. Naval Academy by the late, great Senator from Montana, Thomas J. Walsh.

I might note, Mr. President, that this small land-locked town of around 1,500 people in our large land-locked State is one of the great sources of leadership talent for the Nation's naval and other defenses. Thirteen admirals and generals who served in World War II and shortly thereafter came from Montana, and of these, no less than four admirals and two generals now serving or having served in the Armed Forces passed their formative years in Fort Benton. In addition to Adm. Ulysses S. Grant Sharp, this illustrious roster includes Adm. John Hoover, Rear Adm. G. C. Towner, Rear Adm. L. D. Sharp, Brig. Gen. R. W. Curtis, U.S. Army; and Brig. Gen. Karl Louthier, U.S. Marine Corps.

I know that not only Montanans but all Americans join with me in congratulating Admiral Sharp on his promotion and wishing him every success in his new and exacting assignment. As for Fort Benton, its unique capacity to mold outstanding military leaders, which has long been a source of pride to Montana, is now on the way to becoming a great national tradition.

Mr. President, I ask unanimous consent that an article which appeared in the Great Falls Tribune, July 19, 1963, an article from the Montana Farmers Stockman and the Miles City Star, July 20, 1956, entitled "The Admirals of Fort Benton," and a biography of Admiral Sharp be printed at this point in the RECORD.

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

[From the Miles City Star of July 20, 1956]

#### THE ADMIRALS OF FORT BENTON

Many Montanans know that Adm. John Hoover, retired, of the U.S. Navy, who was in charge of important naval forces in numerous engagements of World War II, grew up in Fort Benton, Mont. But not many know that three other admirals of the Navy with exceptionally fine service records also came from this little town on the Missouri.

On a recent naval tour in the Pacific the writer, while chatting with Rear Adm. Ulysses S. Grant Sharp one day, remarked that

Admiral Hoover came from Fort Benton. "Yes, that's right," replied Admiral Sharp, adding that he too used to live in Fort Benton.

Admiral Sharp then went on to say that Rear Adm. G. C. Towner and Rear Adm. L. D. Sharp, retired, also came from Fort Benton. And he reminded us that Brig. Gen. R. W. Curtis of the U.S. Army and Col. Karl Louthier of the U.S. Marine Corps came from Fort Benton.

Since its early pioneering days, many other young men from Fort Benton and its surrounding rural territory have served in the various branches of the armed services, as have men from all other Montana communities.

But we doubt whether any other town of 1,200-1,500 population in the United States has produced 4 admirals. Perhaps that is not so surprising a record for an inland town as it might seem. After all, Fort Benton used to be the head of navigation on the Missouri in the old fur-trading days and for a good many years thereafter.

—MONTANA FARMER STOCKMAN.

[From the Great Falls Tribune, July 19, 1963]

#### ADMIRAL SHARP GETS FLEET COMMAND

FORT BENTON.—Vice Adm. Ulysses S. G. Sharp, Jr., who spent his boyhood here, was assigned to commander in chief, Pacific Fleet. He is Deputy Chief of Naval Operations for Plans and Policy and will succeed Adm. John H. Sides, who is now retiring. The President also nominated Sharp to full admiral.

Better known to old friends here as Grant Sharp, the Fort Benton man became a vice admiral January 15, 1960. He is the son of Mrs. Cora K. Sharp and the late U. S. G. Sharp, Sr., residents of Fort Benton from 1910 until the 1930's. Grant graduated from Fort Benton High School in 1923, received an appointment to the Naval Academy that year. He was commissioned an ensign in 1927. The name derives from a family relationship with U. S. Grant, Civil War general and President, but Grant and a younger brother, Tom, chose naval service. Tom graduated from high school here in 1930, later received a Naval Academy appointment and died in service in the western Pacific as a submarine officer in 1943.

#### BIOGRAPHY OF ADM. U. S. G. SHARP, JR., U.S. NAVY

Ulysses S. Grant Sharp, Jr. was born in Chinook, Mont., on April 2, 1906. He attended high school at Fort Benton, Mont., and entered the U.S. Naval Academy, Annapolis, Md., in July 1923, having been appointed by the late Senator Thomas J. Walsh. He graduated and was commissioned ensign on June 3, 1927, subsequently advanced to the rank of vice admiral on January 15, 1960. On July 11, 1963, the White House announced that Vice Admiral Sharp would be reassigned as commander in chief, U.S. Pacific Fleet and promoted to the rank of admiral. Vice Admiral Sharp will relieve Adm. J. H. Sides as commander in chief, U.S. Pacific Fleet in Pearl Harbor on September 30, 1963.

Following graduation from the Naval Academy in 1927, Sharp served successfully in the battleship *New Mexico*, the transport *Henderson*, destroyers *Sumner* and *Buchanan*, and the carrier *Saratoga*, after which he attended the Postgraduate School at Annapolis, completing a course of instruction in operating engineering in June of 1936. As a lieutenant, Sharp then returned to sea, serving in the U.S.S. *Richmond* and then the destroyer *Winstow*.

In 1940, Lieutenant Sharp was transferred to duty in the Bureau of Ships where he remained until May of 1942 when he assumed command of the U.S.S. *Hogan*, a destroyer-type minesweeper. Under his command, the *Hogan* had convoy duty in the Western Atlantic until November 1942, when she par-

ticipated in the African landings at Casablanca. He received a Letter of Commendation with Ribbon, and Combat "V," for excellent handling of the *Hogan* under combat conditions.

In January of 1943, he was relieved and ordered to command the U.S.S. *Boyd* in the Pacific. Under his command, the *Boyd* participated in seven operations. On December 8, 1943, the *Boyd* was ordered to search for an aviator reported downed off the Island of Nauru. While on this rescue mission, *Boyd* fought an engagement with shore batteries. Commander Sharp received the Silver Star for his conduct in this action. The citation reads in part: " \* \* \* When his ship was hit and severely damaged while carrying out the hazardous task of searching for a friendly pilot during a bombardment of hostile shore positions he skillfully extricated his vessel \* \* \* enabled the ship to continue in the action and return to port under her own power \* \* \* "

Following this incident, *Boyd* participated in other operations in the Pacific including one in which *Boyd* assisted in screening and rescue operations of the personnel of the torpedoed cruisers *Houston* and *Canberra*. Commander Sharp was awarded a second Silver Star Medal for his conduct in this action.

Commander Sharp was relieved of command of the *Boyd* in November of 1944 and transferred to duty with the staff of commander, cruisers-destroyers, Pacific, first as CIC officer and then as operations officer. For meritorious achievement in this duty he was awarded the Bronze Star Medal.

In 1948, Captain Sharp commanded the Fleet Sonar School at San Diego, Calif. He then reported to the Naval War College, Newport, R.I., for instruction and in 1950, assumed command of Destroyer Squadron 5 and proceeded with his squadron to Korean waters. He was temporarily attached to the staff of commander, 7th Fleet in 1950 acting as fleet planning officer for the Inchon invasion. He received a Gold Star in lieu of a second Bronze Star Medal and a third Letter of Commendation during this period.

In 1951, he reported to Norfolk, Va., as operations and plans officer and subsequently as Chief of Staff to Commander 2d Fleet. In August of 1953, he assumed command of the U.S.S. *Macon*. In August of 1954, he reported to the commander in chief, U.S. Pacific Fleet at Pearl Harbor for duty as Deputy Chief of Staff for Plans and Operations. Captain Sharp was promoted to the grade of rear admiral in 1955.

In 1956, Sharp reported for duty as commander Cruiser Division 3. He continued in this assignment until October of 1957 when he was assigned to the Office of the Chief of Naval Operations for duty as Assistant Director and subsequently Director, Strategic Plans Division.

Rear Admiral Sharp assumed command of the Cruiser-Destroyer Force of the Pacific Fleet in February of 1959 with headquarters at San Diego, Calif. In April of 1960, Sharp was promoted to vice admiral and assigned as commander 1st Fleet. He served in that command until August of 1960 when he returned to Washington to become Deputy Chief of Naval Operations for Plans and Policy. In that assignment, Vice Admiral Sharp also acted as Navy operations deputy in the organization of the Joint Chiefs of Staff.

Vice Admiral Sharp will relieve Adm. J. H. Sides as commander in chief, U.S. Pacific Fleet in Pearl Harbor on September 30, 1963.

In addition to the Silver Star Medal with Gold Star, the Bronze Star Medal with Gold Star, and the Commendation Ribbon with two bronze stars and Combat "V", Vice Admiral Sharp has the American Defense Service Medal with Fleet Clasp; the American Campaign Medal; the European-African-

Middle Eastern Campaign Medal with one engagement star; the Asiatic-Pacific Campaign Medal with seven engagement stars; the World War II Victory Medal; the National Defense Service Medal; the Korean Service Medal with three engagement stars; the United Nations Service Medal; and the Philippine Liberation Ribbon with one star.

Mrs. Sharp is the former Patricia O'Connor of San Diego, Calif. They have two children, Patricia (Mrs. Russell F. Milham) of Los Angeles, Calif.; and Grant, a lieutenant (jg.) currently serving in a Pacific Fleet destroyer.

Vice Admiral Sharp's mother, Mrs. U.S.G. Sharp, Sr., resides with her son. His brother, Lt. Comdr. Thomas F. Sharp, U.S. Navy, was lost in the U.S.S. *Pickrel* when that submarine failed to return from a war patrol in Western Pacific area in May of 1943.

The PRESIDENT pro tempore. The question is, Will the Senate advise and consent to this nomination?

Without objection, the nomination is confirmed.

Mr. MANSFIELD. In other words, he is now Admiral Sharp, and no longer Vice Admiral Sharp?

The PRESIDENT pro tempore. That is correct.

The Chief Clerk read the nomination of Adm. John H. Sides, United States Navy, to be placed on the retired list in the grade of admiral, under the provisions of title 10, United States Code, section 5233.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Rear Adm. Robert J. Stroh, U.S. Navy, having been designated, under the provisions of title 10, United States Code, section 5231, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of vice admiral while so serving.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Capt. Fred G. Bennett, U.S. Navy, to be Director of Budget and Reports in the Department of the Navy for a term of 3 years with the rank of rear admiral.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Rear Adm. Glynn R. Donaho, U.S. Navy, having been designated under the provisions of title 10, United States Code, section 5231 for commands and other duties determined by the President to be within the contemplation of such section, for appointment to the grade of vice admiral while so serving.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Rear Adm. John S. McCain, Jr., U.S. Navy, having been designated under the provisions of title 10, United States Code, section 5231, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of vice admiral while so serving.

Mr. DIRKSEN. Mr. President, in the tradition of the sea, a sailor, regardless

of his rank, often is referred to as an "old sea dog." But to be an "old sea dog" and to merit all the encomiums and attributes that go with it, one has to be an old sea dog, indeed.

John S. McCain, whom I know so affectionately as Jack McCain, is an old sea dog in the greatest sense of the word; and he comes by the title so honestly because his father was an admiral before him. It is a great thing when that salty tradition persists in the veins of father and son, alike. I presume that if Jack McCain has a son; and if he has some of the instinct for the sea, he, too, will follow in that tradition. He sounds like an old sea dog. I like to hear him talk. I like to have him come and visit. I like to have him come and snap at me now and then, because then I know there is in him all of the intrinsic attributes that make him a great sailor, devoted indeed to his country. Loyalty is a command in his book, and he devotes himself most diligently to his duties in the interest of the security of his country, for which he was trained.

So, Mr. President, I salute him today, and can only hope that at other times when we consider the Executive Calendar, his name will reappear on it for even higher laurels than those implied by the nomination which is before us today.

The PRESIDENT pro tempore. The question is Will the Senate advise and consent to this nomination? Without objection, the nomination is confirmed.

The Chief Clerk proceeded to read sundry other nominations in the U.S. Navy.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the remaining Navy nominations be considered en bloc.

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

#### U.S. ARMY

The Chief Clerk proceeded to read sundry nominations in the U.S. Army.

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

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

#### U.S. AIR FORCE

The Chief Clerk proceeded to read sundry nominations in the U.S. Air Force.

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

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

#### THE NAVY, THE MARINE CORPS, AND THE AIR FORCE

The Chief Clerk proceeded to read sundry nominations in the Navy, in the

Marine Corps, and in the Air Force, which had been placed on the Secretary's desk.

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

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

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

The PRESIDENT pro tempore. 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.

#### MEMORIAL

The PRESIDENT pro tempore laid before the Senate a telegram in the nature of a memorial, signed by C. M. Short, of Texarkana, Tex., remonstrating against the approval of a test ban treaty, which was referred to the Committee on Foreign Relations.

#### 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. YARBOROUGH:

S. 2021. A bill to amend the Contingency Option Act in order to protect the right to annuities of survivors of retired servicemen; to the Committee on Armed Services.

S. 2022. A bill to amend section 3573 of title 39, United States Code, to equalize overtime and compensatory time treatment and standardize them for all employees under the Postal Field Service schedule; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. YARBOROUGH when he introduced the above bills, which appear under separate headings.)

By Mr. WILLIAMS of New Jersey:

S. 2023. A bill to amend the Internal Revenue Code of 1954 with respect to the definition of commuter fare revenue; to the Committee on Finance.

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

By Mr. HRUSKA:

S. 2024. A bill for the relief of Panagiotis Kamboukos; to the Committee on the Judiciary.

By Mr. PROXMIRE:

S. 2025. A bill for the relief of Elija Vlatkovic and his wife, Milica Vlatkovic; to the Committee on the Judiciary.

By Mr. HARTKE:

S. 2026. A bill to amend the Internal Revenue Code of 1954 so as to exclude from gross income gain realized from the sale of his principal residence by a taxpayer who has attained the age of 62 years; to the Committee on Finance.

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

By Mr. CHURCH (by request):

S. 2027. A bill to authorize the disposition of funds arising from a judgment in favor of the Snake or Paiute Indians of the former Malheur Reservation in Oregon; to the Committee on Interior and Insular Affairs.

By Mr. KEATING:

S.J. Res. 109. Joint resolution designating the period from January 12, 1964, to January 18, 1964, as International Printing Week; to the Committee on the Judiciary.

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

#### RESOLUTION

#### STANDING COMMITTEE ON VETERANS' AFFAIRS

Mr. BYRD of West Virginia submitted the following resolution (S. Res. 179); which was referred to the Committee on Rules and Administration:

Resolved, That rule XXV of the Standing Rules of the Senate (relating to standing committees) is amended by—

(1) striking out subparagraphs 10 through 13 in paragraph (h) of section 1;

(2) striking out subparagraphs 16 through 19 in paragraph (m) of section 1; and

(3) inserting in section 1 after paragraph (p) the following new paragraph:

"(q) Committee on Veterans' Affairs, to consist of nine Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Veterans' measures, generally.  
"2. Pensions of all wars of the United States, general and special.

"3. Life insurance issued by the Government on account of service in the Armed Forces.

"4. Compensation of veterans.  
"5. Vocational rehabilitation and education of veterans.

"6. Veterans' hospitals, medical care, and treatment of veterans.

"7. Soldiers' and sailors' civil relief.  
"8. Readjustment of servicemen to civil life".

SEC. 2. Section 4 of rule XXV of the Standing Rules of the Senate is amended by striking out in the second sentence thereof "and the Committee on Rules and Administration" and inserting in lieu thereof "the Committee on Rules and Administration; and the Committee on Veterans' Affairs".

SEC. 3. The Committee on Veterans' Affairs shall as promptly as feasible after its appointment and organization confer with the Committee on Finance and the Committee on Labor and Public Welfare for the purpose of determining what disposition should be made of proposed legislation, messages, petitions, memorials, and other matters theretofore referred to the Committee on Finance and the Committee on Labor and Public Welfare, respectively, during the Eighty-eighth Congress which are within the jurisdiction of the Committee on Veterans' Affairs.

#### SERVICEMEN'S WIDOWS' ANNUITY PROTECTIVE BILL

Mr. YARBOROUGH. Mr. President, I introduce, for appropriate reference, a bill to protect a small group of survivors of deceased servicemen who, by the present operation of our laws, are deprived of the annuity which the serviceman fully earned during his lifetime.

Under present law a member of the Armed Forces may elect to accept a reduced amount of retired pay in order to provide an annuity for his widow, or chil-

dren under 18 years of age who also meet other limiting conditions.

In order for the intended beneficiary to qualify for the annuity, the serviceman must have been in receipt of retired pay at the time of his death. For the convenience of Government bookkeeping, an individual does not start receiving retired pay until the beginning of the month following the month in which he actually qualifies for retired pay. Thus if he dies between the date on which he qualifies for retired pay and the first of the following month, his intended beneficiary will receive no annuity.

This bill will correct the unintended inequity by amending section 1437 of title 10, United States Code, so that in cases in which a serviceman has completed all the age and service requirements for the receipt of retired pay but dies between the date on which he qualifies and the first of the following month, his properly designated beneficiaries will receive the annuity to which they are entitled.

This bill will accomplish the same end as a similar amendment which I proposed yesterday to H.R. 5555, the military pay bill. At the request of the distinguished junior Senator from Nevada I agreed to withdraw the amendment at that time and reintroduce it as a separate bill, with the assurance of the distinguished chairman of the Committee on Armed Services that the committee will schedule an early hearing on the bill.

I thank the distinguished junior Senator from Nevada for his announced intention to support this measure as a separate bill, and I thank the distinguished junior Senator from California for his previous support of this measure in committee and on the floor yesterday. This servicemen's widows' annuity protective bill is an obviously justified measure, and I am hopeful that the Senate may have an opportunity to vote on it at an early date.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2021) to amend the Contingency Option Act in order to protect the right to annuities of survivors of retired servicemen, introduced by Mr. YARBOROUGH, was received, read twice by its title, and referred to the Committee on Armed Services.

#### OVERTIME PAY FOR POSTAL SUPERVISORS

Mr. YARBOROUGH. Mr. President, I introduce, for appropriate reference, a bill to amend section 3573 of title 39, United States Code to equalize overtime and compensatory time treatment and standardize them for all employees under the Postal Field Service schedule.

Mr. President, at present postal supervisors and other postal service employees above level 7 are not paid time and a half for overtime work. While they are entitled to compensatory time for work done in excess of 8 hours daily or work done on weekends, many supervisors cannot take advantage of this compensatory time off due to the heavy demands

of their jobs. All postal employees below level 7 as well as all other employees in any service under the Classification Act are entitled to time and a half for overtime regardless of their level. Thus, the postal supervisors alone are denied time and a half pay for their overtime work.

This bill would remedy this inequity in pay by including postal supervisors in the general overtime pay scheme provided for postal service employees. The bill would also bring the postal service pay system in harmony with the Classification Act.

This bill is needed for two reasons. First, and most important, the bill is aimed at alleviating the existing inequity in pay between supervisory and nonsupervisory employees in the postal service.

Second, there is an administrative convenience in including postal supervisors under the general postal service provisions for overtime pay. If postal volume is high, the extended overtime service of postal supervisors may be used and the supervisors can be paid time and a half for their overtime work. Alternatively, where the work situation permits the post office can compensate them by allowing the supervisors compensatory time off.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2022) to amend section 3573 of title 39, United States Code, to equalize overtime and compensatory time treatment and standardize them for all employees under the Postal Field Service schedule, introduced by Mr. YARBOROUGH, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

#### AMENDMENT OF THE INTERNAL REVENUE CODE DEALING WITH COMMUTER FARE REVENUE

Mr. WILLIAMS of New Jersey. Mr. President, as we all are aware, fare levels in the transit industry are steadily rising, as a result of heavy economic pressures in the form of rising costs and declining ridership. This is true of the entire transit industry of course, and it is particularly true of the local commuter buslines which are so necessary to the commercial life of cities across the country.

Rising fares, of course, not only impose financial hardships on many low and moderate income riders, they also serve to drive more and more riders away from transit and onto our already badly overcrowded highways during the rush hours.

In 1941, Congress took note of the important role of commuter transportation when it exempted local bus companies from various taxes on local commuter trips. Today, after several changes in the revenue code made to reflect both higher operational costs of the transportation industry and the Nation's greater need for revenue, there is a 2-cent refund on the fuel tax of 4 cents per gallon for regular route buses, provided at least 60 percent of the revenue comes from commuter fares. Commuter fares have been defined as, first, amounts paid for transportation which do not

exceed 60 cents and, second, amounts paid for commuter or season tickets for single trips of less than 30 miles or amounts paid for commuter tickets for 1 month or less.

The problem is that under this definition, which is part of the Internal Revenue Code of 1954, the increasing costs of operating a commuter busline have made this definition of commuter fares unrealistic.

Mr. President, I am therefore introducing at this time for appropriate reference a bill to amend the Internal Revenue Code of 1954 with respect to the definition of commuter fare revenue. It would simply remove the 60-cent cost ceiling for single trip fares and replace it by a maximum permissible distance for a single commuter trip of 30 miles. This change, it seems to me, is in full keeping with the original intent of Congress to give consideration to the needs of the local commuter, while at the same time giving the buslines realistic consideration for their increasing operational costs.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2023) to amend the Internal Revenue Code of 1954 with respect to the definition of commuter fare revenue, introduced by Mr. WILLIAMS of New Jersey, was received, read twice by its title, and referred to the Committee on Finance.

#### CAPITAL GAINS TAX RELIEF FOR ELDERLY HOMEOWNERS

Mr. HARTKE. Mr. President, I introduce, for appropriate reference, a bill to exempt from the capital gains tax the appreciation in sales price over cost for those older citizens who wish to sell their owner-occupied homes or are forced to sell and relocate because of Government action. This bill is identical to S. 3249 which I introduced in the 87th Congress.

The bill provides tax exemption for families, including single elderly people, in which the head of the household or his spouse is 62 years of age or older. Eligibility for such exemption is limited to elderly families who have owned and occupied their homes for a period of 5 years or more. The exemption is permitted only on private homes, not apartment houses, tenements, boarding houses and similar structures.

The tax laws already provide relief from capital gains resulting from sale of homes if another home is bought within a year. However, this is of benefit primarily to younger families, who are most likely to buy other homes, than older people, who are less frequently interested in buying private homes.

Older people tend to be in the lower and moderate income groups. The passing years inevitably result in deteriorating physical condition and poorer health. Our Nation now has over 20 million people 62 years of age and over, and this number is increasing by about 400,000 every year.

Increasing longevity, an excess of leisure time, and the death of one's friends and spouse often mean added years of

loneliness and pose vexing social problems. Given these and other factors, suitable housing becomes more and more the focal point of the lives of our senior citizens. Housing which prolongs their ability to live independently with dignity and self respect becomes particularly important to them and increasingly significant to the Nation's total welfare.

Two-thirds of our senior citizens now live in their own homes. Many would like to sell their homes and move into more suitable housing, most generally of the rental type. Other elderly homeowners find themselves forced to relocate because of urban renewal activity, road programs and similar programs of progress. Many face rising maintenance costs, higher taxes and major repairs when their physical capacities and incomes are materially reduced. A substantial portion of their assets is often represented by their equity in their homes, and as a result, this potential tax inhibits their willingness to sell and obtain housing better suited to their current needs.

In effect, the capital gains tax acts to stifle attempts to improve the lives of our millions of senior citizens and in so doing, conflicts with the national interest. Stimulated by the elimination of the capital gains tax on the sale of their homes, our senior citizens would be encouraged to find housing more fitting to their present circumstances and needs. This bill, enacted into law, would allow the later years of our senior citizens to be more satisfying to themselves and to their communities and the Nation would be enriched.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2026) to amend the Internal Revenue Code of 1954 so as to exclude from gross income gain realized from the sale of his principal residence by a taxpayer who has attained the age of 62 years, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Finance.

#### INTERNATIONAL PRINTING WEEK

Mr. KEATING. Mr. President, I introduce, for appropriate reference, a joint resolution designating the period from January 12 to 18, 1964, as International Printing Week.

The designated period embraces the birthday of Benjamin Franklin, the father of the printing industry and patron of the graphic arts in the United States. The printing press must be ranked as one of the greatest inventions in the history of mankind. Preliterate societies could merely disseminate culture from person to person and from generation to generation through word-of-mouth communications. Even the development of writing could not facilitate widespread literacy without the means of mass reproduction of the written word. The printing press provided that means, and the world we live in today is an infinitely better place to live in because of it.

Printing makes possible the worldwide dissemination of knowledge and therefore lies at the very source of political,

economic, scientific, and cultural advancement. In the United States we are most fortunate, for under our freedoms of speech and press guaranteed by the first amendment to the Constitution we have reaped the greatest advancement through the printed word.

The printing press lay at the very base of the establishment of our Nation, for it provided the means by which we could unite our citizens behind the fundamental principles of self-determination and civil liberty which to this day bring hope to oppressed peoples throughout the world who yearn to achieve freedom from tyranny.

Mr. President, the printing industry of the United States will join with similar enterprises elsewhere in the free world this coming January to celebrate International Printing Week. In this country, the International Association of Printing House Craftsmen, the largest graphic arts organization in the world, has set aside the week of January 12 through 18 to focus public attention to our heritage of freedom of the press and to the continued healthy development of the graphic arts in our cultural life. Therefore, I take great pleasure in introducing this joint resolution which will accord appropriate recognition to the medium of communication that has for five centuries brought so much benefit to the human race.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD at this point.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 109) designating the period from January 12, 1964, to January 18, 1964, as International Printing Week, introduced by Mr. KEATING, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Whereas the first amendment to the Constitution of the United States guarantees to every person in this country the freedom of speech and of the press; and

Whereas the exercise of these freedoms depends in major part upon the continued healthy development and progress of the graphic arts, and more particularly the printing industry of the United States; and

Whereas printing makes possible the worldwide dissemination of knowledge and thus lies at the source of all political, economic, scientific, and cultural advancement; and

Whereas the people of the United States enjoy the many benefits of printing in their daily lives; and

Whereas January 17 is the birthday of Benjamin Franklin, who, among all his other achievements in behalf of, and contributions to the cause of the freedom of mankind, is the father of printing in the United States: Therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the period from January 12, 1964, to January 18, 1964, is hereby designated as International Printing Week, and the President of the United States is requested and authorized to issue a proclamation inviting the people of the United States to observe such week with appropriate ceremonies and activities.

#### CHANGE OF REFERENCE

Mr. MUSKIE. Mr. President, I ask unanimous consent that the Committee on Banking and Currency be discharged from further consideration of the bill (S. 332) to prohibit trading in Irish potato futures on commodity exchanges, introduced by me January 18, 1963, and that the bill be referred to the Committee on Agriculture and Forestry.

I have discussed this matter with the chairmen of both committees, and they agree that the Committee on Agriculture and Forestry should have jurisdiction over the bill.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

#### SCIENTIFIC TESTS AND INVESTIGATIONS OF KREBIOZEN—AMENDMENT

Mr. DOUGLAS (for himself, Mr. KEFAUVER, Mr. BAYH, Mr. CASE, Mr. ENGLE, Mr. HOLLAND, Mr. JAVITS, Mr. KEATING, Mr. PELL, Mr. PROXMIRE, Mr. SCOTT, Mr. SMATHERS, Mr. SYMINGTON, Mr. WILLIAMS of Delaware, Mr. WILLIAMS of New Jersey, and Mr. YARBOROUGH) submitted an amendment, in the nature of a substitute, intended to be proposed by them, jointly, to the joint resolution (S.J. Res. 101) authorizing and directing the National Institutes of Health to undertake a fair, impartial, and controlled test of Krebiozen; and directing the Food and Drug Administration to withhold action on any new drug application before it on Krebiozen until the completion of such test; and authorizing to be appropriated to the Department of Health, Education, and Welfare the sum of \$250,000, which was referred to the Committee on Labor and Public Welfare and ordered to be printed.

#### AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—AMENDMENT

Mr. KEFAUVER (for himself, Mr. BURDICK, Mr. MONRONEY, Mr. CLARK, Mr. DOUGLAS, Mr. GRUENING, Mr. LONG of Louisiana, Mr. MORSE, Mr. NELSON, Mrs. NEUBERGER, Mr. CHURCH, Mr. MOSS, Mr. BARTLETT, Mr. McNAMARA and Mr. YARBOROUGH) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 7500) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes, which was ordered to lie on the table and to be printed.

#### ADDITIONAL COSPONSORS OF BILLS

Mr. SCOTT. Mr. President, I ask unanimous consent that the names of the junior Senator from Colorado [Mr. DOMINICK] and the junior Senator from New Mexico [Mr. MECHEM] may be added as cosponsors of Senate bills 1996 and 1997, relating to the prohibition of Communist products in federally assisted

projects, introduced by me on yesterday, the next time those bills are printed.

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

#### SETTLEMENT OF LABOR DISPUTE BETWEEN CERTAIN CARRIERS BY RAILWAY AND CERTAIN OF THEIR EMPLOYEES—ADDITIONAL COSPONSORS OF AMENDMENT

Under authority of the orders of the Senate of July 31, and August 2, 1963, the names of Mr. BARTLETT, Mr. BURDICK, Mr. CANNON, Mr. CHURCH, Mr. HART, Mr. KEFAUVER, and Mr. MOSS were added as additional cosponsors of the amendment intended to be proposed by Mr. ENGLE (for himself and other Senators) to the joint resolution (S.J. Res. 102) to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees, submitted on July 31, 1963.

#### STANDING COMMITTEE ON VETERANS' AFFAIRS—ADDITIONAL COSPONSOR OF RESOLUTION

Mr. DIRKSEN. Mr. President, on the next printing of Senate resolution 176, to create a Standing Committee on Veterans' Affairs, I ask unanimous consent that the name of the Senator from Connecticut [Mr. RIBICOFF] be added to the cosponsors.

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

#### NOTICE OF HEARING ON S. 815, ADJUSTMENT OF LEGISLATIVE JURISDICTION

Mr. MUSKIE. Mr. President, I would like to announce for the information of the Senate and other interested persons that the Subcommittee on Intergovernmental Relations has scheduled a hearing on S. 815, providing for adjustment of the legislative jurisdiction exercised by the United States over land used for Federal purposes in the several States. This bill would permit Federal agencies to restore to the States certain jurisdictional authority now vested in the United States which may better be administered by State authorities, and would provide that the United States acquire only such jurisdiction as may be necessary in connection with future land procurements.

The hearing will begin on Tuesday, August 20.

Any Senator or other person wishing to testify should notify the subcommittee, room 357, Senate Office Building, extension 4718, in order that he might be scheduled as a witness.

#### FACILITIES FOR TOURISTS EMPHASIZED IN OREGON DUNES DEVELOPMENT PLAN

Mrs. NEUBERGER. Mr. President, the National Park Service has set high standards for achieving the goal of maximum public enjoyment and recreation, in connection with the legislation for creating the Oregon Dunes National Seashore. Review of the preliminary de-

well been heeded in the past. The counsel of Admiral Burke might well be heeded in the future. I repeat the words:

Could result in destruction or political perversion of our entire military procurement system.

When a man of the high national and international reputation of Arleigh Burke uses strident terms and strong words like "destruction or political perversion" in that connection with this kind of case, it merits the scrutiny of a senatorial committee.

The Mollenhoff article continues:

His—

Referring to Adm. Arleigh Burke—

warnings were aimed at Defense Secretary Robert S. McNamara's decision to overrule the unanimous recommendations of the high-level Pentagon Source Selection Board and take the first steps which could lead to awarding a \$6.5 billion TFX warplane program to General Dynamics Corp.

McNamara has admitted that he had no independent cost studies available on the low bid by the Boeing Co., but had used figures out of his head and "rough judgment" to discard the Boeing bid.

If our investigation does nothing else, I hope it will put a prompt and permanent end to any Government official grabbing figures out of his head and awarding on a basis of a rough personal judgment a \$6½-billion Government contract to anybody for any purpose. Our hardpressed taxpayers are entitled to a more careful scrutiny than that.

I continue to read from the Mollenhoff article:

In addition to criticizing the specific TFX contract procedure, Burke expressed concern over a memorandum prepared by Dr. John H. Rubel, one of McNamara's top aids, which proposes an end to the "recommendations" of source selection boards such as those that have caused McNamara so much embarrassment in the TFX investigation.

I interpolate to say that we have had the Rubel testimony before us, and the memorandum has been made a part of the public record of our hearings.

Dr. Rubel's memorandum proposes that such source selection boards be abolished and that in their place a source evaluation would be established. This evaluation group would simply make factual reports and evaluations, but would have no power to "recommend."

"This pattern of practices and proposals opens the way for destruction or political perversion of our entire military procurement system," Burke said.

I knew very little about how a \$6½ billion contract was parceled out to contractors when the McClellan investigation began. I was compelled, as the ranking Republican member of the committee, to meet my assignment and to spend an unconscionable number of hours sitting and listening to testimony about the TFX contract, when I would have preferred to be working on legislative proposals of more immediate interest to South Dakota or of more immediate concern to the present speaker.

When one has a committee assignment, either he shirks it or he works at it. Since this involved a \$6½ billion contract, it was no place for shirking. It was a place for hard work and long

study and careful analysis. I have devoted myself therefore to this assignment.

The greatest single impression I have received from the entire hearings is the care and the prudence and the caution which have been utilized in the past through the Pentagon procedure of putting in motion source selection boards, evaluation teams, consultative meetings of uniformed personnel, channeled all the way up, with careful briefings and preparation, so that when the recommendations to our civilian Secretaries are finally made they are based on the best judgment of the best available cost accountants, the best available scientists and engineers, and the best fliers—in this particular case, because this was an air contract—that America possesses.

I think it would be a backward step toward the jungle of complete inefficiency and political patronage if we were now to discard, as Dr. Rubel suggests, the source selection system which has served America so well, for so long.

When the hearings are over, it may or may not be demonstrated by the Pentagon witnesses—and I certainly am not casting any verdict at this time—that in this particular instance they were justified in overruling, as they did, peremptorily, the unanimous recommendation of the source selection and evaluation groups. Whether they were justified in this instance or not—this we will find at the end of the trail—there is no question in my mind that the system which has served us so well for so long should not be discarded simply to avoid embarrassment for civilian Secretaries in the event they decide—and they did in this case—to overrule the panels of experts.

This system has served us well—so well, in fact, that when we asked the witnesses to give us other precedents and other examples of important contracts where the civilian Secretaries had avoided and overruled and discarded the recommendations of the technical teams, they could come up with no other example. So I say it has served America exceedingly well.

Going on with the article by Mr. Mollenhoff:

He stated—

Referring to Admiral Burke—

that McNamara undoubtedly does not intend to engage in such destructive action—

I would agree with him emphatically, because I entered those hearings as one who had a high regard for Secretary McNamara, and I continue to retain it, even though there is a presumption, at least, that he may have made a horrendously bad decision in the instant case.

This I do not know. The evidence is not all in. We will get it in the hearings. But even if it were determined, developed, and demonstrated that he was totally wrong in what he did in exercising his judgment to overrule the technical experts in this case, my high regard for Secretary McNamara would continue. I am sure, if he made this mistake, it was an honest one. It was not because of political persuasion, in my opinion. It was certainly not be-

cause of any financial consideration, I know. Being human like the rest of us, I am sure he makes mistakes, as the rest of us do. He may be a little more reluctant to admit his mistakes than the average man, but I think the idea persists that even he may be in error at times. But I know he is a man of high character and dedicated service.

So listen to what Burke said:

McNamara undoubtedly does not intend to engage in such destructive action, but that "the danger of destroying the integrity of our military procurement is inherent in the policies that were used in the TFX decision and the standardization of those policies as frankly proposed in the memorandum of Dr. Rubel."

It is stated frankly (in the memorandum) that the proposed policies to abandon recommendations \* \* \* is for the purpose of making it easier.

Note the words, Mr. President. Note the words, readers of the CONGRESSIONAL RECORD. Note the words, those who are interested in informing the public—the memorandum frankly states it is for the purpose of making it easier for "the Defense Secretary or other political appointees to make arbitrary multibillion-dollar contracts."

Mr. President, has public business become so exclusively the property of an individual political appointee with a high title that we want to make it easier for him to spend the public's money in disregard of the prudent policies which through the years and over hundreds of billions of dollars' worth of contracts have enabled us to become the best armed and best equipped country in the world and still maintain our national solvency?

Who wants to make it easier for civilian Secretaries to disregard that policy; and, most of all, why should it be made easier? Whose interest are we concerned in protecting? The embarrassment of a civilian Secretary who may make a mistake, or the duty of preserving the solvency of our country and the greater, overriding importance of developing the best weapons system for America that the state of the art will provide?

This, we have been told by witness after witness, is the end result which has been obtained in the past, and which I believe is obtainable in the future—by utilizing the evaluation, the processes, and the source selection methods which have served us so well.

I trust that Congress will preserve this procedure and deny the recommendation of Dr. Rubel that we scrap that policy, whereby arbitrary decisions can be made more easily, with less embarrassment.

I do not know whether Dr. Rubel knows of the investigative processes of Congress, but I doubt that his proposal would succeed in anyone's avoiding embarrassment, because Congress has the sticky habit of having investigations into certain procedures and loyalty matters and other subjects of interest to the general public. I suspect that the investigative committees of the Congress would be much busier than otherwise if contracts should be awarded on this casual basis suggested by Dr. Rubel instead of through the meticulous attention which has been devoted to them as

of the proposal, it is suggested that it be developed in accordance with current BLM thinking. This would involve construction of an access road from the vicinity of the Menasha Paper Mill via an old railroad grade to the proposed terminus approximately 6 miles in length. The proposed development would involve a swimming beach, bathhouse, picnic area, and boat docks.

#### THE PROPOSED AMENDMENT TO CHANGE THE PROCESS OF AMENDING THE U.S. CONSTITUTION

Mrs. NEUBERGER. Mr. President, it has been 174 years since the United States was a Confederation. We have flourished as a Federal nation; we have been the "forge of democracy" as a nation; we have occupied a unique position of world leadership as a nation. And today we are heartened by a new vision of Europe evolving from centuries of narrow statism toward a Federal union in our image.

In 1787, there were, nonetheless, many State citizens who opposed this formation of a "more perfect union"; those who had prospered under a loose confederation viewed federation as a threat to their self-interest. Others were simply incapable of lifting their horizons beyond the narrow reaches of their States. Even today, despite the lessons of history, their spiritual descendants are still active among us.

These advocates of a return to a confederation, utilizing the machinery of the Council of State Governments as a vehicle for their schemes, are now conducting an audacious campaign for the adoption of three constitutional amendments which would restore to the individual States a great segment of the powers granted to the Federal Government by the Constitution.

The Association of the Bar of the City of New York, acting through its distinguished executive committee, has just published a brief, but nonetheless compelling, analysis and evaluation of the proposed amendments. The committee unequivocally condemns both the machinery and the underlying objectives of each of the amendments, citing with approval the judgment of Prof. Charles L. Black, Jr., of Yale Law School. Professor Black, in characterizing the proposals as "radical in the extreme," had written:

They aim not at the preservation but at the subversion of that balance in Federal-State relations which has, in the words of the (Council of State Governments) report, enabled us to escape "the evils of despotism and totalitarianism." They constitute, collectively, one more attempt, so late in the day, at converting the United States into a confederation. The wisdom of peace and the sacrifices of war alike warn against starting down that ruinous road.

Today I intend to bring to the Senate's attention the committee's analysis of the first of the three amendments—the proposal to give State legislatures the power to amend the Constitution. It is a significant index of the gravity of this challenge to our Constitution that this amendment has already been adopted by 11 State legislatures and has passed 1 house of the legislatures of 8 other States.

This amendment, the committee concludes, "would bring about a change in the distribution of ultimate power, giving to the States, acting through their legislatures, power not only to propose, but also to ratify, amendments to the national Constitution."

Citing the inability of State legislatures to view problems from a national perspective, the committee deplors the consequent balkanizing of national policy. Moreover the committee observes that the unrepresentative nature of many State legislatures "would result in permitting constitutional amendments to be adopted which had support from only a minority of national citizenry."

I ask unanimous consent that the portion of the report of the executive committee of the Association of the Bar of the City of New York which analyzes the proposed amendment to change the amending process be printed at the close of my remarks. I also intend within the next few days to bring to the Senate's attention the committee's analyses of the "court of the Union" amendment and the apportionment amendment.

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

#### THE PROPOSED AMENDMENT TO CHANGE THE AMENDING PROCESS

Set forth below is article V of the Constitution showing the changes which would be effected if the Council of State Governments' proposal were adopted (new matter which would be added by such amendment being italicized and present matter which would be deleted by such amendment being shown in brackets):

#### "ARTICLE V.—AMENDMENTS

"The Congress, whenever two thirds of both Houses shall deem it necessary, [shall propose amendments to this Constitution,] or, on the Application of the Legislatures of two thirds of the several States, shall propose Amendments to this Constitution, [shall call a Convention for proposing Amendments,] which [in either Case,] shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States. Whenever applications from the Legislatures of two-thirds of the total number of States of the United States shall contain identical texts of an amendment to be proposed, the President of the Senate and the Speaker of the House of Representatives shall so certify, and the amendment as contained in the application shall be deemed to have been proposed, without further action by Congress. [ or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no] No State, without its Consent, shall be deprived of its equal Suffrage in the Senate."

The effect of this proposed amendment would be to—

1. Abolish the present alternative method of proposing amendments, whereby, upon application of legislatures of two-thirds of the States, Congress shall call a convention for that purpose;

2. Abolish the present alternative method for ratification by conventions in three-fourths of the States (instead of by State legislatures in such number of States) if Congress so decides, of amendments which have been proposed either by Congress (by

two-thirds of both Houses) or by a convention called by Congress for the purpose; and

3. Substitute a procedure whereby the Constitution may be amended by (a) filing with Congress applications from legislatures of two-thirds of the States which contain identical texts of a proposed amendment, (b) certification of such filing (a purely ministerial act) by the President of the Senate and the Speaker of the House and (c) ratification of such amendment by the legislatures of three-fourths of the States.

Under present article V an amendment to the Constitution cannot be proposed except after national deliberation and presumably the achievement of something like a national consensus either in Congress by a two-thirds vote of both Houses (including the House of Representatives where at least the voting power is roughly proportional to population), or by a national convention (upon proper application of two-thirds of the States) called and constituted by Congress. The council's proposal, on the other hand, would bring about a "change in the distribution of ultimate power," giving to the States, acting through their legislatures, power not only to propose, but also to ratify, amendments to the National Constitution.

State legislatures, by the very nature of their purpose and function, have relatively small acquaintance with problems viewed from a national perspective. They have little or no experience in dealing with problems in such perspective. Moreover, even given the best of intent on the part of any State legislature, there would be great difficulty in acquainting the members with the attitudes, views, and needs of sections of the country other than their own. Whereas a congressional committee can obtain views from many areas of the country at a single hearing, the States would require 50 hearings. In addition, the greater publicity which is given to Washington activities provides a greater likelihood that proposed amendments will be given the full consideration which they deserve and not slipped through the legislative mill without publicity.

While the Constitution describes a federation of States united as a federal nation, the proposed amendment moves in the direction of a confederacy. By completely bypassing all national organs (except for the ministerial roles assigned to the President of the Senate and the Speaker), the proposed amendment seeks to give the individual States the final voice on questions of national importance. The political theory expressed by the proposed amendment is similar to that behind the articles of confederation, a philosophy rejected by the authors of the Constitution. It also partakes of the doctrines of Calhoun and other States' rights advocates, which were rejected by the War Between the States.

The amendment appears in an even more dangerous light when one takes into consideration the fact that many State legislatures are grossly unrepresentative of the people within the States—a condition which the third proposal of the National Council of State Governments would perpetuate. To commit the process of amending the Federal Constitution to the control of the State legislatures would result in permitting constitutional amendments to be adopted which had support from only a minority of national citizenry. Professor Black has pointed out that 38 least populous States, whose legislatures might under proposed article V repeal the full faith and credit clause, contain about 40 percent of the country's population. He further states:

"In the best table accessible (compiled by The National Municipal League, New York Times, Mar. 28, 1962, p. 22, col. 3) relevant data are given for 34 of the 38 least populous States of the Union. On the average, it

takes 38 percent of the people in one of these States to form the constituencies of enough State senators or representatives to pass a measure through the more accurately representative house of the State legislature. Taking this figure as good enough for present purposes, if the proposed article V were in force, the income tax could be abolished, by repeal of the 16th amendment, if about 15 percent of the American people were represented by legislators who desired that result."

Professor Black explains that this figure is arrived at by taking 38 percent (the percentage of people in the relevant States necessary, on the average, to control the legislature) of 40 percent (the percentage of the American people residing in the 38 least populous States).

#### HOUSING FINANCING

Mr. DIRKSEN. Mr. President, in one of the Chicago real estate journals appears an interesting article under the caption "Federal Housing Administration Losing Position."

I believe there is a tendency around the country to believe that virtually all mortgages are either FHA, VA, or some other governmental type of mortgage. The fact is that the conventional mortgage by insurance companies, savings and loan associations, and others completely dominate the market because of the services they have rendered to the homebuilders of the country over a long period of time. The article is rather interesting, and I ask unanimous consent that it may be printed at this point in the RECORD.

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

##### FINANCING—FHA LOSING POSITION

The Federal Housing Administration has been progressively losing its position in the mortgage market, states the latest quarterly economic report of the Mortgage Bankers Association of America, because, "Instead of concentrating on the use of FHA for improving and expanding the use of private credit, the major emphasis has been on the ways that mortgage insurance may be used, under political or other stress, for purposes often alien to those of sound private credit."

What is needed, the Mortgage Bankers Association report stresses, is a recognition that, "The FHA operation is essentially private in character. It has no Government capital, all initial advances having long since been repaid. It requires no appropriations of public money; its expenses are wholly borne by premiums and other payments by the borrowers who use the system. FHA basically is, therefore, a private insurance company operated under Government auspices."

The Mortgage Bankers Association report further emphasizes that: "An instrumentality of the private market must be operated in a manner compatible with the forces that motivate that market. Failure to recognize this principle, or efforts to avoid its application, have been the source of many of FHA's difficulties."

The report points out that, "The effort to dictate the course of interest rates is a notorious example, and the distortions in activity and the repeated deprivation of funds to worthy borrowers that have resulted from it have been an outstanding feature of FHA's postwar history. Another example is the pushing of loan-to-value ratios and maturities to the point where no margin is left for appraisal error or a fall in realty values. Still another is the increasing confusion of credit with charity and the replacement of credit-

worthiness by need as the basis for granting a loan and setting its terms, including the insurance premium.

"To be sound," the Mortgage Bankers Association report continues, "in the sense of paying its operating costs and covering its risks, a mortgage insurance system cannot be forced into such confusions of purpose. It cannot appropriately act directly as a dictator of interest rates, as a substitute for extra credit welfare activities, or as an instrument of social or economic adjustment.

"As an agency of and in the private market, the FHA system cannot be administered as if it were a direct lending or a public works operation, for which the extent of activity and the expenditure to be made are properly matters of annual congressional authorization and appropriation. Yet, this is precisely the present congressional practice," the Mortgage Bankers Association report states.

"The actions of Congress do not reflect a recognition that FHA's administrative expenses are paid from its own earned funds, that it cannot estimate with accuracy the demand that will be made for its services, and that the greater the demand the greater will be its income and ability to pay its own way. Instead, Congress insists on rigidly setting, far in advance, a limit on the amount that may be spent for administrative purposes with no allowance for meeting contingencies, apparently assuming that in some way the Nation's budgetary position is improved thereby. The result is the almost annual—and sometimes more than annual—disruption of FHA activity with results that are discouraging and costly to both the agency and the public with which it deals."

What is the solution to these problems? According to the Mortgage Bankers Association report, the FHA must be given "an administrative framework that is in harmony with its private market character and function." At the moment, the report emphasizes, the FHA "is separated from every activity of government that is concerned with private credit and commingled with a multiplication of activities all of which (with the partial exception of FNMA) depend upon the direct use of Treasury funds and which, for the most part, are conducted wholly outside and sometimes in conflict with the private market economy.

"Under these circumstances," the report concludes, "there is little wonder that Congress and the general public become confused as to the character and function of FHA and that FHA finds itself warped into conducting activities that are beyond its proper scope and in violation of its inherent nature. The remedy lies in detaching FHA from its present incongruous environment and reestablishing it in a form that would make its market orientation clear, that would free it from performance of responsibilities for which it is not suited, and that would permit it to make the full contribution to the Nation's residential mortgage system that it was intended to make."

Thus, the Mortgage Bankers Association report calls for the reorganization of FHA as "an independent, federally chartered mutual mortgage insurance corporation directed by Presidentially appointed trustees accountable to the President and the Congress, but in all other respects operated as a private corporation. Regulation of interest rates would be eliminated, insurance premiums would be varied in accordance with estimated risks, and insurance formulas and procedures would be simplified."

#### PLATFORM OF ILLINOIS YOUNG REPUBLICAN COLLEGE FEDERATION

Mr. DIRKSEN. Mr. President, I have received from Mr. Robert F. Croll, col-

lege clubs chairman, Young Republican Organization of Illinois, Illinois Young Republican College Federation, a copy of the 1963 platform as it was passed at the last annual convention held in Chicago in February 1963. So that the Members of Congress may be informed of the thinking of the young Republican college students who are members of this organization, I ask unanimous consent that their platform be printed at this point in the RECORD.

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

#### PLATFORM OF ILLINOIS YOUNG REPUBLICAN COLLEGE FEDERATION—PASSED IN CONVENTION AT CHICAGO, ILL., FEBRUARY 16, 1963 PARTY PHILOSOPHY

We, the members of the Illinois Young Republican College Federation, do herein declare that we, as young Republicans, believe:

That in accordance with the natural rights and dignity of the individual, he should be free of all unduly restrictive Government forces;

That the natural rights of man are embodied in the Constitution of the United States and that the proper function of our Government is to uphold and perpetuate these constitutional rights;

That the safest repository for these rights lies in a free, private enterprise, and in the imposition of the strictest limit to the power of Government; and

That international communism represents the most immediate and dangerous threat to these fundamental rights and that our determined objective should be victory over, rather than coexistence with, the atheistic forces of world communism.

To implement these principles, we offer the following platform:

##### AGRICULTURE

We believe that the major objective of national agricultural policies is to create and maintain conditions which will provide farmers the opportunity to earn an equitable income within our competitive economic system with limited interference and regulation by the Government of individual farm operations. We firmly believe that this objective can best be accomplished through an agricultural economy governed by the natural market laws of supply and demand as the principal influence in allocating the use of farm resources and in distributing farm production. We maintain that excessive governmental intervention in farming only destroys the American spirit of free enterprise and places an unfair burden on the American taxpayer.

We recommend the termination of the so-called emergency programs and reaffirm our support of a practical cropland program which will recognize the right of the farmer to make a choice in the acceptance of such a program. We favor the emphasis on the retirement of whole farms, thus eliminating the possibility of increasing production on the acres not under contract on the same farm. We advocate the principle of payment-in-kind to reduce our farm commodity surplus.

We oppose all measures of rigid production quotas and rigid price supports. We believe that these tend to add to the gravity of the internal crisis.

We favor programs designed to bring about an orderly and definite liquidation of Commodity Credit Corporation surplus stocks, thus bringing to an end the need for the Commodity Credit Corporation. We maintain that the present policy of selling surplus commodities to depress the market prices below the support level must be stopped.

We believe that basing participation in the programs on crop history is unfair to

the farmer who has followed sound conservation practices during those years used for establishing the bases. We maintain that individual producers' historical productions create an inflexibility in agriculture, that freedom of entry into the market is curtailed, and that the plan would encourage production of other substitutes.

We oppose the unrealistic approach of the Kennedy administration to the farm program, which is in effect aimed at the nationalization and regimentation of American farmers. We oppose Secretary Freeman's use of rigged referendums to increase and expand its control over large and previously unrestricted segments of American agriculture.

We favor programs and policies that would further expand our domestic and foreign markets for agricultural products. We maintain that agriculture should be considered a full participant with other export industries in trade negotiation benefits. A policy to set agriculture apart from other segments of our economy would seriously jeopardize the entire program, restrict important agricultural markets, and prevent agricultural exports from making their maximum contribution to our country's export earnings. We believe that Public Law 480, designed to develop and expand foreign markets, has become more and more an economic assistance program. We advocate that the surpluses moved into consumption through Public Law 480 be tied to realistic long-range development of dollar markets for our products.

We favor programs which place emphasis on research. This includes research on new crops, new products, consumer demand, and new methods that will assist in enlarging our markets.

We endorse the Republican Party's plan for creating a strategic food reserve, and laud the American Farm Bureau Federation for its valuable work in preserving conservative agricultural principles.

#### CIVIL RIGHTS

In this centennial year of the signing of the Emancipation Proclamation, we affirm the interest of the Republican Party in protecting the personal liberties of each and every American citizen.

We believe that the Constitution of the United States is based upon the philosophy—first proclaimed in the Declaration of Independence—that all men are endowed by their Creator with certain inalienable rights.

We believe it is the proper function of the Federal Government to enforce the Constitution together with all its amendments, but we believe that this cannot be done fairly if either the executive or judicial branch oversteps its constitutional functions.

#### ECONOMIC POLICY AND WELFARE

We believe that the free market economy is a sound and growing economy, that a free economy is necessary for the preservation of individual liberty, and that only this can be ultimately victorious over international communism.

We favor comprehensive tax reforms and reductions to encourage both employment and investment, but hold that no decrease in taxation can be affected without a reduction in governmental expenditures. We further feel that such a reduction would be, *ipso facto*, salutary, and favor decreases in such areas as welfare, foreign aid, and agriculture.

We favor decreases in defense expenditures in areas where it can be shown that these expenditures are not clearly consistent with the national good. This statement is not to be construed as intending to weaken the defense capability of the United States in any way.

We favor the growth of private enterprise, and deplore the increasing infringement of the Government through regulation of, and

competition with, the free market economy. We favor the increase of depreciation allowances for plant improvement, and feel that the present 52-percent corporate profit tax, imposed under the contingencies of war, should be sharply reduced.

We urge the Federal debt be reduced with all due haste consistent with the national good and welfare.

We oppose further deficit financing, unless under the extreme adversity of war and/or depression, and maintain that a balanced budget would strengthen the position of the dollar, both at home and abroad.

We favor further tariff reductions with reciprocal tariff reductions on American exports. We deplore the shirking of congressional responsibility over matters of foreign trade, with its accompanying aggrandizement of Presidential powers in this field.

We favor maintaining the current depletion allowances on national resources.

We oppose the extension of the social security system; specifically we oppose any program of medical care financed by social security. We urge the adoption of the Goldwater-Clark bill proposing exemption from social security for those who object to it on religious grounds.

We feel that compulsory social security is an improper interference with the rights of our citizens to provide for their own retirement. We, therefore, urge the Congress to begin hearings on legislation making membership in the social security system voluntary.

#### EDUCATION

We maintain that the success of the Government of this Republic is directly dependent upon the educational level of its citizens. Due to the presently heavy technological demands placed upon the American educational system, we recommend the following with regard to American education:

We believe that the financing and responsibility for education is primarily a local concern, and as such should be handled on the local level rather than on the Federal level whenever appropriate.

We strongly object to attempts by the Federal Government to circumvent the 10th amendment to the Constitution of the United States by interfering with the right of State and local governments to determine educational policies within their jurisdictions.

We recommend that the individual should be allowed a deduction from his Federal taxable income equal to the amount paid for local school taxes, and that the individual be allowed a deduction from his Federal taxable income equal to the amount paid for college tuition.

We applaud the development of loan programs by colleges, along with private and corporate groups to insure that no qualified student is deprived of the opportunity for a college education.

We affirm that as students attending the February 1963 eighth annual convention of the Illinois Young Republican College Federation, by a vote of 131 to 4, declare that the National Student Association does not speak for us.

We urge that the students of all colleges and universities in Illinois seriously consider the value of continued membership in the National Student Association.

In the light of our own evaluation, we further recommend that all colleges and universities in Illinois withdraw from the National Student Association.

#### FOREIGN POLICY

We believe that the purpose of American foreign policy must be to maintain freedom for the American people, and to preserve the right to freedom for all people. We maintain that the United States is engaged in a war with the international, conspira-

torial forces of communism and that we must take the offensive toward winning that war.

We assert that the sole criterion for judging foreign policy is whether or not that proposed policy will further the interests of the United States. To implement this policy, we state the following:

We advocate limiting foreign aid to those anti-Communist nations which will use the funds and military assistance for the furthering of freedom and strengthening of the free world alliance. We believe that free enterprise is the only practical means for increasing productivity in Latin America, and favor the reorganization of the Alliance for Progress toward the end of stimulating such free enterprise.

We realize the overt limitations of the United Nations as a means for preserving world peace. We do not feel that the foreign policy of the United States should be subordinated to so-called world opinion.

We are shocked at the bellicose and heartless actions of the United Nations, under the leadership of Secretary-General U Thant, in forcing the submission of the peaceful nation of Katanga into an arbitrary union with the unstable and Communist-influenced Central Government of the Congo at Leopoldville.

We advocate a return to the Monroe Doctrine and the eradication, by force if necessary, of communism in the Western Hemisphere. We endorse the U.S. Senate in its investigation of the Bay of Pigs invasion, and condemn the attempts of some members of the administration to distort the truth regarding it.

We unalterably oppose the admission to the United Nations or the diplomatic recognition of the Communist government of China. We recognize the government of Generalissimo Chiang Kai-shek as the only lawful government of the Chinese people. We are unalterably opposed to any economic assistance to the Communist regime on the mainland.

We hereby support all programs for counter-guerrilla action in Vietnam, in order to defend the nations of Southeast Asia.

We propose to meet any infringement of the sovereignty or freedom of West Berlin with military force and reaffirm our support for the reunification of Germany under a free, democratically elected government.

We strongly encourage the administration to conduct its foreign affairs through normal diplomatic channels and are appalled at recent incidents which have occurred due to the abandonment of this policy.

#### LABOR

We affirm that the Republican Party has fought for laws which would help labor unions become more representative and responsible institutions. We have faith in the practice of collective bargaining as being the proper means of settling disputes. We regret and recognize as a threat to the system the trend of all powerful Federal Government inviting itself in on dispute settlement, and condemn the efforts of the Kennedy administration to circumvent this process through personal interference in labor disputes.

We as Republicans believe that the individual has the ability to best solve his own problems. To this end we support the right of the individual to choose his own bargaining agent and to choose without compulsion by public law or private agreement whether or not he desires to belong to a union. We support the right of an individual to bargain independent of a union acting as his own agent.

We favor legislation to prohibit the use of union funds, and/or assignment of manpower, in any partisan politics.

We support Landrum-Griffin and all like legislation which protects the individual

American worker. In this connection, we recommend legislation to provide that all union elections be by secret ballot.

We can think of no greater loss to the American public, management, or to organized labor itself than featherbedding. We believe that management should have the sole prerogative to lay off workers where technological advances make jobs obsolete.

We realize that labor skills are not easily transformed; therefore, we favor joint responsibility of labor and management for retraining programs as opposed to Government programs.

We believe unions should be bound strictly to their contracts, as are businesses, including liability on the part of unions for non-fulfillment of contractual obligations.

We support the right of employers to determine their own affairs and we deplore the most recent example of Government interference; namely, the NLRB decision concerning Darlington Knitting Mills, which deprived this firm the basic right of going out of business.

We favor the outlawing of all secondary boycotts and coercive blackmail picketing not covered by the Landrum-Griffin law.

Realizing that unions are potentially the most powerful monopoly in the United States today, we urge legislation to prevent them from acting in restraint of trade, or to the detriment of the national health and safety.

#### NATIONAL DEFENSE AND INTERNAL SECURITY

We assert that America must have a defense posture second to none, in order to protect itself and the other nations of the free world from the ever-threatening forces of communism.

We believe that the testing and development of nuclear weapons is vital to the national security interests of the United States. We advocate taking all necessary steps toward maintaining America's nuclear superiority over the Communist bloc. We call for America's continued exploration of outer space under the Department of Defense.

We favor retention of our overseas military bases program and the expansion of the Polaris submarine program.

We favor continued efforts to strengthen and unify our mutual security alliances.

We support the maintenance and development of conventional military capabilities for combat in brush fire wars. We call for the further development of our national capabilities to carry out limited or brush fire wars. We support the development of our capability to carry out these wars with our allies.

We advocate positive steps to reduce inefficiency and unnecessary duplication in the armed services, but favor the present system of basically autonomous military departments.

We endorse the Federal Bureau of Investigation, the House Committee on Un-American Activities, and the Senate Internal Security Subcommittee for their invaluable work in exposing the extent and efficacy of the Communist network in this country.

We call for the further development of a system of antimissile defense. We feel that the Nike-Zeus program is of significant value in this area.

#### OPPOSITION IS GROWING TO MISGUIDED AMENDMENTS TO CONSTITUTION

Mr. KEATING. Mr. President, the executive committee of the association of the bar of the city of New York, in consultation with the association's committee on Federal legislation, recently issued an excellent report on the three amendments to the U.S. Constitution

proposed by the Council of State Governments.

The report concludes that adoption of these amendments "would revolutionize our form of government and turn the clock back to the Articles of Confederation of 1777—which proved to be a failure and which were replaced 10 years later by the Federal Constitution." The committee expresses its belief that it is the duty of the organized bar to speak out publicly and emphatically against the adoption of these ill-conceived amendments and to take steps to educate the public as to their real significance. It strongly urges that State legislatures and Congress reject the amendments.

An excellent editorial in the Rochester Democrat and Chronicle also points out the dangers which these amendments pose to our system of constitutional government:

Enactment of the amendments—

The editorial notes—

would sap the strength of the Federal Union and could leave the American people to the mercy of the States imbued with new and dangerous powers.

Mr. President, while I cannot conceive of these amendments ever being approved, I heartily support the efforts of the bar and our leading newspapers to educate and alert the American people to the menacing character of these proposals. In the words of the Rochester Democrat & Chronicle editorial "these proposals should be sentenced to a well-earned limbo," and I am confident that when their character is fully understood, that this will be their fate.

Mr. President, I ask unanimous consent that the text of the report of the Association of the Bar of the City of New York and of the editorial from the Rochester Democrat & Chronicle be printed at this point in the RECORD.

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

#### A REPORT BY THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK ON THREE AMENDMENTS TO THE U.S. CONSTITUTION PROPOSED BY THE COUNCIL OF STATE GOVERNMENTS

##### INTRODUCTION

The Council of State Governments, meeting in Chicago in December 1962, approved three resolutions<sup>1</sup> for action by State legislatures petitioning Congress to call a convention<sup>2</sup> to propose three amendments to

<sup>1</sup> The full texts of the 3 proposals are annexed hereto as appendixes A, B, and C, and reasons for their adoption advanced by the council may be found in "Amending the Constitution To Strengthen the States in the Federal System," 36 State Government 10 (1963).

<sup>2</sup> The proposal for a constitutional convention is an innovation since this alternative of amending the Constitution has never been used. Article V relating to amendments reads so far as it is pertinent here: "The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and pur-

the U.S. Constitution, which may be summarized as follows:

1. To provide that if two-thirds of the State legislatures approve identical texts of a proposed constitutional amendment, the President of the Senate and the Speaker of the House of Representatives must so certify and such amendment shall be deemed to have been proposed without further action by Congress and when ratified by legislatures of three-fourths of the States shall become a part of the Constitution.

2. To provide for the establishment of a "Court of the Union," composed of the chief justices of the highest courts of each of the States which would have authority to reverse the U.S. Supreme Court in matters relating to the rights reserved by the Constitution to the States or to the people.

3. To provide that no provision of the Constitution, or any amendment thereto, shall restrict or limit any State in the apportionment of representation in its legislature and that the judicial power of the United States shall not extend to any suit or any controversy relating to apportionment of representation in a State legislature.

Considering the far-reaching character of the proposed amendments, they have made remarkably successful, but until recently unnoticed, progress in State legislatures since they were proposed by the council last December.

Based on the information available,<sup>3</sup> 11 States, i.e., Arkansas, Florida, Idaho, Illinois, Kansas, Missouri, Oklahoma, South Carolina, South Dakota, Texas, and Wyoming have passed the first resolution proposing the amendment giving the States power to amend the Constitution, and it has been passed by one house of the State legislatures in eight other States, namely, Colorado, Indiana, Iowa, Mississippi, New Jersey (but later rescinded), New Mexico, Oregon, and Wisconsin. Four States, i.e., Alabama, Arkansas, Florida, and Wyoming have passed the second resolution proposing the "Court of the Union" amendment, and it has been passed by one house of the State legislatures in six other States, namely, Mississippi, New Jersey (but later rescinded), New Mexico, South Carolina, South Dakota, and Wisconsin. Fourteen States, i.e., Arkansas, Idaho, Kansas, Missouri, Montana, Nebraska (but

poses, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress."

The proponents of the amendments argue that Congress would be required to call a convention if legislatures of two-thirds of the States adopt and file with Congress identical resolutions containing the text of the proposed amendments, petitioning Congress to arrange a convention to "propose" them. The soundness of that conclusion has been challenged. Black, "The Proposed Amendment of Article V: A Threatened Disaster," 72 Yale L.J. 957 (April 1963). While the committee shares Professor Black's views, the risks attendant upon the possibility that Congress might under such circumstances feel constrained to call a convention for the limited purpose of proposing these particular amendments are so great that the committee believes that the organized bar should take all possible steps to convince Congress, the public, and State legislatures of the unwisdom of these proposals so that the stage at which Congress would face the difficult and unprecedented problem of deciding whether it would be required to call a convention will never be reached.

<sup>3</sup> New York Times, Apr. 14 and 15, 1963, and May 2 and 15, 1963; release of Council of State Governments, May 3, 1963.

vetoed by the Governor), Nevada, Oklahoma, South Carolina, South Dakota, Texas, Utah,<sup>4</sup> Washington, and Wyoming, have passed the third resolution proposing the "apportionment" amendment and it has been passed by one house of the State legislatures in six other States, namely, Colorado, Illinois, Iowa, Mississippi, New Jersey (but later rescinded), and Oregon.

Advanced by their sponsors purportedly in support of the principle of States' rights and to correct what they believe to be a presently existing "grave imbalance" in the division of the powers of government between the Nation and the States,<sup>5</sup> the proposals are in fact accurately described by Prof. Charles L. Black, Jr., of Yale Law School, as "radical in the extreme."<sup>6</sup> In an analysis of the three proposals, Professor Black has stated:<sup>7</sup> "They aim not at the preservation but at the subversion of that balance in Federal-State relations which has, in the words of the [Council of State Governments'] report, enabled us to escape 'the evils of despotism and totalitarianism.' They constitute, collectively, one more attempt, so late in the day, at converting the United States into a confederation. The wisdom of peace and the sacrifices of war alike warn against starting down that ruinous road."

Taken collectively, the three proposals would result in (1) placing the power to amend the national Constitution in the control of State legislatures, (2) placing the final construction of the Constitution in the hands of judges whose offices are created and whose salaries are paid by State legislatures and (3) exempting State legislatures from any effective policing by the U.S. Supreme Court or Congress of their representative character.

Each of the proposed amendments is analyzed below and the views of the committee with regard thereto are stated.

#### THE PROPOSED AMENDMENT TO CHANGE THE AMENDING PROCESS<sup>8</sup>

Set forth below is article V of the Constitution showing the changes which would be effected if the Council of State Governments' proposal were adopted (new matter which would be added by such amendment being italicized and present matter which would be deleted by such amendment being shown in black brackets):<sup>9</sup>

#### "ARTICLE V.—AMENDMENTS

"The Congress, whenever two-thirds of both Houses shall deem it necessary, [shall propose amendments to this Constitution,] or, on the application of the legislatures of two-thirds of the several States, shall propose amendments to this Constitution, [shall call a convention for proposing amendments,] which [in either case,] shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States. Whenever applications from the legislatures of two-thirds of the total number of States of the United States shall contain identical texts of an amendment to be proposed, the President of the Senate and the Speaker of the House of Representatives shall

<sup>4</sup> The Utah resolution was adopted in somewhat different language than that proposed by the Council of State Governments.

<sup>5</sup> National Legislative Conference Committee on Federal-State Relations, report to the General Assembly of the States, Dec. 6, 1962, statement of principles (obtainable from the Northeastern Regional Office of the Council of State Governments, 1201 Bar Building, 36 West 44th Street, New York 36, N.Y.).

<sup>6</sup> New York Times, Apr. 14, 1963.

<sup>7</sup> Ibid.

<sup>8</sup> See app. A.

<sup>9</sup> Capitalization and style of present article V are retained.

so certify, and the amendment as contained in the application shall be deemed to have been proposed, without further action by Congress. I, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; Provided, That no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate."

The effect of this proposed amendment would be to:

1. Abolish the present alternative method of proposing amendments, whereby, upon application of legislatures of two-thirds of the States, Congress shall call a convention for that purpose;

2. Abolish the present alternative method for ratification by conventions in three-fourths of the States (instead of by State legislatures in such number of States) if Congress so decides, of amendments which have been proposed either by Congress (by two-thirds of both Houses) or by a convention called by Congress for the purpose; and

3. Substitute a procedure whereby the Constitution may be amended by (a) filing with Congress applications from legislatures of two-thirds of the States which contain identical texts of a proposed amendment, (b) certification of such filing (a purely ministerial act) by the President of the Senate and the Speaker of the House and (c) ratification of such amendment by the legislatures of three-fourths of the States.

Under present article V an amendment to the Constitution cannot be proposed except after national deliberation and presumably the achievement of something like a national consensus either in Congress by a two-thirds vote of both Houses (including the House of Representatives where at least the voting power is roughly proportional to population), or by a national convention (upon proper application of two-thirds of the States) called and constituted by Congress. The Council's proposal, on the other hand, would bring about a "change in the distribution of ultimate power,"<sup>10</sup> giving to the States, acting through their legislatures, power not only to propose, but also to ratify, amendments to the national Constitution.

State legislatures, by the very nature of their purpose and function, have relatively small acquaintance with problems viewed from a national perspective. They have little or no experience in dealing with problems in such perspective. Moreover, even given the best of intent on the part of any State legislature, there would be great difficulty in acquainting the members with the attitudes, views, and needs of sections of the country other than their own. Whereas a congressional committee can obtain views from many areas of the country at a single hearing, the States would require 50 hearings. In addition, the greater publicity which is given to Washington activities provides a greater likelihood that proposed amendments will be given the full consideration which they deserve and not slipped through the legislative mill without publicity.

While the Constitution describes a Federation of States united as a Federal Nation, the proposed amendment moves in the direction of a confederacy.<sup>11</sup> By completely bypassing

<sup>10</sup> Black, *supra*, Note 2, at 957.

<sup>11</sup> A "confederacy" is a "body formed \* \* \* by States \* \* \* united by a league"; it is a "looser union than a federation." Webster's Third New International Dictionary. For example, in the Article of Confederation of 1777, article III provided that the "States hereby severally enter into a firm league of friendship with each other," and article II stated, "Each State retains its sovereignty, freedom and independence, and every power,

all national organs (except for the ministerial roles assigned to the President of the Senate and the Speaker), the proposed amendment seeks to give the individual States the final voice on questions of national importance. The political theory expressed by the proposed amendment is similar to that behind the Articles of Confederation, a philosophy rejected by the authors of the Constitution. It also partakes of the doctrines of Calhoun and other States' rights advocates, which were rejected by the War Between the States.

The amendment appears in an even more dangerous light when one takes into consideration the fact that many State legislatures are grossly unrepresentative of the people within the States—a condition which the third proposal of the National Council of State Governments would perpetuate.<sup>12</sup> To commit the process of amending the Federal Constitution to the control of the State legislatures would result in permitting constitutional amendments to be adopted which had support from only a minority of national citizenry. Professor Black has pointed out<sup>13</sup> that 38 least populous States, whose legislatures might under proposed article V repeal the full faith and credit clause, contain about 40 percent of the country's population. He further states:<sup>14</sup> "In the best table accessible [compiled by the National Municipal League, New York Times, Mar. 28, 1962, p. 22, col. 3] relevant data are given for 34 of the 38 least populous States of the Union. On the average, it takes 38 percent of the people in one of these States to form the constituencies of enough State senators or representatives to pass a measure through the more accurately representative house of the State legislature. Taking this figure as good enough for present purposes, if the proposed article V were in force, the income tax could be abolished, by repeal of the 16th amendment, if about 15 percent of the American people were represented by legislators who desired that result."

Professor Black explains that this figure is arrived at by taking 38 percent (the percentage of people in the relevant States necessary, on the average, to control the legislature) of 40 percent (the percentage of the American people residing in the 38 least populous States).

#### THE "COURT OF THE UNION" AMENDMENT<sup>15</sup>

This amendment would provide that upon demand of the legislatures of five States, made within 2 years after the rendition of a judgment by the Supreme Court "relating to rights reserved by the Constitution to the States or to the people," such judgment shall be reviewed by a court, to be known as the "Court of the Union," composed of the chief justices of the highest courts of the 50 States. The issue before the court would be whether "the power or jurisdiction sought to be exercised on the part of the United States" (apparently as reflected in the judgment of the Supreme Court under review) was a power granted to the United States under the Constitution. A majority of the Court of the Union (that is, State chief justices representing 26 of the States) would have the authority to reverse the Supreme Court decision. The proposed amendment further provides that decisions of the Court of the Union upon matters within its jurisdiction would be final, could not be overruled by any court and could be changed only by a Constitutional amendment.

On its face the proposal purports to establish a court with fairly limited jurisdiction with power to decide only a single issue, but

jurisdiction and right, which is not by this confederation expressly delegated to the United States, in Congress assembled."

<sup>12</sup> See discussion at p. 30, *infra*.

<sup>13</sup> Black, *supra*, note 2, at 959-960.

<sup>14</sup> *Id.* at 960.

<sup>15</sup> See app. B.

the Court of the Union's jurisdiction would inevitably be broad and sweeping. In giving the Court jurisdiction to review "any judgment of the Supreme Court relating to the rights reserved to the States or to the people" the proposal would in effect allow the Court to review practically any Supreme Court decision interpreting the Federal Constitution. In a government of granted powers any case involving a constitutional question necessarily determines whether rights have been reserved. Moreover, it is to be expected that the Court of the Union would be the final judge of its own jurisdiction, for an inferior court could hardly determine the jurisdiction of a superior court.

The proposal, therefore, would transfer the ultimate judicial power in this country from a court whose members are responsible to a Nation to one whose members are avowedly responsible only to individual States. As such we believe it objectionable in its attempt to reverse the trend of history and to change principles on which the country has been founded and developed.

Apart from the undesirability of such a transfer of ultimate judicial power, the proposal is objectionable because it would place the judicial power in a body that could not be expected to be independent. The Court of the Union will consist of the chief justices of each of the States, and there is no restriction on the manner in which the chief justices are to be selected. Many States elect their chief justices, in some cases for relatively short terms. Thus, the members of the court would not have a guarantee of life tenure that would permit them to be immune to the whims and tyranny of transient majorities within their States. Under these conditions, it cannot be hoped that they would act on the controversial issues that inevitably would be before them in a judicial, rather than a legislative, manner.

In addition, the authors of the proposal have ignored the practicalities of constitutional litigation in several substantial respects:

1. Procedure of the court: The size of the court and the dual functions of its members raise serious doubts concerning the ability of the court to function like an ordinary judicial tribunal. The Court of the Union would be too large to consider issues in the ordinary judicial manner of collective deliberation. The requirement of a majority of 26 for affirmative action renders written opinions on decisions unlikely. Moreover, each member of the Court of the Union would have a full-time job as chief justice of his State, but the issues to be considered by the Court of the Union should doubtless receive extensive consideration. Either the administration of State justice must suffer, or the constitutional issues must receive less than due consideration.

2. Representation: Although the drafters clearly consider the real parties in interest to be the States and the Federal Government, there is no indication of how governmental interests are to be represented. Important constitutional questions may arise in private litigation, and an amicus appearance may not be adequate in all cases, when the decision is to have the finality planned for the Court of the Union. But intervention of right would make the lawsuit unwieldy if many exercised the right.

3. Burden to litigants: The possibility of Court of the Union review would mean that Supreme Court decisions on constitutional questions could not become final for a minimum of 2 years after delivery. This additional time and the opportunity for a losing litigant to canvass various State legislatures will add considerably to the already heavy expenditure of time and money needed for constitutional litigation. Moreover, even if the litigants wish to terminate the litigation,

they cannot do so, for the States may always act on their own initiative.

4. Constitutional paralysis: The Council of State Governments objects to the present finality of Supreme Court decisions. But the Supreme Court can overrule its own decisions, and Congress can frequently change the effect of decisions by legislation (e.g., case involving Federal preemption). The Court of the Union's decisions, however, "shall be final and shall not thereafter be overruled by any court and may be changed only by an amendment of this Constitution." This suggests that the Court of the Union cannot reconsider its own decisions in the light of changed circumstances and imposes a greater finality than now attaches to decisions of the Supreme Court. Such finality would stifle constitutional growth.

In brief, the committee's basic objections to this proposal are that (1) it would commit the interpretation of the Federal Constitution (with its characteristic of national law) into the hands of a court which would be representative not of the national judiciary but of the judiciary of the individual States, and (2) the chief justices representing 26 of the least populous States would have the power, in the final analysis, to decide what the Constitution means. Taken together with the other two proposed amendments, this proposal would take the United States further down the backroad from Nation to confederacy.

#### THE APPORTIONMENT AMENDMENT<sup>16</sup>

With the avowed purpose of overruling the Supreme Court's decision in *Baker v. Carr*,<sup>17</sup> this proposal would amend the Constitution to provide that no provision of the Constitution, or any amendment thereto, shall restrict or limit any State in the apportionment of representation in its legislature and would further provide that the judicial power of the United States shall not extend to any suit in law or equity or to any controversy relating to apportionment of representation in a State legislature.

Regardless of one's views on the merits of the Supreme Court's decision in *Baker v. Carr* (as to which the committee in this report takes no position), the committee opposes the "apportionment" amendment because in principle it is opposed to diminishing Federal constitutional guarantees under the "equal protection clause" of the 14th amendment, and also because it believes that to embark upon a policy of introducing exceptions to the "equal protection clause" is dangerous and may lead eventually to whittling away that vital constitutional guarantee.

Moreover, the proposal goes beyond the 14th amendment's equal protection clause. It provides that "no provision of the Constitution, or any amendment thereto, shall restrict or limit any State in the apportionment of representation in its legislature" (emphasis supplied). This apparently would provide sanction for States to use "apportionment" as a guise for rank racial discrimination, in contravention of at least the purpose and spirit of the 15th amendment.<sup>18</sup>

<sup>16</sup> See app. C.

<sup>17</sup> 369 U.S. 186 (1962), where the Court held that Federal district courts have jurisdiction of suits by qualified voters for members of a State legislature to redress alleged deprivation of such voters' Federal constitutional rights arising from malapportionment of seats in the legislature, on the ground that such voters are thereby denied the equal protection of the laws guaranteed by the 14th amendment.

<sup>18</sup> Amendment XV provides that the right of United States citizens "to vote shall not be denied or abridged \* \* \* by any State on account of race, color, or previous condition of servitude" and empowers Congress to

The proposal is also open to the objection that it would thwart the constitutional provision (art. IV, sec. 4) by which the United States guarantees "to every State in this Union a republican form of Government," since the proposed amendment would deprive the Federal judiciary and Congress of authority to implement that guarantee, no matter how gross might be the malapportionment in any particular State, and since experience has shown that correction of malapportionment abuses is unlikely to be made by the State legislatures themselves.

The effect of the adoption of this proposed amendment would be not only to remove from the jurisdiction of U.S. courts matters relating to apportionment of representation in State legislatures, but it would also deprive State courts of jurisdiction of such matters on Federal constitutional grounds.

Beyond doubt, adoption of this proposal would entrench more deeply existing abuses and make it unlikely that such abuses would ever be corrected.

Finally, if adopted, this proposal would constitute the first diminution in American history of any Federal constitutional guarantee of liberty, justice or equality. Together with the other two proposals in the Council of State Governments's package, it would work a profound, and in the view of the committee, a damaging change in the government of our country and in Federal-State relationships.

#### CONCLUSION

Advanced by their sponsors in the name of conservatism and the tradition of States' rights, the full impact of these three proposals, when viewed in the light of our constitutional history, is radical in the extreme. It is not overstating to say that should these amendments to the Constitution be adopted it would revolutionize our form of Government and turn the clock back to the Articles of Confederation of 1777—which proved to be a failure and which were replaced 10 years later by the Federal Constitution.

#### RECOMMENDATION

The executive committee of the Association of the Bar of the City of New York believes that it is the duty of the organized bar to speak out publicly and emphatically against the adoption of these ill-conceived amendments and to take steps to educate the public as to their real significance. Accordingly, the executive committee recommends to citizens, to State legislatures, and to Congress that the three amendments proposed by the Council of State Governments (as set forth in appendices A, B, and C to this report) be rejected.

Respectfully submitted.

The Executive Committee of the Association of the Bar of the City of New York; Arthur H. Christy; Merrell E. Clark, Jr.; Mark N. Donohue; William Everdell; Henry Harfield; Mendes Hershman, chairman; Seymour M. Klein; George S. Leisur, Jr.; Charles Looker; E. Noble Lowe; Russell D. Niles; Sheldon Ollensis; Charles F. Preusse; Ross Reid; Andrew Y. Rogers; Whitney North Seymour, Jr.; Ex Officio: Herbert Brownell, President of the Association; George P. Kramer, Secretary; Melbourne Bergerman, Treasurer; Former President of the Association: Dudley B. Bonsal; \* Allen T. Klots; Louis M. Loeb; Orison S. Marden; Whitney North Seymour; Harrison Tweed; Bethuel M. Webster.

JUNE 4, 1963.

adopt enforcing legislation. See Anthony Lewis, "Justice Aid Says 'States Rights' Amendments Would Cost Negroes the Vote," New York Times, May 2, 1963.

\* Judge Bonsal did not participate in the preparation or consideration of the report.

## APPENDIX A

A [joint] resolution<sup>1</sup> memorializing Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States relating to article V thereof

*Resolved by the house of representatives (the senate concurring)*, That this legislature respectfully petitions the Congress of the United States to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States:

## "ARTICLE —

"SECTION 1. Article V of the Constitution of the United States is hereby amended to read as follows:

"The Congress, whenever two-thirds of both Houses shall deem it necessary, or, on the application of the legislatures of two-thirds of the several States, shall propose amendments to this Constitution, which shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States. Whenever applications from the legislatures of two-thirds of the total number of States of the United States shall contain identical texts of an amendment to be proposed, the President of the Senate and the Speaker of the House of Representatives shall so certify, and the amendment as contained in the application shall be deemed to have been proposed, without further action by Congress. No State, without its consent, shall be deprived of its equal suffrage in the Senate.

"Sec. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within 7 years from the date of its submission"; be it further

*Resolved*, That if Congress shall have proposed an amendment to the Constitution identical with that contained in this resolution prior to January 1, 1965, this application for a convention shall no longer be of any force or effect; and be it further

*Resolved*, That a duly attested copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, and to each Member of the Congress from this State.

## APPENDIX B

A [joint] resolution<sup>1</sup> memorializing Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States

*Resolved by the house of representatives, the senate concurring*, That this legislature respectfully petitions the Congress of the United States to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States:

## "ARTICLE —

"SECTION 1. Upon demand of the legislatures of five States, no two of which shall share any common boundary, made within 2 years after the rendition of any judgment of the Supreme Court relating to the rights reserved to the States or to the people by this Constitution, such judgment shall be reviewed by a court composed of the chief justices of the highest courts of the several States to be known as the Court of the Union. The sole issue before the Court of the Union shall be whether the power or jurisdiction

sought to be exercised on the part of the United States is a power granted to it under this Constitution.

"Sec. 2. Three-fourths of the justices of the Court of the Union shall constitute a quorum, but it shall require concurrence of a majority of the entire court to reverse a decision of the Supreme Court. In event of incapacity of the chief justice of the highest court of any State to sit upon the Court of the Union, his place shall be filled by another justice of such State court selected by affirmative vote of a majority of its membership.

"Sec. 3. On the first Monday of the third calendar month following the ratification of this amendment, the chief justices of the highest courts of the several States shall convene at the National Capital, at which time the Court of the Union shall be organized and shall adopt rules governing its procedure.

"Sec. 4. Decisions of the Court of the Union upon matters within its jurisdiction shall be final and shall not thereafter be overruled by any court and may be changed only by an amendment of this Constitution.

"Sec. 5. The Congress shall make provisions for the housing of the Court of the Union and the expenses of its operation.

"Sec. 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within 7 years from the date of its submission"; be it further

*Resolved*, That if Congress shall have proposed an amendment to the Constitution identical with that contained in this resolution prior to January 1, 1965, this application for a convention shall no longer be of any force or effect; be it further

*Resolved*, That a duly attested copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States and to each Member of the Congress from this State.

## APPENDIX C

A [joint] resolution<sup>1</sup> memorializing Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States

*Resolved by the house of representatives (the senate concurring)* That this legislature respectfully petitions the Congress of the United States to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States

## "ARTICLE —

"SECTION 1. No provision of this Constitution, or any amendment thereto, shall restrict or limit any State in the apportionment of representation in its legislature.

"Sec. 2. The judicial power of the United States shall not extend to any suit in law or equity, or to any controversy relating to apportionment of representation in a State legislature.

"Sec. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures of three-fourths of the several States within 7 years from the date of its submission"; be it further

*Resolved*, That if Congress shall have proposed an amendment to the Constitution identical with that contained in this resolution prior to January 1, 1965, this application for a convention shall no longer be of any force or effect; be it further

*Resolved*, That a duly attested copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States and to each Member of the Congress from this State.

[From the Rochester (N.Y.) Democrat and Chronicle, July 10, 1963]

## THESE AMENDMENTS SHOULDN'T AMEND

The U.S. Constitution has been jabbed at and even shaken at times since it went into effect 174 years ago and it has survived every threat to change its essential form. Thanks to defenders like Governor Rockefeller, we expect it to withstand the current effort of extreme rightists and States righters to weaken this remarkable instrument of human freedom.

Nevertheless the movement on behalf of three amendments is by no means a token effort, 16 States having approved one or more of them. One proposal would let States bypass Congress in amending the Constitution; a second would deprive the U.S. Supreme Court of jurisdiction to review the fairness of legislative apportionment; the third would create a super court (made up of chief justices of the 50 States) that could overrule U.S. Supreme Court decisions involving rights reserved to the States.

In opposing the amendments at the Governors' conference, Governor Rockefeller put himself in distinguished company—President Kennedy, Chief Justice Warren, and many others.

Recent successful use of Federal muscle in enforcing Court decisions in the South points up dangers of weakening the Federal Government by increasing the States' powers. In union there is strength, and the U.S. Constitution symbolizes and validates that strength. A new super court would create confusion and dilute the power and dignity of the U.S. Supreme Court. Enactment of the amendments would sap the strength of the Federal union and could leave the American people to the mercy of the States imbued with new and dangerous powers.

Because they would produce profound and harmful changes in Federal-State relations and distort the original concept of the Constitution, these proposals should be sentenced to a well-earned limbo.

## RELIGION IN THE SOVIET UNION

Mr. KEATING. Mr. President, as we know, the Soviet regime has for years actively fought to eliminate belief in God and all religious practices in the Soviet Union. Communism cannot tolerate any religious doctrines or expressions of spiritual values.

The American Committee for Liberation has recently published an excellent study done by Radio Liberty on the status of religion in the Soviet Union, entitled "The Beleaguered Fortress." I have here an article describing this study and some of its findings, which are both distressing and encouraging. I say distressing because of the pressure and violence used by the Communists in their campaign against religion which this report reveals and yet encouraging because of the indication that religion has not been killed by the regime.

Our praise must be extended to those who are so courageously countering this vicious attack within the Soviet Union. We must also salute those such as Radio Liberty, who support this work by round-the-clock broadcasts to the Soviet Union. Because of their tireless efforts the Communists have failed in their attempt to suppress religion and the spiritual values which are the fundamentals of freedom Mr. President, I ask unanimous consent

<sup>1</sup> This resolution should be in whatever technical form the State employs for a single resolution of both houses of the legislature which does not require the Governor to approve or veto.

to have printed in the RECORD following my remarks the text of this article.

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

**SOVIET REGIME MOUNTING NEW OFFENSIVE AGAINST RELIGION, SURVEY FINDS**

**NEW YORK.**—Hard-sell newspaper articles and interviews with erstwhile clergymen who have lost religion, soft-sell approach on an individual level, and brass-knuckle harassment of congregations—these are the new trends in the Soviet regime's dogged struggle with religion, spotlighted in a 40-page study originally written for programing guidance of Radio Liberty's staff and now released in booklet form by the press and publications division of the American Committee for Liberation. The American committee is the supporting arm of the freedom network's round-the-clock broadcasts to the Soviet Union.

The booklet, "The Beleaguered Fortress," eloquently documents recent evidence from Soviet sources as well as from the persecuted faithful themselves of the intensified persecution of religion in the Soviet Union in the sixties.

But the booklet, described on its cover as "a survey of the present status of religion in the U.S.S.R.," is more than a cogent compilation of facts. "The Beleaguered Fortress" also tells how it feels to be on its ramparts behind the Iron Curtain. It points out, for instance, that it takes courage of the highest order to stand up for Christ in the Soviet Union or, in the venomous words of a Soviet atheist journal, to become "an idiot for Christ."

Further, for example, it gives the reader an idea of how it feels to be a Jew in the Soviet Union, secretly meeting in private homes for religious services. The animus against Judaism is emphasized in the study: "Whereas all the major Christian groups have their central organizations, nothing of the sort is permitted the Jews."

"The Beleaguered Fortress" also shows the free world how its adversaries attempt to camouflage their attacks on Islam. The followers of this faith, though represented by a national organization, are subject to relentless antireligious indoctrination.

According to the study, the Soviet Government's offensive against the spiritual fortress in the Soviet Union was sparked by the strong comeback of all faiths in the U.S.S.R. in recent months. "Among the city's population there are hundreds of thousands, and in the country many more," Science and Religion, official atheist monthly, wrote plainly in one of its statistical estimates of believers in the U.S.S.R.

In discussing new tactics in the atheists' arsenal, "The Beleaguered Fortress" points to the dangers of the "neighborly attention" device whereby undercover propagandists worm their way into families of known believers to sow doubt with an inconspicuous phrase here or there.

The author of this study, the title of which is derived from a poetic passage, "A mighty fortress is our God," is an American who spent a number of years in Soviet Russia during the formative period of the Soviet regime after the revolution of 1917. During a visit to the Soviet Union 5 years ago, he was able to confirm some of the information he had gathered in his research.

Radio Liberty, with 13 powerful transmitters in West Germany and Spain and 4 transmitters on Formosa, is heard in all heavily populated areas of the Soviet Union despite Soviet jamming efforts. Situated so as to insure optimum propagation of the radio signal, the freedom network's transmitters utilize a total power of more than 1½ million watts. Radio Liberty has broadcast continuously since March 1, 1953.

**FEDERAL RESEARCH**

Mr. KEATING. Mr. President, at the present time there are six resolutions pending before the House Rules Committee to set up a select committee to make a study of the research programs in which the Federal Government is involved. With the Federal Government contributing \$15 billion annually, accounting for two-thirds of the total research outlay in the country, this investigation is very timely and worthwhile.

Mr. President, the increasing budget requests each year makes it especially necessary and important for the Federal Government to be scrupulous in the distribution of funds. With the intricacy and interrelation of Government agencies, the duplication of research studies as well as scholarships becomes very possible. Even more important, we must guard against the research dollar being concentrated too heavily in one field.

Mr. President, an editorial about Federal research programs appeared in the Buffalo Evening News of August 3. I ask unanimous consent that following my remarks the text of the editorial be printed in the RECORD.

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

**MICROSCOPE ON RESEARCH**

The Federal Government's dominant role in every sort of research has been growing so prodigiously that the searching inquiry now ordered by the House Rules Committee on how and to what effect Federal dollars are being spent is very much in order.

In the 1930's the Government annually budgeted about \$100 million for all research and development. Federal support, rising in giant leaps in the postwar years, amounts to almost \$15 billion this year. It accounts for about two-thirds of the total research outlay in the country.

The investigation move comes at a time when Congress is showing unaccustomed resistance to the burgeoning budget requests of the space and other agencies, and to proposals for study grants that smack too much of "intellectual leaf raking" to Capitol Hill critics.

We can be sure, too, that the congressional mood is related to mounting concern about the impact of Federal spending on higher education—whether it is in the long-range national interest for so giant a share of Federal dollars to funnel to a charmed circle of universities and research institutions, with all the regional competitive advantages these can bestow in production contracts and jobs.

The scope of the congressional inquiry, however, promises from advanced billing to reach deep beyond matters of waste or mismanagement into fundamental questions of research priorities related to national objectives. And this is all to the good.

We should know, for example, the basis for fears that scores of uncoordinated Federal talent-buying programs are distorting the balance between research and teaching, at the expense of future brainpower.

Even more than this, we need a much clearer picture of a vast research enterprise that in so many ways shows signs of fragmented decisionmaking. The congressional committee structure itself is poorly equipped to assess scientific judgments. Yet the haphazard assigning of priorities—the way Federal dollars concentrate on this or that space or military project at the expense of limited scientific manpower for research in indus-

trial technology—can be a powerful drag on the Nation's competitive position and the generating of new job opportunities.

**FEDERAL AID TO EDUCATION— THE WAY TO GET IT**

Mr. JAVITS. Mr. President, yesterday the other body passed a vocational education bill. That action raises the question of how we are proceeding in this body on Federal aid-to-education bills. As to their urgency, I think there can be no doubt whatever. It is one of the most critical problems facing the Nation. Increased enrollments, the demands of defense, the need for educating even younger people who have dropped out of school and who are desirous of training, the great inadequacies which we show, for example, in the number of Ph. D. and master's degrees which we are awarding as compared with our competitors in the Soviet Union, the complete inadequacy of meeting our goals in these fields—all are evidence that action is absolutely necessary and most urgently required.

The vocational education bill is extremely important; and, in my opinion, the higher education bill is equally important. The question is, What is the Senate doing? The Subcommittee on Education, of which I am a member, and which is headed by the Senator from Oregon [Mr. MORSE], has been holding hearings on the President's omnibus bill. I have great faith in the chairmanship of the Senator from Oregon. I know that he is as deeply sincere as I or any other Senator in trying to report a bill. What I am desirous of today, however, is to discuss what we ought to do in order to get one.

I believe that in order to get a bill, the administration bill must be split up as it was split in the other body. I think it must be split up so that those sections will get the prime attention and the first priority. Not that first priority is deserved on the merits. It is a question of the legislative facts of life. We must give first priority to the higher education bill. We came so close to agreement in relation to that measure that we failed only in conference the last time between the Senate and the House. Incidentally, I have introduced the conference report as a bill, and it is now before the committee.

There is great opportunity here for constructive action. S. 580, the omnibus education bill, covers the whole range of education needs—from primary and secondary schools to colleges, graduate and professional schools, libraries and vocational schools. Much of it is good and a great deal is immediately vital to the Nation's welfare and progress. It contains major answers to the problems of school dropouts and chronic unemployment on the one hand, and a scarcity of skilled manpower and trained professionals on the other.

I deeply believe that the way to get action on the most immediate needs is to divide from the whole of the legislation the section dealing with higher education and the section providing a greatly

expanded vocational education program and to push for their passage. A similar higher education bill passed both Houses of Congress last year but became bogged down in conference. I have introduced the compromise higher education bill on which the House-Senate conference came so close to agreement last year. The need this year is greater than ever, and we shall be endangering the Nation's future if we do not take affirmative action to help our institutions of higher education. I am fully for Federal aid to primary and secondary schools but we know there is no chance for 1963 so let us get after the most urgent and the most likely—vocational and higher education.

In the face of booming enrollments and galloping costs, time is running out. A recent Ford Foundation study estimates conservatively that student enrollment in public colleges, including junior colleges and universities, will grow rapidly from 2 million in 1960 to about 10 million in 1985.

Private colleges estimate their growth to be from 1.5 million students in 1960 to 2.3 million in 1970, an increase of 53 percent in 10 years.

Moreover, the study points out that by 1985, our economy will call for a labor force that will consist of more than 70 percent of highly skilled and professional workers, most of whom must be college and university trained.

Other long-range projections of our country's employment and manpower needs backup these estimates. The President's Science Advisory Committee, for example, reported last December that our goal in 1970 should be 7,500 Ph. D.'s and 30,000 master's degrees in engineering, mathematics, and the physical sciences. By comparison with this projected total of 37,500 higher degrees, our universities in 1960 produced only 15,000 advanced degrees. And this represented an increase of only 4,000 in 10 years since 1950.

Our security and progress as a nation are so heavily dependent upon our progress in education and the Congress cannot be remiss in its duty if any of us can do anything about it. Our colleges and universities are making almost desperate efforts to meet the enrollment bulge. But they are far behind in meeting the need for classrooms, libraries, modern equipment, and other necessary facilities.

To meet the growing shortage of skilled manpower, our education system should be of the very best quality from grade school through the universities. We do not have the best system now that we can afford, and we are not doing enough to get it.

Until we take the giant steps needed to approach that goal we shall go on wasting the talent and energy of thousands of Americans who should have had at least the opportunity to get a higher education.

At the same time we dare not neglect except at our peril, the mounting problem of those at the lowest rungs of the educational ladder, the large group of unemployed adults who need basic education training as well as vocational education. This is an emergency need whose proportions are shocking and

staggering. There are almost a million dropouts each year from our elementary and secondary schools, and there are also some 8 million adults over 25 years of age who have less than 5 years of school education of any kind. This is a nationwide problem, and in New York State alone there are nearly 2 million adults in this group.

Most of the 8 million cannot read, write, or do enough arithmetic to hold down a simple job. They form the hard core of our unemployed and they become a constant drain on public welfare funds. In this technological world where automation is rapidly replacing the unskilled worker, ways must be found to provide the basic educational tools needed for retraining and subsequent reemployment. The undereducated adult represents a wasted human resource which our economy cannot afford.

These are the education priorities on which Congress must act at this session. I believe that this Congress can reach agreement on some parts of the education package, at the very least on those sections dealing with aid to higher education and to basic adult and vocational education.

Hard core unemployment on the one hand, and on the other, increasing student enrollments, a bulging educational system trying to meet accelerating needs, and mounting costs on all levels—all require action now that will include immediate needs as well as long-range planning. It is an enormous job with tremendous responsibilities and it can no longer be put off.

We must separate the vocational education bill from the omnibus bill. Then we can take up the bills which relate to secondary and primary Federal aid to education. So I make the plea today to my own chairman, as well as to the Senate, that we carve out of the President's omnibus Federal aid to education bill these two sections—higher education and vocational education—that we give to them high priority, and that we pass them in this session. I believe there is no other way. While I understand the reluctance to take that action in terms of an administrative program, I point out that exactly that has been done in the other body. Exactly that has been done here. It is the way in which we can most quickly—and the country needs and urgently demands it—get action on Federal aid to education.

I ask unanimous consent to have printed at this point in the RECORD an editorial entitled "College Facilities," published in the Washington Post on August 7, and an article entitled "Room, Teacher Shortages Remain as Enrollments Grow," published in the Congressional Quarterly, June 28.

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

[From the Washington (D.C.) Post,  
Aug. 7, 1963]

#### COLLEGE FACILITIES

There is still hope of rescuing American education from the doldrums. Despite a seemingly impenetrable congressional listlessness and a reluctance to come to grips with an issue involving overtones of religious controversy, the House of Represent-

atives should soon be called upon to act on a troika of administration aid-to-education bills.

The House Rules Committee is now considering the second and most important of these measures—the so-called college facilities bill, providing a 3-year, \$1.195 billion program of grants and loans to public and private nonprofit colleges and universities to help build classrooms, laboratories, and libraries. The committee decided a week ago to send the much more modest vocational education bill to the House floor under an "open rule" and will probably act before long on aid to federally impacted areas, a program that has long had enthusiastic congressional support.

There is opposition to the college facilities bill on the ground that it would make Federal funds available to sectarian institutions, although not for any religious observances or instruction. This newspaper, which has always been strongly opposed to any Federal support of private schools at the elementary and secondary levels—especially private schools engaged in the propagation of religion—believes that such support can be provided, properly and constitutionally, to institutions of higher learning. The difference can be stated very simply. Higher education is not compulsory; it deals with more mature minds; and it has traditionally been church related and sponsored; higher education, moreover, is oriented primarily to education and not to religious indoctrination.

Enactment of the college facilities bill seems to us of great importance on two counts. First, it would give urgently needed aid to institutions now critically overburdened. Second, it would be significant as a recognition of the Federal responsibility for education. Educators at every level ought to give the measure strong support for its symbolic as well as for its practical importance.

[From Congressional Quarterly magazine,  
June 28, 1963]

#### ROOM, TEACHER SHORTAGES REMAIN AS ENROLLMENTS GROW

While proposals for general Federal aid to improve school and college conditions throughout the country have been at a standstill in the postwar years, the statistics on classroom and teacher shortages have not.

The most recent figures released by the Department of Health, Education, and Welfare's Office of Education show that:

A record 38,837,000 were enrolled in public elementary and secondary schools in the fall of 1962—a 3.7 percent rise over the fall of 1961. The rate of growth varied widely among the four regions, with the West and Southwest regions growing the most rapidly and the Southeast region the slowest.

Figures for the most recent school year available, 1959-60, show that there were 5.7 million pupils in private elementary and secondary schools in the 1959-60 school year. It is estimated that there were 5.5 million children in Catholic schools during the 1962-63 school year.

The school-age population (5 to 17 years old) continued to grow at a rate which was faster than that of the total population. Between October 1, 1961, and October 1, 1962, the estimated school-age population grew from 45.6 million to 47 million, an increase of 3 percent. During the same period, the total U.S. population increased 1.5 percent.

The total elementary and secondary school classroom shortage in the fall of 1962 was 121,235—about evenly divided between the number needed to house pupils in excess of normal capacity and those needed to replace unsatisfactory facilities. New York was the State with the highest classroom needs—11,716—and planned to complete 3,784 in the 1962-63 school year. California was the

State which planned for the most new classrooms—8,000—though its shortage—2,000—was under that of several States. The nine States with the next highest shortages were Michigan (8,319), Pennsylvania (7,644), Illinois (7,151), Texas (6,706), Florida (4,465), Kentucky (4,119), Georgia (3,950), New Jersey (3,913), North Carolina (3,896), and Virginia (3,835).

The total number of classrooms scheduled for completion during the 1962-63 school year was 58,888; 72,000 were completed during 1961-62. The annual average number of classrooms that have been completed in the last 7 years (1955-56 through 1961-62) is 69,600.

The Office of Education estimates that "only a small part" of the 58,888 classrooms scheduled for completion during 1962-63 can be charged against the 121,235 gap because thousands more will be needed by the fall of 1963 to provide for population shifts, the estimated annual enrollment increase of over 1 million pupils, and replacements of rooms abandoned during the previous year for various reasons. In addition, new classroom construction does not necessarily take place in areas of shortage.

The 1962-63 shortage represented a decrease of 6,100 rooms, or 4.8 percent, from the shortage of 127,300 reported in 1961. The Office of Education says that some of this change is probably caused by a change in reporting methods by 11 States.

The 10 States with the highest classroom shortage accounted for 51 percent of the total shortage in the fall of 1962, but planned to build only 35.9 percent of the total rooms scheduled for completion during 1962-63.

There has been a gradual trend toward reorganization and consolidation of smaller school districts. In recent years, the number of school districts fell from 40,500 in 1959-60 to 33,100 in the fall of 1962, consisting of 28,900 operating districts and 4,200 nonoperating districts. The nonoperating districts either did not have any school pupils or sent their pupils to another district on a tuition basis. In the fall of 1962, the Great Lakes and Plains region had 55.6 percent of the operating districts and 85 percent of the nonoperating districts in the United States.

In 37 States and the District of Columbia over 400,000 pupils were attending school for less than a full school day; almost two-thirds of these students were in the elementary schools.

In the fall of 1962 there were 1.5 million full-time and part-time teachers, an increase of 3.4 percent over the number in the fall of 1961. Of these, 82,000, or 5.5 percent, had substandard credentials for their positions. For a regular elementary school teacher's certificate, 44 States require a bachelor's degree, 5 States require 2 years of college, and 1 State requires less than 2 years of college. For regular high school teaching certificates, 3 States require a master's degree or its equivalent and 47 States require at least a bachelor's degree.

College enrollment jumped by 8.1 percent between the fall of 1961 and 1962. More rises are expected as those born during the "baby boom" of the mid-1940's are now becoming of college age.

#### ADMINISTRATION BELLS

The Kennedy administration has requested that Congress pass a broad education program to meet both the problems reflected by these statistics and others as well. For elementary and secondary schools, the President asked for \$1.5 billion, to be turned over to the States and to be used by them, as they see fit, to construct classrooms in areas of critical needs, raise teachers' salaries, or initiate experimental projects to cope with special school problems, such as slum or depressed areas. One important way this differs from past proposals is that school construction is to be undertaken only in areas of critical need; past school construc-

tion bills often spread the funds across-the-board to all school districts. This proposal is still part of an omnibus bill in the Senate (S. 580), where it is undergoing hearings by a Senate Labor and Public Welfare Subcommittee. In the House, the omnibus bill has been broken up. The elementary and secondary school section (H.R. 5344) is undergoing hearings by a House Education and Labor Subcommittee. A college classroom construction bill (H.R. 6143) has been reported to the House and is in the Rules Committee. In the Senate, college aid proposals remain in the omnibus bill.

Several Senators addressed the Chair. The PRESIDING OFFICER (Mr. McIntyre in the chair). The Senator from Montana [Mr. Mansfield] is recognized.

#### OPPORTUNITIES FOR OUR YOUTH

Mr. YOUNG of Ohio. Mr. President, it is with some concern I note that the Youth Employment Act, which we passed by an overwhelming vote in the Senate, has been shelved and is likely to continue as pending business in the Rules Committee of the other body.

This is very unfortunate for the American people.

Over the years the Congress has repeatedly enacted legislation to protect and conserve our natural resources—our land, farms, rivers, lakes, and forests. From these acts we have derived the means by which we have attained the highest standard of living of any nation in the world.

We sometimes lose sight of the fact that the real and great wealth of our country—our most basic resource—is in the boys and girls who will tomorrow follow us as trustees and guardians of our Nation. We are failing many of these young people today. The fact is we should be alarmed at the present lack of physical well-being of our youth. It is shameful that almost half the young men called for induction into our Armed Forces are physically unfit for service.

Crime among young people is on the increase. In automobile thefts alone, 65 percent are committed by teenagers. Every day newspapers report an appalling waste of young lives. Juvenile cases in the courts have more than doubled in the past 10 years. Each year the statistics become worse. Americans should be alarmed at the increase of crimes and misdemeanors committed by juveniles and the physical unfitness of American youth.

We accommodate our surplus in agriculture. We subsidize certain vital industries. Certainly, we should legislate to conserve our youth.

In most cases it is idleness and hopelessness that causes the youngsters to become juvenile delinquents. It is not an indication of the moral decay of our youth. Rather, it is an indictment of our society and of our failure to legislate adequately in their behalf.

It is estimated that by 1965 there will be almost half a million unemployed boys between 16 and 21. The jobless rate for this age group is more than twice the national average. Boys who drop out of school and cannot find jobs find it all too easy to end up in trouble—not only for themselves but for society.

At the same time our national resources are sorely in need of attention. Eroded land, fire-ravaged forests, polluted streams, and neglected recreational areas mock the tourist brochures. There is an \$8 billion backlog of proposed and really essential conservation projects. The work must be done sooner or later. The more it is postponed, the more expensive it will become.

Only a third of the Nation's farmlands are protected by soil-conservation measures. Fifty million acres of forest land need replanting and another 275 million need improvement. Two-thirds of our western grazing lands suffer from erosion. Forest fires alone last year destroyed over 3 million acres of timber.

We must not tolerate this tragic waste of both human and natural resources. The Civilian Conservation Corps of the 1930's gives us the blueprint for what is needed today. As Congressman at Large representing Ohio, I supported this great national experiment. It was one of the most successful projects of the New Deal era. Hundreds of thousands of youth were physically and mentally rehabilitated by reason of the CCC. Today, many of them are scattered throughout the leadership of American Government, industry, and education—testimony to the social values of this great social experiment.

The youth employment legislative proposal which we in the Senate passed would establish two programs for employment of youth in useful occupations. The Youth Conservation Corps it will organize will put young men between the ages of 16 and 21 to work improving the Nation's forests, outdoor recreation areas, and in other basic conservation work. This youth opportunities organization is to be smaller and more flexible than the CCC. It is designed to meet the needs of today. The second program will provide public service employment. Financed by Federal and State matching funds, it will put young people in this same age group to work in hospitals, schools, parks, settlement houses, libraries, playgrounds, juvenile centers, and similar community social welfare projects.

This legislation provides for but a beginning. It would be a good one. These young people who would be dealt with by final passage of this bill have already been left idle too long for their own sake or for the welfare of their fellow countrymen. The entire country is paying heavily for potentially productive manpower going to waste, for young abilities left undeveloped; and more tangibly in the cost of crime to which some turn for want of legitimate employment.

These programs will cost about \$4,000 for each volunteer. Contrast this with the \$25,000 that it costs our society for each juvenile delinquent who now follows the dreary juvenile court-reformatory route.

For thousands of boys in city slums this will be the only opportunity for living and working in the open, their only opportunity to enrich the land and strengthen their lives. It will provide a new sense of purpose for young men growing up in a society in which the opportunity for creative accomplishment

has been becoming rarer each year. Most of all, it will constructively channel those restless energies that today are leading thousands of underprivileged boys in the direction of delinquency, violence, and ultimate self-destruction.

Mr. President, this meritorious proposal will bring untold dividends to our Nation. Many will be tangible in the form of more abundant use of our natural resources. The greatest dividend will be the conservation and enrichment of our youth.

#### MONTANA BOY SCOUT HIKES 50 MILES—ON ONE LEG

Mr. MANSFIELD. Mr. President, the advent of the New Frontier and Kennedy administration brought a new consciousness to physical fitness and athletic skill. The 50-mile hike has subsequently become the symbol of the physically fit.

The most remarkable 50-mile hiker of all is 12-year-old Robert Reopelle, son of Mr. and Mrs. H. C. Reopelle, of Butte, Mont. Bobby recently won plaudits from his fellow Scouts in troop 6 and his scoutmaster for his courage and fortitude during a 50-mile hike in the rugged Anaconda-Pintlar wilderness area. He did it the hard way, asking no favors, hiking along on one leg with the aid of a pair of crutches.

The seventh grader lost his leg in a firearms accident when he was 6 years old and now uses an artificial leg which permits him to play basketball, baseball, and participate in boxing. The courage and determination exhibited by Bobby Reopelle is an inspiration to all of us and the people of Butte and Montana are very proud of him.

Mr. President, I ask unanimous consent to have printed at the conclusion of my remarks in the CONGRESSIONAL RECORD a news story from the August 4, 1963, issue of the Montana Standard, published in Butte, Mont.

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

NO FAVORS ASKED—SCOUT DOES 50-MILE HIKE ON ONE LEG  
(By Frank Quinn)

It's easy to smile that last long mile when you have two sturdy legs.

It's tougher to grin when you're hiking along on one leg, with assistance of a pair of crutches.

Robert Reopelle, 12, son of Mr. and Mrs. H. C. Reopelle, 2109 Ash Street, last week won plaudits of his fellow Scouts of troop 6, his scoutmaster, and other Scout officials for the determination and grit he displayed in a 50-mile hike in the rugged Anaconda-Pintlar wilderness area.

#### NO FAVORS ASKED

He did it the hard way, asking and receiving no favors as he and 23 other Scouts accompanied by 2 adult leaders earned the national Boy Scout 50-Miler Award. They covered well over 50 miles in the primitive mountain area south of Moose Lake in Granite County.

Bobby kept in step during climbs over rugged peaks as the group crossed the Continental Divide four times, forded roaring mountain streams, and worked its way through numerous windfalls.

The trek was pretty tough for any one of the group. For Bobby, according to Scout-

master Dick Matthew and Ken Waldron, troop committee chairman who made the trip, and Scout Executive Robert DeBuhr, it was a remarkable accomplishment.

"There were numerous places where the trails switchbacked up steep grades or gave way to swamps and windfall jungles," Matthew said, "but Bobby kept swinging along on those crutches. He was, in fact, an inspiration to all of us."

The trek started at Carp Creek near Moose Lake and ended at the Boy Scout camp on the middle fork of Rock Creek. The troop established a base camp at Johnson Lake. Other lakes visited included Rainbow, Carp, Pintlar, Oreamnos, Edith, and Phillis. The troop crossed the Continental Divide at Pintlar and Bitterroot Passes. As a good turn, members of the troop cut and left a large supply of firewood at three of the Forest Service trail camps, and spent several hours clearing trails. Bobby cut his share of wood as well as performed the camp chores expected of all good Scouts.

Bobby's brother, Tom, also was on the trip along with the following other members of troop 6: Albert Chiamulera, Bruce and Steve Waldron, Addison Collier, David and Gary Henrich, Joe Carok, Clifford Kindt, Tony Grosso, Stanley Kasun, David Ugetti, Gary Galetti, Jamie Battiola, Ricky O'Donnell, Keith Craig, Henry Kruszick, Jimmy Jones, Eddie Petrin, Jimmy Lawrence, Mickey Bajovich, Mickey Castolani, and Tony Bracco.

Bobby lost his right leg when he was 6 years old as a result of a firearms accident. He generally uses an artificial limb, but in training for the better than 50-mile wilderness trek, he found the artificial leg handicapped him in mountain climbing. He, and other Scouts trained for the Pintlar expedition on the East Range of the Rockies in back of Columbia Gardens.

Bobby is in the seventh grade. With use of his artificial leg he plays basketball, baseball, and boxes.

He's a modest boy, and at first balked at having his picture taken. "The other fellows," he said, "hiked just as far."

That's the way Bobby is. He doesn't consider himself handicapped, and he isn't.

#### REPLY TO EDWIN P. NEILAN, PRESIDENT, U.S. CHAMBER OF COMMERCE

Mr. MANSFIELD. Mr. President, I rise to take exception to certain remarks made today by Mr. Edwin P. Neilan, president of the U.S. Chamber of Commerce.

It would appear that either Mr. Neilan or his speechwriters have been carried away by the propaganda of the far right. The substance of his remarks certainly reflects no credit upon Mr. Neilan or the national chamber.

The gist of his remarks is that we in Congress are immoral, our constituents are immoral, the Federal Government is immoral, and all Federal-State programs are immoral.

His contention is that because a certain town, or city, or county, or district, or State becomes a part of a certain program and receives a certain project, its citizens are bribed to vote a certain way politically.

Certainly, any Representative and any Senator intends to see that his district and his State have the maximum opportunity for development. With the complexities of society in America today, there are problems that are national in scope. These are the problems that the

Federal, State, and local governments attack jointly.

It is an affront to the citizens of this Nation, however, to be accused of bribery because a city, or State, or district receives a certain project.

It is also an affront to the integrity of our citizenry to assume that they would vote for a certain individual solely because that individual was a Congressman or Senator at the time a certain project or program benefited a community.

It is regrettable that Mr. Neilan as the spokesman for a national organization anchored to respectability and conservatism should be the vehicle for the wild statements made today.

His statements are strange, indeed, when one considers the fact that almost 600 bankers, professional people, and businessmen—all chamber of commerce members—have worked on the basic planning for area redevelopment projects in local communities.

These men realize the complexities of our age.

They know that solutions to our problems do not lie in negativism. They know that solutions to our national problems lie in national action.

And so it is unfortunate that Mr. Neilan should make his Washington debut as national chamber president in this manner.

Perhaps he should try again after talking with his rank and file.

#### CONGRESSIONAL REFORM

Mr. CLARK. Mr. President, as week after week goes by and important legislation which holds us here fails to reach the calendar, the public demand for action or, in the alternative, for congressional reform, is growing daily.

The well-known columnist Roscoe Drummond, in a column entitled "Action or Reform," printed in the Washington Post of August 3, 1963, had this to say:

Every student of government who looks upon the functioning of Congress with any detachment in convinced that its machinery must be modernized if it is to recover its eroded authority and have any chance of transacting the public business efficiently and responsibly.

The column, which is worthy of study by all readers of the RECORD, ends with the suggestion that the country is anxiously waiting to see whether Congress, which now has the ball, is going to sit on it, throw it into the stands, or run with it.

I ask unanimous consent that Mr. Drummond's column may be printed in the RECORD.

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

#### ACTION OR REFORM

(By Roscoe Drummond)

This summer and fall will be a good time for the American people—and the Congressmen themselves—to watch and decide whether Congress can go on much longer with its present archaic machinery.

Every student of government who looks upon the functioning of Congress with any detachment is convinced that its machinery

must be modernized if it is to recover its eroded authority and have any chance of transacting the public business efficiently and responsibly.

What we are going to learn this summer and fall is not only whether Congress can transact the public business at all.

During the many years I have been in Washington there has always been urgent business before the Congress. At this session there is transcendently urgent business before the Congress. There is the problem of rising racial tension, unrelieved unemployment despite substantial prosperity, a sluggish economy, the matter of tax reduction, and the overhanging threat of a rail strike.

Legislation dealing with all of these matters will be before Congress. The issues are being clearly drawn. The President has done his part by decisively committing his leadership, by alerting the Nation to the problems, and by offering Congress concrete proposals for action.

The initiative is now wholly with Congress. The responsibility for action—or inaction—is with Congress, plus responsibility for the consequences. Congress has the ball.

After 6 months of frittering, no wonder everybody is uncertain about what is going to be done—if anything. From January to July Congress has accomplished little that is visible to the naked eye and nothing significant. And now Washington is filled with talk that Congress can hardly be expected to do two big things the same year—that is, deal with civil rights legislation and tax reduction over a 12-month span. The talk is that if Congress can handle one major problem a year, like civil rights, that would be transacting the public business pretty well.

It wouldn't. It would be a sorry record and one that Congressmen who want to see Congress recover its initiative, authority, and prestige cannot and should not condone as an acceptable standard of government.

The truth is that Congress has been continuously losing power to the President for more than a quarter century. We no longer have a system of three coordinate branches—legislative, executive, and judicial. Through its own fault and inefficiency Congress is no longer coequal with the executive and the judiciary. It can retrieve its position only by modernizing its methods of discharging its responsibilities. It has lost control of the budget. It is not an adequate monitor of the administration. It is so burdened with trivia that it is rarely able to give priority to crucial legislation. At most points it is so understaffed with its own experts that, more often than not, it cannot give independent study to Presidential proposals.

How responsibly Congress conducts itself from now to adjournment—what it does and what it fails to do—will disclose the congressional reforms most needed.

Congress now has the ball. What the country is anxiously waiting to see is whether Congress is going to sit on it, throw it into the stands—or run with it.

Mr. CLARK. Mr. President, not only is there strong sentiment building up all over the country for congressional reforms, but the present pace of the Congress in general, and the Senate in particular, is bringing us into ridicule. Ridicule is not a good thing for what should be one of the three coordinate branches of the Federal union.

The entertaining, humorous writer, Mr. Art Buchwald, wrote a column ridiculing the Congress, with biting satire, in Sunday's Washington Post. It is entitled "King of the Hill." I ask unanimous consent that a copy of the column may be printed in the RECORD at this point in my remarks.

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

**KING OF THE HILL—DESTRUCTIONALISM ART CREATED IN ABSTRACT**  
(By Art Buchwald)

Many people are wondering how Congress can remain in session for as long as it has without passing any important legislation. Well, it isn't easy. It takes experience, know-how, and devoted patience.

The Members of the 88th Congress have the art of legislative featherbedding down to a science, and after spending time on Capitol Hill one can't help developing anything but admiration for our elected representatives. To paraphrase Sir Winston Churchill, "Never have so few done so little for so many."

How do they do it? In order to find out, we interviewed a Congressman who was willing to talk providing we didn't use his name.

"Sir, how are you able to stay in session for so long without doing anything?"

"The secret is cooperation, boy," he said. "Without cooperation from everybody in Congress, Heaven knows how many laws we'd pass."

"What do you mean, sir?"

"Well, boy, Congress has built-in safeguards against anything getting on the floor for a vote. For one thing, a bill has to go to a committee for study. The bill is usually given to the committee that is most unfavorable to its being passed, so it's pigeonholed without much discussion. In most cases the key committees in Congress are controlled by chairmen who are pledged to keeping legislation away from the legislators."

"Why is that?"

"If you, as a legislator, vote, that means you're taking a stand on an issue, and if you're running for reelection the last thing you want to do is to let the voters know what side you're on."

"Then as a safeguard we also have the congressional hearing. You can have hearings for as long as 9 months on a piece of legislation. Sometimes, if the legislation is newsworthy enough, you can have two or three committees holding hearings on the same bill at the same time. In many cases the hearings become so complicated the committee forgets why they're holding them in the first place. But as long as the hearings get in the newspapers everyone is satisfied."

"Who decides whether a hearing has enough publicity value?"

"Usually the chairman of the committee. We depend on him to hold hearings only on legislation that will get our names in the papers."

"But there have been occasions where a bill has gotten to the floor of the House. How do you explain that?"

"Somebody goofed. He is usually censured in private for it, and we see that he doesn't get to handle any bills again. But fortunately, even if a bill gets to the floor, we have safeguards against passing it. For one thing, you need a quorum and it isn't easy to get one."

"Most Congressmen go home on Thursdays and come back on Tuesdays. Then they have mail to answer, speaking engagements to fulfill, and interviews to give to the press. Very few Congressmen have time to vote."

"But suppose you do have a quorum and you do vote and you do pass a bill. Then what?"

"It's happened in previous Congresses," he admitted. "But very rarely in ours. If this did happen, we would then depend on the Senate not to pass it. That's why we have two Houses. So each one has a chance to cancel out the other's bill. We're pledged

to kill their bills and they're pledged to kill ours."

Mr. CLARK. Mr. President, many important proposed changes in Senate rules, procedures, and customs are pending before the Subcommittee on Standing Rules of the Senate, of the Committee on Rules and Administration. Two days of testimony have been taken. The notes of the testimony have been transcribed and printed. The beloved chairman of the subcommittee [Mr. HAYDEN] has promised the Senator from New Jersey [Mr. CASE] and me that he will hold two more hearings promptly. I hope very much that we can bring from that subcommittee, in the very near future, approval of some of the measures which it is important to pass this year in order to update our rules and enable us to proceed, with expedition, to the consideration of measures which are so vitally needed this summer.

**TRIBUTE TO MAJ. ROBERT A. RUSHWORTH**

Mrs. SMITH. Mr. President, recently Maine expressed its pride in one of its native sons, Maj. Robert A. Rushworth, of Madison, Maine, who, as an X-15 pilot has been awarded the designation of "astronaut" and the wings of an astronaut.

As a member of the Armed Services Committee and the Aeronautical and Space Sciences Committee, I am particularly proud of this young man whose birthplace is a close neighboring town of my own birthplace.

Because they so accurately reflect the feeling of the people of Maine in their pride of Major Rushworth, I ask unanimous consent to have placed in the RECORD at this point editorials of the Waterville, Maine, Sentinel and the Lewiston, Maine, Daily Sun and an account by the Somerset, Maine, Reporter.

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

[From the Lewiston Daily Sun, July 31, 1963]

**MAINE'S ASTRONAUT HONORED**

There will come a time when astronauts will be as plentiful (we couldn't bring ourselves to say common) as pilots are today. But that time still is a few years in the future. Meanwhile, the designation astronaut is a kind of honorary degree which sets a select few airmen apart from their fellows.

A few days ago, in Washington, the latest American to attain the special honor, Maj. Robert A. Rushworth, an Air Force test pilot, was presented his astronaut wings. The event was especially noteworthy in that Major Rushworth earned his wings in controlled flight of a winged plane, and not by being hurled into space on the tip of a giant missile.

Maine basked in reflected glory as Astronaut Rushworth was honored, for he is a native son whose original home was in Madison. Both of Maine's Senators attended the special ceremony at the Pentagon.

Beginning tomorrow, and for 3 days, Madison and environs will pay tribute to our first astronaut as he brings his family home for a visit.

The country's latest astronaut flew the experimental rocket plane, the X-15, to a height of 286,000 feet to qualify for the exclusive space club.

We take justifiable pride in congratulating Astronaut Rushworth on his achievement. We hail the training, courage, ability, and dedication of this American serviceman who, with others like him, is blazing the space trails of the future.

[From the Waterville (Maine) Morning Sentinel, Aug. 2, 1963]

#### THE MAJOR COMES HOME

It would be as difficult as it would be out of order at this point to attempt to evaluate the winged astronaut's exploits with those of the more highly publicized missile-launched astronauts such as Glenn, Carpenter, et al.

Maj. Robert A. Rushworth represents the former and whether it takes more skill and courage to fly an X-15 or a space capsule is a rather academic question.

A man who qualifies as an astronaut by either means is a rather special type of man who must have talent, stamina and personality characteristics which we land-bound mortals hold in awe.

Major Rushworth received the first of a 3-day round of home-State honors Thursday night when he was the principal guest at the dedication of a gymnasium at Madison in his name.

Today the State and the Air National Guard will pay him homage and on Saturday he will return to his hometown of Madison and the hometown of his wife—Norridgewock—for a spectacular homecoming celebration.

Madison in particular and the State of Maine in general have reason to be proud of this gentleman.

He has achieved his fame in the tradition of State-of-Maine sons of earlier generations who roamed the seas in proud ships. Today the frontiers are in the air and in space and because of this son of Madison, Maine has an important place in their exploration just as it did in those earlier nautical ones.

We would be remiss if we failed to mention the man who has headed up the plans for the celebration, Alex Richard, principal of Madison High School and an Air Force Reserve major. Richard was a childhood friend of Major Rushworth in Madison, and the homecoming festivities are the realization of a yearlong dream of Richard and his associates in Madison.

We join with all of the people of Madison and of Maine in welcoming Bob Rushworth home. The tributes he has received and will receive during these homecoming days are both warm and sincere.

It is a peculiarity—albeit a good one—of State of Mainers that wherever life's highways take them and no matter how infrequently they get back, Maine is always home.

[From the Somerset Reporter, Aug. 1, 1963]  
RUSHWORTH COMES HOME—TO BE GIVEN HERO'S WELCOME IN 2-MILE PARADE IN MADISON

Justifiably proud of their native son, Maj. Robert A. Rushworth—Maine's greatest modern-day hero—the people of Madison are joining forces with their sister communities of Anson and Norridgewock to produce one of the most spectacular homecomings ever staged in the State of Maine.

The 3-day Maine civic tribute got underway last night with a special reception at Lakewood Inn and Theater, and will be climaxed by a 2-mile parade through Madison on Saturday afternoon.

The tribute for Maine's first astronaut will be the realization of a yearlong dream of Major Rushworth's childhood friend, Alex Richard, principal of Madison High School, and himself a major in the Air Force Reserve.

At 6 p.m. tonight, a public barbecue will be held at the Madison High School athletic field. This will be followed by the dedication of the Robert A. Rushworth Gymnasium in accordance to a town meeting vote last March. Major Rushworth will be the featured speaker at 8 p.m.

"The public is invited to attend the gym dedication even if they do not attend the barbecue," Mrs. Shirley Richard pointed out yesterday. "We are hoping that many of the local people will take advantage of this part of the program. There is no admission charge."

On Friday, August 2, Major Rushworth and his party will be in Augusta for a special reception tendered by Gov. John H. Reed. This will be followed by a luncheon in honor of the astronaut at the Pioneer House, which will be attended by his party, State officials, and representatives of the press. A news conference will then be held.

At 6:30 p.m., Major Rushworth will be honored at a reception sponsored by the Maine Air National Guard at Dow Air Force Base in Bangor.

Saturday is parade day. The first parade will be held in Norridgewock—hometown of Mrs. Rushworth, the former Joyce Butler. Fire Chief Winton Keene and Thomas Labun are cochairmen. The parade will start at 10 a.m. on Waterville Hill, proceeding up Main Street to the new athletic field where Major Rushworth and his party will review the units.

At 1:30 in the afternoon, a giant parade will start at Madison's Weston Avenue School, proceeding south along Weston Avenue, across Bean Street, then south on Maple Street, west along Main Street as far as the high school, then north on North Street, and across John Street to the Weston Avenue School where it will disband.

The parade will feature an open convertible motorcade, with Major Rushworth and his family and relatives in the lead cars, followed by cars containing the entire Maine congressional delegation, State dignitaries and military officials.

Units will include the U.S. Air Force Band with colors from McGuire Air Force Base, N.J.; the 195th Army Band; U.S. Marine marching unit; Legion and VFW State commanders and marching units; floats; Boy and Girl Scouts; Madison High majorettes; and Madison Fire Department. This will be followed by a reception at Madison High School.

In the evening, there will be open house at the Legion and VFW posts, and at the class reunions of the MHS class of 1938 at Kiwanis Hall, and the class of 1943 at the O Sole Mio. Major Rushworth was in the class of 1942.

Maj. Robert A. Rushworth, of Madison, the Air Force's second winged astronaut and principal X-15 pilot, has been testing aircraft at Edwards for more than 6 years.

He has flown the North American Aviation, Inc.-built experimental rocket plane 15 times in the joint Air Force-National Aeronautics and Space Administration (NASA) Navy research program.

Highest X-15 flight for Rushworth, who is assigned to the Air Force Flight Test Center's Manned Spacecraft Operations Branch was 285,000 feet (54 miles) June 27, 1963. It gave him his pilot astronaut rating, awarded only to military pilots who fly 50 miles or more high.

On May 8, 1962, the thrice-decorated World War II veteran proved the craft could withstand the heat of 1,250° Fahrenheit on its speed brakes and 1,000° wing and fuselage temperatures.

A few months earlier Rushworth flew the plane without the lower portion of its ventral fin for the first time. This was to determine if, as engineers believed, the lack pro-

vided greater stability for reentry to denser atmospheres from extreme altitudes.

He has chalked up about 5,200 hours of flying time—some 3,000 in jets—in his 20 years in uniform. More than 1,700 were in testing fighter aircraft since his January 3, 1957 graduation from the Air Force Experimental Flight Test Pilot School (since renamed Aerospace Research Pilot School).

Decorations and awards received by Major Rushworth include the Air Medal, with one oak leaf cluster; the Distinguished Flying Cross; the American Campaign Medal; the World War II Medal; the Asiatic-Pacific Campaign Medal; and the National Defense Service Medal, and others.

Major Rushworth resides at Edwards with his wife, the former Joyce Butler, and daughter, Cheri, 4½ years of age. His widowed mother, Mrs. Mabel T. Rushworth, resides at 2H Eastway Road, Greenbelt, Md.

#### THE PEACE CORPS

Mr. PELL. Mr. President, it is an old and tested maxim that one can tell much about the effectiveness of an undertaking by the nature of the opposition to it. The people who are hurt most generally are the ones who cry loudest.

This is now being demonstrated by a bitter attack on the Peace Corps. Not long ago there appeared in the Bolivian Communist newspapers two particularly vituperative articles on this evidently extremely sore subject. The loud cries of anguish in these articles make it very clear indeed that the Communists are being hurt—and badly—by the activities of our dedicated young volunteers in Bolivia.

The March 23, 1963, edition of El Pueblo of La Paz unleashes a flow of prime Communist invective on the Peace Corps, calling it a "fetus of neocolonialism" and calumniating its members as "microbes of North American neocolonialism being introduced into any freedom-seeking society in order to poison it."

This, perhaps, is no more than the typical abuse directed at all things American. But the paper *Unidad*, of March 30, 1963, is packed with so many utterly outrageous falsehoods and such truly ingenious fabrications that I think we must conclude that the Latin American Communists have singled out the Peace Corps as peoples' No. 1 enemy.

The Peace Corps volunteers, charges *Unidad*, are trained as antiguerrilla fighters. They are armed with special "rocket guns" and with "baby bombs" disguised as cigarette lighters which *Unidad* describes in imaginative detail. Moreover, the volunteers are deployed to spray the rural vegetation in order to kill any foliage which might provide camouflage for guerrilla fighters. American military equipment will be shipped to these "agents of the CIA" in packings marked "medicinal elements."

And to top it off, *Unidad* comes up with what must surely set some kind of record for desperate invention. It accuses the Peace Corps of training its members in the policy of sex with the slogan "marriage as a form of fight and tactical weapon." It asserts that members of the Peace Corps must be single,

so that they "will be able to contract fictitious matrimony to justify in legal form their residence in the occupied country and win the confidence of the natives."

Now what is this monster which has evidently so badly frightened the Latin American Communists? The fact of the matter is that at the present moment the grand total of Peace Corps operatives in Bolivia stands at 111. Just 111 men and women, Mr. President, and none of them has been in Bolivia for more than 1 year.

As a Senator from Rhode Island, I am particularly proud that one of these patriotic and highly motivated young people is Miss Nancy Crawford, of East Providence, R.I. Her activities are typical of the kind of direct, people-to-people action which makes the Peace Corps such an effective antidote to the poisons of anti-American propaganda. Miss Crawford is working with 56 other volunteers in a public health and sanitation project aimed at improving the general health and physical well-being of the Bolivian people. The group is participating in child welfare work and environmental sanitation; working in clinics, hospitals, and health centers; and assisting Bolivian communities to locate water, dig wells, and pipe in pure water. The group is divided into several small community teams, such as the one in the village of El Alto where Miss Crawford is working.

Elsewhere in Bolivia the story is the same: Small groups of versatile Americans doing outstanding humanitarian work in poverty-stricken villages. In Cochabamba, 18 volunteers are demonstrating techniques of animal husbandry, dairy-farming, and forage-crop production. In Santa Cruz, 16 volunteers are assisting the Bolivian Government in an attempt to increase agricultural productivity and to contribute to the social development of the indigenous population. In Also Beni, 20 volunteers are at work in a project of land clearance and resettlement. In the next year two more projects, involving 68 more volunteers, are planned. One will provide teachers to Bolivian universities; the other will be devoted to agricultural extension activities.

This is the monster which is giving the Communists nightmares. The Communists themselves tell us why—"The illusion is created at first sight," concedes El Pueblo, "that the members of that corps really want to serve the underdeveloped countries with their knowledge." What more eloquent testimony to the extraordinary effectiveness of these dedicated young men and women of the Peace Corps than this grudging tribute in the Communist press.

And what better proof that the Peace Corps poses a dire threat to Communist ambitions in the developing nations than the desperate fabrications the Communists feel compelled to invent in order to vilify the vitally constructive work it is doing.

Mr. President, I ask unanimous consent that these newspaper articles

"Peace Corps: Fetus of Neocolonialism" and "The Peace Corps: In Reality, Yankee Occupation and Antiguerrilla Armies in South America," be printed at this point in the RECORD.

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

[From El Pueblo, La Paz, Bolivia, Mar. 23, 1963]

PEACE CORPS: FETUS OF NEOCOLONIALISM  
(Translation from Spanish by Legislative Reference Service of the Library of Congress)

The Corps of Volunteers of Peace [sic] is a fetus of neocolonialism. It has as much to do with peace as witchcraft has to do with science. Since it has come into being, that Peace Corps has stretched out its tentacles to many countries in Latin America (among them, Bolivia), Asia, and Africa, ordinarily included in the list of underdeveloped countries. U.S. Government circles are making a special point of sending these volunteers to the countries of Latin America.

The job of the so-called Peace Corps includes, for the purpose of aiding the penetration and strengthening the influence of North America, the fight against the progressive ideas of the national liberation movement that is shaking the regions of this hemisphere.

The Peace Corps is an instrument wielded by the North American neocolonialists who want to occupy the countries of Latin America. If the North American government circles really wanted to supply the existing deficiency of national cadres (of specialists) in this hemisphere, the Peace Corps should be subordinated in toto to the corresponding governments and should not interfere in their national activity. But the job has an entirely different setup. Upon arrival at their respective destinations (such as Bolivia), the members of the Peace Corps are subordinated in toto to the U.S. Central Intelligence Agency Staff.

Therefore, the members of that organization are microbes of North American neocolonialism being introduced into any freedom-seeking country in order to poison it.

The danger represented by the members of the Peace Corps must be recognized in time; and the danger is even greater inasmuch as, impelled by the enormous need which exists in the countries of Latin America for the training of specialists, the illusion is created at first sight that the members of those corps really want to serve the underdeveloped countries with their knowledge. But, as evidenced by the facts, the high-sounding talks about the generous and humane character of the Peace Corps are out and out lies, as the Hindu newspaper, Daily Times, reported not long ago.

Our people, we say, must remain on the alert and watch out for those microbes of Yankee neocolonialism that are hiding behind the fancy appellation of "Peace Corps volunteers." They are mere instruments of the North American espionage apparatus which the CIA has put into action in order to interfere in the daily pursuits of a people and to produce confusion in their minds, as well as to disseminate the subtle and dirty propaganda put out by its staff to serve the ends of colonialism.

These volunteers have expanded the ugly apparatus of the U.S. Embassy in La Paz; and their objective is, we repeat, to penetrate into those zones where the people are eager, precisely, to denounce a policy of wretchedness and deceit. The workers must watch out for those microbes.

[From Unidad, La Paz, Bolivia, Mar. 30 1963]  
THE PEACE CORPS: IN REALITY, YANKEE OCCUPATION AND ANTIGUERRILLA ARMIES IN LATIN AMERICA

(Translation from Spanish by Legislative Reference Service of the Library of Congress)

(By Pedro Llamas)

The Peace Corps, which have—with remarkable ingenuity and on the pretext of aiding rural folk—began to occupy our territory are none other than mercenaries especially trained by the U.S. Department of Defense for the sole purpose of repressing, with the aid of modern methods, the people's progress toward winning economic independence. The Americans know that a brazen invasion of our land would entail the protest and vigorous reaction of the population. That is why they have chosen to conceal behind the innocent facade of the Peace Corps a calculated and malicious occupation of our land with troops under camouflage banners of aid and peace. Since when, in modern history, have warmongers turned into meek lambs? Or is it that they are bringing the Trojan horse into our territory because they think that our people still wear blindfolds and are unaware of their evil designs? I venture to think that the people are not asleep, and that they frown upon the brazen violation being perpetrated on their country by a foreign nation, and that they will remain alert and vigilant vis-a-vis this situation.

HOW ARE THE ANGELS OF PEACE BEING TRAINED?

We know from well-informed sources how the plans of the Peace Corps are worked out. Aspirants to the international army of repression are selected by a recruitment (selection) board which submits them to rigorous checkups, whereupon they are sent to Arizona State University to take the corresponding courses which comprise Spanish, Latin American customs, ways of life, including the food we eat. These courses are given by specially trained personnel and are illustrated by documentaries previously taken in each country by the American Embassy's Information Section. The most interesting aspect of these courses is their psychological orientation, which we consider the lowest (ever) because it makes a mockery of human emotions. It is called "the policy of sex," with the catchword: "Marriage is a form of fight and tactical weapon" [sic]. An indispensable requirement for acceptance into the Peace Corps is to be single so that members will be able to contract fictitious matrimony and justify in legal form their residence in the occupied country and win the confidence of the natives (as they call the Bolivians in those courses). It must not be forgotten that the gringo mentality (philosophy) does not accept our Catholic marriage as a sacrament but considers it a simple ceremony which does not bother them.

THE PEACE CORPS AS ANTIGUERRILLA FIGHTERS

Considering the lesson they learned from the people's fight for liberation in the form of guerrilla warfare, the U.S. Defense Department has set up, in Panama and Puerto Rico, concentration [sic—training?] camps for this type of practice, to which the Peace Corps volunteers are sent, in their final training stage, before going to their countries of destination. At the present time about 4,000 men, who have been assigned to Colombia under the secret military pacts signed by our Government and that of the United States, are given training in those camps. These assistance pacts are a guarantee for the Alliance for Progress; that is, we trade economic aid for military occupation—a most

expensive sale of our territory to the gringo merchants.

#### SPECIAL WEAPONS TO BE USED BY ANTIGUERRILLA FIGHTERS

In order to guarantee the action of its occupation troops the Scientific Department [sic] of the American Pentagon has given them several special weapons which we shall now describe. The antiguerrilla fighter groups will not use conventional rifles, but a special firearm consisting of tiny, lightweight arrows activated by rockets and endowed with greater lethal power than a .30-caliber projectile (rocket gun). Every antiguerrilla fighter would so be able to become a veritable armed battalion—capable of running, jumping, and attacking with real efficacy.

#### CHEMICAL SUBSTANCES

The rural vegetation will be sprayed, around the edges, with chemicals capable of causing leaves to drop off the trees in widespread areas. This will enable them (the Peace Corps volunteers) to clean out any foliage that might be used for camouflage purposes by the guerrilla fighters.

In their night attacks they will use special infrared lenses which will make them see better during those raids. They will also use in those night attacks special dyes from nonwashable (colorfast) chemicals, for easy identification of presumed guerrilla fighters.

Another weapon to be used by the "little angels of peace" in due course will be a tiny cast-iron bomb weighing only a few grains, and a big one, about 24 millimeters in circumference. Due to its shape, the small metal chunk will describe a straight trajectory and approach its target with extraordinary velocity and force. The new tiny (baby) bombs offer a psychological advantage in that they are noiseless and will cause panic among those caught up in surprise attacks. The bombs are camouflaged as cigarette lighters which would prevent easy identification.

#### COMBAT SYSTEM OFFICES [SIC] FOR LTDA (LIMITED? LIBERATION?) WARS

This office, operating under the supervision and direction of the Pentagon, is the office in charge of shipping to our country, clandestinely, the military equipment needed by the antiguerrilla troops. So as not to arouse any suspicion in the unloading operations, the shipments will be camouflaged by labels showing the content to be medicinal elements. As we see, the "little angels of peace" have a warmongering plan all mapped out in advance, but present themselves in our country like innocent children who could not harm anyone. But those little gentlemen-in-disguise should know that our people have suffered through a lengthy period of violence for which our backward ruling class lack of understanding had been responsible, and that we are not willing, under any circumstances, to add thereto another case of violence perpetrated by foreign hands because that would be an interference in our internal affairs, a violation of the sovereignty that is our heritage from our liberators which was forged with the blood and toil of our people.

Mr. PELL. Mr. President, I should also like to point out that the total cost of the Peace Corps operation in Bolivia which has provoked these vitriolic Communist attacks is \$596,358: approximately a half-million dollars. By comparison, over the past decade, our foreign aid program in Bolivia has cost \$234.6 million; and in the last 2 years alone—the years of the Peace Corps—we have given Bolivia \$66.9 million. These

figures make it clear beyond the shadow of a doubt that we are getting an enormous amount of mileage out of a very small number of Peace Corps dollars.

I am especially hopeful that the Congress will take note of this remarkable record and increase the scope and funds of the Peace Corps when its appropriation measure comes before us. The Peace Corps has proven itself a potent weapon in the cold war and a vital instrument of progress in the development of South America. It stands richly vindicated by the mortal enemies it has made, as well as by its burgeoning host of friends.

#### EUROPEAN INFLUENCE ON CIVIL CONTROL OF THE MILITARY

Mr. GOLDWATER. Mr. President, during the remaining days of this Congress, which seem to be as multitudinous as the calendar itself, many issues will be debated on the floor of the Senate; but, I doubt whether any will bear more importance to the future of our democratic Republic than that centered around the dangerous directive issued by the Secretary of Defense that the military commander must use the full power of his position, including economics, to force social changes in the community in which his base is located. While at first blush this might seem to be a matter solely concerned with civil rights, its real impact is upon the historic relationship of the civilian with the military, and vice versa. We Americans are prone to think that this relationship has been solely an invention of "we the people," but historically, there has been a sway back and forth in the balance of power between the military and the civilian, with the military almost universally recognizing that the civilian should be superior. One of the most interesting pieces of writing I have seen lately, on this general subject is one entitled "European Influence on Civil Control of the Military," published in *Airpower Historian* for July 1963, written by Maj. Gen. Dale O. Smith, who is special assistant to the Joint Chiefs of Staff for arms control. Typical of the cogent remarks quoted in this brilliantly written paper, is the one ascribed to Woodrow Wilson when he remarked that soldiers should have nothing to do with boundary drawing and then went on to say "it is the military who have led us from one disaster to another." I paraphrase at this point. When Secretary of Defense McNamara seems to be bound and determined to develop the military leadership into political leadership, historians might quote someone in this day and age to the effect that "it is the civilians who have lured us from one disaster to another."

I suggest that my colleagues in the Senate read this interesting and thought provoking dissertation so that they might fully understand what on the surface seems to be a civil rights move, but which underneath, holds all the dangers of power politics.

I ask unanimous consent that the article be printed in the RECORD.

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

#### EUROPEAN INFLUENCE ON CIVIL CONTROL OF THE MILITARY

(By Maj. Gen. Dale O. Smith, USAF Special Assistant to the Joint Chiefs of Staff for Arms Control)

(EDITORIAL NOTE.—This article was prepared with assistance from the Committee of National Security Policy Research of the Social Science Research Council. Observations are those of the author and should not be construed as policies of the U.S. Air Force, the Joint Chiefs of Staff, or the Department of Defense.)

Although the Cromwellian period in Britain during the early 17th century had much to do with influencing subsequent Anglo-American civil-military relations, events on the Continent were taking place at the same time which were also to have an influence in shaping these relations. Germany was undergoing the 30 Years' War. The Catholic Holy Roman Empire under the Hapsburgs in Vienna was being threatened by the Protestant Evangelic Union. The Hapsburgs managed to prevail over the Protestant combinations in the first decade of the war by hiring two able professional soldiers: Johan Tilly and Albrecht von Wallenstein. The latter veteran raised his own army of 20,000 (including, strangely, many Protestants) and insisted that he have a free hand. Thus armed with his hard-fighting mercenaries he defeated the Protestant forces at Dessau in 1626 and, allied with Tilly's army, subdued Christian of Denmark at Lutter.

The ambitious General Wallenstein became governor of territories he had conquered but the vested interests of the Catholic League attempted to force his dismissal. This was badly timed because, in the summer of 1630 Gustavus Adolphus of Sweden took up the Protestant cause and swept through Germany in triumph, defeating Tilly near Leipzig. Emperor Ferdinand had to eat humble pie and appeal to Wallenstein to save the day. For this Wallenstein exacted concessions of supreme command over imperial forces as well as authority to make treaties.

If Wallenstein had won, it is not inconceivable that a military dictatorship could have been established over the Holy Roman Empire. But he did not win. At Lützen (1632) Wallenstein was defeated by Gustavus. After 2 more years of desultory and unsuccessful campaigning, Wallenstein was relieved from command and soon thereafter, assassinated. So ended a threat by an independent military leader to the constituted royal authority. It was a lesson not to be regarded lightly and the mercenary forces that had been so prevalent during this vicious war began to lose favor. Eventually the long and bloody war petered to a close.

Military art had lain dormant as long as it had been left to hired hands of the sort Wallenstein led. Tactics assumed far more importance than strategy, for strategy is always a function of government. But Gustavus Adolphus integrated the military with statecraft, as did Frederick the Great of Prussia a little over a century later.

In the War of the Austrian Succession (1740-48) Frederick II (the Great) defeated the armies of Maria Theresa and acquired Silesia through a series of brilliantly led engagements. A few years later, however, he found himself virtually surrounded by enemies whose purpose was to dismember all of Prussia. Frederick fought gallantly against an overwhelming alliance of Russia, Austria, France, Saxony, and Sweden. His sole ally was England-Hanover whose support was essentially financial. Oddly enough, this Seven Years' War had begun in America between

French and English colonists. England's alliance with Prussia, and France's with Austria, caused the two German states to again take up arms against each other.

Frederick's grand strategy was to keep his enemies from uniting and defeat them in detail by use of his interior lines. This strategy worked well against his vastly superior foes until the Austrian and Russian armies affected a junction in 1759 at Kunersdorf, and Frederick suffered his worst defeat. The end looked near for Prussia but luck came to Frederick's assistance. A change of regime in Russia caused a change in sympathies and Russia switched sides. England and France patched up their quarrel and France lost interest in fighting Prussia. At this juncture, Maria Theresa thought it prudent to negotiate a peace and Prussia was saved.

Some 14 years later Frederick again challenged Austria but this war of the Bavarian Succession, as mentioned earlier, came to an end without fighting and with Austria renouncing its claims to Bavaria. Frederick had no desire to fight if his aims could be achieved by diplomacy.

There can be no doubt that the military function was merged with statecraft under the Prussian King, and he executed both functions with consummate skill. Had Frederick lived longer he might have been successful in achieving the unification of Germany, a task eventually accomplished by the Bismarck-Moltke team a century later. In 1785 a League of German Princes was formed, but was dissolved after Frederick's death the following year.

The French Revolution saw the military again become an integral part of government under Napoleon. Strategy assumed a dominant role in statecraft. Archduke Karl, who led the Austrians against the French, and probably felt the lack of this integration in his own forces, put it this way:

The strategic design, as a rule, depends on the decisions of cabinets and upon the resources placed at the disposal of the commander. Therefore, the leading statesmen should either have correct views of the science of war or should make up for their ignorance by giving their entire confidence to the man to whom the supreme command of the army is entrusted.<sup>1</sup>

But integration of the military with statecraft was as shortlived as Napoleon, who succumbed to a coalition led by the English mercantile state which was dedicated to keeping the military in its place. Perhaps the need for civic control of the military began to be felt on the Continent as a consequence of the fear which Napoleon had spread throughout Europe for half a generation. Fear and evil are unquestionably related in human conclusions. Therefore, lack of civic control of the military could have been regarded as dangerous; particularly by those merchant princes who were beginning to wrest control of statecraft from the hereditary nobility. To them wars were only acceptable if they improved business, and military men seldom recognized such objectives. Certainly the Napoleonic wars had been unprofitable. Moreover, the military were fundamentally loyal to the sovereign rather than to the emerging democratic elements of government, and the sovereign was the target for the new commercially inspired forums.

Analyzing Napoleon's successes, Karl von Clausewitz theorized on the integration of politics and war. "None of the principal plans which are required for a war," he wrote, "can be made without an insight into political relations." Yet Clausewitz noted certain cleavages of the military from statecraft that even then were beginning to be

practiced in Prussia. To correct this tendency he urged cross-training between statesmen and soldiers.

The emerging military-political dichotomy during Clausewitz's time was revealed by his cautions for greater unity and for civil-military mutual understanding. "War is only a part of social intercourse," he wrote, "therefore by no means an independent thing in itself \* \* \* accordingly war can never be separated from political intercourse." To do so, he maintained, would cause war to be "a useless thing, without an objective \* \* \* the unbridled element of hostility."<sup>2</sup>

Splitting off the military from the state itself at this stage of history and thereafter did not come about entirely as a measure to keep the military from threatening the state. It was as much, if not more, of a consequence of a general cultural trend. Hereditary control of property and power as established by the feudal system and later by the divine right kingdoms concentrated the wealth in the hands of a few who became disinclined to practice the rough game of self-defense. As long as the military could be hired and loyalty bought, as long as the hereditary succession of property and power was accepted as the natural course of events, there was no need for statesmen to practice the military arts. There is little evidence that this division of labor came about through any conscious effort to keep the military within bounds as is popularly imagined today.

As commercialism grew, the concept of divine right lost credence in Germany as elsewhere. Although the Congress of Vienna following Napoleon's downfall at first appeared to restore the old order, popular government had captured the imagination of all Western countries and the military, allied with the old order, was generally regarded as an enemy to this reform.

Separation of the military took many forms. One such form was an intellectual division. Military matters began to be discussed in a political vacuum as "pure" military strategy. The renowned French military philosopher of Swiss birth, Jomini, scoffed at there being anything such as a "purely military" decision. The principal plans which are necessary for war, he said, cannot be made without an insight into the political conditions. Policy and strategy should be one and the same. And Clausewitz wrote:

"If war is to correspond entirely with the intentions of policy, and policy is to accommodate itself to the means available for war, in case statesmen and soldiers are not combined in one person, there is only one satisfactory alternative left, which is to make the commander in chief a member of the cabinet."<sup>3</sup>

Generally speaking, however, the Prussian military leaders were not accepted in the ruling circles. They had few ambitions beyond mastering the sword and improving Germany's military posture.

In Britain, too, the hereditary leaders securely held the power of the state. They were largely civilian in background and amateurs in military affairs.

Too often civil rulers in their military ignorance would turn uncritically to military advice in time of crisis. "War is the province for soldiers," was too readily recited, while on the other hand, the political ignorance on the part of soldiers led to equally grave consequences. Bismarck was one of the few statesmen who recognized the dangers in letting the military run a war in a political vacuum.<sup>4</sup> He appreciated the genius

of von Moltke who defeated Austria in 7 weeks and subdued France in 4, but by dictating magnanimous terms Bismarck was permitted by his former enemies to consolidate the German Empire.

As warfare grew more encompassing with modern organization and technology, its relationship to politics became increasingly evident. Yet this evidence has not caused an amalgamation of the citizen and the soldier. The ancient dichotomy is fervently justified in America as a means for civil control of the military which, it is felt, is necessary to retain democratic principles.

Because of mutual ignorance of the others' aims and methods, politicians and generals have argued bitterly in every Western country which has practiced this civil-military separation. Each class fears the other as a threat to peace and security. The military are alarmed at policies promulgated by governments which fail to consider military strategy or capacity, while civil leaders look upon the military as a necessary evil, dangerous to freedom and only to be called on when all other means of statecraft fail. This is typified by Woodrow Wilson's remarks that soldiers should have nothing to do with boundary drawing. "It is the military who have led us from one disaster to another," he said.<sup>5</sup>

It should be of some concern to note here that the free city of Danzig was established by the Treaty of Versailles at which Wilson was in conspicuous attendance, and at which his military adviser, Tasker H. Bliss, was virtually disregarded. Isolated in Poland, this German city was separated from its Prussian neighbors on either side. One of the issues which sparked World War II was Germany's desire to correct this geographical and political anomaly. Having fought World War II the victorious allies similarly isolated Berlin and left it an island in a sea of Soviet controlled territory. This was where we came in with respect to Danzig, and the Berlin issue has several times put us on the brink of world war III. One can readily understand why military men would like to sit at the peace table and in the cabinets where such decisions seem to be made in a military vacuum, for it is the military who are often called upon to correct these mistakes by force of arms.

On the other side of the coin is the narrow military attitude which eschews political considerations in military decisionmaking, either as being of minor consequence or as somehow having an immoral connotation. This attitude was expressed by Payton C. March in 1919 when he pointed out that our military program "frames entirely on its merits, without any relation whatsoever to national or international politics."

It can be seen from history that a separation of military from statecraft is not a U.S. invention by any means. It was common to most western countries long before America was discovered and it has been religiously practiced ever since for various reasons. In recent times efforts have been made to achieve more coordination between political and military elements of government in order to arrive at reasonable national policies, but this effort has achieved considerably more form than substance.

#### PREPARING FOR A FREE CUBA: THE EDUCATION OF CUBAN REFUGEE CHILDREN

Mr. HART. Mr. President, a recent speech by Mr. Manuel J. Reyes, a refugee from Cuba, concerns the education of

<sup>1</sup> Vagts, Alfred, "Defense and Diplomacy," King's Crown Press, New York, 1956, p. 454.

<sup>2</sup> War as an Instrument of Policy," ch. VI (B) of book VII, "On War," p. 594f.

<sup>3</sup> "On War," p. 599.

<sup>4</sup> Vagts, op cit., p. 470.

<sup>5</sup> Vagts, p. 484.

Cuban refugee children in this country. Referring to these children, he states:

They are the representatives and the ambassadors of Cuba in exile. All they will be able to learn about democracy is what they will be able to establish later on when their country is free \* \* \* and the more they learn, the better acquainted and prepared they will be to face the youngsters that are still in Cuba, and have not been able to see the light and the truth, and whose minds are poisoned by communism.

Mr. Reyes makes a good point. He puts on the line, Mr. President, a little of what I fear is lacking in much of the discussion about freeing Cuba; namely, how are we preparing for this inevitable day? What will replace the tyranny of the Castro regime? There are many facets to these questions, and I stake no claim on having all the answers. But certainly the training of the refugee children is involved. I trust all of us, American citizens and Cuban exiles alike, realize fully the tremendous responsibility we have for the proper nurture of these children, especially those with parents and other close relatives remaining in Cuba. As Mr. Reyes puts it:

It is our duty to help them. They will be the leaders of tomorrow.

Mr. President, I ask unanimous consent that Mr. Reyes' speech be printed in the RECORD.

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

SPEECH BY MANUEL J. REYES, LATIN AMERICAN NEWS DIRECTOR, WTVJ, MIAMI, FLA.

Just a few months ago, I had the honor to address a few words to the Spanish and Portuguese teachers of Dade and Broward Counties.

Mrs. Catherine Pacheco, president of the Spanish Teachers Association of Dade County, was present and asked me to speak to you on the same subject I spoke about at that time: "The Education of Cuban Refugee Children."

You, the teachers at school, are the continuation of the parents at home.

I believe I can talk for the thousands of refugees in these lands of freedom and would like to bring to you the real situation between Cuban parents and children, to enlighten you as to the real value of the different aspects of the difficult problems they face.

Two years ago, in a special program we broadcast on Channel 4, we exposed the plight of the Cuban children. The name of the program was "Cuba, a Lost Generation."

To start to analyze the problem, we must realize that the Cuban children are living between two nations: At school he is an American, and at home, he is a Cuban.

This could bring at any moment a psychological trauma if parents and teachers do not work together in the education of the Cuban children.

The difficult situations which the Cuban child has to go through since the time he left his country are sometimes explosive, and will probably leave unforgettable traces or marks in their minds.

They would not stay in Cuba because the strong Communist indoctrination would have made him another Communist.

Today, the Cuban youth who are growing in Cuba, are not Cuban youngsters, but Soviet youngsters.

Youngsters who have lost their smiles and the will to do so, and who have been converted into robots with their minds poisoned by Communist indoctrination. Ideas that remind us of the time of Hitler and Mussolini.

Let us talk now about the responsibility that the Cuban child has to face in order to study.

When the parents have the financial means to pay for their children's education, the child has a great obligation to study and fulfill the purpose of the sacrifice of their parents.

For the Cuban youngster, when they realize that their parents have left everything behind: loved ones, memoirs, profession, rich or poor homes \* \* \* work or business, rich or poor, hard years of working \* \* \* with the only purpose to stop him from falling into the paws of atheist communism and bring him to this land of freedom \* \* \*.

For him, I repeat, the responsibility to study is a greater one. It is the same responsibility or even greater for the Cuban youngster whose parents stayed in Cuba with their heart broken by the separation of the beloved son, and sent him here to make out of him a good man for democracy.

I know, and you know, that many of these Cuban youngsters are making their best effort to study. And it is my only wish that these poor words will help to continue the actual effort you are making, to increase it, if possible, and help others to do as well as you have done.

Another fact that increases the responsibility of these Cuban boys and girls is that they were born in Cuba \* \* \* that they are Cubans, and that the people of this great Nation have allowed them to study in their schools.

The United States is the cradle of democracy. They can take advantage of this great opportunity to study its laws, its customs and enlighten their souls with the principles of Christianity and freedom. You, the teachers are the media God has chosen to accomplish this, and help them.

They are the representatives and the ambassadors of Cuba in exile. All they will be able to learn about democracy is what they will be able to establish later on when their country is free \* \* \* and the more they learn, the better acquainted and prepared they will be to face the youngsters that are still in Cuba and have not been able to see the light and the truth, and whose minds are poisoned by communism.

We, the elder, will only have 5, 10, or perhaps a few more years of effective production. They will have to face the Communist youngsters when the process of the liberation of Cuba is finished. It is our duty to help them. They will be the leaders of tomorrow. On their shoulders is the future responsibility to save and reconstruct, through the Christian way of democracy, the country of José Martí.

#### EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

Mr. HART. Mr. President, with the energies of the Congress and the channels of mass communication focused these days almost entirely on two phases of the civil rights front—work on new legislation and the continuing protest demonstrations—I fear that one important area is often overlooked. This is the area of implementing existing public policy up and down the line.

On June 22 of this year President Kennedy issued Executive Order No. 11114 which extended the existing equal employment opportunity program to employment on construction contracts financed with the assistance of the Federal Government.

On July 9, in a unanimous declaration of policy, the joint construction activities committee of the Detroit metro-

politan area endorsed the President's Executive order and announced the removal of all racial barriers from Detroit's construction industry.

This committee is composed of representatives of contractor organizations, the building trades council, local construction unions, and the joint apprenticeship committees of 18 craft unions in the Detroit area. I congratulate each and all who helped achieve this significant declaration and policy.

Mr. President, I ask unanimous consent that excerpts from the record of the July 9 meeting of the joint construction activities committee, and an article from the Building Tradesman of July 12, be printed at this point in my remarks.

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

In a meeting of July 9, 1963, the joint construction activities committee of the Detroit metropolitan area has studied President Kennedy's Executive Order No. 11114, extending the authority of the President's Committee on Equal Employment Opportunity, and has endorsed the letter and intent of the order without reservation.

The order provides for the extension of the existing national program for nondiscrimination in employment in Government contracts for construction financed with assistance of the Federal Government.

The Detroit area committee will immediately seek the aid of local, State, and Federal agencies concerned with apprenticeship to insure entry into apprenticeship openings for qualified applicants without regard to race, creed, color, or national origin.

There will be affirmative action on the part of the committee and member contractors and local unions to encourage application from members of minority groups. The committee also solicits the help of interested community groups in publicizing this policy.

The committee recognizes that the acceptance and training of apprentices to fill new jobs as they are being created in accordance with national policy will implement the long-run goals of the national equal employment opportunity program. However, with expanding employment opportunities in private building and construction as well as with respect to contracts for construction financed with assistance from the Federal Government, the committee believes that action at the apprentice training level is not sufficient to implement the full letter and intent of the national policy as stated by President Kennedy. It recognizes that affirmative action must also be taken at the journeyman level where applicants meet the required qualifications. This is in full accord with point No. 1 of the public statement adopted at a June 21, 1963, meeting of the general presidents of the international unions affiliated with the building and construction trades department of the AFL-CIO.

In order to avoid discrimination, local unions will adopt the policy of accepting into membership any applicant who meets the required qualifications, regardless of race, creed, color, or national origin.

The local unions concerned will urge qualified people already working in the crafts in a nonunion status, to establish qualifications and to apply for membership.

The committee is requesting Prof. Ronald W. Haughton of Wayne State University, and a member of the academic advisory committee to the President's Committee on Equal Employment Opportunity, to consult with it to establish fair and impartial procedures to implement the policies to which it has herein subscribed.

The four-point program adopted by the general presidents June 21, 1963, is to be included in the above resolution.

The following motion was also adopted unanimously:

"That the joint construction activities committee request all joint apprenticeship committees affiliated with the Construction and Allied Industries Joint Apprenticeship Council, Detroit and vicinity, to make available immediately, in writing, for all concerned the qualifications and rules regarding application for or employment of apprentices in their respective apprenticeship programs; and further, the joint construction activities committee requests the six-man executive committee of the Construction and Allied Industries Joint Apprenticeship Council to study the written qualifications and rules to determine whether any changes are necessary to insure nondiscrimination."

The above excerpts are from the special meeting of the joint construction activities committee held on Tuesday, July 9, 1963, for your information and records.

W. HARRY LANE,  
*Chairman.*  
TOM McNAMARA,  
*Secretary.*

[From the Building Tradesman, Detroit, Mich., July 12, 1963]

#### CRAFTS VOW TO END ALL DISCRIMINATION

Racial discrimination in the construction industry has been all but erased following a series of meetings by leaders in the construction industry from both labor and management, public officials, apprentice heads and representatives of the Trade Union Leadership Council, a Negro group which first advanced the bias charge.

The series of sessions culminated last Tuesday with the passage of two resolutions that broke down any and all alleged barriers to full participation in the construction industry by Negro workmen, other than the usual high standards long prevalent in the industry.

The resolutions were passed at a meeting of the joint construction activities committee of the Detroit metropolitan area, which is composed of building trades union and industry leaders, and the members of all joint apprenticeship committees among the 18 craft unions.

Following the session, Tom McNamara, secretary-manager of the Detroit Building Trades Council and secretary of the joint construction activities committee, called Horace Sheffield, administrative vice president of Trade Union Leadership Council, and read to him the two resolutions and filled in with the action of the groups.

Sheffield expressed himself as pleased with both the gist of the resolutions and the unanimous passage which both received.

The series of meetings—set off by an Executive order issued by President Kennedy which banned discrimination on all construction projects that receive Federal financial aid—began with the executive board of the Detroit Building Trades Council meeting with Trade Union Leadership Council leaders.

This meeting was held June 28 after which the other meetings were scheduled.

Then Mayor Cavanagh called a meeting of construction leaders Monday. This meeting, like the others, ended on a happy note, with a pleasant discussion of ways and means of meeting the demands made by the Trade Union Leadership Council.

Meanwhile, the Detroit Building Trades Council's executive board was scheduled to meet with Trade Union Leadership Council leadership last Thursday and explain the actions taken on Tuesday. Because the Building Tradesman's press date falls on Thursday, coverage was unavailable in this edition.

The joint construction activities committee meeting opened smoothly with Joe Perry, business manager of Plumbers Local 98, presenting a resolution that called for affirmative action by way of accepting apprentices and journeymen regardless of race, color, creed or national origin, provided they met the same high standards as other apprentices.

The resolution also recommended that Prof. Ronald W. Houghton, director of the Institute of Industrial and Labor Relations at Wayne State University and a member of the Academic Advisory Committee on Equal Employment Opportunity, be invited to serve as consultant.

The resolution also set forth that the Detroit area committee would immediately seek the aid of local, State, and Federal agencies concerned with apprenticeship to insure entry into apprenticeship openings of qualified applicants without regard to race, creed, color, or national origin.

This resolution also called for the admittance of qualified journeymen into building trades unions regardless of race, color, creed, or national origin.

The resolution was amended to include all 4 points of an antidiscrimination program outlined by the 18 presidents of trade unions affiliated with the AFL-CIO building and construction trades department.

The second resolution covered the apprenticeship program. It follows in full below:

"That the joint construction activities committee request all joint apprenticeship committees affiliated with the Construction and Allied Industries Joint Apprenticeship Council, Detroit and vicinity, to make available immediately, in writing, for all concerned the qualifications and rules regarding application for or employment of apprentices in their respective apprenticeship programs; and further, the joint construction activities committee requests the six-man executive committee of the Construction and Allied Industries Joint Apprenticeship Council to study the written qualifications and rules to determine whether any changes are necessary to insure nondiscrimination."

Those attending were assured by Felician Van Den Branden, principal of the Detroit Apprentice Training School, and James Whyte, field representative of the Department of Labor's Bureau of Apprenticeship and Training that neither the school nor the Detroit Board of Education permitted discrimination in the apprenticeship program.

The two motions were placed under vigorous, but friendly discussion in an open attempt to iron out any and all inequities.

Various spokesmen for contractors' organizations, including Perry Schiltz, of the Detroit Electrical Contractors Association, and spokesmen for all employer organizations represented, agreed to abide by the terms of the resolutions.

Following the discussion and passage of the two motions, Louie Holmes, Jr., secretary-treasurer of Laborers Local 334, and a charter member of Trade Union Leadership Council, was asked to present his opinions on what had been accomplished.

Holmes said that in the past contractors had been as guilty, if not more so, than trade unions in the practice of discrimination.

He explained that the Trade Union Leadership Council had membership in all walks of life, including a member of common council, who are interested in ending discrimination in the construction industry and elsewhere.

"We will watch the building trades closely," he said. At the same time he said that L. M. "Boots" Weir, secretary-treasurer of the Carpenters District Council, and Irving Bronson, Painters District Council business representative, had made it clear that their unions had no policy of discrimination.

"My father is a carpenter member of Weir's organization," he said. He then charged that some other unions, even outside the construction unions, did carry on a policy of discrimination.

Holmes also explained how local 334 had integrated its staff in keeping with a policy of anti-bias. At the same time he said, "We want action, not words."

When some building trades leaders stressed some of the difficulties they had in organizing Negro workmen, they were assured that the Trade Union Leadership Council would help them in this endeavor.

The four antidiscrimination points laid down by the 18 international union presidents and included in the first resolution follow in full below:

1. Local unions are to accept into membership any applicant who meets the required qualifications regardless of race, creed, color or national origin.

2. If a local union has an agreement which provides for, and operates, an exclusive hiring hall, all applicants for employment are to be placed upon a hiring list in accordance with the applicable law and their collective bargaining agreement.

There is to be no identification of applicants as to race, creed, color, or national origin, and they are to be referred without discrimination as their turn comes up on the hiring list, if their qualifications meet those required by the employer.

3. If the local unions do not have an exclusive hiring hall, but do have a referral system set forth in their collective bargaining agreement, qualified applicants for employment are to be referred without discrimination as to race, creed, color, or national origin.

4. With regard to the application for, or employment of, apprentices, local unions shall accept, and refer, such applicants in accordance with their qualifications and there shall be no discrimination as to race, creed, color, or national origin, and the local unions shall adhere to their apprenticeship standards.

#### CALIFORNIA AND PACIFIC NORTHWEST HAVE A MUTUAL STAKE IN FEDERAL WEST COAST POWER INTERTIE

Mr. ENGLE, Mr. President, everybody can benefit from the proposed west coast electric power intertie if it is built and operated as a Federal common carrier line. By everybody, I mean the people of the Pacific Northwest and the people of California, including those who are consumers of both public projects and private projects.

Conversely, very few may benefit if it is built as a monopoly line controlled at the southern end by the so-called California power pool. That is exactly what would happen, however, if the Westland amendment tacked on by the House Interior Committee should prevail. The power consumers of both the Northwest and California would lose. The Pacific Coast Power Coordinating Committee understands this. At a meeting in Portland, Oreg., the committee adopted a resolution which states:

The Westland amendment would impede efforts to intergrade existing Federal systems. It would mean higher costs for Northwest and Southwest consumers but lower revenues to the U.S. Treasury. The Westland amendment strengthens the Pacific Gas & Electric Co. monopoly; creates transmission tollgates and endangers and weakens legislation to establish ground rules

for any Pacific Northwest-Southwest intertie. We respectfully urge the amendment be stricken.

The California Municipal Utilities Association takes the same position. It has wired me as follows:

Inclusion of Westland amendment in S. 1007 eliminates our support of the bill and requires our active opposition. The amendment discriminates against our members and the State of California. The Westland amendment is so adverse to our interest as to negate any benefit which the preference legislation might otherwise assure. We ask you to employ the full force of your office to strike the amendment or to oppose S. 1007 if the amendment remains in effect.

The mutual interest of both North and South in a full length and unfettered west coast intertie is spelled out perhaps best of all by the Sacramento Bee in editorials published on July 10 and July 22. I ask unanimous consent that these two editorials be printed in the RECORD.

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

[From the Sacramento Bee, July 10, 1963]

#### NORTHWEST WOULD LOSE BY INTERTIE HOBBLE

It is difficult to understand how a Congressman from the State of Washington should be the one to sponsor an amendment to the Pacific Northwest power preference legislation requiring specific congressional approval before a Federal transmission intertie can be built to transport Bonneville electricity into California.

This is exactly what the privately owned utilities wanted, for they can feel reasonably sure the House Interior Committee which adopted this antipublic power amendment likewise would turn down authorization of a Federal intertie.

It is one thing for Congressman JACK WESTLAND, the sponsor of the restrictive amendment, to play the game of the privately owned utilities but quite another for him to foster a gambit which could be costly both to his own territory, the Pacific Northwest, and to California.

The Pacific Northwest has a very large surplus of power and the situation will become even more acute when the treaty between Canada and the United States inevitably is negotiated whereby Canadian electricity will be moved into this country.

Unless an outlet can be found for surplus Bonneville power it will be necessary to increase the rates in order to repay the Federal Government for the investment in dams and generating facilities. That is certain.

This not only would raise the charges to existing customers but would discourage industries from moving to the Northwest. If industries cannot be attracted now with power rates which are just about the lowest in the United States, they could not be attracted if the rates were higher.

Proposed private transmission facilities would not take care of the situation; several lines including the public intertie are necessary. So if WESTLAND'S amendment is kept in the pending bill, the Bonneville kilowatts in effect will be rotting on the transmission lines.

The Northwest would be penalized; California which can use the additional electricity for the State's water plan and in other areas, would be penalized.

For the House of Representatives to approve the bill as it stands would be a disservice to the West. And if the House is minded to play the tune of the privately owned utilities, the Senate, which already has passed a preference bill without this amendment, should refuse to concur.

[From the Sacramento Bee, July 22, 1963]

#### PRIVATE UTILITIES WOULD SIT AT POWER TOLLGATE

It must be conceded the Washington lobbyists for the privately owned electric utilities scored a victory of sorts in getting the House of Representatives Interior Committee to insert the so-called Westland amendment in the Northwest power preference bill.

The measure in its overall purpose is reasonable enough in that it would give the Pacific Northwest first call on Government power generated in that area to meet its own needs before any could be transmitted to California or other States.

Yet the amendment offered by Congressman JACK WESTLAND, of Washington, and adopted by the committee would go beyond the basic principle set forth in the bill. It in effect would take away the existing authorization for the Interior Department to build a Federal transmission line from Bonneville into California and require specific approval by Congress of such a project.

Meeting in Portland recently the Pacific Coast Power Coordinating Committee, representing 175 consumer-owned electric systems in 7 Western States, strongly condemned the amendment and called for congressional defeat of the measure if the rider remains in the bill.

In a telegram to Congressman WAYNE N. ASPINALL, of Colorado, chairman of the Interior Committee, the west coast group stated:

"The Westland amendment would impede efforts to integrate existing Federal systems. It would drastically weaken the Government's negotiating position respecting possible non-Federal intertie proposals, jeopardize chances for approval of the Canadian treaty providing for sale of Canadian power to the United States and mean higher costs for Northwest and Southwest consumers but lower returns for the U.S. Treasury."

There is nothing in the Westland amendment to keep the Government from building a line to the Oregon-California border where the power could be delivered to the private companies. While the utilities have offered to convey the energy to a few public agencies in California, this would put the private interests at the tollgate.

The Westland amendment must have exceeded the wildest hopes of the special interest lobbyists. It should be stricken out or the entire bill, unfortunately, should be defeated.

#### TRIBUTE TO OMAR B. KETCHUM

Mr. ENGLE. Mr. President, I rise to pay tribute to a recently departed friend, Omar B. Ketchum.

With Omar Ketchum's death the country lost a great champion of veterans' rights. It is to the inestimable advantage of the veterans of this country that Omar Ketchum chose to devote his life to their cause. He gave them hope and encouragement. He was their true friend.

As VFW's national legislative officer and later director of its Washington office, Omar Ketchum was for more than two decades an integral and important part of all major legislative and administrative actions affecting our veterans. He was especially proud of the significant role he played in the GI bills for World War II and Korean conflict veterans, and in the successful fight to have enlisted men receive terminal leave pay at the end of World War II. He was considered to be the chief spokesman for a separate pension program for World War I veterans.

Omar Ketchum did not limit his activities to veterans' affairs. For the last 20 years he was very much in the forefront of legislative activity designed to protect our country against subversive forces and to promote a strong national defense. For many years he served on the President's Committee on Employment of the Handicapped and on the Federal Advisory Council on Employment Security.

Omar Ketchum served his country well—with courage and devotion to the end. His many friends will miss him very much. The veterans of this country will never forget him.

My deepest sympathy to his wife Edna and their children.

#### CIVIL RIGHTS DEMONSTRATIONS

Mr. CHURCH. Mr. President, our Nation today is facing a social revolution of such profound consequence that, in my judgment, it shall have tremendous influence in molding our future relations with one another and the relations of our country with the rest of the world. However, too many of us have focused such great attention on the demonstrations and the proposed civil rights legislation, that we have failed to grasp the real implication of what is happening. No doubt, the present events are of great and immediate significance, but they will mean very little if we neglect the long-range suggestions of this social revolution, that being the low economic status of our Negro citizens, brought about by their lack of educational opportunity.

Last June 18, William H. Stringer, the chief of the Washington Bureau of the Christian Science Monitor, wrote a very thought provoking article concerning this subject.

I ask unanimous consent that his article entitled "Low Man on the Totem Pole," be printed in the RECORD at this point.

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

#### LOW MAN ON THE TOTEM POLE

(By William H. Stringer)

WASHINGTON.—We're reading these days about Negro street marchings and demonstrations and President Kennedy's proposed new civil rights legislation. But beyond the immediate crisis lies a problem which legislation cannot quickly reach, yet which is crucial for the long-range future of the Negro.

This is his economic status, which is partly the result of lack of educational opportunity.

Throughout American history some group always has been low man on the economic totem pole. On the west coast, it was once the Chinese, who became the laborers who built the western half of the first transcontinental railroad. In the East it was the Irish, fleeing from the potato famine. Now it is the Negro, last to be hired, first to be fired, filling the unskilled jobs—the jobs which automation is beginning to snatch from him.

The Negroes are the ones who participate most directly in the poverty of what the sociologists call "the other America"—the America of the slack industrial town, of the outworn mining community—the America of the ill-educated school dropout, and of the chronically unemployable.

There are more Negroes in these categories, except in mining areas, than anyone else. Their rate of unemployment is twice that of whites. The rate of joblessness among Negro youths in several big cities ranges up to 75 percent.

What is to be done about these statistics of despair? This isn't a problem of admitting Negroes to lunch counters or swimming pools. It isn't even an issue of lawsuits to secure their voting rights, though a people possessed of the right to vote can work more effectively against discrimination in hiring and firing.

But we have a clue to the basic challenge when we note that Attorney General Robert F. Kennedy, in discussing civil rights remedies, says that aid-to-education measures and the administration's tax bill are more important even than new civil rights legislation. For it is these further objectives—more education, and the brisker economic activity which the tax bill is expected to induce—that will raise the Negroes' economic status.

Lesser measures also will help. One can argue the value of stronger Government support for vocational training, and the value of work among the high school dropouts—by local schools hand in hand with local private enterprise—and even the value of a domestic peace corps to work in the Negro ghettos.

There is need for more rapid upgrading of job opportunities by the predominantly white labor unions, and for persistent pressure on hiring practices by the President's Committee on Equal Employment Opportunity.

Beyond all this, there is the continuing challenge of the Nation's economic growth rate. Just now the Bank for International Settlements at Basel has criticized American administration policy for its alleged "reluctance to call upon fiscal measures on a scale to match the huge size of the economy." The bank suggests more Government spending, besides the projected tax cut. This Keynesian advocacy may be the wrong prescription, but it underlines the urgency of having a continually thriving economy.

The Negroes' agitation today reminds us that there is this "other America" which by no means participates in the good life, and that its plight could worsen if nothing is done about it.

#### EMERGENCE OF FORMER COLONIAL STATE

Mr. CHURCH. Mr. President, one intriguing aspect of our world in the second half of the 20th century and perhaps the most misunderstood has been the development of what many have called the third world. This is the name commonly applied to those countries of Africa and Asia which were the products of the revolutionary changes taking place after the Second World War. While we and the Soviets have, from time to time, maneuvered for their favor, these countries, mostly unaligned, have become the largest bloc in the United Nations, and have the potential of drastically affecting the future course of world history.

A phenomenon connected with the development of the third world has been that not only have they refused to subordinate their own peculiar problems of economic or political development to those of the major powers, but in the cold war they have followed policies of nonalignment. Though many may find these policies destructive, or unlight-

ened, nevertheless, they cannot be ignored.

Therefore, I would like to call to the attention of the Senate a book review which appeared in the Wall Street Journal of May 29, 1963. It is a perspective review by William H. Chamberlin, of a book entitled the "Third World."

Mr. Mario Rossi, the author of the study, tries to provide some answers as to why the third world nations act as they do on such vital questions as the cold war, colonialism, aid to newly developing nations, and communism.

I ask unanimous consent that the book review from the Wall Street Journal be printed at this point in the RECORD.

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

#### THE MYSTIFYING ORBIT OF THE "THIRD WORLD"

The hot war which led to the downfall of the German and Japanese empires has been followed by the cold war between the Communist-led nations and the West, allied with a few anti-Communist regimes in Korea and Taiwan, Thailand and South Vietnam.

Another very important aftermath of World War II has been the emergence of a third bloc of former colonial states which may be described as non-aligned. In this group one finds India, Burma, most of the Arab States and the steadily increasing number of newly independent African States.

These nations form "The Third World," the subject of a new book by Italian-born Mario Rossi, a journalist with a philosophic bent of mind who has been observing the policies, tactics and psychology of the nonaligned states from the vantage points of a correspondent at the United Nations. One finds in Mr. Rossi's book plausible answers to a number of questions which perplex and sometimes exasperate many Americans.

#### ATTITUDE TOWARD SATELLITES

Why, for example, do spokesmen for the neutralist powers display extreme indignation over the remaining remnants of Western oversea rule, and no indignation at all over Soviet rule of a considerable area of Asia and brutal imposition of Communist domination on countries like East Germany and Hungary? Mr. Rossi offers the following reply:

"To non-Westerners, colonialism means the exploitation of Asians and Africans by Europeans. In their view, if a European exploits or dominates another of his race, that cannot be considered colonialism \* \* \* Western efforts to brand certain Soviet policies as colonialism have proved useless, even self-defeating."

As for the situation with Soviet domination of Asiatic peoples in the Caucasus and central Asia, the Afro-Asian leaders are inclined to accept at face value the Soviet assurance that no race discrimination is involved. This is not altogether true; the natives who are put in leading posts in the national republics of the Soviet Union are apt to be front men for Russians who pull the strings. It is, however, substantially true that Russians, by and large, have just as little freedom as the Asiatic subjects of the Soviet state; perhaps this takes away the stigma of colonialism in the eyes of Afro-Asians.

The frequency with which the Soviet bloc in the U.N. has voted with the Afro-Asians has created in some Western circles the impression that communism and Afro-Asian nationalism are more or less identical. Mr. Rossi shows this is an oversimplification.

The Soviet Union plays up to anticolonial nationalism on every possible occasion. But the nonaligned countries are not tied to the chariot wheel of Soviet diplomacy. They accept or reject Soviet support on the basis

of whether this is in their own interest. There are some pretty shaky spots; but not one of the newly independent Asian and African States has gone Communist in any final or irrevocable sense. Soviet diplomacy probably has as many headaches and disappointments as American in countries like Iraq, Burma, and Guinea.

One common characteristic of the uncommitted third is its dire poverty. Defying all Marxist predictions of gloom and doom, the industrially developed part of the world since the end of World War II has gone ahead at a rapid clip, giving the common man, and not least Marx's proletariat, the highest standard of living in history. The former colonial areas on the other hand, have barely kept pace with the needs of their growing population; sometimes they have failed even to do this.

#### AFRO-ASIAN ASPIRATIONS

Mr. Rossi mentions as aspirations of the poor, underdeveloped countries both an economic breakthrough that would bring their standards closer to those of the West and a desire to do away with what Afro-Asian nationalists call indirect colonialism, that is, the retention of considerable economic interests by the former colonial powers. But are not these aspirations mutually contradictory?

Where would the Congo be today without foreign administrative and technical skill and foreign investment? It is the countries in which the transition to independence has involved the least disturbance of former property relations, Malaya, for instance, that seem to be best off.

Mr. Rossi deals in general propositions rather than in specific facts about individual countries; there is more diversity in the Afro-Asian lineup than his work might suggest. And sometimes he carries sympathy with the newly emerging states to the point of softening or overlooking some of the less pleasant facts about the consequences of independence for some of the less prepared peoples.

But, like it or not, the uncommitted bloc is here to stay. This is an admirable study and presentation of the viewpoint and psychology of its spokesmen.

WILLIAM HENRY CHAMBERLIN.

#### FEDERAL POTATO CONTROL PROGRAM

Mr. CHURCH. Mr. President, every year the world's best potatoes are grown in Idaho. Now it appears that attempts to establish a Federal potato control program may become as reliable an annual event as the superlative Idaho crop.

The year 1961 was an excellent year for potatoes, but a poor one for potato growers. Acreage and production in Idaho and the Nation were considerably above levels of the previous year. However, prices received by the growers fell more than 30 percent. As the big crop was shipped out and the meager receipts came in, sympathy in favor of various potato control schemes grew. In the spring of 1962, hearings were held across the Nation on a proposed national potato marketing order, and bills were introduced in Congress to impose potato marketing quotas and acreage allotments.

Overwhelming evidence, at that time, convinced me that Idaho did not want potato controls, for reasons valid both in Idaho and in the rest of the country. Addressing the Senate in April 1962, I said that one poor year was not sufficient justification for instituting elaborate controls. The growers wanted to try to

correct the problem on their own, and I thought they should be given the opportunity to do so.

They were, and in 1962, prices improved as acreage and production were cut back. Nevertheless, pressures for a national marketing order have continued, and control legislation has been introduced in the current session of Congress. All the arguments I made last year against potato controls are still valid, and they are now reinforced by the 1962 crop reports, which show unquestionably that the potato industry is not in a condition of chronic oversupply. But since support for potato controls persists, I am delivering this address to restate the points I made last spring and to report subsequent developments concerning the proposed national marketing order and the bills establishing acreage allotments and marketing quotas.

In November 1961, when the problems with that year's crop had become apparent, the National Potato Council requested appointment of a National Potato Advisory Committee to suggest methods of better supply management for Irish potatoes. The committee met, held hearings during the spring of 1962, and made two basic recommendations: First, that a national marketing order for potatoes be promulgated under authority of the Agricultural Marketing Agreement Act of 1937, as amended; and second, that the Department ask Congress for statutory authority to impose marketing quotas on Irish potatoes through the establishment of acreage allotments.

#### THE PROPOSED NATIONAL MARKETING ORDER

Under the 1937 act, the Secretary of Agriculture has authority to propose and submit marketing orders of local or national scope to grower referendums for approval by the customary two-thirds majority. However, the Secretary can act only on the basis of substantial evidence that a proposed order is desirable and desired. In recent years this evidence has been provided and the necessary two-thirds vote has been obtained for local orders covering various potato producing areas. But a national order has never been submitted to a vote. The hearings in the spring of 1962 were held to determine whether substantial evidence favoring a national order could be found.

Idaho growers did not provide it in the testimony offered at Pocatello. They were convinced that there was sound reasoning, applicable not just in Idaho, but to the whole potato industry, to justify rejection of a major feature of the proposed order, volume controls enforced at the handler level.

The record shows that such controls are unsatisfactory. Their administration poses great difficulty. Black marketing of potatoes in violation of the order, cannot be avoided, especially in areas close to big-city markets, where contact between grower and commercial buyer can be direct. Our last experience with controls of this type, which came more than a decade ago, was with a program which failed notoriously to accomplish its objectives, and broke down, finally, in nothing less than a public scandal. If

this happens again, areas like Idaho, where production, sale, and processing of potatoes is far removed from the major markets, could suffer undue injury. For these reasons, I believe that volume controls at the handler level should not be included in any proposed national marketing order.

If suitably amended, a workable marketing order might find much support in Idaho, as well as in other major potato producing areas. There would be significant advantages to commercial potato growers in a national marketing order of uniform application, which established requirements for grade, size, and quality; for labeling as to both grade and source; and for compulsory inspection to insure compliance. If the order were also to include a provision prohibiting the use of culls for human food, most Idaho growers seem to believe it would result in an improved quality of potatoes, and that it would also reduce the chances of excessive production glutting the market and reducing prices.

The order, as originally conceived, however, would create more problems than it would solve. The hearings conducted last year and numerous briefs filed since attest overwhelmingly to this fact, as the Department of Agriculture has apparently recognized. Recently, the Department announced a tentative decision to withdraw the proposed order.

#### POTATO MARKETING QUOTA AND ACREAGE CONTROL LEGISLATION

Let me turn now from national marketing orders, which do not come before the Congress for approval, to certain bills introduced in both Houses of Congress seeking to establish a national acreage allotment and marketing quota for potatoes.

Similar measures were introduced last year, upon the recommendation of the National Potato Advisory Committee. For the record, it should be made clear that the three Idaho representatives on the Committee at that time voted against the recommended control program. In doing so, I think there is no question but that they reflected the preponderant sentiment of Idaho farmers.

Of the 14 Idahoans who testified or submitted statements this spring at the hearings on this year's bills, 10 were opposed. Seventy-six percent of the respondents to a grower's poll conducted this spring by the Idaho Potato and Onion Commission disapproved of acreage controls as proposed by the pending legislation. I opposed last year's bills to institute acreage allotments and marketing quotas and my position remains unchanged this year.

Mr. President, the Idaho potato industry has grown and prospered greatly over the past 13 years, in the absence of controls. During this period, the value of our crop has increased markedly, and the development of a modern processing industry in Idaho has brought added long-term stability and increased employment to my State. These successes result from the quality of our product, and the efficiency with which it is produced and marketed. Why should those who have achieved efficient production

of a quality food product be subjected to controls they do not want?

No one could deny that the potato industry in Idaho and elsewhere faces certain problems, particularly the instability of prices received by the grower. But Idaho growers recognize that sharp fluctuations in potato prices are not new. The industry has experienced poor years before, and has survived and expanded. They also know that even when market conditions are not what they would like, there is no assurance that Federal intervention will solve, or even relieve, the difficulties. Furthermore, they see brighter prospects ahead.

The most recent crop is encouraging, as are trends in the Nation's total and per capita potato consumption. From 1910 to 1950 per capita consumption of potatoes declined from slightly under 200 pounds to about 105. Throughout this period population growth barely prevented total consumption from falling. But about 1950 per capita consumption stopped its decline and has shown a perceptible rise in the past couple of years. Total consumption, responding both to this per capita increase and to the population expansion, has risen about 35 million hundred-weight just since 1956. The future for the potato industry is far from dark, though occasional eclipses can be expected.

Mr. President, with enormous quantities of wheat and feed grains still in storage, with a new surplus of dairy products now reappearing, and with failing farm programs on our hands which cry out for correction, this is no time to launch a new control program on a commodity not proved to be in chronic surplus, and as to which there is widespread disagreement on the need for controls at all.

I submit, Mr. President, that the imposition of a straitjacket upon the potato growers of the Nation could frustrate the processes of the free market to the detriment of all. Further growth will be denied the areas of naturally good production, while little more than poverty will be preserved in the areas of naturally poor production.

In my remarks last year, I granted that Idaho had been outvoted in the councils of the industry when the National Potato Advisory Committee approved acreage allotment legislation and a national marketing order. But I said then that Idaho's case was right nonetheless. The dissent and disapproval which persuaded the Agricultural Department to withdraw the proposed national marketing order demonstrate that Idaho's arguments were valid and that the National Potato Council and Advisory Committee are not fully representative of the farmers themselves.

So I will oppose the potato control bills introduced in this session of the Congress. The need for such drastic legislation has not been demonstrated; the case for controls has not been made.

#### THE MITZVAH CORPS

Mr. WILLIAMS of New Jersey. Mr. President, I have noticed a great resur-

gence of the volunteer spirit in this country over the past few years. Our citizens have become increasingly aware of the problems of others, and have reacted in a very commendable manner. Many have joined the Peace Corps; many have made inquiries about the National Service Corps proposal; and many have acted on their own initiative. I recently learned of one young man who has found his own personal way to give service.

The young man I had in mind is Stuart Rosengarten, age 16, of West Orange, N.J. Stuart has just returned from Puerto Rico as a member of the Mitzvah Corps, a function of the National Federation of Temple Youth. As 1 of 10 young men in the corps, Stuart worked for a month in Puerto Rico helping with the construction of hurricaneproof shelters, teaching English, and taking part in cultural activities.

I am proud of Stuart, for, like many other young men from New Jersey and across the country, he has unselfishly contributed time that he could have put to use making money or simply enjoying himself. The only reward he received for his labors was the heartfelt thanks of those he helped. I too thank Stuart for being such a fine representative of the United States; and I commend him for his devoted efforts in helping others less fortunate than himself.

Mr. President, I would like unanimous consent to have an article from the August 2 issue of the Jewish News of Newark, N.J., concerning the trip and work of Stuart Rosengarten placed in the RECORD.

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

**BACK FROM PUERTO RICO: PRAISES MITZVAH CORPS' WORK**  
(By Bea Smith)

It's a real mitzvah when a lad of 16 gives up a month of precious vacation time to join a Jewish youth group to assist villagers in constructing hurricaneproof dwellings, to teach English, and to contribute to cultural activities.

Such a lad is Stuart Rosengarten, son of Mr. and Mrs. Nathaniel S. Rosengarten of South Orange, who recently returned from a pioneer project in Puerto Rico with the NIFTY Mitzvah Corps, a group of 10 high school students from various parts of the United States. (The Hebrew word "mitzvah" means commandment to do a good deed in serving one's fellow man.)

NIFTY (National Federation of Temple Youth) is the teenage group of the Union of American Hebrew Congregations, a body representing 650 reform temples in North and Central America.

It conducted the assistance project in cooperation with the Social Programs Administration of the Commonwealth of Puerto Rico.

**HEALTHY EXPERIENCE**

Stuart is none the worse for his experience. He now sports a healthy-looking tan, and some newly developed muscles bulge "from swinging that pick and digging into those excavations."

The handsome Columbia High School student is treasurer of the Temple B'nai Jeshurun, Newark, youth group and a recipient of a partial scholarship from the temple for the Puerto Rico project.

He flashed a broad grin and exclaimed, "It was nifty, thanks to NIFTY."

"My experience was quite profitable. I really established a love of Puerto Rican

people. They are very kind, very understanding."

Stuart said he had had 2 years of Spanish in high school, and he was able to communicate fairly well with the villagers.

Under the guidance of two college students-supervisors, each of the 10 boys was assigned to a family. The families received a subsidy of \$40 a month for housing the young men.

"Naturally, they were non-Jewish families. My family had five children, three of whom were in colleges in the United States.

"The strangest thing about these hastily built shacks we lived in—there wasn't one shack without a TV antenna, and lots of them have washing machines, but little else."

**USUAL WORKDAY**

"An average workday in a rural village (such as Palmas Altas where I lived) began by being awakened by roosters, dogs, and pigs, then with whatever water was left in the pipes, a hasty scrub, an enormous breakfast—and a 5-minute walk to work.

"The workers would be already digging foundations, so I would just pick up a shovel or pick and pitch in.

"We picked through rocks, we cemented, set up frames, and poured concrete.

"We knocked off about 4 o'clock in the afternoon, and at night we got together either at school to teach English to those who wanted to learn, or to sing our folks songs and learn theirs."

**AKIN TO ISRAEL**

"You know," Stuart said thoughtfully, "Puerto Rico is greatly akin to Israel in many ways. Climate, problems, progress."

Stuart visited other parts of the island and observed the Sabbath in San Juan and once in a historic synagogue at St. Thomas, in the Virgin Islands.

Generally, Stuart met interesting boys and girls at evening dances and socials. "The girls were a bit shy at first," he said.

Did he come across any anti-Semitism? "There were two minor events—although hardly much to talk about. A fellow colleague got into a discussion with his Puerto Rican family one day. They asked him if he believed in God, in the Ten Commandments, and after two affirmative answers, they asked him if he believed in Christ and the New Testament.

"He answered 'No' and proceeded to explain why, but one of the sons in the family thereafter stayed away from him as much as possible.

"Not everyone knew what Judaism was. "One of the villagers thought it was some order of the Catholic Church. I corrected her idea."

Stuart was offered many invitations from villagers, and said he would like to return to Puerto Rico next year.

"I'll certainly sign up," he said, "and see what happens."

**SHORTAGE OF SKILLED WORKERS**

Mr. WILLIAMS of New Jersey. Mr. President, we are all concerned with the shortage of skilled workers in this country. We, as Members of Congress, have attacked this problem in a number of different ways; but many individuals throughout the country have attempted to come to grips with the problem in their own way. Mr. Raymond F. Conover of Verona, N.J., is involved in a project that I find highly commendable. Every year a great number of highly skilled people retire, and it is with these retired people that Mr. Conover is working. He is running an employment agency for the retired in Montclair, N.J.

Very often retired people find that they miss not having a job to spend their

energies on. Mr. Conover has provided these people with just such an outlet. He attempts to place those retired persons who desire employment in part-time jobs in the community. At first the employers were skeptical of the plan and unwilling to hire a retired person, but the years have proven that these Americans are capable and determined to do a good job. The benefits of Mr. Conover's program are twofold. The retired are provided with a way to expend their energies; and the community receives the benefits of a person with years of experience.

Mr. President, I commend Mr. Conover and the Junior League of Montclair for bringing this project into successful operation. I ask unanimous consent that an article concerning their work from the July 7 Newark Sunday News be placed in the RECORD.

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

**AID FOR IDLE SENIOR CITIZENS: MONTCLAIR JOB AGENCY SEEN BOOST FOR ELDERLY**  
(By Elizabeth Weller)

For the Montclair Senior Citizens Placement Bureau, tracking down jobs for the elderly often is easier than finding applicants to fill them.

"When we first opened, we had more requests for work than we had jobs. Now the trend is reversed," said Raymond F. Conover of Verona, an energetic retired manufacturer past 60, who serves as the bureau's director and single paid employee. "Last year we made 303 placements for full- or part-time work, almost 10 times as many as we did 3 years ago."

"We started out providing baby sitters and handymen, but now we have been getting more office jobs. We just placed a 65-year-old man in a part-time job as a consultant in the trust department of a local bank," he said.

"A real plum was the job selling accounting systems we obtained for a retired man past 65, who once worked for an office machines company, Conover recalled.

**SUPPLEMENTAL INCOME**

Conover said that many elderly people need the \$1,200 that social security laws allow them to make while receiving retirement benefits.

"In many cases, it means the difference between a comfortable retirement and an impoverished one," he said. "Of course we place some people who just want the feeling of usefulness a job gives them."

Conover said the bureau's initial problem was educating employers to the usefulness of employees over 60. "Now we get letters from employers commending the workers whom we have placed."

A manufacturer of plant machinery told Conover that two part-time older men referred to him by the bureau are twice as dependable as one full-time younger man. "They enjoy their 4 hours a day and don't get bored and careless before quitting time," he said.

"We also get letters from interested groups in other parts of the country who want to establish a similar employment service," he said, "there are only six placement offices in the entire country devoted exclusively to older workers."

**BUDGET**

The Community Welfare Council provides office space at 60 S. Fullerton Avenue and provides the bureau with mail and telephone service. The \$4,800 annual budget is underwritten by the Montclair Junior League. League volunteers also help with interviewing and clerical work.

Applicants to the bureau need only be past 60. Conover devotes his mornings to interviewing prospective workers, and in the afternoon, follows up help-wanted advertisements and writes and telephones employers.

The Junior League established the service in May 1960 as a demonstration project, after a survey revealed that many senior citizens in the community were in need of full- or part-time work to supplement their retirement incomes.

#### PHYSICAL FITNESS PROGRAM OF SLOVAK CATHOLIC SCHOOL, NEW JERSEY

Mr. WILLIAMS of New Jersey. Mr. President, from July 11 to 20, 1963, a leading organization from my State of New Jersey, the Slovak Catholic Sokol, with headquarters in Passaic, put on a memorable physical fitness program in conjunction with religious and patriotic celebrations in Youngstown, Ohio.

The celebration attracted more than 15,000 observers and more than 1,000 young American Slovak youth from 11 States.

The Governor of Ohio, James Rhodes, the mayor of city of Youngstown, Harry N. Savasten, and the mayor of the neighboring city of Campbell, Ohio, Joseph Vrabel, proclaimed the Slovak Catholic Sokol Week on this occasion. Three Catholic bishops—Bishop Emmet M. Walsh and Bishop James W. Malone, both of Youngstown, and Bishop Andrew G. Grutka of Gary, Ind.—participated, as well as Abbot Theodore G. Kojis, OSB, of Cleveland, Ohio.

U.S. Representative MICHAEL J. KIRWAN, of Ohio, was grand marshal of one of the most picturesque parades led by U.S. Attorney General Robert F. Kennedy, who brought a special message from President John F. Kennedy.

Paul C. Fallat of Hasbrouck Heights, N.J., is supreme president of the organization and Joseph G. Prusa, Passaic, N.J., is supreme secretary.

The 3-day gymnastic and calisthenic exhibition—arranged by Supreme Commander S. Stephen C. Burican—and Mrs. Irene Matuschak and supreme sports and athletic director, Frank Petruff, of Paterson, N.J.—was followed by the 19th national convention of this the largest Slovak gymnastic and athletic fraternity. Mr. John C. Sciranka, well-known American Slovak journalist, was permanent chairman of this historical convention, which voted \$50,000 for the establishment of SS. Cyril and Methodius Institute in Rome on the occasion of the 11th centenary of these two apostles and also \$30,000 for the seminary of Slovak Franciscan Fathers, who have institutions in Pittsburgh, Pa., Valparaiso, Ind., Easton, Pa., Uniontown, Pa., and Columbiana, Ohio. They also have parishes in Clifton, N.J., and Buffalo, N.Y.

Prior to the opening of the national convention, U.S. Attorney General Robert F. Kennedy spoke at the luncheon in the Pick Ohio Hotel. His message, as well as the entire program of the festivities, were beamed to Slovakia and other countries behind the Iron Curtain by the Voice of America.

Mr. Robert F. Kennedy's remarks, created great international interest and

therefore, I should like the members of the U.S. Congress to share them.

I ask unanimous consent to insert the remarks in the RECORD.

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

REMARKS BY ATTORNEY GENERAL ROBERT F. KENNEDY AT THE SLOVAK CATHOLIC SOKOL CONVENTION

Bishop Grutka, reverend fathers, Chairman Prusa, ladies and gentlemen, it is both an honor and a pleasure to meet with you today, and to participate in this festival and convention.

Your Sokol tradition, so closely linked with the Slovaks' historic efforts for independence and for national self-realization in modern times, is a reminder to us all of the vital role of the Slovak people in the continuing worldwide struggle for freedom.

And the entire Catholic world is celebrating this year as the 1,100th anniversary of the Christianization of the Slovaks by S.S. Cyril and Methodius. The work for your Sokol organization in laying the foundation for the new institute at the Vatican, named in their honor, has been highly commendable.

I can't help feeling that those two traditional traits of your parent country—a continuing struggle for political freedom and a deeply ingrained religious faith—give us a great deal in common.

Both of my great grandfathers, like yours, were born in another country whose national pride is built of those same two characteristics.

And as they came here, like your grandfathers, your fathers and some of yourselves, as poor men with very little more than those two strong traditions to sustain them.

They came not only in flight from oppression, but with something of the valor of explorers and pioneers—as men willing to pit their enterprise against the mystery and complexity of a New World; men determined, against great odds, to survive and prosper and plant the roots of their future generations in foreign soil.

That they did survive, your forefathers and mine, that they did prosper and create American families with the cultural heritage of their homelands—this will stand in everlasting tribute to their personal courage, to the honor of the countries that gave them birth, and above all to the glory of America.

For it is this very quality of American life, more than any other, that has always electrified the imagination of the world: that men of humble origins have been able to fulfill their ambitions here in ways that would never have been open to them in their native lands.

You are Slovaks and justifiably proud of it. I'm an Irishman, and proud of that too. But it is with no sense of contradiction that we can thank God we are all Americans.

I had the pleasure of visiting your fathers country a decade ago. I spent a good deal of time in Bratislava and drove for hundreds of miles through your beautiful countryside meeting any number of friendly and courteous people along the way who perhaps were the relatives of many of you here.

I know something of the nostalgia you must feel for that fine homeland of yours and I know how distressed you must all be to think of it now under the tyranny of Communist rule.

As a representative of the U.S. Government the President has asked me to tell you that the United States will continue to support the just aspirations of all people in the world for independence and liberty—aspirations which the Slovaks share today with many other captive nations.

Our Government seeks to keep in close touch with the people of all such nations in order to assure those who are oppressed of

our continuing sympathy and support and for a better future.

But it is primarily as Americans as fellow immigrants, that I want to address you here today.

I want to remind you that your people have a deep and proud heritage in American history, as well as in the history of Europe.

George Washington's army had a good many Slovaks in its ranks—and one of them, Maj. John Ladislav Polerecky, won a place for himself in the history books for his command at the Battle of Newark.

The Slovak Company of the Union Army in the Civil War was famed for its daring and fortitude. Gejza Mihaloczy, an officer of that company who died of battle wounds in 1864, is still a legendary figure in the annals of that war.

Countless other Slovak-Americans served their adopted country with gallantry in the First and Second World Wars, and in Korea; and in their civilian careers your people have made vivid contributions to all aspects of American life.

Your clergymen have risen to positions of high eminence in American Catholicism. I need only mention three such men who have graced us with their presence today: Bishop Grutka, Abbot Theodore Kojis (Koyish), and Msgr. Clement Mlinarovich.

Your people, who were once denied ownership of their lands by foreign nobility, now own and cultivate vastly productive tracts of farmland in most, if not all, of our 50 States.

Slovak-Americans have founded no less than 55 newspapers in this country since 1885, a proud journalistic tradition that is typified by the outstanding careers of men like Michal Bosak, the Pennsylvania publisher.

Still other Slovak-Americans have distinguished themselves in the professions, in business, in government service, and in many other areas of public life, from the novelist Gustav Marshall-Petrovsky to the celebrated young jockey, Willie Hartack.

Clearly, the United States would be a poorer nation today, economically, intellectually, culturally, and in every other way, if it were not for the 2 million of our citizens who are of Slovak birth or ancestry. And, needless to add, those 2 million would be poorer if it weren't for the work of the Catholic Sokol throughout the Nation.

You may have every reason for being grateful to America; but I hope you will never doubt or forget that America has every reason to be grateful to you.

But America imposes moral obligations on you, too, as it does on all of its citizens. As Americans today, of whatever other national origin, none of us can afford to ignore the pressing and in some ways desperate problems of minority groups less fortunate than ourselves.

I refer primarily, of course, to the conditions of blind prejudice that have continually foiled the American Negroes in their struggle for fundamental civil rights. And there are other, subtler but no less sinister forces of prejudice at work in America today—against Indians, Puerto Ricans, against Mexicans, against people of Japanese, Chinese, and Philippine ancestry.

Nor is color the only criterion for intolerance: prejudice still prevents many people of the Jewish faith from attaining their full share of the freedom, the equal opportunity, the untrammelled right to the pursuit of happiness that are so clearly promised in our Declaration of Independence and our Constitution.

The plight of all such afflicted minorities, and the need for all of us to set it right, cannot help but stir the conscience of anyone fit to call himself a citizen of this country. All of us, it seems to me, face a clear challenge today to reaffirm and to demon-

strate, in our daily actions, the sense of democratic justice that unites us as Americans.

If we fail to do so, we become no better than the oppressors our fathers found intolerable in their native lands. Only if we succeed, as we can and must succeed, will the ideals of this Nation be fully realized. I cannot believe our fathers would have wanted it any other way.

In conclusion, if you will forgive an Irishman's poor pronunciation, let me salute you all with the only two words of Slovakian I understand: "Zdar boh."

#### CRIMINAL JUSTICE ACT OF 1963

Mr. ERVIN. Mr. President, I was most gratified by the unanimous vote yesterday by which the Senate passed the Criminal Justice Act of 1963 allowing compensated counsel for indigent defendants in the Federal courts.

As a practicing lawyer, as a judge, and as a legislator, I have long realized that if the financial resources of a defendant are to be irrelevant to the administration of justice, all defendants must have access to adequate counsel. To rely on inexperienced counsel who must find the spare time to defend without compensation is to provide less for indigents than is available to those with means. Furthermore, it is an unfair burden on the bar, particularly on the struggling young attorney who often is not much better situated financially than his client.

In 1946 Congress recognized the constitutional mandate for counsel in criminal cases when the sixth amendment provision was restated in rule 44 of the Federal Rules of Criminal Procedure:

If the defendant appears in court without counsel, the court shall advise him of his right to counsel and assign counsel to represent him at every stage of the proceeding unless he elects to proceed without counsel or is able to obtain counsel.

Yet, with the exception of legislation passed in 1960 providing for a Legal Aid Agency in the District of Columbia, Congress has done nothing to allow compensation for those lawyers representing the poor in Federal cases. The fine work of the Legal Aid Agency of the District of Columbia is proof that Federal legislation authorizing compensation for counsel of indigent defendants in the Federal courts is desirable. The Agency's annual report for 1962-63 is a cogent argument for enacting such legislation for all Federal district courts.

Thus, I hope the House will, at an early date, concur in the action taken yesterday by the Senate.

I ask unanimous consent that there be printed at this point in the RECORD the report of the Legal Aid Agency for the District, and the appendix to that report.

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

ANNUAL REPORT, 1962-63, LEGAL AID AGENCY FOR THE DISTRICT OF COLUMBIA, WASHINGTON, D.C.

This report covering the period June 1, 1962-May 31, 1963, is prepared pursuant to the District of Columbia Legal Aid Act (act approved June 27, 1960, Public Law 86-531, 74 Stat. 229; District of Columbia Code, 1961 ed., title 2, ch. 22, secs. 2201-2210). The act provides that a report of the Agency's work, including a statement of financial condition,

revenues and expenses, shall be submitted on June 1 of each year to the Congress, the courts and the District of Columbia Commissioners (2-2209 D.C. Code).

Despite a breakdown in Agency representation of indigents in the District of Columbia Court of General Sessions, and severe limitations imposed by the district court toward the end of the year in criminal and mental health cases, the services of the Agency show substantial gains for the year in many areas. There is an increasing demand by volunteer attorneys for the investigative services and consultation services of the Agency. Staff attorneys of the Agency have appeared for indigent defendants at the preliminary hearings before the U.S. Commissioner and immediately thereafter begun preparation of the cases for trial. Agency attorneys have been assigned to a larger number of felony cases in district court than ever before.

Agency attorneys have appeared for all the 94 indigent persons appearing at inquests before the Coroner for the District of Columbia. Also there has been a substantial increase in representations in juvenile court cases.

Death deprived the Board of Trustees on April 14, 1963, of its Chairman, W. Cameron Burton, Esq., one of the original trustees of the Agency. Mr. Burton, a lifetime private practitioner, former president of the Bar Association of the District of Columbia and, at the time of his death, State delegate to the American Bar Association, was noted for his longstanding devotion to the cause of adequate legal representation of poor litigants in both civil and criminal proceedings. James Francis Reilly, Esq., also a member of the original Board of Trustees, has been elected Chairman to succeed Mr. Burton.

The Agency's primary function is to make attorneys available to represent indigents by assignment from the court in proceedings enumerated in the act. The proceedings in which the Agency is authorized to operate are: Felony trials in the U.S. District Court for the District of Columbia; District of Columbia Court of General Sessions; (a) preliminary hearings in felony cases; (b) misdemeanors where the penalty can be 1 year; preliminary hearings (inquests) before the coroner of the District of Columbia; mental health cases: hearings before the Commission on Mental Health of the District of Columbia, and proceedings resulting therefrom in the U.S. District Court for the District of Columbia.<sup>1</sup>

The act vests the powers of the Agency in an uncompensated Board of Trustees consisting of seven members. The members are chosen by a nominating panel provided for in the act consisting of the chief judge of the U.S. Court of Appeals for the District of Columbia Circuit; the chief judge of the U.S. District Court for the District of Columbia; the chief judge of the District of Columbia Court of Appeals; the chief judge of the District of Columbia Court of General Sessions; the chief judge of the juvenile court of the District of Columbia; and the president of the Board of Commissioners of the District of Columbia. The present membership of the Board of Trustees is as follows: James Francis Reilly, Chairman; Frederick A. Ballard; C. Frank Reifsnnyder; Roger Robb; William S. Thompson; Howard C. Westwood (vacancy).

These trustees are all lawyers in private practice who have had broad experience in both civil and criminal litigation. The Board meets regularly each month and also holds special meetings. Written and oral reports

<sup>1</sup> Except for the mental health cases, the Agency is not authorized to operate in civil proceedings. Because of its name, however, it is frequently confused with the Legal Aid Society, a private organization which for 30 years has performed outstanding legal aid in civil cases.

on the work of the Agency are made regularly to the Trustees by the Director. The Director works under the supervision of the Board. There is no judicial or executive control or supervision over the Board. The Board decides on all expenditures of moneys.

The Agency's professional staff totals 15, as follows: The Director; six lawyers; four investigators; the secretary to the Director; and three clerk-stenographers. The staff is appointed by the Director with the approval of the Trustees.

#### U.S. DISTRICT COURT

Since long before *Johnson v. Zerbst*, 304 U.S. 458 (1938) defendants charged with felonies in the U.S. District Court for the District of Columbia have been assigned free counsel when they were without funds to employ their own attorneys.<sup>2</sup> The attorneys which the Agency makes available to the district court for assignment are its own full-time staff attorneys and outside volunteer attorneys. During the past year 1,060 cases were docketed in the district court. Of these 695 involved indigents which required assignment of free counsel. Four hundred and fifty-four assignments were made to volunteer attorneys and 241 assignments were made to Legal Aid Agency staff attorneys.

The 241 assignments made to Agency staff attorneys represents the highest number of such assignments since the beginning of the Agency's operations. This number would be substantially higher were it not for the fact that in April, 1963, the court imposed a 10-case limitation on assignments to staff attorneys. During the last 2 months of the current year, a total of only 6 assignments were made to staff attorneys, compared to a monthly average of 24 during the 10-month period immediately preceding. This 10-case limit includes cases awaiting dismissal when sentence is imposed in a companion case, and the cases in which no trial date has been set because the defendant is confined in a mental institution.

A definite increase has been observed in time spent by attorneys of the Agency in consultation with outside volunteer attorneys. An increase in mail and telephone calls confirms this observable growth.

#### VOLUNTEER ATTORNEYS

Before the Agency began its operations in November, 1960, the U.S. district court made its assignment of attorneys to represent indigents from a list of attorneys compiled by the clerk of that court. Beginning in November 1960, this function was gradually taken over by the Legal Aid Agency, and now practically all assignments are made from names of attorneys furnished to the assigning judge by the Agency from its list. The Agency's list totals more than 1,200 names. It was compiled in various ways. The clerk made the court's list available, and as assignments were made from this list the names would be taken off the list and

<sup>2</sup> Since 1938, the Supreme Court has reaffirmed and expanded the doctrine of *Johnson v. Zerbst*. In recent weeks, the Court substantially expanded the right of indigents to be represented by counsel in all felony cases in all State courts. These cases arose in California, Florida, Indiana, Maryland, and Washington: *Douglas and Meyers v. The People of the State of California*, 372 U.S. 353, Mar. 18, 1963, October term 1962, No. 34; *Gideon v. Louie L. Wainwright, Director, (Florida) Division of Corrections*, 372 U.S. 335, Mar. 18, 1963, October term 1962, 155; *White v. Maryland*, — U.S. —, Apr. 29, 1963, October term 1962, No. 600; *Ward Lane, (Indiana) Warden v. Brown*, 372 U.S. 477, Mar. 18, 1963, October term 1962, No. 283 and *Draper and Lorentzen v. Washington*, 372 U.S. 487, Mar. 18, 1963, October term 1962, No. 201.

added to the Agency's list. Other names were added by personal and mail solicitation. In 1962 the Agency conducted a systematic solicitation by telephone of all lawyers listed in a legal register for the District of Columbia and in the yellow pages of the District of Columbia telephone directory. Calls were made to 3,093 lawyers. Conversations were had with 2,581 of those called. These lawyers were asked if they would be willing to have their names included in a list of attorneys available for assignment to represent indigents in felony cases in the U.S. district court. Three hundred and fifty-eight responded "Yes"; 1,712, "No"—739 of the "no's" gave as their reason that they were engaged in a noncriminal specialty such as tax or administrative law; 437 gave no reason at all. Recently, the Agency advertised in the Washington Law Reporter for volunteers, and that advertisement is being repeated 1 day each week at this time. This advertising has produced only a few additions to the volunteer list. Also, as each new group of lawyers are admitted to the bar they are solicited for possible future assignment.

The names of the lawyers are kept on individual cards and filed in 12 monthly divisions, to insure that the Agency will not recommend the assignment of the same lawyer more often than once each year. A regular check is also made of the assignment of these attorneys by the U.S. court of appeals to represent their indigent appellants (85 percent of all appellants), and the card of the attorney so appointed is likewise set back for 1 year. In this way, the burden is spread over the group. It was not uncommon in years past for one of the better known criminal law practitioners to be burdened with the representation of indigents in as many as five first-degree murder cases in 1 year.

#### PRETTYMAN FELLOWS

A notable inclusion in the outside volunteer attorneys is the staff of six legal interns, or Prettyman fellows,<sup>3</sup> who are pursuing a master's degree in trial tactics at Georgetown Law Center. These interns begin their trial practice in the fall in the District of Columbia court of general sessions. In January of each year they make themselves available for assignment to felony cases in the U.S. district court and carry a caseload as do staff attorneys of the Legal Aid Agency. The staff attorneys of the Agency and the Georgetown interns are in daily informal consultation and freely exchange pleadings, motions and memoranda filed by them in their respective cases.

Finding sufficient competent attorneys to handle the approximately 35 murder and other capital cases each year continues to be the Agency's greatest assignment problem. Attorneys of proved competence and experience in such cases are few. The Agency's own staff attorneys and the Georgetown interns, so readily available in the less serious felonies, are presently lacking in the experience and reputation necessary for these cases. The Agency has made a special list of attorneys who are qualified for assignment in murder and other capital cases. This special list includes experienced defense counsel and former prosecutors who have entered private practice. The court frequently assigns a junior attorney to associate with chief defense counsel in capital cases. These young attorneys, the younger defense attorneys in

private practice, and the prosecuting attorneys, Georgetown interns, and Legal Aid Agency staff attorneys who later will enter private practice, may be expected to fill the special lists of the future.

#### INVESTIGATING STAFF

Volunteer attorneys are entitled to reimbursement for out-of-pocket expenses and also to the investigative and other facilities of the Legal Aid Agency. There has been an increasing demand by volunteer attorneys for the assistance of the investigating staff of the Agency. During the year just closed the Agency made 138 investigations for volunteer attorneys as compared to 87 investigations for staff attorneys of the Agency.

In February 1962, the chief judge of the district court requested that the Legal Aid Agency take over the function theretofore performed by the court clerk of interviewing defendants and obtaining in forma pauperis affidavits from those who were without funds, as required of defendants seeking free counsel and process under the provisions of 28 U.S.C. 1915. In order to carry out these additional duties, the Agency employed another investigator and another clerk.<sup>4</sup> This additional investigator and the chief of the investigating staff were appointed notaries public in order to take the necessary oaths involved in the work.

The Agency investigator visits the District of Columbia jail and interviews prisoners lately indicted. Those who claim they are without funds to employ counsel are required to execute the affidavit provided by 28 U.S.C. 1915 and also a short-form indigency affidavit required by the Legal Aid Act. When a defendant who appears for arraignment is on bond and informs the court that he cannot pay an attorney's fee, the court orders him to go to the office of the Agency (which is also located in the courthouse). There he is required to fill out a long-form indigency affidavit provided by the Trustees containing more than 50 questions. The defendant is also interrogated closely by the investigator as to his claimed inability to hire a lawyer when he was able to pay the premium for a bond. In some instances the defendant, because he has obtained employment or for other reasons, is able to retain counsel. More often the defendant has used all his funds to pay the bond premium, or the relative or friend who paid the premium is not able to pay an attorney. The Agency's experience of about 15 months indicates that most defendants are truly without funds. Also, most defendants appear to prefer paying for lawyers of their own choosing if they can, and accept assigned counsel only because they are without funds to employ their own attorneys.

The Committee on the Determination of Indigency created by the Judicial Conference of the District of Columbia Circuit on May 17, 1962, reported to the conference on May 9, 1963, in part as follows: "The Junior Bar's study reveals that during the 7½-month period from July 13, 1962, through February 28, 1963, a total of 104 defendants appeared at arraignment on bond but without counsel. Of this number, 41 (or 39 percent) subsequently retained counsel without ever having had an attorney appointed. Your committee believes that the interview which many of these defendants had with the Legal Aid Agency's investigator stimulated them to find the funds for and hire their own attorney."

The committee further reported: "Your committee is of the unanimous opinion that it is vital to the integrity of the present system of assigning volunteer private counsel in indigent cases that the present activities of the Legal Aid Agency in interviewing and checking on statements of those alleged in-

digents who are on bond be continued and expanded. We believe that the investigations thus far conducted by that Agency have been in large measure responsible for the relatively few known cases of nonindigents receiving assistance of assigned counsel."

#### PERSONAL BOND INVESTIGATIONS

Recently Chief Judge Matthew F. McGuire of the U.S. district court requested the Agency to investigate defendants confined in jail in default of bond to see whether residence in the community, family ties, employment and other circumstances might indicate they would be safe risks for release on their own personal recognizance. On the basis of a very brief experience, it appears unlikely that the Agency's facilities and personnel under presently available appropriations will permit the Agency to undertake a large number of such investigations. However, the Judicial Conference for the District of Columbia Circuit on May 9, 1963, approved a report of its committee created in 1962 to investigate this subject and also received an excellent study and report by the Junior Bar section of the Bar Association of the District of Columbia. The conference authorized the reappointment of the committee with authority to organize in consultation with the courts an experimental program of selective pretrial release of defendants on their personal bond—a program which has been carried forward in New York City with outstanding success by the Vera Foundation.

#### OBTAINING CRIMINAL RECORDS

The investigating staff of the Legal Aid Agency has not been able to obtain criminal records of defendants or other persons from the Federal Bureau of Investigation. The Metropolitan Police Department has provided the local criminal records of defendants when requested, but normally will not furnish the criminal records of Government witnesses. It is safe to assume that many Government witnesses with criminal records leave the stand untarnished in the eyes of the court and jury because the facilities available to the Government and used by the Government to learn of defendants' criminal records have not been made available to defense counsel to obtain like information about Government witnesses.

#### U.S. COMMISSIONER

The U.S. commissioner has jurisdiction over preliminary hearings in felony cases in the District of Columbia, where all felony offenses are violations of Federal statutes. However, preliminary hearings in most local felonies such as assault with a dangerous weapon and housebreaking are conducted in the District of Columbia court of general sessions.

The Agency's own legal staff continues to be the sole source of representation of indigent defendants before the U.S. commissioner. Before the Agency began its operations in November 1960, indigent defendants went without counsel in such preliminary hearings.

In the first year of its operation the Agency was able to provide representation for only 16 indigents, and this by virtue of the availability of temporary personnel for 2 or 3 months. The other indigents went without counsel. In the year ending May 31, 1962, the Agency represented 207 indigent defendants, and an estimated 90 to 100 indigent defendants went to hearing before the commissioner without counsel. During the year just ended, staff attorneys of the Agency represented 265 indigent defendants and 18 indigent defendants were without counsel in hearings before the commissioner. These 18 instances where no counsel was available occurred on 3 hearing days when the Agency was unable to provide an attorney because all its staff attorneys were engaged in other matters.

<sup>3</sup> Named in honor of former chief judge and now Senior Judge E. Barrett Prettyman of the U.S. Court of Appeals for the District of Columbia Circuit, who truly inspired and furthered the establishment of the Legal Aid Agency in the form enacted into law. Oliver Gasch, then U.S. attorney for the District of Columbia, was an important force in the creation of the Prettyman fellowship program.

<sup>4</sup> These two additional positions added approximately \$10,000 to the Agency's annual budget.

Until the present year the staff attorney who appeared for an indigent defendant at a preliminary hearing before the commissioner performed no further services at that time, nor any further services for that defendant unless he was again assigned by the court after the defendant was indicted. In October 1962, the Trustees of the Agency directed that staff attorneys intensify their efforts to cover all hearings of indigent defendants before the commissioner and begin immediately after the hearings to prepare the defense of the case with the assistance of the Agency's investigating staff. This action of the Trustees was in conformity with the intent of the statute that assignment of counsel be provided "as early in the proceeding as practicable" (2-2202, D.C. Code).

After the indictment of those defendants whom Agency staff attorneys had represented at the preliminary hearing, the assigning judge of the district court was advised of such representation, and the particular staff attorney's name was among those submitted to the judge as available for assignment. Invariably, an assignment of that staff attorney to represent the defendant followed. However, beginning April 2, 1963, when a limitation was put on the caseload of staff attorneys, these assignments went to outside attorneys.

The representation of indigent defendants before the Commissioner has proved beneficial. Immediately after the hearing, the staff attorney is in a position to negotiate for a favorable disposition of the case on the basis of information developed at the hearing, and Government counsel is available and disposed to negotiate for a speedy disposition acceptable to the Government and favorable to the defendant. Also, at that stage the defendant seems receptive to his counsel's appraisal of the advantages of an immediate disposition, coming as it does from an attorney who has gained his confidence by his demonstrated interest in the client's welfare. The result has been that some cases were dropped entirely even though not dismissed by the commissioner; some were disposed of by a plea of guilty to a misdemeanor, and still others were disposed of by a plea of guilty to a felony information, which made it unnecessary for the Government to process the case through the grand jury. On one notable day six cases were disposed of by these various means.

Advantages have been observed too as a result of the staff attorney's continuing in the case after the hearing and immediately preparing for trial. A relationship has been established between the defendant and counsel which facilitates the investigation considerably. Furthermore, there have been instances where the initiation of the investigation at an early stage of the case has produced favorable evidence which otherwise would probably not have been obtained.

The investigation of a large number of cases at one time has overtaxed the capacity of the Agency's investigation staff, and it has been necessary to select the cases which seemed most urgent and promising.

Staff attorneys have at times contended that the hearings before the U.S. commissioner have not been conducted in compliance with rule 5(c) of the Federal Rules of Criminal Procedure in that cross-examination has been severely limited and the defendant has been denied his right to call witnesses. In some instances counsel has attempted to test these contentions by habeas corpus, but the question has been rendered moot by the swift return of an indictment into court.

#### MENTAL HEALTH CASES

The Commission on Mental Health was created by act of Congress approved June 8, 1938, 52 Stat. 625, chapter 326 (District of Columbia Code, title 21, sec. 308, et seq.). Proceedings in these cases are initiated by

the filing of a petition in the U.S. District Court for the District of Columbia. Counsel are appointed promptly to look after the interests of the patient. The 1938 act creating the Commission provided that an attorney appointed as guardian ad litem for patients who have no property should receive a reasonable fee for his services out of the funds of the Commission (21-308 D.C. Code); but in the 25 years of the existence of the Commission, funds have never been forthcoming to effectuate this provision for fee. Accordingly, when the patient has no estate or property, the services of the guardian ad litem go uncompensated.

The Legal Aid Agency has made its staff attorneys available for assignment to cases of patients who are indigent. In order to avoid being appointed in a case where the patient has property, the staff attorneys of the Agency have been permitted through the courtesy of the Chairman of the Commission on Mental Health to make a preliminary examination of the petitions filed in court.

When the staff attorney is appointed guardian ad litem he visits and interviews the patient where he is confined, either in the District of Columbia General Hospital or in St. Elizabeths Hospital. The Commission conducts the hearing at the institution where the patient is confined. The guardian ad litem attends that hearing and looks after the interests of the patient. If the patient is recommended for confinement by the Commission, the case must go through the district court for a final hearing. The patient is entitled on demand to a jury trial at this hearing before the court. The guardian ad litem attends the hearing in court either before the judge or before the judge and jury and looks after the interests of the patient.

Since May 7, 1963, the activities of the Legal Aid Agency in mental health cases have been radically curtailed by an order of the chief judge of the district court limiting staff attorneys to 10 cases at a time. In the year ending May 31, 1962, staff attorneys handled 1,366 mental health cases. In the year just ended, staff attorneys handled 1,188 cases. If the present caseload limitation of 10 is imposed throughout the coming year, representation by Agency staff attorneys will not exceed 200 cases.

#### JUVENILE COURT

The Legal Aid Agency's participation in proceedings in Juvenile Court has continued to be relatively limited. The expansion of the court from a one-judge to a three-judge court has increased the demand for lawyers. Traditionally, the Juvenile Court has availed itself of a small but dedicated section of the practicing bar. However, staff attorneys of the Agency, when they are available, can usually respond on shorter notice than attorneys in private practice. Accordingly, they have been useful in emergencies. During the year just ended 55 assignments were made to staff attorneys of the Agency, compared to 23 for the previous year. The Agency looks forward to an increasing availability for these most worthy and useful assignments.

#### CORONER

In the District of Columbia the coroner is required to investigate all deaths not known to be from natural causes. The coroner performs autopsies and holds inquests in cases where homicide is suspected.

The coroner notifies the Agency of scheduled hearings. Frequently the notice is not received until the morning of the day of the hearing. If a staff attorney is available, he will go to the morgue and be ready for the hearing in the event the prospective accused is indigent. As in cases before the commissioner, it is not practicable to obtain outside volunteer attorneys for inquests because of the shortness of notice. Accordingly, when no staff attorney can attend an inquest, the prospective accused goes without counsel.

Because of the importance of these preliminary hearings in homicide cases, the Agency has intensified its efforts to provide representation for indigents appearing at these inquests. Fortunately, it was able to furnish representation in every single case heard by the coroner during the year just ended in which the prospective accused was indigent. The Legal Aid Agency provided representation from its own legal staff in all 94 inquests involving indigents during the year ending May 31, 1963.

Hearings before the coroner in homicide cases have been the most complete preliminary hearings held in the District of Columbia. The proceedings are recorded, and in the event of an indictment a copy of the transcript is usually available to counsel for indigent defendants.

During recent weeks in six consecutive hearings in which Legal Aid Agency staff attorneys represented the prospective accused, he was set free by the coroner's jury.

#### DISTRICT OF COLUMBIA COURT OF GENERAL SESSIONS

Due to circumstances beyond the control of the Legal Aid Agency, its activities in the District of Columbia court of general sessions have suffered a complete breakdown. (The District of Columbia court of general sessions, until lately known by the name municipal court of the District of Columbia, has plenary jurisdiction over misdemeanors and jurisdiction over preliminary hearings in felony cases.)

On October 4, 1961, the Legal Aid Agency sent two staff attorneys (with two others standing by) to attend upon the court and accept assignments to represent indigent defendants. Attorneys in private practice who appeared before the court and made themselves available for assignment were willing to represent the defendants who were without funds as well as defendants from whom they could collect a fee. In October, November, and December 1961, staff attorneys of the Agency received a total of about 10 cases. Accordingly, in December 1961, it was necessary to withdraw staff attorneys from attendance on the court of general sessions.

In the summer of 1962 the Director discussed with the acting chief judge of the court of general sessions the availability of investigators of the Legal Aid Agency to assist attorneys assigned to represent indigent defendants in the Court of General Sessions. As a result the acting chief judge designated a group of attorneys who carry on a substantial practice in that court to confer with the Director. In this conference the Director of the Agency assured the attorneys that any outside volunteer attorney assigned by the court to represent indigent defendants would have available to him the investigative assistance of the Agency as fully as the staff attorneys of the Agency. The attorneys informed the Director that they were not aware of this fact and indicated that they would call upon the Agency frequently to assist them in the cases to which they were assigned. However, they never have availed themselves of the services of the Agency.

For several months there has been a general disregard of amended rule 24 of the Criminal Rules of the District of Columbia court of general sessions. This rule requires that an attorney who is directed by the court to interview a defendant appearing for arraignment in the U.S. branch of the court, shall report back to the court whether he is representing the defendant as a retained case (called a "referred case"), in which event he is allowed to charge a fee and required to report back the amount of fee collected; or whether he is taking the case as an assigned case, in which event no fee may be sought or received and the defendant's declaration of indigency must be

filed in the case. The records of the proceedings in the U.S. branch of the court for the past several months do not indicate whether a defendant was represented as a referred case or as an assigned case.

Since the Agency is prohibited by the act from giving its services to any but indigent defendants, it is not possible under present practice for the Agency to make its legal or investigative services available in cases in the U.S. Branch of the Court of General Sessions.

#### GENERAL COMMENTS AND EVALUATIONS BY OTHERS OF LEGAL AID AGENCY

The establishment of the District of Columbia Legal Aid Agency by Public Law 86-531 of June 27, 1960, was the culmination of years of dedicated, cooperative efforts of the judiciary, lawyers in private practice, and the Congress, under the inspired, persevering leadership of the then chief judge of the U.S. Court of Appeals for the District of Columbia Circuit, the Honorable E. Barrett Prettyman.

In a surprisingly short time this Agency has become the Nation's outstanding Agency for assuring that there will not be a failure of justice in criminal proceedings in the District of Columbia because of an accused's financial poverty.

In August 1961 the American Bar Association rendered its annual Harrison Tweed Award to the District of Columbia Bar Association for its important contribution to the establishment of the Agency.

In its August 1961 study, "Legal Counsel for Indigent Defendants in Federal Courts," the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary, said:

"The enactment by Congress during the 2d session of the 86th Congress of legislation to provide for the creation of a Legal Aid Agency in the District of Columbia to provide free counsel for indigent defendants was the first step by Congress toward the solution of a problem which has long plagued judicial and legal bodies throughout the United States: The provision of adequate legal counsel for penniless defendants in Federal courts."

"It is hoped by this subcommittee that the passage of Public Law 86-531 will encourage Congress to take similar action with respect to Federal courts throughout the United States."

"The problem of providing adequate legal counsel for indigent defendants within the District of Columbia appears well on the road toward solution since the passage by the 86th Congress of the District of Columbia Legal Aid Act."

Since its establishment, the Agency has been favorably pointed to in various legislative proposals which have been made in Congress in the area of representation of indigents.

The Attorney General's Committee on Poverty and the Administration of Criminal Justice in its report dated February 25, 1963, commended the Agency. While the full text of that portion of the report which refers to the Agency is set out in the appendix to this annual report, it is pertinent to quote here the following excerpt: "The committee believes that the program going forward in the Nation's Capital represents an important experiment in the provision of adequate representation and that its continued development has significance for the country as a whole. This development will require increased appropriations in order that services may be expanded and that capable legal staff can be retained against the pressure of more lucrative professional opportunities. The committee therefore recommends that the Department of Justice continue to direct its sympathetic attention to the District of Columbia legal aid program and lend its

support to appropriations needed to enhance the quality and quantity of its services."

In the March 1963 issue of the national publication, Federal Probation, this statement appears: "By congressional action, the Legal Aid Agency for the District of Columbia was created in 1960. Even though the initial appropriation was small (\$75,000 annually), a highly competent director was obtained and the office is performing a remarkable service in the District Court."

In his testimony on May 13, 1963, before the Senate Committee on the Judiciary on S. 1057, the administration's proposed Criminal Justice Act of 1963, Attorney General Robert F. Kennedy had this to say about the Agency:

"In 1960 Congress created the Legal Aid Agency for the District of Columbia, and in its first 2 years, this Agency has won a reputation for skilled and dedicated service to needy defendants.

"But the Agency handles by no means all of the nearly 700 cases assigned annually. A great many private attorneys supplement the Agency staff. Appointments in appellate cases are handled exclusively by the private bar.

"The Agency has given the District of Columbia a combination of a strong central defender office augmented by the individual efforts of numerous volunteer attorneys."

"With respect to the question of administration the lesson of the District of Columbia is worth considering. The Legal Aid Agency is administered by a private board of trustees appointed by the chief justices of the various local courts. Responsibility thus is vested in an autonomous group of citizens independent of the judiciary, the prosecutor and politics."

Both the Legal Aid Agency Panel, composed of all of the chief judges of all of our local courts and the President of the Board of Commissioners for the District of Columbia, and the Judicial Conference for the District of Columbia Circuit are continuously aware of the work and progress of the Agency, and have commended it on the job it has done and is doing in the representation of indigents in criminal proceedings.

#### CONCLUSION

On the basis of their personal knowledge of the operation of the Agency, and the fine reputation which the Agency has acquired among the courts, practicing attorneys and other persons eminently qualified to assess the work of the Agency, the Trustees feel that Agency has proved fully the wisdom of Congress in establishing it and providing the necessary funds to operate it.

The Trustees are pleased to report that the Agency has made healthy progress during the past year toward maximum achievement of the purposes and objectives of the act, within the limits of funds appropriated for its operation. There is no question that the Agency has been and is making substantial public service contributions in a critical area of public interest.

The Trustees believe that the experience the Agency has gained since its establishment has created a firm foundation upon which the Agency may confidently look forward to the acceptance of whatever additional or expanded responsibilities the Congress and the courts may require or direct it to accept, provided that the necessary funds will be appropriated with which to carry out efficiently and effectively such additional responsibilities.

The Agency gratefully acknowledges its appreciation for the understanding and sympathetic attention which the House and Senate Subcommittees for the District of Columbia Appropriations have given to the needs of the Agency.

The Trustees desire to express their appreciation to the Congress, to the courts, to the Board of Commissioners of the District of Columbia and their staffs, to the volunteer attorneys from private practice, to its Director, and to the entire Agency staff, for their considerable individual and collective contributions to the work of the Agency during the past year.

Respectfully submitted.

FREDERICK A. BALLARD,  
C. FRANK REIFSNYDER,  
ROGER ROBB,  
WILLIAM S. THOMPSON,  
HOWARD C. WESTWOOD,  
JAMES FRANCIS REILLY,

Chairman.

JUNE 1, 1963.

#### LEGAL AID AGENCY FOR THE DISTRICT OF COLUMBIA

Criminal cases, U.S. district court, June 1, 1962, to May 31, 1963

	Volunteer cases	Staff cases	Total
Total cases docketed.....			1,069
Assigned cases.....	454	241	695
Pleas of guilty.....	148	81	229
Verdicts of guilty.....	84	40	124
Sentenced to imprisonment.....	235	129	364
Placed on probation.....	32	17	49
Verdicts of not guilty.....	24	13	37
Verdicts of not guilty by reason of insanity.....	12	2	14
Dismissed.....	73	32	105
Cases disposed of by pleas to misdemeanors.....	20	19	39

#### Juvenile court

Total assignments to staff attorneys.....	55
Disposition:	
Adult cases: Sentenced to imprisonment.....	18
Juvenile cases: Placed in an institution.....	13
Placed on probation.....	3
Dismissed.....	5

#### U.S. commissioner

Total cases docketed.....	1,114
Cases assigned to staff attorneys.....	265
Withdrawals by staff attorneys.....	40
Hearings.....	222
Held for the grand jury.....	126
Discharged by Commissioner.....	23
No counsel.....	18
Total time, hours.....	106

#### Coroner for the District of Columbia

Total number of inquests.....	132
Appearances by LAA staff attorneys.....	124
Withdrawals by LAA staff attorneys.....	39
Inquests handled by staff attorneys.....	94
Held for the grand jury.....	39
Held for municipal court.....	0
Held for juvenile authorities.....	7
No counsel.....	0
Total time, hours.....	139

#### Mental health cases

Total number of petitions filed in District court.....	2,265
Total number of cases assigned to LAA staff attorneys.....	1,188
Patients discharged by hospital staff.....	260
Withdrawals by LAA staff attorneys.....	26
Hearings before Commission on Mental Health.....	965
Discharged by Commission.....	303
Discharged by court.....	48
Held for jury trial.....	66
Committed by jury.....	24
Discharged by jury.....	1
Finally committed.....	501
Time, hours.....	914

**Investigation staff**

Investigations requested by staff attorneys	87
Investigations requested by volunteer attorneys	138
<b>Total investigations</b>	<b>225</b>
Total hours	2,249
Total field trips	858
Total cost, LAA investigators	\$636.65
Average man hours per case	10.14
Average cost per case	\$2.87
Total hours overtime	132
Out-of-pocket expenses paid volunteer attorneys	\$1,365.46
Travel and other expenses paid LAA attorneys and investigators	\$1,356.15
Miscellaneous expenses (phone calls, photostats, certified copies of transcripts, film, mimeographing, etc.)	\$1,239.67

**Indigency investigations**

Defendants processed at District of Columbia jail	866
Indictments delivered to defendants at District of Columbia jail	866
Defendants on bond processed at LAA office	109
Defendants on bond processed at LAA office who later retained counsel	83
Reports on indigency forwarded to junior bar section representative	109
Total hours	1,894
Total transportation cost	\$35.20
Total overtime worked, hours	47

**Report on the status of funds available to the Legal Aid Agency for the District of Columbia for fiscal year 1963, as of May 15, 1963**

Funds available	\$119,000
<b>Obligations:</b>	
Personnel compensation (to June 30) <sup>1</sup>	104,604
<b>Personnel benefits: (to June 30):</b>	
Retirement	\$6,722
F.I.C.A.	38
Life insurance	206
Health benefits	412
	<b>7,378</b>
<b>Total, personnel compensation and benefits</b>	<b>111,982</b>
<b>Travel:</b>	
Staff	1,670
Volunteer attorneys	814
	<b>2,484</b>
Transportation of things	
Rent and communications	1,373
Printing and reproduction	492
Other services	280
Supplies and materials	372
Equipment (including law books)	152
<b>Total obligations</b>	<b>117,135</b>
Balance	1,865

<sup>1</sup>Detail of personnel compensation attached.

**Detail of personnel compensation as of May 15, 1963**

Position	Salary rate	Incumbent	Fiscal year 1963 obligation <sup>1</sup>	Remarks
Director	\$16,000	Murray, Charles B.	\$15,990.88	
Chief investigator	7,205	Ellmer, Andrew J.	7,109.00	
Investigator	6,675	Savage, Francis N.	6,610.80	
Do	6,675	Reed, Robert Jerome	6,610.80	
Do	6,090	Mahaney, Michael J.	6,034.40	
Staff attorney	6,835	Bellow, Gary	6,567.20	Change in status from investigator to staff attorney effective Oct. 15, 1962.
Do	6,835	O'Neill, Edward E.	6,747.20	
Do	6,835	Kramer, Paul R.	6,747.20	
Do	6,835	Jones, Thomas R.	6,747.20	
Do	6,835	Miller, Paul E.	6,747.20	Entered on duty, July 2, 1962.
Do	6,835	Hubbart, Phillip A.	5,870.80	Entered on duty, Aug. 20, 1962.
Secretary	6,005	Thompson, Geneva K.	5,963.20	Change of name due to marriage effective Mar. 24, 1963; formerly Kaplan.
Do	5,545	Springs, Jeanne M.	5,493.60	
Do	5,205	Pharr, Doris L.	5,160.80	
Do	5,035	McKinnon, Patricia A.	4,888.80	Converted to permanent effective Aug. 27, 1962. Change of name due to marriage effective Jan. 5, 1963; formerly Banting.
Do	4,830	Archey, Lorraine W.	745.00	Terminated close of business Aug. 24, 1962.
Clerk-stenographer (w.a.e.)	<sup>2</sup>	Barsky, Phyllis J.	560.00	Terminated close of business Aug. 17, 1962 (served 280 hours).
		<b>Total</b>	<b>104,604.28</b>	

<sup>1</sup> Based on a projection of the salary rates in effect on May 15, 1963.  
<sup>2</sup> Per hour.

**LEGAL AID AGENCY ANNUAL REPORT, 1962-63, APPENDIX, THE ATTORNEY GENERAL'S COMMITTEE, REPORT, FEBRUARY 25, 1963**

**THE LEGAL AID AGENCY FOR THE DISTRICT OF COLUMBIA**

The District of Columbia Legal Aid Act, approved June 27, 1960, represents, in the judgment of the committee, an event of genuine importance. The legislation is significant, not only as the first congressional effort tending toward systematic handling of the representation problem, but as a source of experience valuable in devising solutions

for the other Federal districts and for State systems of criminal justice.

Three features of the District of Columbia legislation are entitled to particular notice:

- (1) The effort to create administrative autonomy in a Legal Aid Agency free of direct judicial or other governmental supervision;
- (2) the involvement of a large segment of the legal profession in providing adequate representation; and
- (3) the recognition of the importance of investigatory and other staff services in the provision of adequate representation.

1. The powers of the Agency are vested in a Board of Trustees composed of seven members. The Board is appointed by a nominating panel consisting of the chief judges of the Court of Appeals for the District of Columbia, the District court, the municipal court, and the municipal court of appeals, the judge of the juvenile court, and the president of the Board of Commissioners of the District of Columbia. The Board of Trustees appoints the Director of the Agency and performs other usual supervisory functions. Ultimate administrative responsibility is thus placed with a group of private citizens, who, at the present time, are all attorneys practicing in the District. The objective secured is that of creating an agency that both possesses and appears to possess independence of the judicial and prosecuting arms of government.

2. The act contemplates that, despite the existence of an agency possessing a staff of compensated, full-time attorneys, a significant share of the burden of representation shall be borne by volunteer attorneys engaged in private practice. The statute thus authorizes a mixed system for the representation of financially incapacitated persons. By order of the chief judge of the District court, the Agency has taken over the entire function of recommending lawyers for assignment in that court. A vigorous effort has been undertaken to recruit private attorneys for these purposes, and the effort has been rewarded by considerable success. Thus, in the fiscal year 1962, of 652 cases in which counsel were assigned in the District court, volunteers appeared in 519. Private attorneys played an even more significant role in the proceedings of some of the other courts and agencies of the District. Important cooperation has been secured from the junior bar section of the local bar association in recruiting and training young lawyers for volunteer services. Valuable assistance has also been secured from graduate students participating in Georgetown University's legal internship program. The committee regards the response of the District bar as impressive and believes that one of the important values secured by the program is the broad sharing of responsibility by a significantly large segment of the profession in the District of Columbia.

3. The operation of the Legal Aid Agency demonstrates recognition that adequate representation entails more than placing attorneys in court and encompasses various other defense services. At the end of fiscal 1962, the staff of the Agency included the Director, four lawyers, four investigators, one secretary, three clerk-stenographers, and a temporary clerk engaged in recruiting volunteer attorneys. The committee believes the emphasis on investigatory personnel to be wholly warranted. It is significant that these services are made available to the volunteer attorneys and that the latter are making use of them. Indeed, in fiscal 1962, of the 189 investigations undertaken by the staff, 113 were made at the request of volunteer attorneys. It should also be observed that volunteer attorneys may be assisted by such staff services as the furnishing of legal memorandums, assistance in the preparation and filing of pretrial motions, and reimbursement of the attorney for out-of-pocket expenses properly incurred by him.

It should be noted that the act directs representation to be provided, not only at the trial stage in felony proceedings, but in misdemeanor cases in which the maximum sentence may be 1 year or more, in preliminary proceedings in the municipal court, before the U.S. commissioner, and at inquests before the coroner, in proceedings before the juvenile court and before the Commission on Mental Health. By the end of fiscal 1962,

services had been extended in all these areas, although in some, expansion of services is still required.

The committee believes that the program going forward in the Nation's Capital represents an important experiment in the provision of adequate representation and that its continued development has significance for the country as a whole. This development will require increased appropriations in order that services may be expanded and that capable legal staff can be retained against the pressure of more lucrative professional opportunities. The committee, therefore, recommends that the Department of Justice continue to direct its sympathetic attention to the District of Columbia's legal aid program and lend its support to appropriations needed to enhance the quality and quantity of its services.

4. An evaluation of current representation practices in the Federal courts: The committee is firmly of the view that present efforts in the Federal district courts to supply financially incapacitated persons with counsel and to guarantee the other essentials of adequate defense are insufficient to achieve these important purposes. It follows that it is the committee's judgment that substantial changes in these practices are urgently required. These conclusions rest first and most importantly on the committee's observations of practices prevailing in various districts throughout the country. In addition, the committee has been impressed by the many similar appraisals of present procedures made by judges, prosecutors, defense counsels, and other knowledgeable observers of Federal criminal justice. It is the purpose of this section to identify what appear to the committee to be some of the salient weaknesses and strengths of the current practices.

Mr. ERVIN. Mr. President, the need for equal justice is, of course, no less important in the State courts than in Federal courts. Nevertheless, the Supreme Court's recent decision in *Gideon* against *Wainwright*, requiring representation by counsel in all criminal cases, has placed a great burden on the courts and the lawyers of the country. As an indication of that burden I ask unanimous consent that an article "Who Should Receive Free Legal Counsel," by Sid Bost appearing in the *Winston-Salem Journal* of June 19, 1963, be printed at this point in the RECORD.

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

LATEST RULING FAR REACHING: WHO SHOULD RECEIVE FREE LEGAL ADVICE?

(By Sid Bost)

Brantley C. Booe has practiced law here since 1927, but had never tried a case in criminal court until last week.

His unique experience was the result of the U.S. Supreme Court's decision March 18 holding that defendants in criminal actions who are unable to employ counsel must be offered, free of charge, the services of a court-appointed attorney.

The burden of providing this free legal service has fallen in Forsyth County on the members of the Forsyth Bar Association.

Superior Court Judge John R. McLaughlin of Statesville, who is presiding over court here this term, has a roster of the members and is going down an alphabetical list in appointing counsel to represent those who are unable to pay.

The bar association considered two proposals in coping with the problem: That only those attorneys who are trial lawyers be asked to provide the service, or that the entire roster of members be used.

The association, by one vote, chose the latter method.

Thus it was that Booe, who has been a title attorney with Piedmont Federal Savings & Loan Association since he was licensed to practice, got his first taste of courtroom experience.

He was assigned to represent a woman charged with the felonious burning of a house.

After discussing the case with her, he entered a plea of *nolo contendere* (no contest) to the charge and she was placed on probation.

"I don't think I pulled too many blunders," he said, "but it wasn't a stellar performance, either." He admitted his first appearance in a criminal courtroom was an "interesting experience."

Weston Hatfield, association president, said the attorneys oppose having to provide the service on the ground that it is confiscation of their time.

"Every lawyer I know does plenty of charity work," Hatfield said, "and having to provide a regular free service over and above this is, we feel, confiscatory of our time."

But he added that until some legislation is passed to deal with the problem he knows of no better way to handle it than that adopted by the local bar.

There is legislation pending in the General Assembly which would authorize the State to pay for court-appointed attorneys for paupers charged with felonies. But whether it will pass in the lawmakers' rush for adjournment remains to be seen.

The bill would increase Superior Court costs by \$4 to finance a statewide fund to pay attorneys for representing those unable to pay.

The Supreme Court's decision upholding the right of defendants in State courts to counsel came on an appeal from Florida in the case of *Gideon* v. *Wainwright*.

In that case, Clarence Gideon, who had been charged with breaking into a pool-room, told the court he had no funds to hire a lawyer and asked that the presiding Superior Court judge appoint counsel for him. The judge denied the request, saying that under Florida law the court could only appoint counsel in cases in which the defendant was charged with a crime that could cost him his life (a capital crime, such as first degree murder).

Gideon conducted his own defense, was convicted and sentenced to serve 5 years. He later appealed, claiming that the court's refusal to provide him an attorney violated his constitutional rights.

In their decision, the nine Supreme Court justices overruled a 1942 opinion of the court which had held that the States need not appoint trial counsel for criminal defendants except where refusal to do so was "so offensive to the common and fundamental ideas of fairness" as to amount to a denial of due process of law.

The latest decision extended the provisions of the sixth amendment, that "in all criminal prosecutions, the accused shall enjoy the right to have the assistance of counsel for his defense" to the 14th amendment, which is concerned with due process in the State courts.

The implications of the decision have not been fully assessed.

Some attorneys believe the decision entitles defendants in all criminal actions to the right of counsel. However, since the case of *Gideon* v. *Wainwright* dealt with a felony offense, the decision has been interpreted so far as applying only to felony cases and therefore of no effect in courts beneath superior court.

Should clarifying legislation extend the ruling to lower courts, the demand for free counsel would be greatly increased.

One suggestion for coping with the problem has been the establishment of a system

of public defender offices, paid for by the State.

The public defender functions in the criminal field much in the same way the Legal Aid Society does in civil legal matters. He provides free legal service to defendants whose inability to pay is clearly established.

Many attorneys feel that a public defender could make a more accurate determination of a defendant's ability to pay for legal services than could a judge in a few minutes of questioning from the bench.

The North Carolina constitution gives every person charged with a crime the right to counsel for his defense. In addition, the general statutes of the State declare that "every person, accused of any crime whatsoever, shall be entitled to counsel in all matters which may be necessary for his defense."

While this has been the law a long time, it has never been followed in practice. The North Carolina Supreme Court has held that the burden for requesting counsel rests with the accused and if he does not ask for it at the time of his arraignment, he forfeits the right to ask for it later.

Since the decision was handed down, some superior court judges have signed orders in some counties of North Carolina directing the county commissioners to pay for the legal services provided paupers.

Attorneys here say they have heard of entire county budgets being unbalanced by this unforeseen drain on the public treasury.

However, McLaughlin, the judge presiding here, says such order have nothing to back them up, that there is nothing in the statutes which would make the commissioners responsible for paying for legal services in any criminal actions other than capital cases.

And an attorney here suggested that any board of commissioners that pays such legal fees could be liable for a suit by any taxpayer who objected to spending tax funds in this manner.

Mr. ERVIN. Mr. President, I am pleased that several States have risen to the challenge posed by the *Gideon* case. In North Carolina for instance \$500,000 a year has been appropriated to compensate lawyers who represent indigent defendants. Counsel are to be assigned from among lawyers with criminal experience, utilizing lists prepared by the county bar associations. The progress of North Carolina and other States has been noted in an article by Anthony Lewis entitled "Supreme Court Ruling Steps Up Legal Aid for Poor Defendants," appearing in the *New York Times* of June 30, 1963, which I ask unanimous consent to be printed at this point in the RECORD.

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

SUPREME COURT RULING STEPS UP LEGAL AID FOR POOR DEFENDANTS—LEGISLATURES, TRIBUNALS AND BAR GROUPS OF MANY STATES ARE MEETING OR GOING BEYOND DECISION TO PROVIDE LAWYERS

(By Anthony Lewis)

WASHINGTON, June 29.—Last March 18 the Supreme Court laid down a new constitutional rule that the States must provide free lawyers for all poor persons facing serious criminal charges.

In the 3 months since, the decision has had widespread effects. A survey of the 50 States shows actions by legislatures, courts and bar groups that meet or go beyond the court's requirements. Here are some highlights:

Three States have moved, by legislation, toward the use of public defenders—lawyers

employed by the State to represent indigent criminal defendants.

In four States that formerly did not guarantee counsel for the poor except in capital cases, varying steps are being taken to appoint lawyers in all felony trials.

In several States that had provided lawyers for the poor at felony trials, that provision is being extended to lesser crimes and to some pretrial and postconviction proceedings.

Reaction to the Supreme Court decision has been almost entirely favorable, even in States that have long resisted a counsel guarantee and among lawyers now carrying the burden of appointment to defend the poor.

#### THE 1942 RULING OVERTURNED

The March decision overruled one in 1942 in which the Court refused to lay down an absolute requirement of counsel in State criminal cases. Instead, the 1942 ruling required counsel only where there were "exceptional circumstances," such as an illiterate defendant.

Over the years the Court had found such circumstances more and more often in particular cases. It surprised almost nobody when it took the final step in March and laid down the general rule.

Many States had long expected the decision. In all but five, any poor felony defendant who had insisted on a lawyer at his trial was almost certain to have one provided.

Only 24 States, however, guaranteed the right to counsel in misdemeanor cases. There were widely varying practices as to counsel at pretrial hearings and on appeals.

In all these areas the March decision is being felt. In addition, in a subtle way, the Court's speaking out on the right to counsel seems to have focused attention on the issue and caused new thinking on ways to improve the defense of the indigent.

Perhaps the most dramatic reaction to the March decision was in the State from which the case had come, Florida.

#### FLORIDA FINALLY ACTS

For years the Florida Legislature, dominated by rural conservatives, had refused to do anything about counsel for the poor except in cases involving the death penalty. In recent years the Supreme Court had been getting more cases from Florida charging injustice in trials without lawyers than any other State.

Last month, under the impact of the Court decision, the Florida Legislature adopted a law creating a public defender in each of the State's 16 judicial circuits.

Although counsel for the State had vigorously defended its position in the Supreme Court, decrying an absolute counsel guarantee as socialism, Gov. Farris Bryant spoke favorably of the decision.

"In this era of social consciousness," he told the legislature, "it is unthinkable that an innocent man may be condemned to penal servitude because he is unfamiliar with the intricacies of criminal procedure and unable to provide counsel for his defense."

Governor Bryant, urging the public defender law, said the Court decision had made its passage essential not only "to protect the innocent," but "in order that valid judgments of guilty may be entered and criminals kept confined for the protection of society."

#### CONCERN ARISES

That comment reflected a concern that the March decision would be applied to men in prison, requiring that all those tried without counsel in the past be given new trials.

The Supreme Court has not said whether the decision will be given retroactive effect.

Florida estimates that 5,000 of its 8,000 prisoners had no lawyers at their trials. If all had to receive new trials, the impact on the legal system would be enormous.

The Florida prisoner whose case brought the Supreme Court decision has yet to bene-

fit from it. He is Clarence E. Gideon, 52 years old, who was convicted of breaking into the Bay Harbor poolroom in Panama City. He received a 5-year sentence. At his trial he had repeatedly asked for a lawyer, but was turned down.

From the State penitentiary in Ralston, Gideon filed a petition for habeas corpus with the State supreme court. When that was turned down, he filed a handwritten petition for review in the U.S. Supreme Court, which granted it.

Gideon is due to have a new trial next Friday. He will be represented by a lawyer from the American Civil Liberties Union.

The States that formerly provided no counsel in noncapital cases, in addition to Florida, were Alabama, Mississippi, and North and South Carolina. In all, methods of assuring counsel have been or are being adopted.

The North Carolina Legislature has just approved an appropriation of \$500,000 a year to pay lawyers assigned to represent the poor. Judges will make the assignments from lists, prepared by county bar associations, of lawyers with experience in criminal practice.

In Alabama, Mississippi, and South Carolina, local bar associations are preparing rosters of lawyers available for appointment to represent the indigent.

#### ALABAMA PLAN DRAFTED

A committee of the Alabama bar is drafting for early submission to the legislature a plan for a system of appointments and compensation for those appointed.

Bar groups in Mississippi are working toward the legislature's appropriation of funds for appointed counsel by next year.

The reaction in these Southern States has been surprisingly favorable to the Gideon decision.

In Mississippi, Howard McDonnell of Biloxi, chairman of the State bar's criminal law committee, told a meeting last week that the decision was farsighted.

"Our penitentiary is loaded with inmates who are there because of no representation or improper representation," he said. He criticized the use of young, inexperienced lawyers to represent indigents, and said the Gideon case could be a catalyst to improve criminal law.

R. Mayne Albright of Raleigh, N.C., head of the Wake County Bar Association, said:

"I think few lawyers would disagree with the principle enunciated by the Supreme Court. It was time we recognized the need for the defendant who is indigent to have a lawyer."

James J. Carter, head of the Alabama Bar Association, said some lawyers had opposed the Gideon decision, but "it has been accepted even by those who disagree."

The day of the Gideon decision the Supreme Court held in a companion case that States must also provide a lawyer to handle an appeal by a convicted indigent.

#### RESPONSE OF OREGON

In direct response to that ruling, the Oregon Legislature has just created the office of public defender to handle all indigent appeals and postconviction proceedings, such as habeas corpus actions.

Poor defendants will continue to be represented at their trials in Oregon by court-appointed counsel, rather than a public defender.

In this year's session the Colorado Legislature passed a local-option public defender law. It authorized any county to use the system at its own expense. None has yet established a public defender office.

The Kansas Supreme Court adopted a rule April 16 requiring trial courts to appoint counsel to conduct the appeal of any poor man convicted of a crime.

In Nevada the State supreme court has asked the legislature to authorize the ap-

pointment of counsel to carry on habeas corpus and similar postconviction proceedings for poor prisoners, and to authorize funds to compensate the lawyers.

The Minnesota Legislature, for the first time, voted this session to provide funds for appointed counsel who represent the poor in appeals and postconviction proceedings.

Justice Hugo L. Black, in giving the Court's opinion in the Gideon case, did not discuss whether the right to counsel applied in misdemeanor and more serious cases. But there is a wide impression in the States that the rule will, at some point, be applied to misdemeanors. Some States have begun to move on this assumption.

Chief Justice Charles L. Terry, Jr., of the Delaware Supreme Court has called a conference of all lower-court judges to extend to misdemeanor cases the system of appointing counsel.

The New Hampshire Legislature is expected to pass a bill removing from the law a provision that counsel need be appointed only in cases involving possible sentences of 3 years or more.

#### WHEN TO PROVIDE LAWYER?

The bill was drafted in response to the Gideon decision. New Hampshire judges, by practice, have often made appointments in lesser cases.

A bill before the Vermont Legislature would change a State law allowing compensation for attorneys appointed in felony cases to cover any criminal charge carrying a possible sentence of 6 months or more.

Another issue not reached by Justice Black in the Gideon opinion was at what stage in the criminal proceeding must a poor defendant be given a lawyer. Is the trial soon enough, or must there be a lawyer earlier?

In a decision later in its term the Court held that a Maryland prisoner should have had a lawyer at his first preliminary hearing after arrest. He had to plead then, and thus the hearing was a vital stage requiring counsel, the Court held.

In response to this decision the Baltimore Municipal Court, which holds preliminary hearings in cases later tried in the higher courts, held an emergency meeting with local bar leaders.

The Bar Association of Baltimore agreed to draw a list of lawyers to represent indigents in the lowest courts. Lawyers have even been provided in serious traffic cases, such as charges of driving while drunk.

The association intends to look over the situation after some time and recommend a permanent solution. But its president, Leon H. A. Pierson, is certain that representation at the lowest court level will be required in the future.

"We are looking toward where the Supreme Court is pointing," he said, "or where if it isn't pointing, it should be."

In Iowa and Rhode Island, steps are also being taken to provide lawyers at pretrial stages of criminal proceedings.

#### BURDEN ON LAWYERS SEEN

Reports from many States indicate concern about the burden of unpaid representation on members of the bar. This characteristic comment came from Chief Justice Joseph Weintraub of New Jersey:

"Assigning lawyers to represent indigents does create an unfair burden on the bar, and I think we have reached the point where serious consideration must be given to a substitute program. The bar has been doing a fine job, but it, alone, should not be required to pick up the tab."

An Arizona lawyer made the point that those lawyers "best able financially to handle these indigent cases are the last ones to be appointed."

In other States the use of young inexperienced attorneys to represent the poor is being criticized as unfair to them and the defendants.

A majority of States provide compensation for appointed lawyers, but usually it is meager. Payment ranges from as low as \$10 a day in Kansas to \$1,500 for a capital case in New York. The New York sum could amount to little on a daily basis, and there is no compensation in noncapital cases.

At least half a dozen States are considering the use of paid public defenders to reduce the burden on the bar. Public defenders are now used in Indiana, Connecticut, California, Illinois, and about 10 other States.

The alternative of compensating assigned counsel adequately and covering out-of-pocket expenses, is being pressed elsewhere. In Kansas, Attorney General William M. Ferguson has urged assigned lawyers to keep track of their expenses and time spent, and to file claims with the legislature.

All over the country complaints are heard about the failure of Federal courts to pay any compensation or expenses to assigned counsel. The problem is the more severe because Federal criminal cases tend to be longer and more difficult to try.

The administration is strongly supporting legislation to let Federal district courts pay appointed counsel or have public defenders. The bill is before the House Judiciary Committee with a decision expected shortly.

How to provide adequate representation for the poor is the subject of a nationwide study directed by the American Bar Foundation. State bar committees are cooperating.

In addition the Ford Foundation has granted \$2,300,000 to the National Legal Aid and Defender Association to set up model programs.

The *Gideon* decision has thus spurred new concern over the fate of the man who faces the terrifying machinery of criminal law without the help of a lawyer.

#### LIMITATIONS ON SHOE IMPORTS

Mr. DODD. Mr. President, a few days ago, I and 31 Senators joined with our able colleague from Maine, Senator MUSKIE, in a letter urging the President to enter into negotiations with the principal foreign shoe exporting nations, in order to obtain quantitative limitations on shoe imports.

We have requested this action because greatly increased imports of both leather and rubber-canvas shoes are a serious threat to the continued prosperity of our domestic shoe industry. And if steps to limit these imports are not taken soon, the very existence of the shoe industry, as a viable and important segment of our economy, will be in doubt.

Figures compiled by industry point up the magnitude of the problem faced by American shoe manufacturers. Since 1955, leather shoe imports have increased by 600 percent, and imports of all types of footwear have increased by almost twice as much, 1170 percent.

During this same period, U.S. shoe exports have dropped 38 percent.

So there is really a twofold problem here. One, our shoe exports have declined. And more seriously, increased imports of foreign shoes have absorbed the growth in the domestic market, to the detriment of American shoe companies.

But something can be done, and I hope the President will accept our proposal that he negotiate an agreement to limit imports. He is specifically empowered to enter into agreements of this nature, under a section of the reciprocal trade bill we approved last year.

He can negotiate with the leading exporting nations to establish quantitative limitations on the imports of a particular product. And he also has the authority to proclaim the necessary additional import restrictions to implement an agreement.

When I advocate, or another Senator advocates, the implementation of a limitation on the importation of shoes, for example, we are not speaking out for a return to "protectionism." Far from it, because these agreements can be fair both to American and to foreign producers.

To use footwear as an example, the United States will, I hope, negotiate an agreement with the principal foreign suppliers of shoes, giving a substantial share of the domestic market to American companies. But at the same time a reasonable amount of imported footwear could be allowed into the country, with a similar arrangement to share in the future growth of the domestic market as well.

We do not ask that shoe imports be cut off or even seriously restricted. We are simply asking that American companies be helped to maintain a fair share of the market in this country.

This is not an unreasonable request that we make, in behalf of 1,300 shoe factories and the approximately 600 communities across the country which inevitably will suffer if help is not extended in the very near future.

In my State alone, there are 7,500 workers employed by 19 plants manufacturing leather and rubber-canvas shoes. The payroll comes to \$25 million a year in Connecticut, so the continued existence of an economically healthy and prosperous shoe industry is of considerable importance to many thousands of men, women, and children in my State. And this is certainly true of other States also, where the shoe industry is even larger and more significant in terms of a State's economic well-being.

I cannot urge the President too strongly to take steps now to assist the domestic footwear industry. The present is the time to act, to make sure that the shoe industry does not enter into a sharp decline similar to that of the domestic textile industry.

We have seen in the textile case what can happen to a basic American industry if it does not receive realistic and timely help in meeting competition from excessive imports.

As the old saying goes, an ounce of prevention—in this case a limitation on shoe imports—is worth a pound of cure, in the form of belatedly trying to help domestic manufacturers who have already suffered the adverse effects of intensive foreign competition.

#### BASIC TRUTHS ARE NOT RELATIVE

Mr. DODD. Mr. President, I would like to bring to the attention of the Senate a very excellent article by Dr. Frederick Brown Harris, Chaplain of the U.S. Senate.

Dr. Harris' writings are always characterized by clarity and deep insight, as this article attests.

Our Chaplain reminds us that basic truths are not relative. The American belief in the principle that "just powers of government are derived only by the consent of the governed" is a basic truth underlying our whole system of constitutional government.

Dr. Harris further reminds us that while the Soviets may be superficially loosening their iron grip over the Hungarian nation, the fact still remains that the Soviets do not, nor have they ever, believed the principle of government by the consent of the governed.

A betrayal of this principle was the "crucifixion of Hungary" by the Soviets in the execution of the Hungarian revolution in 1956.

Continuing, Dr. Harris asks that if we believe in government by the consent of the governed, how can the United States soften her condemnation of the present Hungarian regime and consider recognition of this blood-stained regime?

James Russell Lowell once wrote:

True freedom is to share  
All the chains our brothers wear,  
And, with heart and hand, to be  
Earnest to make others free.

This remains a valid truth in the 1960's, and I commend Dr. Harris for reminding us of this most important truth.

Mr. President, I ask unanimous consent to insert into the RECORD at this point, a most commendable article by the Chaplain of the U.S. Senate, Dr. Frederick Brown Harris.

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

#### WE HOLD THESE TRUTHS

(By Dr. Frederick Brown Harris, Chaplain of the U.S. Senate)

In the mission recently ended the President of the United States has been seen and heard across free Europe. To wild throngs of cheering Europeans his premise was that liberty is indivisible. His promise was that at any risk to ourselves we would hurl the full force of our might against any fresh aggression by totalitarianism to enslave more people with its fetters of the mind and body.

But, is there any ray of hope for the captives of a diabolical conspiracy whose shackles bind more people than the President saw on his trip across the free frontiers of the continent? What word has America in answer to the agonizing pleading of Poland, East Germany, Czechoslovakia, Bulgaria, Rumania, Lithuania, Latvia, Estonia, Hungary, and the Ukraine, deep in the Soviet land mass? If upon the high heavens could be written the ghastly tale of liquidation, martyrdoms, sudden deportations to the frozen steppes, the genocidal destruction of national roots which the conquest of each of these subdued nations involved in all their sadistic details, it would suggest a chamber of horrors to make devils gleeful and angels weep.

Should comfortable America ever forget all this and acquiesce in admitting the blood-stained culprits to the realms of decency, such forgetting would but register the lowering of our own Republic's moral sensitivity and the dulling of its conscience. The one sure criterion of the reality of our own commitment to freedom is the agony we feel for those who are under a foreign taskmaster's lash. That is why America insists on uncovering the damning truth in Captive Nations Week. It is the accursed spot which will not out that the bandits desire the

world to dismiss with, "Oh, let bygones be bygones," as knocking on the door of moral integrity they now seek the recognition of respectability. There is no more essential proposition now before the Congress than House Resolution 14. The passage of this bill would run up to the masthead of our own ship of state a flag of aggravating remembrance and defiance against the pirates who now seek an approved harbor with their ship laden with all the plunder secured by shocking inhumanity, misery, and murder. Such action by the Congress of the United States would tell the world that with us liberty is not a dead fossil but a living thing incarnated in the 50 United States.

Nothing is more vital than our assurance to the whole world that we still hold certain unalienable truths—yea, that they hold us. What is this eternal truth we hold? It is that rights are given, not by any State but by the Creator, and that the just powers of government are derived only by the consent of the governed. Let us look at perhaps the most blatant betrayal of this principle—that of the crucifixion of Hungary. Ever since the brave freedom fighters were mowed down by the thousands by Soviet tanks in the streets of Budapest, we have insisted on keeping unveiled the hideous scenes of the vile slaughter on that day of Red infamy and the vengeance-motivated atrocities that followed. We have treated the hammer and sickle perpetrators as the moral lepers they have proved themselves to be.

But, now in this year of our Lord, the United States stands condemned by the blind and blatant reversal of our policy of protesting any thought of the present Hungarian regime being given diplomatic recognition by the United Nations. Because of propaganda statements, dripping with whitewash, crediting the dictatorship in Hungary with some relaxation of oppression, and the softening of restrictions on religion, there is in the United Nations councils a silence heard in heaven as this land of liberty at last is persuaded to abstain from registering her disagreement. That base reversal must seem to the coerced Hungarian people as great a betrayal as was the kiss of Judas 2,000 years ago.

No wonder a great newspaper sensing the deal at the United Nations, under the black headline of "Deceit" summarizes the action, or the inaction so far as our vote is concerned, regarding the Kremlin's Hungarian puppet, as "washing our hands of the victims of tyranny."

One of the reasons advanced for granting recognition to the Hungarian jailers is that they have been granting amnesty to freedom fighters whose one crime is that they believe in government only with the consent of the governed. The recognition of the present Hungarian Government further weakens the United Nations, as Russian tank experts are added to the already heavily Soviet-loaded world organization.

God forgive us as the United States stands aside to favor the outrageous scheme of allowing the Kremlin, who robbed and murdered those who resisted, to take a place with those who are supposed to have a decent respect for the opinions of mankind. Indignant letters from aroused citizens of America ought to flood the State Department and Congress. No one, however high in our official life, can possibly sincerely believe in recognizing Red Hungary and at the same time believe in government by consent of the governed.

James Russell Lowell, this day America has need of thee—somebody to represent us in the U.N. who, with you, would exhort—

"Is true freedom but to break fetters for our own dear sake, and, with leathern hearts forget that we owe mankind a debt? They are slaves who fear to speak for the fallen

and the weak; No. True freedom is to share all the chains our brothers wear, and, with heart and hand, to be earnest to make others free."

Government by consent of the governed—we hold this truth. But, do we?

#### TRIBUTE TO J. EDWARD DAY

Mr. McGEE. Mr. President, I note with a great deal of sadness the resignation of a valuable public servant and a good friend, Postmaster General J. Edward Day.

As a member of the Post Office and Civil Service Committee I have received ample evidence of his effectiveness as a public servant. The efficiency of the Post Office and the innovations established to speed service and increase efficiency are real testimony to his dedication and energy. He worked hard and he got the job done.

But more than effective, J. Edward Day was a man of warm heart and good will. In an extremely trying and frustrating job he kept his temper and his good humor. He managed, apparently without effort, the difficult job of being good natured and lighthearted while at the same time being an effective overseer of a very large and complex organization with thousands of employees.

There are too few men of his high caliber and pleasant disposition to be found in public life and while I congratulate him on his new position and envy him his release from the woes and worries of the public spotlight, I am convinced that that nebulous organization known as "official Washington" will be much the worse for his departure. I know he will forgive me if I say that it will be a long Day before we see his equal.

#### TRIBUTE TO PHILIP L. GRAHAM

Mr. McGEE. Mr. President, I would like to add my voice to those of my colleagues who have mourned the passing of the late Philip L. Graham. In the space of a few short years he had become the sparkplug for a whole communications empire in the capital city of the free world.

Throughout our history there have always been great newspapermen who have chronicled our national struggles to grow and remain free. Philip Graham was one of those men. He molded the Washington Post into one of the most responsible, effective, and well-read journals in America. He made it his business to make sure that any separation between the Government and the governed was only physical.

As is usually the case in men of great ability and real determination to succeed, Philip Graham was a man of strong disposition. He often struck sparks in the pursuit of his ideals, but he also kindled new lights of understanding of and appreciation for the valuable heritage of our society and democratic way of life. He will be sorely missed and well remembered by all of us who knew him.

Mr. PELL. Mr. President, I rise at this time to lament the loss of a wonderful, sensitive, and brilliant mind that not only Washington but our Nation and

our world has suffered as the result of the death of Philip Graham.

All of us who knew Phil Graham through the years, knew him with affection and admiration. He had been a model of the kind of man that we would like our sons to emulate. He was a good man and a man with a sense of conscience, purpose and dedication.

As a friend and admirer of his for many years, I join with all my colleagues in extending my regrets, sadness, and sympathy to his widow, Kay, and his children.

#### THE AMERICAN INDIANS HAVE LOST A CHAMPION IN OLIVER LA FARGE

Mr. McGOVERN. Mr. President, on August 2, 1963, at Bataan Memorial Hospital, death came to a man who was an author, historian, anthropologist and more important a true and understanding friend of the American Indian. Oliver La Farge was born in New York City in 1901 and was educated at Groton and Harvard. An author of renown, he won the Pulitzer Prize in 1929 for his book "Laughing Boy," a novel about the Navajo Indians which showed, even then, his deep insight and understanding of these people. Although best known as an author, he gave generously of his time, efforts and energy to the American Indian.

Over more than three decades he was active in various organizations to assist our Indian population by studying their problems and supporting programs to solve them. The Indians recognized in Mr. La Farge a quiet, intelligent, understanding friend who took the time and effort to see their problems through their eyes.

During 1930 to 1932 he was director of the Eastern Association of Indian Affairs, and in 1931 was in charge of the Intertribal Exhibit of Indian Art supported by that organization. From 1933 to 1937 he was president of the National Association of Indian Affairs, and from 1937 to 1942 he was president of the American Association of Indian Affairs. In 1948 he was reelected president of the association and held that post until his death. During 1941 he was vice chairman of the Institute of Future of the American Indian. From 1935 to 1941 and from 1946 until he died he was a member of the advisory board of the Laboratory of Anthropology at Santa Fe. Mr. La Farge participated in various archeological expeditions during the years 1921 through 1927 and again in 1932, both in Arizona and Guatemala. In 1936 he was appointed field representative for the Bureau of Indian Affairs and was given the job of drafting a constitution for the Hopi Tribe. The Secretary of the Interior appointed him to a 10-man Advisory Committee to the Government on Indian Affairs in 1948. In addition to his activities in various organizations and Government positions. Mr. La Farge wrote numerous articles, appeared before many congressional committees, and was always in the forefront of the battle to help the American Indian.

This man's warm understanding of a minority group and his success in being

a main line of communication between them and the rest of society make his contribution important to us. His manner and his method offer us an insight to effective communication with the developing peoples of the world. Shortly before his death Mr. La Farge was asked how people should act on meeting an Indian. His answer I believe not only is the mark of the man, but is the key to our successful communication with other cultures. He said:

The ordinary American has three stereotypes that he applies to American Indians. Often he thinks of Indians in a confusion of all three at once. One is the stereotype of the Noble Red Man, expressed to some extent by the tendency to turn male Indians into chiefs and females into princesses, one is the stereotype of the lazy, crafty, drunken Indian, and the third is our established expectation in regard to all minorities. The first thing a non-Indian must do if he wishes to approach Indians is to rid his mind of all his preconceptions and prepare himself to face a human being endowed with the usual range of virtues and faults, plus a conditioning resulting from a unique position in American life. \* \* \*

The Indians were here first. They did not invite us, they did not want us, and we have shown them precious little reason to believe that it would be an improvement to become the same as the rest of us. Indians are conscious of themselves as an aboriginal aristocracy older, smaller, and prouder than the DAR or the Society of Cincinnati. \* \* \*

Although there are many individual exceptions, the deeply imbedded desire of most Indians is to prove themselves whole men and successful in our world without ceasing to be Indians. This is not an easy ambition to fulfill.

Indians who seem to have lost all of their culture, even all of their dignity, yet retain far more Indianness than anyone would expect. Very important in this is what we would consider a very old-fashioned reticence and reserve in initial contact with people. Our modern pattern is the immediate smile, the hearty handshake, the slap on the back and the instant use of first names. We enact a comedy of personal friendship on sight, one result of which often is that we experience no true friendships. The overwhelming majority of Indians operate in exactly the reverse manner. They don't know you and you don't know them, and they don't expect to give or receive gestures of false cordiality. They want to go slow and find out whether in fact they and you are going to like each other. My experience is that their capacity for real friendship and trust is rather greater than ours. They draw back from the thrusting overcordial approach and if there is in the approach an element of condescension, a suggestion on the part of the non-Indian that he is favoring a person less fortunate than himself with his benevolence, the result is hostility.

I hope that this somewhat involved explanation of what is, in fact, a difficult cultural phenomenon to explain will give meaning to certain rules that my father, who spent much time among Indians, taught me and that I have consistently applied:

- Do not be overcordial.
- Do not push your personality on the Indian.
- Do not expect the Indian to accept you on sight.
- Do not condescend.
- Do observe old-fashioned reserve and courtesy.
- Do base your approach on respect for the integrity of the individual, regardless of age or condition.

These rules were Mr. La Farge's key to communication and understanding of the American Indian. The man has left us a legacy that with some adaptation can be helpful to us in our international relations.

The Indians have lost a champion, the country has lost a scholar, but his family has lost a husband and father. My deepest sympathy goes to Mrs. La Farge, sons Peter and John, and daughter Povi.

I ask unanimous consent that an article from the Washington Star of August 3, 1963, relative to Mr. La Farge's death and an editorial from the New York Times of August 4, 1963, be printed at this point in the RECORD.

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

[From the Evening Star, Washington, D.C., Aug. 3, 1963]

**OLIVER LA FARGE DIES; WRITER, AIDED INDIANS**  
ALBUQUERQUE, N. MEX., August 3.—Oliver La Farge, 61, who spent a lifetime fighting for the American Indian, died of a heart ailment yesterday.

Mr. La Farge won a Pulitzer Prize in 1929 for "Laughing Boy," a novel of Navajo Indian life.

His work in anthropology led him to the Southwest to study the Indian after he had carried on research in Guatemala and Mexico.

Mr. La Farge was born in New York City on December 19, 1901, the son of Christopher Grant La Farge, an architect. His full name—Oliver Hazard Perry La Farge—was bestowed in honor of his ancestor, Commodore Oliver Hazard Perry.

In 1955 Mr. La Farge served as president of the Association on American Indian Affairs. He was a fellow of the American Association for the Advancement of Science, and a member of the American Anthropological Association and the American Academy of Arts and Sciences.

He was elected to the academy in 1953 in the area of fine arts and belles-lettres.

After graduation in 1924 from Harvard University, where he edited the "Lampoon" humor magazine, Mr. La Farge taught at Tulane University. In 1930 he won the O. Henry Memorial Prize for his short story, "Haunted Ground."

He received the Legion of Merit as a lieutenant colonel in the Air Corps in World War II.

Surviving are his wife, Consuelo, two sons, Peter and John, and a daughter, Povi.

[From the New York Times, Aug. 4, 1963]

**OLIVER LA FARGE**

A half-century ago, when the American Indian was much in the news because of the gross injustices done to him, he had a considerable number of influential—or at least highly vocal—friends. But in time the national conscience found other and seemingly greater injustices pressing upon it, and many of the Indian's friends wandered away from a concern for his welfare. Not so Oliver La Farge. He became an eloquent spokesman for the Indian cause in the 1920's when he wrote the Pulitzer Prize winning novel, "Laughing Boy," a tale of Navajo life. His ardor never waned; indeed, at his death thousands of residents of Indian reservations considered him their only hope for ever achieving a measure of dignity.

Oliver La Farge approached the Indian without maudlin sentiment. He liked and respected him, and with gentle but firm good nature he repelled the caricature of the

modern Indian as a drunk and a wastrel. La Farge told America that the Indian was brave, loyal and intelligent. He fought the Indian's battles before many a congressional committee and White House advisory group. Others were in the fight, too, but it was La Farge's voice that was heard most frequently and most movingly in behalf of the country's original settler.

Oliver La Farge threw his arm in kindness and affection around the shoulder of a forgotten man. No racial minority ever had a more resolute friend.

#### CIVIL RIGHTS IN HAWAII

**Mr. FONG.** Mr. President, the people of Hawaii, perhaps more than people of any other place, pride themselves for the spirit of aloha they have for all people. The American ideal of equal rights under the law is most meaningful in my State.

The city and county of Honolulu has recently completed a survey of its ordinances, departmental procedures, and practices. I am proud to report to the Senate that the city and county found no evidence of discrimination in its jurisdiction.

Mr. President, I ask unanimous consent that the text of the report of the Deputy Corporation Counsel of the city and county of Honolulu to the City Council of Honolulu, dated July 19, 1963, be printed in full at this point in the RECORD.

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

JULY 19, 1963.

*Hon. Chairman and Members of the City Council, City and County of Honolulu, Honolulu, Hawaii.*

**GENTLEMEN:** Pursuant to your request we have reviewed the ordinances of the city and county of Honolulu to ascertain whether or not there is in existence any ordinance provision discriminatory in nature based on race or ancestry.

Please be advised that our search has disclosed no ordinance provision of the type referred to above.

In addition, we have made a random check of departmental procedures and practices, as well as permits and licenses issued by the several departments, but have found no evidence of discriminatory practices.

Very truly yours,

**HIROMU SUZAWA,**  
*Deputy Corporation Counsel.*

Approved.

**STANLEY LING,**  
*Corporation Counsel.*

#### THE NATIONAL SERVICE CORPS

**Mr. WILLIAMS** of New Jersey. Mr. President, in a few days the Senate will be voting on a noble measure—the National Service Corps bill, S. 1321. As many of my colleagues are no doubt aware, various dilatory parliamentary maneuvers will be attempted during debate on the bill which are intended to block passage of this bill.

It is very probable, for example, that amendments will be offered with the ostensible purpose of preventing discrimination in the selection and training of corpsmen and in the implementation of Corps projects. During committee deliberation on the bill, S. 1321, such

amendments were offered, but were rejected as being unnecessary and unwise.

The amendments regarding selection and training of corpsmen were rejected because its purpose had already been achieved under clearly articulated Federal policies.

Although it is unthinkable that any administration would discriminate among employees in any program which it established, the committee asked the Attorney General whether corpsmen would be covered by President Kennedy's Executive Order No. 10925 on Equal Employment Opportunity. The answer provided the committee by the Attorney General was affirmative and to the point:

Because of their relationship to the Federal Government, the corpsmen are, in my opinion, fully governed by the President's Executive Order No. 10925 on Equal Employment Opportunity. Under the circumstances, these two amendments would only duplicate an already clear Federal policy. \* \* \* However, their adoption might result in undermining the very objectives toward which they are ostensibly directed. Thus, adoption of such provisions as a part of this bill might be taken to mean that other programs which have been or may be authorized without them need not meet these same standards of nondiscrimination. This would bring about a confusion where utmost clarity is required.

Executive Order No. 10925, referred to by the Attorney General, culminates a long history of Federal policy against discrimination in Government employment.

Part II of this Executive order expressly reaffirms the nondiscrimination policy set forth in Executive Order No. 10590 issued by President Eisenhower on January 18, 1955:

That equal opportunity be afforded all qualified persons consistent with law, for employment in the Federal Government; and \* \* \* this policy necessarily excludes and prohibits discrimination against any employee or applicant for employment in the Federal Government because of race, color, religion, or national origin.

Given this well established policy against discrimination in Government employment, plus assurances against discrimination obtained during the hearings on S. 1321—hearing, page 58—it is apparent that the proposed amendment would serve no legitimate purpose whatsoever, except perhaps to add confusion where utmost clarity is absolutely essential. In view of these facts, the committee considered it inconceivable that the Corps would be administered in a discriminatory fashion, and accordingly rejected the amendment.

The second amendment proposed during committee deliberations was ostensibly designed to prohibit discrimination in the implementation of Corps projects. It would prohibit corpsmen from assisting disadvantaged Americans in institutions or areas which, for one reason or another, are limited to persons of a particular religious creed, nationality, race or color. Despite the purported objective of this amendment, however, its actual effect would be to deny assistance to persons most in need—a result that is direct conflict with the goal of the National Service Corps.

The Chairman of the President's Study Group on the National Service Corps, Robert F. Kennedy, characterized this proposed amendment as follows:

While the benefits of this program should unquestionably be available to eligible recipients without regard to race, color, or creed, any such sweeping mandatory requirement would, I believe, threaten the welfare of those in need, including the very minority groups which I assume Senator Tower seeks to assist. Under the provisions of the bill, corpsmen would be assigned to work only with persons in critical need. To deny those persons this opportunity to help themselves because, through no fault of their own, some form of discrimination remains would be a callous disregard of the human problems presented to the Service Corps.

It is most obvious that in many areas and institutions, such as mental institutions, migratory labor camps, Indian reservations and homes for the aged, people are often grouped by religious creed, nationality, race, or color. We all know, for instance, of homes for the aged which are limited to persons of a particular religion; we know that migratory labor camps are frequently inhabited by persons of Mexican descent or by Negroes; we know also that mental institutions in some parts of the country are sometimes limited to persons of a particular race or color.

Moreover, these very people are often the most disadvantaged members of our population. And to deprive them, in the guise of fairness, of the assistance they so desperately need would actually aggravate existing hardships to which they may already be subject, and over which they have no control. Consider an analogous situation: suppose we were asked to withdraw the school milk program from schools that are limited to persons of a particular race, creed, or color. The Congress has wisely rejected this tack. Taking milk out of the hands of children, because of policies beyond their control, is like refusing to save a drowning man because he happened to be drowning in the wrong lake. In short, Mr. President, the name of fairness cannot be used to impose hardships on our disadvantaged citizens.

Mr. President, an omnibus civil rights bill is presently before Congress dealing with the overall problem of discrimination. This measure would provide the minority groups of this country the dignity and equal opportunity which they need and deserve, and which for too long they have been denied.

Unlike the omnibus civil rights bill, the amendments offered ostensibly to prevent discrimination in corps activities will merely trade clarity for confusion and blunt the overall effectiveness of the National Service Corps.

An editorial in the New York Times, whose stand on civil rights is strong and unequivocal, indicated that S. 1321 should not "run into civil rights trouble for reasons that have no valid relation to the eradication of racial bias." The August 5, 1963, editorial stated the issue bluntly:

Since Negroes would be one of the principal beneficiaries of its activities, it is cynical to jeopardize the Corps chances of creation by a spurious civil rights issue.

This editorial warrants serious consideration and I ask unanimous consent, Mr. President, it be printed in the Record at this point.

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

#### DOMESTIC PEACE CORPS

The administration's proposal to establish a Domestic Peace Corps may run into civil rights trouble in the Senate this week—for reasons that have no valid relation to the eradication of racial bias. An attempt already has been defeated in committee to load onto the bill riders ostensibly designed to prohibit discrimination in the Corps' operations. Now Senator JOHN TOWER, the Texas Republican, is reported planning to renew the effort from the floor.

The only effect of the move will be to transfer to the wrong battlefield the fight that is already being fought, in its most fundamental sense, in the consideration of President Kennedy's omnibus civil rights bill. The Domestic Peace Corps deserves a chance at decision on its own merits, without involvement in the larger struggle. Its aim is to give a limited number of volunteers—much too limited a number—an opportunity to do in rural and urban slums, migratory farm labor camps, Indian reservations and many other areas of great deprivation the kind of things the Peace Corps has done with such animation overseas. Since Negroes will be among the principal beneficiaries of its activities, it is cynical to jeopardize the Corps' chances of creation by a spurious civil rights issue.

#### THE GRUENING AMENDMENT TO FOREIGN AID BILL

Mr. MOSS. Mr. President, last week the distinguished Senator from Alaska [Mr. GRUENING] introduced an amendment to the foreign aid bill (S. 1276) to require that all foreign aid development loans be repaid at a domestic rate of interest. I cosponsored this amendment.

Since that time the Senate Foreign Relations Committee has adopted an amendment to the foreign aid bill which would place a minimum of 2-percent interest on development loans. I hail this as a wise and significant move, but hope that when the bill reaches the Senate floor, we finish the job and require that these loans be repaid at the same rate which our Government must pay to borrow the money.

We are currently facing our largest public debt in history, and a long continued imbalance of international payments, which has brought our gold reserves to their lowest level since 1939.

We have taken many of the small steps required to set the Nation's financial affairs once again in good order. For example, we have reduced the amount of grants made to foreign governments, while still giving them aid for mutual benefit. We are, more and more, lending aid rather than giving away aid. The share of development loans in the foreign economic assistance program has increased by \$450 million between 1961 and 1964, while development grants have increased \$100 million, and supporting assistance has been reduced \$600 million. Over the past 5 years \$3.5 billion have been committed for development loans.

While it is good policy for the United States to require aid to be repaid rather

than to be forgotten, it would be better policy to reduce even further the gift element in our aid. We make a gift out of a loan when we fail to require payment of reasonable interest on that loan. I am concerned, and I believe that the American people would be concerned if they knew that the majority of these loans are at the rate of three-fourths of 1 percent interest. We are told that the repayment of these loans is a healthy stimulus for the self-help effort of the countries which receive the loan. I submit to you that whether or not a three-fourths of 1 percent interest is a healthy stimulus to the economy of a foreign nation, it is an unwise burden on our own economy and on the American taxpayers who paid over \$99 billion in taxes in fiscal 1962.

These cheap money loans ostensibly for development, are somewhat of a paradox when we consider that we must repay money borrowed by the U.S. Government at the average rate of 3 percent plus. Our own Nation, we all know well, has not reached the end of its development and growth. Yet we take from it money which is worth 3 or 4 percent or more depending on who is the borrower, and for how long it is borrowed, and lend it to other countries at one-tenth the interest charge. If the money is worth to them only one-tenth as much as it is here, then surely we must question whether it really would assist any desirable development abroad.

The present development loan rate paradox must be striking to any savings bond holder who considers the 3½ percent interest rate he earns on his U.S. savings bonds. His Government borrows from him, and makes him pay taxes to pay 3½ percent interest. There is a 3-percent interest difference between the rate the United States must pay to savings bond holders and the rate that it receives on foreign development loans.

I feel that the interest rate for foreign aid development loans should be made at least equivalent to a standard domestic rate of interest.

I believe that the rate of 3¾ percent interest paid U.S. savings bond holders is a reasonable rate of interest for this type of loan. I do not think that we should attempt to profit from the economic conditions of lesser developed countries, but by the same token, we should not provide a subsidy at the expense of our own economy, at a time when we can ill afford to do so.

When the United States was undergoing its development in the mid-19th century we were known as the world's greatest debtor nation. Many countries were very eager to invest in our railroads and other industries, but I can assure you that the interest rate was not three-fourths of 1 percent—but often was 8 or 10 times that high.

With the U.S. savings bond as the standard rate of interest for foreign aid loans we have a rate of interest that is stable for long periods and not subject to daily market changes. This would preclude the necessity for aid administrators and foreign borrowers to keep an

eye on the bond market in hopes of borrowing during temporarily favorable market fluctuations.

Wide and productive lending can benefit both debtor and creditor. The Congress can improve the lending of aid by requiring borrowers to pay a reasonable interest rate.

Mr. President, the amendment introduced by the Senator from Alaska is an eminently fair and sensible amendment, and its adoption will not undermine in any way our foreign aid program. Only by its adoption can we accurately label as "loans" the money we now say we are lending recipient countries. Even under the committee amendment, loans would still be a combination of loans and grants, with the American public picking up the tab for the difference between the money we loan at low interest and borrow at higher interest. Let us be fair with everyone concerned—certainly we should not mislead the American people.

#### NUCLEAR TEST BAN TREATY

Mr. THURMOND. Mr. President, with all the propaganda and political pressures being brought on the public and the Senate by the administration, and particularly the State Department, to obtain Senate approval of the proposed Moscow test ban treaty, it is most refreshing to hear the voice of caution uttered by a former Secretary of State who has had much experience in matching diplomatic wits with the leaders of the world Communist movement. I call to the attention of my colleagues an article in the News and Courier of Charleston, S.C., dated August 3, 1963, with this headline: "Byrnes Warns Americans About Test Ban Treaty: Statesman Cautions of Red Violation."

This article quotes the Honorable James F. Byrnes, who has served his Nation with distinction not only as Secretary of State, but also as U.S. Representative, U.S. Senator, U.S. Supreme Court Justice, Governor of South Carolina, and as "Assistant" President during World War II.

I ask unanimous consent, Mr. President, that this article about Governor Byrnes' statement on the proposed test ban treaty be printed in the body of the RECORD.

I also ask unanimous consent, Mr. President, that at the conclusion of Governor Byrnes' statement that the following materials be printed in the RECORD:

My weekly newsletter dated August 5, 1963, and entitled "A Question of Trust."

"A Time for Vigilance" from the Greenville Piedmont of Greenville, S.C., and dated July 30, 1963.

"Another Yalta Sell-Out" from the News and Courier of Charleston, S.C., and dated August 1, 1963.

"Hope Does Not Lie in Serenity" from the Augusta Chronicle dated July 31, 1963.

"Space Test Ban Would Be Folly—Teller" from the Augusta Chronicle dated July 31, 1963.

"Missing: Test Ban Safeguards" from the Augusta Chronicle of Augusta, Ga., dated August 1, 1963.

American Security Council's Washington Report dated August 3, 1963, entitled "The Issues Now Joined."

The Manion Forum broadcast dated August 4, 1963, by Rear Adm. Chester Ward, U.S. Navy, retired, entitled "The Unlimited Dangers of a Limited Test Ban."

"Emotion and the Test Ban Treaty" from the Chicago Tribune dated August 7, 1963.

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

[From the Charleston (S.C.) News & Courier, Aug. 3, 1963]

BYRNES WARNS AMERICANS ABOUT TEST BAN TREATY—STATESMAN CAUTIONS OF RED VIOLATION

(By Hugh Gibson)

COLUMBIA.—Former Gov. James F. Byrnes yesterday warned Americans not to allow their hunger for peace blind them to the potential dangers in signing a nuclear test ban treaty with Russia.

The Soviets have violated every important agreement since 1945 when it was to their advantage to do so, the former U.S. Secretary of State charged. He indicated little doubt that the nuclear test treaty would prove any exception to that rule.

"The Russians know they won't keep their word if it suits their purpose not to and they know that we will keep ours," South Carolina's elder statesman pointed out.

"I can understand Russian enthusiasm, but not ours," he continued. "Even our strong desire for peace must not lead us to lose our good sense."

Mr. Byrnes recalled that as Secretary of State under President Truman he first brought up the nuclear question at a Moscow Foreign Ministers' meeting in December 1945.

"I submitted to the Foreign Ministers of Russia and Great Britain a proposal for establishing a United Nations committee to give the world the atomic bomb secret—provided it was done by stages and with hard and fast agreement on international inspection," he said.

The Russians backed down on the 1945 proposal because of the inspection factor and the Soviet position has not changed in the intervening years, Mr. Byrnes insisted.

#### INSPECTIONS

"The Russians have argued about international inspections from that day to this but they still haven't agreed," the former Secretary of State declared.

Mr. Byrnes reminded Americans that Russia violated in 1961 a moratorium on nuclear testing. He said this has created suspicion of Russia's current good faith on a test ban that is regrettable but fully justified.

The former Secretary of State said his information regarding the nuclear test treaty came from press reports and from President Kennedy's televised report to the Nation. Mr. Byrnes said he would want to know "a great deal more" about what was in the treaty before he could approve it.

#### OPPOSITION

"I would want to know whether—as newspapers reported—the Joint Chiefs of Staff opposed the treaty and their reason," he explained.

"I also would want to know whether we would be at a disadvantage from the standpoint of national defense," he said.

Mr. Byrnes said he thought everybody favors a step toward peace but he indicated strong skepticism that the nuclear test treaty is a move in that direction.

"I see no reason to believe that the Russians now will do what they have always failed to do: keep their word," the veteran statesman declared.

#### A QUESTION OF TRUST

(Report to the people by STROM THURMOND, U.S. Senator from South Carolina)

"We know enough now about broken negotiations, secret preparations, and the (Soviet) advantage gained from a long test series never to offer again an uninspected moratorium." These are the words of President Kennedy on March 2, 1962.

On June 10, 1963, the President announced that the United States would cease testing nuclear weapons in the atmosphere "so long as other states do not do so." There is reliable evidence that the Soviets tested a nuclear device in the atmosphere on June 12, 2 days later. When this fact was made public by an enterprising reporter, it was not denied by the Atomic Energy Commission. Thereafter, the unilateral, uninspected test ban decreed by the President for the United States continued.

Negotiations with the Soviets for a test ban continued in Moscow, and on July 25, Mr. Harriman, on behalf of the United States, initialed an agreement with the Soviets for a partial, uninspected test ban with the Soviets.

The agreement on a test ban was similar to an offer made by the United States in 1961 and prior thereto, before the Soviets openly and suddenly breached the then existing moratorium and launched an unparalleled series of nuclear tests. Before the Soviets tested, they rejected the partial test ban categorically. After almost 2 years of all-out testing by the Soviets, it was the Soviets who offered the partial, uninspected test ban. We accepted the Soviet offer, despite "the (Soviet) advantage gained from a long test series," as the President expressed it.

The U.S. proposal in 1961 for a partial test ban treaty was justified as being a means to freeze the relative U.S. superiority over the Soviets in nuclear capabilities. Since then the Soviets tested, and as the President said, achieved an "advantage," now in the form of "knowledge," which might provide the basis for a clear superiority if it could be turned into weapons by the Soviets before the United States gained this knowledge and made the weapons. U.S. production is far superior and faster than that of the Soviets, so a freeze in the level of knowledge, which can only be gained from testing, could give the Soviets the time to produce weapons with their slow production facilities.

Such a motive is not attributed to Khrushchev by the President now. Our Government has displayed its willingness to take Khrushchev's word that his motive is peace. What happened between March 1962 and June 1963 to change the President's attitude from distrust to trust of Khrushchev?

In this period, two agreements were reached between the United States and Khrushchev. The first, also negotiated by Mr. Harriman, was for a neutral Laos. The agreement didn't stop the fighting in Laos, nor did it stop the use of Laos as an approach for the Reds to outflank and slaughter our U.S. servicemen in Vietnam. Mr. Harriman, in April 1963, went to Moscow, hat in hand, to seek Khrushchev's help in enforcing the agreement on Laos, but to no avail. Did Khrushchev earn the President's trust with the agreement on Laos?

There was also an agreement with the Soviets on Cuba. Our Government, and U.N. Ambassador Stevenson, announced that Khrushchev had agreed to remove his big missiles from Cuba and let the United States make on-site inspections in Cuba. Khrushchev said he removed the missiles, but no

one even pretends the United States ever got to make on-site inspections. We don't know even now what the Soviets have in Cuba. Did Khrushchev earn the President's trust with his agreement for the United States to make on-site inspections in Cuba?

On July 26, a Soviet broadcast from Moscow attacking opponents of the treaty contained the following statement: "This goes primarily for the madmen in the United States, such as fascist Senators GOLDWATER and THURMOND, Republican, of Arizona, and Democrat, of South Carolina, respectively. They tried to put the squeeze on the U.S. negotiators in Moscow by issuing statements against any departure from the positions-of-strength stand."

I plead guilty to the charge of Moscow. I believe peace, as well as liberty, depends on the United States having a position of strength, without any departure, for I don't trust Khrushchev.

Do you?

[From the Greenville Piedmont, July 30, 1963]

#### A TIME FOR VIGILANCE

The free world has no choice but to view ban-the-tests developments involving the Kremlin with more trepidation than hope, in view of the historic record of broken Soviet pledges.

An actual ban on nuclear testing in the air, in outer space, and underwater could be a forward step toward a genuine instead of a propaganda peaceful coexistence period. But since Washington's first proposals at Geneva, hundreds of days and thousands of words ago, we insisted upon a form of inspection.

Whether a two-thirds vote of the Senate will approve the treaty is not clear. It was the Soviet, not the United States, that broke the voluntary moratorium before—when it suited Soviet national purpose.

Even without knowing what the nuclear arsenals of each power contain, it has become obvious that we are at stalemate. It cannot be ignored, as Dr. Edward Teller suggests, that the U.S.S.R. may be ahead of the United States in antimissile experiments. Orbiting vehicles into space also can provide peaceful testing of propellants and guidance systems.

It would be stupid to assume that the Soviet does anything not suited to its long-term purposes. It would be more stupid to believe that the bear suddenly had sprouted wings.

Eternal vigilance, more than ever, is the price of liberty.

[From the News and Courier, Aug. 1, 1963]

#### ANOTHER YALTA SELL-OUT

Already the lines are being drawn in the U.S. Senate over the issue of a nuclear test ban treaty. On one side are realists who oppose a pact that will only serve the interests of the Soviet Union. On the other side are those who take a soft view of world affairs, who believe that America should make concessions to reduce tension.

Senator EVERETT DIRKSEN, the Republican minority leader, has declined to accompany Secretary of State Rusk on his mission to Moscow. Other realistic Republicans likewise have refused to participate. President Kennedy must be content with the presence of Senators AIKEN, of Vermont, and SALTONSTALL, of Massachusetts, two members of the GOP's liberal wing, as representatives of the opposition party.

The suspicion with which realistic Senators regard the test ban agreement is well founded. How can realistic Americans favor a pact negotiated by W. Averell Harriman, who earned a reputation as the late Josep Stalin's favorite American diplomat?

Mr. Harriman's public career is one of mistaken judgment throughout. When he was

Assistant Secretary of State for Far Eastern Affairs not long ago, he negotiated the so-called neutralization of Laos. This has proved to be a major setback for the United States. Laos is the key to southeast Asia. The Russians, contrary to their word, are cheating on the Laos agreement. The country is gradually being infiltrated by Communist bands.

Aside from the alarm which Mr. Harriman inspires in realists, observant citizens know that the test ban is an outward and visible sign of an inward conviction on the part of the Kennedy administration that Russia has been misjudged, and that it sincerely wants to end the cold war.

The test ban agreement helps to explain the muzzling of the military by the Kennedy administration. It is no surprise that Senator J. W. FULBRIGHT, the Arkansas appeaser and author of the infamous memorandum opposing cold war education, will be present in Moscow for the treaty signing ceremony. The test ban also helps to explain the failure to order a tight blockade of Communist Cuba, and the U.S. Government's readiness to crack down on free Cubans who want to strike a blow for liberty in the Caribbean.

All along, the Kennedy administration has been making concessions and adopting a soft tone with respect to Russia, in the hope of persuading Nikita Khrushchev to behave.

John F. Kennedy is attempting to repeat the history of the Yalta era. He believes that concessions can win peace. This is what President Franklin D. Roosevelt thought when he allowed Stalin to retain Eastern Europe. President Roosevelt abandoned the people of Poland to Soviet tyranny, in the hope that Russia would join a civilized community of nations. This unrealism proved disastrous in the 1940's. It would be even more ruinous if it became American policy in the 1960's. The Russian bear has not changed his nature.

Nor is a test ban agreement the ultimate Kennedy administration goal. We see in the administration's determination to deny nuclear weapons to European allies the grand design of a demilitarized Western Europe. This, we submit, is the price that the Kennedy administration is ready and willing to pay to extract smiles from the men in the Kremlin.

It would be a disaster if this country puts faith in the Russians. The whole of their history shows no cause for trust. Even within the Communist world, Red China does not trust the Russians. The Chinese know that Russia's plans of domination never will end so long as there are Russians. While the United States also wishes to counter the aggression of the Communist Chinese, it should not seek to lessen the Chinese danger by signing a pact with its own principal enemy, Soviet Russia.

The men who guide U.S. policy these days embody all the confusions of American liberalism. A lack of confidence in the uses of strength characterizes their approach to U.S. action. The Senate will do its greatest work of this decade if it prevents a sellout of American interests that is presented as a step toward lasting peace.

[From the Augusta Chronicle, July 31, 1963]

#### HOPE DOES NOT LIE IN SERENITY

With issues beginning to crystallize in the debate over U.S. acceptance of a limited nuclear test ban treaty, it becomes increasingly apparent that the United States has more to lose than to gain from such a move.

Our foremost consideration must be the national security. If a test ban treaty impairs our ability to defend ourselves in event of war, that fact alone constitutes compelling cause to reject it. As much as all

Americans would like to reduce the tensions that might lead to war, our primary concern—in the face of an implacable enemy whose expressed goal is destruction of our way of life—must be maximum defense capability.

In sum, the best insurance against war with communism lies in strength, not serenity.

Thus, the first responsibility of the Senate, as it considers the test ban treaty, must be examination of the document's potential impact upon free world defenses and the cold war balance of power. The limited facts available from the highly classified field of nuclear weaponry indicate that impact would be decisively negative, insofar as the United States is concerned.

Hanson Baldwin, authoritative military writer for the New York Times, got to the meat of the matter troubling opponents of the treaty when he described the prospective effects of an agreement banning all but underground tests:

"From the point of view of weapons testing this would mean, in the opinion of most military and intelligence experts, that the United States would be able to test the type of weapons—small size tactical weapons—in which it has a clear-cut lead, but would be unable to test the weapons in which it is apparently lagging."

Put another way, the treaty would enable the Soviet Union to continue testing the only kind of nuclear weapons in which it has a recognized disadvantage, while freezing Russia's lead in other nuclear capabilities.

In addition to the probability that Soviets can improve their nuclear positions under terms of the new treaty, the United States confronts the prospect of even greater Communist gains outside the scope of treaty guarantees.

What, for example, is to prevent Russia and Red China—who now apparently are at odds over methods of achieving a common goal—from patching up their differences in the weeks ahead? If they do, it would be quite simple for Russia, in a tightly closed society, to return her nuclear technicians to Red China and continue her weaponry progress under the guise of Chinese testing. The Peiping regime is party to the new treaty and presumably will continue its nuclear explosions.

Entirely too many dangers to the national security are inherent in the treaty now before the Senate. If Members of that body refuse to be blinded by false hopes for a dramatic shift in Communist policy, and open their eyes to the realities clearly revealed by history and current events, we believe they will refuse to accept the terms of this agreement.

[From the Augusta Chronicle, July 31, 1963]

"SPACE TEST BAN WOULD BE JOLLY"—TELLER

(EDITOR'S NOTE.—Dr. Edward Teller, nuclear scientist who was instrumental in developing the hydrogen bomb, was asked by the Chronicle in a telephone interview Tuesday for his opinion of the nuclear test-ban treaty on which preliminary agreement has been reached by the United States, Britain and Russia. The following story by City Editor Bob Cohn is the result.)

(By Bob Cohn)

The proposed nuclear test-ban treaty will prohibit development of high yield range explosives, will stop the U.S. effort to produce a feasible defense against missiles, and will not prevent Russia from conducting undetected nuclear tests in space, Dr. Edward Teller told the Chronicle Tuesday.

Teller, a leader in America's nuclear development and outspoken opponent of nuclear disarmament, was reached at the Livermore Radiation Laboratory in California and

asked for his views on the proposed treaty between the United States, Russia and Great Britain.

The treaty which would abolish nuclear tests in the atmosphere, space and under the oceans, has been initiated by negotiators for the three major powers but was to be ratified and signed by the Senate before the United States becomes a full party to the treaty.

Teller, who in his book, "Legacy of Hiroshima" took the lead in pointing out the inadequacies of the U.S. nuclear policies, appeared Tuesday to be concerned with the treaty's provision for a ban on space tests.

"In 1958, at the time of the first test moratorium, the usefulness of future tests was discussed in considerable detail. Two important future applications had been carefully reviewed and emphatically rejected.

"One was the further development of nuclear explosives in the multimegaton range. The other was the use of nuclear explosives in missile defense.

"It was said that in big explosives not much more progress was possible. It was also said that the practical feasibility of missile defense was not sufficiently promising.

"In the late summer of 1961 Russian tests were resumed. As a result of this test period the Russians claimed great advances in precisely the two fields which we had designated as virtually hopeless.

"The Russian claim of a 100-megaton explosive and an effective missile defense was known to the world. These claims may be exaggerated but there is little doubt that the Russians are ahead of us in big yield explosives and defense against missile attack.

"The latter fact is significant. If the Russians should now have or in the future acquire a really effective antimissile missile, they may feel safe from any retaliation.

"The Russians may further develop their big explosives by secret tests in distant interplanetary space. They may perfect their missile defense by tests in the atmosphere which are kept at so small an explosive yield as to be undetectable outside Russia.

"We should certainly not violate the treaty by cheating in a similar fashion.

"The result may be an increasing disadvantage to our side which at some uncertain date may acquire dangerous proportions. This might have tragic consequences for the United States and the free world.

"The test ban which is now proposed will prohibit our development of explosives in the highest yield range. This ban will also stop our effort to investigate effects of nuclear explosives in the atmosphere, a piece of knowledge which is vital for missile defense.

"Thus the proposed test ban will make sure that our inferiority in big explosives and in missile defense will become permanent.

"These are some of the worries connected with the present test ban proposal. There can be no doubt that the proposal is of the utmost importance for the peace and security of the United States and the free world.

"The question will be discussed in the Senate. I think valid arguments will arise on both sides. I believe it would be a great mistake to ratify or to reject the proposed treaty within a short period.

"What is needed is a most careful, detailed, and unemotional consideration of all relevant facts."

In "Legacy" Teller admits that a ban on nuclear tests in the atmosphere and beneath the oceans is feasible because violations could be easily detected.

However, he is quick to point out that to include space testing bans in a treaty would be ridiculous. He asserts that they would be impossible to detect and would allow violation of the treaty "on a really massive scale."

The treaty that the United States, Britain, and Russia are now considering provides for a ban of space tests.

Teller claims that the violator, to avoid detection, would need only rocket thrust and scientific patience. After a rocket carrying a nuclear device and observation equipment had left the earth's gravitational field, scientists would have to wait a few months for the rocket to drift 100 million miles from the earth before they could safely separate the rocket's compartments and detonate the nuclear device.

Teller said this explosion could not be detected from earth because a nuclear explosion in space would produce intense X-rays and electromagnetic waves that would be absorbed in the atmosphere.

The only practical method of controlling space tests, Teller said, would be to establish a network of observation stations that would sight the firing of any rocket from any point in the world. An onsite inspection of every rocket would be necessary to determine whether nuclear explosives were aboard.

Teller admits there is one thing wrong with this simple and effective proposal. The Russians, who balked at adequate inspection of suspected underground explosions and have constantly refused to agree to any onsite inspection plan, certainly would never agree to inspection of their rockets.

Teller's summation: A test ban treaty on nuclear tests in the atmosphere and under the oceans is feasible, but to include bans on space testing is folly.

[From the Augusta Chronicle, Aug. 1, 1963]

MISSING: TEST BAN SAFEGUARDS

President Kennedy has assured Americans that his administration would not agree to any nuclear test ban treaty devoid of adequate provisions for inspection designed to detect both testing and preparations for testing.

Yet he has now asked Congress to ratify a treaty that contains no inspection provisions whatever beyond the normal surveillance and seismic devices already at our command.

In earlier editorials, the Chronicle has observed that this void in the proposed treaty would clear the way for the Soviets to cheat again—as they did on the 1958-61 moratorium—by secretly preparing for a new series of tests while Western nations relax their nuclear weapons development efforts. This prospect, in itself, is alarming enough to justify Senate rejection of the treaty now before it.

Now, however, another piece of compelling testimony has been entered in the evidence offered by opponents of the treaty.

In an interview with the Chronicle, Dr. Edward Teller, one of America's foremost nuclear scientists, said nuclear tests in space—which are included in the treaty—are impossible to detect and would permit violation of the treaty on a really massive scale.

Hanson Baldwin, military writer for the New York Times, carried it a step further. "Contrary to popular opinion," he wrote last week, "it is not certain that all atmospheric or space shots can be detected. Some high-altitude tests in the South Atlantic by the United States have gone undetected."

Administration leaders have led Americans to believe that an adequate surveillance can be maintained over nuclear explosions in the atmosphere, in space, and underwater without onsite inspection. The only safeguards written into the proposed new treaty are based on this supposition. But now scientific experts in this field tell us that space—and even some atmospheric—tests may go undetected without inspection.

If this be the case, success of the new test ban treaty would depend entirely upon Russia's good faith and trustworthiness.

And that, honorable Senators, is extremely shaky ground on which to place the security of your 185 million constituents.

[From Washington Report, Aug. 3, 1963]

**THE ISSUES NOW JOINED**

(By Frank J. Johnson)

Twenty-four years ago, on August 23, 1939, the world was stunned to learn that Soviet Russia and Nazi Germany had signed a nonaggression pact. Russia had executed one of the greatest diplomatic about faces in history. Two nations which had been the bitterest of ideological enemies and had been on the brink of war during the Munich crisis of the previous fall, suddenly became friends. The atmosphere of the negotiations was businesslike and cordial. The negotiators were jovial. A British delegation, which had come to Moscow in the hope of inducing the Soviets to join Britain in a guarantee of Poland against German attack, left for home, its mission an utter failure. The international Communist movement was temporarily rent asunder by the shock of a Soviet pact with Fascist Germany. Disillusioned idealists quit the party in droves.

So much for the parallels between 1939 and 1963. There are also differences. The Nazi-Soviet pact was a green light for war and was so intended by both parties; 10 days later Hitler invaded Poland and World War II began. The agreement between Hitler and Stalin was an utterly cynical act of political and military expediency by two dictators, each of whom expected to doublecross the other. Neither expected the arrangement to last. The Soviets expected to do what they later did to Japan (in violation of a nonaggression treaty), enter the war at the last moment for maximum advantage at minimum risk. Their miscalculation lay in the easy German victory over France, which freed Hitler for the attack on Russia.

The nuclear test ban treaty which the United States and Britain has just signed with the Soviet Union represents another dramatic tactical reversal in Soviet foreign policy. But this time it is being hailed as a great step toward peace and an end to the cold war. There is little reason today to believe that the Soviets act with any less cynical motives than they did in 1939. They know what they are doing. But do we?

President Kennedy, to be sure, has sought to avoid the peace in our time role of Neville Chamberlain on his return from Munich. In his report to the Nation on the test ban treaty, the President cautioned against over-optimism. "This treaty is not the millennium," he said. "It will not resolve all conflicts, or cause the Communists to forgo their ambitions, or eliminate the dangers of war. But," he went on, "it is an important first step—a step toward peace; a step toward reason; a step away from war."

When put before the American people and the Senate in this form, it becomes very difficult to oppose the nuclear test ban—almost as difficult as it must have been for Winston Churchill to buck the tide of popular British acclaim over Munich in order to warn of the consequences. The treaty appears safe enough, since it avoids the problem of underground cheating. What harm can there be when weighed against the great advantages of elimination of fallout and a step toward peace?

It will not be easy to oppose this kind of treaty because the charge of warmonger is hurled at the opponent almost automatically. For example, a Herblock cartoon (Washington Post, July 28, 1963) portrays the antitest ban club as made up of sadistic and embittered men who passionately wish to blow up the world. Poisoners of children could as well be added in the emotional atmosphere which prevails.

What, however, are the legitimate reasons for skepticism? Why might honest men oppose this treaty, not because they are for war, but on the grounds that the treaty is not really a step toward peace as Americans understand the word?

There is, first, the question of Soviet motivation. In agreeing to a partial test ban, the Soviets reversed their earlier position. It is probable that their decision was taken during June and thrashed out at the meeting of the Central Committee of the Communist Party which was held at that time. It is obviously part of the overall Soviet peace offensive now in progress. When the Soviets undertake a major shift of this sort, they do so with cold calculation. Why, then, have they reversed their more threatening attitude of the spring, which caused Secretary Rusk to warn of a possible new hardening of the Soviet position?

Many reasons are heard. First among them is usually the dispute with China. This may be a factor—Khrushchev's desire to emphasize the contrast of strategies and rally the faithful to his banner. But since the dispute has been going on for some years now, it is not likely that this is a major reason for the switch at this time. Here are some other, less frequently mentioned possible reasons:

1. The U.S. political situation. The widespread anger of the American people over the failure to eliminate Soviet forces from Cuba, combined with the racial issue, may have indicated to Moscow that the present accommodation-minded administration would be vulnerable to defeat in 1964. Since both of the leading Republican nomination contenders apparently favor a stronger U.S. foreign policy, it is in the Soviet interest that there be no change in administrations. One way to cause the American people to forget about Cuba is to convince them that Russia herself is no longer dangerous.

2. The political situation in Britain. The Conservative government is desperate. Its normal lack of realism toward Russia is compounded by the fact that only "peace in our time" offers it a chance of reelection. Under such circumstances it will probably press its allies for almost any concession to get an overall settlement with Russia.

3. The political situation in Europe. The astonishing increase of Communist strength in Italy, the resurgence of Communist influence in France, and the coming departure of Adenauer from the German scene, may suggest to the Kremlin that now is the time for honey rather than vinegar in seeking its European objectives, which are chiefly the recognition of the status quo in Eastern Europe, the neutralization of Germany, and the dissolution of NATO. Nuclear blackmail having so far failed, psychopolitical warfare may look much more promising.

4. The economic consequences of the arms race. It is extremely expensive and virtually impossible for the Soviets to alter or even maintain the military balance in an all-out arms race. If a way can be found to achieve the same objective at less cost, it is to their advantage. The element of secrecy, by which they once fooled us into thinking there was a missile gap, is now largely lost. The effort to put missiles into Cuba failed (we hope). The area of disarmament is a third way.

5. The specific instance of the President's "strategy of peace" speech at American University. This may have been the clincher that confirmed the other arguments and galvanized Soviet diplomacy and loyal Communist cadres into action. The eagerness of the American Government to find a way out of the cold war could scarcely be ignored. A fluid world situation in such an atmosphere offers the Soviets limitless possibilities for maneuver.

Second, there is the treaty itself. From the standpoint of Soviet cheating, it is less dangerous to American security than is a total test ban without adequate inspection. This, however, is only one part of it. The Joint Chiefs of Staff may be pressured into giving approval on political grounds, but they are known to have military reservations. The Soviets are sacrificing very little. Since

1961 they have completed two massive atmospheric tests in which they made at least enough progress on the antimissile missile to be able to begin deployment of an operational system. No one knows just how effective their system is, but it seems certain that the ban freezes them in a position superior to the United States in this vital area. Moreover, if and when they decide to resume atmospheric testing, the escape clause in the treaty gives them a legal and propagandistically honorable way out. Any party can withdraw on 90 days' notice. France's determination to continue testing provides the Soviets with a suitable excuse to withdraw whenever they wish.

The third reason for opposition to the treaty is related to the first and is in the realm of the psychological. No matter what words of caution United States and British leaders may now utter, they have set in motion and are continuing to fuel a groundswell of popular optimism and hope that the cold war is ending.

Khrushchev, the same man who relaxed tension by withdrawing from Austria in 1955 only to follow it with Hungary, the Berlin ultimatums, and the Cuban missiles, adds his now benign voice to the call for peace. The real danger, therefore, is that the Western democracies will be swept along the road to political concessions to communism by a popular momentum which will be impossible for a politically conscious leadership to resist. A new summit conference has become a virtual certainty.

Already the United States and British negotiators have morally committed their nations to enter into some kind of nonaggression pact or arrangement with the Communists, whatever the legal reservations. De Gaulle's implacable "Non" to the idea preserves France from such folly, but may further strain the Alliance. The preamble to the treaty reaffirms the aim of general and complete disarmament under strict international control. The treaty itself, however, avoids the major problem of on-site inspection in the Soviet Union, which has always been the sticking point on actual disarmament. The Soviets agree to international control over disarmament—over what is actually destroyed—but not over the remaining armaments. So far we have avoided this kind of trap, but will we do so now? The public pressure for concessions to the Soviet position on actual disarmament could become enormous now that new hopes are aroused.

The Communist goal has not changed. As recently as July 14, 1963, it was reiterated, again and again, in the long Soviet open letter which answered the Chinese charges. For example, it said:

"We fully stand for the destruction of imperialism and capitalism. We not only believe in the inevitable destruction of capitalism but are doing everything for this to be accomplished as soon as possible."

[From the "Manion Forum," South Bend, Ind., Aug. 4, 1963]

**THE UNLIMITED DANGERS OF A LIMITED TEST BAN**

(Interview with Rear Adm. Chester Ward, U.S. Navy, retired)

DEAN MANION. Bad news given in time is the best news we can possibly get. The doctor who finds your cancer while you can still cut it out has given you the best news you will ever hear. This basic truth is the reason why I have cleared the decks to bring you a warning that can serve to save our country. The man who will give it to you is Adm. Chester Ward, one of the top military strategists of our generation.

Admiral Ward is a former Judge Advocate of the U.S. Navy. He declined a second tour of duty in that high office to retire at 52 years of age and devote his full time to study

and public education on the subject of our national survival in this nuclear age. Time here and everywhere is too short to give you even a brief rundown on his superb qualifications for what I have asked him to do for you here today. Our national life is staked upon his message.

Admiral Ward, welcome to the Manion Forum.

Admiral WARD. Thank you, Dean Manion. I deeply appreciate the opportunity of talking with the audience of this great radio forum. This is because I am a notorious "fright peddler"—and I'm going to predict a national disaster.

I always predict disasters in plenty of time to avert them and this Forum audience has the numbers and dedication required to avert fulfillment of my present prophecy of doom.

This is my third major prediction of disastrous plunges by U.S. leadership into Soviet Communist traps—traps set to weaken us for the final kill. The other two predictions were the Soviet betrayal of the first test ban, a prediction made 5 months in advance, and Soviet conversion of Cuba into an offensive base against the United States, made 14 months in advance.

The famous Fulbright memorandum smeared me for implying that our leaders would be duped by the Communists, but they were duped; and, consequently, both predictions came true. The tragedy of it is, that both disasters could have been averted if American leadership had only been willing to face the proven facts of Communist duplicity and malevolence.

Now, for the third time in 3 years, American leadership is again refusing to face the facts, so here is my third prediction:

The U.S. Senate will ratify the so-called limited test ban deal with Moscow. This will freeze the United States in second place to Russia in the technology of strategic nuclear weapons. U.S. nuclear strike capability will be reduced so fast relative to the Soviets' mushrooming superweapon strength, that within 18 months we will have lost our power to deter a Soviet surprise attack, or to retaliate effectively against the overwhelming military power of their superweapons of annihilation.

If this prediction is allowed to come true, it will be the end of our country. This third time American leadership not only again refuses to face the facts, but is actively concealing the facts from the American people, so that the people can be led blindly into the third and fatal trap.

This third time, however, the American people are not helpless to avoid the trap. We can influence our legislative leadership to face the facts which our executive leadership is hiding from us—and from them.

Because this time we can save ourselves by invoking a provision of that great document which—under God—made and preserved us a Nation. Under our Constitution, the U.S. Senate can refuse ratification of the slick deal with Moscow. It will be an inspiring triumph for our constitutional processes to destroy this deal before it destroys us.

Because this is a deal engineered by a Washington inner circle of pseudosophisticated, pseudointellectuals who deride our Constitution as outdated; and it is a deal with an enemy whose objective is the destruction of the Constitution of the United States, and the destruction also of the God who ordained it.

Yes, this time the Senate, thanks to the Constitution, can save us. Whether the Senate will save us, however, depends on us. We cannot rely upon the Senate—without our help—vetoing the second test ban deal.

We must persuade our Senators to insist on knowing the hitherto suppressed results of the first test ban before they commit us to the second; and to insist on safeguards in

the proposed agreement to prevent the Soviets from betraying the second test ban exactly the same way they betrayed the first.

The recent Washington-Moscow slick switch from the long-discussed Geneva draft of a comprehensive type test ban, to the so-called limited type, has effectively confused most of our Senators. More than the one-third of our Senators required to block ratification of a treaty fully understood the inadequacy of safeguards in the Geneva comprehensive type agreement relating to underground sneak-cheat testing by the Soviets.

It is a shocking fact, however, that most of these same Senators have been deceived into believing that, by shifting over to the "limited" type agreement—which does avoid the danger of inadequate inspections to safeguard against underground cheating by the Soviets—we have avoided also all danger of Soviet cheating.

Tragically, these Senators, along with most of the American people, fail to recognize that the headlined negotiations over the number of inspections to be allowed by the Soviets, were a diversion. Seven inspections would be as ridiculously inadequate as three, to safeguard against underground cheating.

But this elaborate argument over insignificant numbers did successfully focus public attention on what is really the most improbable, the least decisive, the smallest, and the slowest method of cheating.

It did divert attention away from the vastly more important and more probable dangers of the Soviets again breaking the ban by prolonged secret preparations for massive tests in the atmosphere.

#### THE LESSON WE SHOULD HAVE LEARNED

That this is the fatal danger is proved by the experience of the first test ban. From that we should have learned that when Khrushchev cheats, he cheats big. He does not piddle around with nuclear tests underground, which cannot exceed more than a few thousand tons of explosive power.

He went boldly into the atmosphere, and broke the ban with single tests as powerful as 58 million tons of explosive. He ran 2 long preplanned series, totaling nearly 100 tests with a total explosive power of 300 million tons. Such massive tests inevitably produce equally massive gains in nuclear technology; and, indeed his gains were so great that the information on them is still being withheld from the American people. Otherwise they would rebel against being subjected to a second similar military disaster in the second test ban.

In addition to suppressing the magnitude of the Soviet gains, managed news out of Washington has confused the American people into forgetting both what Khrushchev had done in atmosphere cheating, and what President Kennedy had said about the necessity of safeguards to protect against Khrushchev's doing it again.

In November 1961, Kennedy denounced the Soviet's prolonged preparations to betray the test ban while going through the motions of "negotiations" with us. He declared that "if they fooled us once, it is their fault, and if they fool us twice, it is our fault."

In January of 1962, Kennedy stressed specifically the danger of Soviet betrayal of a second test ban by secretly preplanned atmospheric tests. He declared that any future agreement would have to contain "methods of inspection and control which could protect us against a repetition of prolonged secret preparations for a sudden series of major tests."

Some Senators remember the President's warning of the needs of safeguards against major cheating by the Soviets. Unfortunately, however, they have been deceived into believing that the necessity for these safeguards can be obviated by the United States maintaining what is called a readiness to test. These Senators have been confused into forgetting that the President himself

has declared that it is not possible for the United States to maintain a realistic readiness to test.

On March 2, 1962, he gave two specific reasons why it could not be done in a free society. He summed up by saying that for us to maintain such a readiness to test—and I quote the President's own words—"is not merely difficult or inconvenient; we have explored this alternative thoroughly, and found it impossible of execution."

#### WHAT YOU CAN DO

Thus in the face of this impending national disaster, there is at least a practical answer to the sincere American who questions, "But what can I do—what can any one person do?"

The Senate will veto the limited test ban deal with Moscow, if the Senators only ask the right questions to cut through the planned confusion and deliberate deceit.

It takes only two short questions to expose the unlimited dangers of the limited test ban; and it takes only two additional questions to expose the greatest danger of all—that of entering any test ban until the United States recovers its superiority in the technology of strategic nuclear weaponry which the Soviets stole from us by trapping us in the first test ban.

And it is within your power to persuade your Senators to ask the right questions. I am working on a draft telegram to address to my Senators. Here it is:

"SENATOR ———: Request you sponsor Senate resolution calling on Kennedy administration to give specific answers to four questions:

"First, does proposed test ban agreement contain inspection or control provisions President Kennedy declared essential to protect against secret prolonged preparations for sudden massive atmospheric tests?"

"Second, does it contain any enforcement provisions, or any penalties for cheating, to prevent Soviets from betraying second test ban exactly same way they betrayed the first?"

"Third, did Soviet first ban-breaking tests enable them to multiply their nuclear explosive efficiency up to 500 percent, and to reverse U.S. superiority in technology of strategic nuclear warheads?"

"Fourth, will entering a test ban now freeze U.S. administration from conducting atmospheric test program necessary to develop a counter to Soviet superweapons now 100 times more powerful than U.S. Polaris and Minuteman missiles on which our future defense depends?"

Thank you for listening.

DEAN MANION. Thank you, Adm. Chester Ward, for this frightening but timely warning of our impending peril.

My friends, in this broadcast your work and mine is cut out for us. Here is your telegram and the argument to support it. If every person who has heard this broadcast will act, disaster can be averted. But don't temporize with this terminal cancer—act now.

#### APPENDIX

A comprehensive compilation of Soviet Russia's treaty record has been made by the Senate Subcommittee To Investigate the Administration of the Internal Security Act and Other Internal Security Laws. Every American should ponder this statement by Chairman EASTLAND, taken from the foreword to this study:

"The staff studied nearly a thousand treaties and agreements of the kind described above, both bilateral and multilateral, which the Soviets have entered into not only with the United States, but with countries all over the world. The staff found that in the 38 short years since the Soviet Union came into existence, its Government has broken its word to virtually every country to which it ever gave a signed promise.

"It [Soviet Union] signed treaties of non-aggression with neighboring states and then absorbed those states. It signed promises to refrain from revolutionary activity inside the countries with which it sought friendship, and then cynically broke those promises.

"It (Soviet Union) was violating the first agreement it ever signed with the United States at the very moment the Soviet envoy, Litvinov, was putting his signature to that agreement, and is still violating the same agreement in 1955.

"It [Soviet Union] broke the promises it made to the Western nations during previous meetings 'at the summit' in Teheran and Yalta. It broke lend-lease agreements offered to it by the United States in order to keep Stalin from surrendering to the Nazis.

"It [Soviet Union] violated the charter of the United Nations. It keeps no international promises at all unless doing so is clearly advantageous to the Soviet Union.

"I seriously doubt whether during the whole history of civilization any great nation has ever made as perfidious a record as this in so short a time.

"On the basis of the record, this question inevitably arises: Is the Soviet record merely a series of individual and unrelated misdeeds, or has treatybreaking been an instrument of national policy since the U.S.S.R. itself came in existence?"

[From the Chicago Tribune, Aug. 7, 1963]

#### EMOTION AND THE TEST BAN TREATY

Examination of the arguments being advanced for Senate ratification of the partial nuclear test ban treaty with the Soviet Union shows a large emotional content. To be against the treaty is to proclaim yourself an enemy of Santa Claus and an unrepentant Scrooge. You are against the "mother and children lobby," as the New York Herald Tribune delicately phrases it.

Peace, it's wonderful, even if the treaty has nothing to do with peace.

In this kind of climate the dictates of reason are little regarded, and it is to the credit of Senators who insist on taking a thorough look at this rapprochement with Khrushchev that they are able to stand fast against waves of wishful thinking.

For the question needs to be explored in detail, and emotion has no valid place in the discussion. The substantial considerations are technical and strategic. They go to the root of national survival and Soviet good faith. Why, after all these years of obdurate resistance, is Khrushchev now willing to make a gesture? Is he out to trick us? Will the doublecross come when the time is opportune? Is he bent on disarming us psychologically?

These are the things the Senate must answer to its satisfaction. It must call on expert testimony and it must refuse to be stampeded. If, in its judgment, the treaty should be accepted only with reservations, then let it draft the reservations. If, in its convinced judgment, the treaty should be rejected, then let it be rejected.

The Joint Chiefs of Staff are strangely silent. But, with President Kennedy's record of political reprisal before them, does anyone expect the military chieftains to express their honest beliefs? Two of their members, Admiral Anderson and General Le May, found their days on active duty numbered when they got out of line.

The administration had hoped to induce General Eisenhower to speak for the treaty. He had proposed a somewhat similar agreement in 1959, but he has not declared himself now. It is being said that 4 years ago the Russians had yet to break the voluntary moratorium to which he had committed the United States, nor had they exploded their 1961-62 series of giant bombs in the high megaton range. These are things that may

have given Mr. Eisenhower pause, and he may also recall the words of his Secretary of State, John Foster Dulles.

In the winter of 1959 Mr. Dulles said it would be simple to dress up a test ban treaty in fuzzy language and present it to the world as a great achievement for peace. That, he said, was what the Russians wanted, and probably a Republican could be elected President in 1960 on the strength of the propaganda. "But we're not going to do it," said Mr. Dulles, for in his judgment it would engender great pressures to disarm the United States and enfeeble its alliances, so that, within a few years, "we could be as a sitting duck for the Communists to pick off."

Have we a more eminent or sensible nuclear physicist than Dr. Edward Teller? Only last week he reiterated his warning that Russia can set off completely undetectable nuclear bursts of below 1 kiloton in the atmosphere. Such experiments, he said, would allow the Soviet Union to perfect its already partially deployed antimissile defense system. Without a counterpart the United States might not survive.

Perhaps Mr. Dulles had something when he said that the emotional response to unsatisfactory nuclear treaties promising peace could elect Presidents. Perhaps that is not altogether remote from Mr. Kennedy's thoughts. Mr. Kennedy's "image," after Cuba, Laos, civil rights disorders, and all the rest, needs some refurbishing. The treaty might do the trick.

#### UNION ELECTIONS IN SOUTH CAROLINA

Mr. THURMOND. Mr. President, on July 24, 1963, I presented on the Senate floor a brief speech in which I inserted in the RECORD at the conclusion of my remarks several editorials and also a report by the national office of the NLRB at Winston-Salem, N.C., with regard to its recommendations on two recent union elections in Orangeburg and Greenville, S.C. Since that time, two editorials have been printed in South Carolina newspapers which I wish to call to the attention of my colleagues. One is from the Times and Democrat of Orangeburg, S.C., dated August 3, 1963, and is entitled "NLRB in Need of Change." Originally, Mr. President, this editorial was published in the Twin City Sentinel of Winston-Salem, N.C. The other editorial is entitled "NLRB Bares Its Fangs Into South Carolina Again." This editorial was originally printed in the Spartanburg Herald of Spartanburg, S.C., was reprinted on July 31, 1963, in the Times and Democrat of Orangeburg, S.C. I ask unanimous consent that both of these editorials be printed in the body of the RECORD as a supplement to my earlier remarks on July 24, 1963, along with a letter from the Honorable ALBERT WATSON, the distinguished Member of Congress from the Second Congressional District of South Carolina, to NLRB Chairman Frank W. McCulloch dated August 3, 1963.

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

[From the Times and Democrat, Orangeburg, S.C., July 31, 1963]

#### NLRB BARES ITS FANGS INTO SOUTH CAROLINA AGAIN

(EDITOR'S NOTE.—The following editorial is from the Spartanburg Herald, edited by Hubert Hendrix. It deals with the National

Labor Relations Board report on the union election at Orangeburg's Utica-Herbrand plant.)

The National Labor Relations Board has bared its fangs again at South Carolina industry.

Once more it reveals itself as a promoter of compulsory union membership, and not a protector of the right of workers to choose for themselves.

The new incident casts the gravest kind of implication toward free speech and free thought. It happened in Orangeburg, but its importance is to everyone.

The regional director of the NLRB has recommended that an election at the Utica-Herbrand plant be set aside. He cited a "reign of terror" he said was waged to influence workers to reject the union. The result was 245 to 171 against union organization.

The full Board usually accepts recommendations by one of its field branches.

Such elections are supervised by the NLRB. Significantly, it did not charge any of the "terror" until results were in. If the union won, no complaint would be necessary.

What was this reign of terror?

The NLRB indictment specified three charges against company management:

1. Allowing, and encouraging, influential people in the community to openly express their views against union organization through newspaper advertising, house calls, handbills, and radio programs.

2. Allowing, and encouraging, the local newspaper to make statements and write editorials opposed to union organization.

3. Making statements immediately prior to the election indicating that the company would not grant increased benefits short of a strike by the union.

The real terror in these accusations is the NLRB line.

Since when do interested citizens, as the NLRB Director himself defined them, have to fear openly expressing their views on unionism or anything else?

Since when must a newspaper receive approval by union organizers or the NLRB to state its position on a matter of public importance?

Why should a company avoid the suggestion, though it be true, that unionization would be harmful to the firm and its employees and that it does not propose to kow-tow to the organizers?

The NLRB Director, Reed Johnston, proposes that union organizers be granted an absolutely immune sphere for their campaigning. His suggestion is that an election is unfair unless workers are given complete benefit of all union sales pitches, while protected from the views of their company and community leaders.

This is thought control on the order of a totalitarian state.

Union organizers engage freely in all the activities listed as accusations against the company in this case. Johnston's idea is that they should be free to undertake all manner of coercion and propagandizing—as they do—while management or citizens who are concerned for their community, are prohibited from forceful public statements.

The pure arrogance of suggesting that a newspaper cannot freely editorialize, on whatever side it chooses almost defies comment.

A newspaper worth its salt does not need "allowing or encouraging" to speak plainly.

Neither free citizens nor free newspapers are going to be intimidated. Free working people will continue to make their own decisions.

The Times and Democrat of Orangeburg stated its reaction in unmistakable terms: "Sheridan (the union representative) and his cohorts can be assured that the 'two-bit newspaper' he has often referred to will stand firm in its right to print any story it deems

newsworthy, and to voice any editorial opinion it believes in the best interest of this area \* \* \*.

"The Times and Democrat's voice will not be stifled by any labor union or its leaders, nor by such Federal bureaucracy in Washington as the National Labor Relations Board, an agency formed by Congress to maintain peace between management and labor—not to stir up dissension."

The *Spartanburg Herald* will make itself clear, too, in the event that any circumstances should warrant its attention. This newspaper has not the slightest intention of applying for permission—to management, to union, or to government—before making its opinions known to its readers.

[From the Times and Democrat, Orangeburg, S.C., Aug. 3, 1963]

#### NLRB IN NEED OF CHANGE

One point stands out in Senator STROM THURMOND's criticism last week of the National Labor Relations Board and of the recommendation of Reed Johnston, NLRB regional director in Winston-Salem, that a recent no-union vote in a South Carolina plant be set aside.

The Senator quoted Mr. Johnston's report which said that a barrage of propaganda in the Orangeburg, S.C., community where the election was held destroyed the laboratory conditions needed for the expression of a free choice by the employees involved—those of the Utica-Herbrand Tool Division of the Kelsey-Hayes Co.

The comment of Senator THURMOND on this was: "No election in this country is or should be held under laboratory conditions. The public, itself, has legitimate interest in representation in elections which take place in this community."

So far as we can tell from examining Mr. Johnston's report on the Utica-Herbrand representation election, he was simply carrying out NLRB policy in supporting the objections of the International Association of Machinists (AFL-CIO) and in recommending that the election be reheld at some later date. The South Carolina Senator properly centered his critical shots on the policy itself, not on the man whose job it is to apply it.

"Laboratory conditions" is a scientific term that when misapplied outside the realm of science, is almost certain to produce confused thoughts and actions. When scientists plan an experiment, they determine as precisely as possible what active ingredients and energies will be operating in the experiment, and then seek to exclude all stray substances or energies. That way, they can be fairly sure that the results of the experiment were due to the things they planned to include, not to some unknown intruding factor. That is why a good scientific laboratory is kept thoroughly clean, often to the point of removal of dust from the air. Under laboratory conditions, an experiment can be isolated from the environment to the extent of keeping the environment from distorting the experiment's results.

The NLRB, perhaps mindful of the near-religious awe with which too many people view science today, seized the phrase "laboratory conditions" to give an aura of scientific sanctity to its policy. And that policy has been one of conducting representation elections under rules that let some influences in and keep others out.

This is no way to conduct a fair, democratic election. The opposing sides should be equally free to make promises, challenge each other's claims, tell what a disaster it would be if the other side won, and so on. Since it is beyond human capability to conduct election campaigns in a wholly truthful manner, each side must have a full right to expound its version of the truth, after-

which the voter can compare the versions and decide which he thinks is best.

That, it seems, is what happened in Orangeburg, much to the union's and the NLRB's annoyance. The gist of the handbills, newspaper ads and editorials, management letters and speeches on which the union's objection was based is that: the union could not keep its campaign promises to workers at the Utica-Herbrand plant without a strike; that under South Carolina law striking workers could be replaced and wind up jobless; that unionization would hurt Orangeburg's chances of attracting more industry, just as union excesses have driven many industries (including the Utica plant) out of other sections of the country.

The contention of Mr. Johnston's report that such words created an atmosphere of fear of economic loss and complete futility in selecting the union as a bargaining agent is doubtless true. But is there not an element of truth in the words themselves, and is not the danger of economic loss something the workers would have to consider in making a realistic decision in the election?

The workers in Orangeburg—or anywhere else in this country—have to live and make their livings in a society that is a closely interlocked and interrelated whole. They do not live in sterilized bottles on laboratory shelves, where they can be isolated from any part of the society that is all around them. When they are asked to act on a matter of great importance to themselves as if they did live in bottles, they are being asked to act irrationally.

That is exactly how the NLRB's "laboratory conditions" policy would have them act. And that is why the NLRB's policy is urgently in need of change.

(From the Twin City Sentinel, Winston-Salem, N.C.)

#### OPEN LETTER FROM REPRESENTATIVE ALBERT WATSON, OF SOUTH CAROLINA, TO FRANK W. MCCULLOCH, CHAIRMAN OF THE NATIONAL LABOR RELATIONS BOARD

The following is a copy of an open letter from Representative ALBERT WATSON, Democrat, of South Carolina, to Mr. Frank W. McCulloch, Chairman of the National Labor Relations Board. The letter concerns the contested election of May 13, 1963, at the Utica-Herbrand Tool plant near Orangeburg, S.C. At that time the International Association of Machinists, AFL-CIO, was rejected by the Utica employees by a 245-171 margin.

Representative WATSON protests the decision of the region 11 office, NLRB, which upheld the union's call for a new election. He strongly criticizes this decision as being insulting, unfair, and politically motivated, and he asks Mr. McCulloch and the NLRB to uphold the May 13 vote:

AUGUST 3, 1963.

Mr. FRANK W. MCCULLOCH,  
Chairman, National Labor Relations Board,  
Washington, D.C.

DEAR Mr. MCCULLOCH: This open letter concerns the contested election of May 13, 1963, at the Utica-Herbrand Tool plant near Orangeburg, S.C., a progressive city in my district. At that time the International Association of Machinists, AFL-CIO, was rejected by the Utica employees by a 245-171 margin.

Evidently unable to comprehend fully what had happened and apparently basing its judgment solely on the objections filed by the machinists union, the region 11 office of the National Labor Relations Board has recommended to you in its "Report on Objections" that the May 13 election be set aside and a new election be held.

The region 11 director, Reed Johnston, supporting the union's objections, feels that a fair election was not held and that a "reign of terror" was conducted by the citi-

zens of Orangeburg just prior to the election.

I have studied this matter at some length and have concluded that the action taken by the region 11 office is insulting, unfair, and politically motivated.

It is insulting to the voters at the Utica plant, for it arbitrarily assumes they are unable to put various influences in proper perspective and intelligently vote their own minds. It insults the dignity of the interested citizens of Orangeburg, for it unjustly accused them of creating an atmosphere in which a free and fair election could not be held. This accusation is absurd. When did it become improper in America for a newspaper to express its opinion on a matter of vital concern? When did it become un-American for interested citizens to express themselves by radio and newspaper ads and by handbills? And when did such actions come to constitute a "reign of terror"? If this is a "reign of terror," then the citizens of the United States are constantly being terrorized if one can judge from the frequent elections for public office held each year. I am proud of the citizens of Orangeburg for having expressed themselves, and I would have been disappointed had they done otherwise. The Times and Democrat of Orangeburg and the citizens of that city were exercising their constitutional rights under the first amendment. I hope that no Federal agency will ever attempt to abridge the free exercise of the rights of freedom of the press and freedom of speech.

The report sent to you by Mr. Johnston is unfair, for it cites only the union's side of the argument. It did not tell of the visits made by the union organizers to the homes of Utica employees. Nor did it mention the union sponsored parties and the letters mailed by the machinists to the potential voters. Does the region 11 office propose that only the unions be allowed to express their point of view?

I have been forced by the evidence to conclude that politics has in this and other cases entered a supposedly impartial process. (Another case in point concerns a trial examiner's recommendation that the results be set aside in the labor election involving Daniel Construction Co. of Greenville, S.C.) Administrative adjudication can only be permitted in our society if imbued with a judicial air of impartiality. How far have we fallen from this standard?

It would be highly unfortunate if we were to blur the distinctions between South Carolina and the highly industrialized sections of our country. South Carolina has experienced great industrial growth in recent years largely because of a favorable labor market. If the employees at the Utica plant voted down the machinists union, it was not because of a "reign of terror" but, rather, because 60 percent of the employees personally and individually opposed unionization.

It is my opinion that this election was fair and free. Both sides presented their views, and the vote was taken in a peaceful atmosphere according to R.F. Dukes, sheriff of Orangeburg County. The International Association of Machinists lost, and I urge you to uphold this vote and to restore to the citizens of Orangeburg their rightful dignity.

Thank you very much for your consideration.

Yours very truly,

ALBERT WATSON,  
Member of Congress.

#### COMMUNIST CONNECTIONS WITH NEGRO DEMONSTRATIONS

Mr. THURMOND. Mr. President, on August 2, 1963, I placed in the CONGRESSIONAL RECORD, beginning at page 13968 and concluding on page 13975, a number of newspaper articles and other materials

bearing on the question of whether the Communists have any connection with the Negro demonstrations which have been turning into race riots in various cities across the country. I have additional articles to call to the attention of the Senate today and I ask unanimous consent that they be printed in the RECORD at the conclusion of these remarks. The material I have today consists of the following:

First. Articles from the Standard-Times of New Bedford, Mass., dated July 21-25, 1958, entitled: "Forced Integration Fails To Promote Harmony," "Communists' Basic Goal: To Incite Racial Strife," "Daily Worker Led the Cry for Federal Intervention," "Reds Goad NAACP To End Moderation," and "Senate Group Says South Red's Target."

Second. An Associated Press article printed in the Sunday Oklahoman on December 11, 1959, entitled "Reds of U.S. Advocate New Negro Policy."

Third. A column from the Milwaukee Sentinel dated March 19, 1960, entitled "Red 'Newsmen' Go South, Aim To Add to Unrest," by Jack Lotto.

Fourth. A column from the Cincinnati Enquirer dated June 9, 1963, entitled "Cincinnati Pastor Named as Head of Red Front," by Jack Lotto.

Fifth. A column from the New York Mirror dated July 4, 1963, entitled "A Rededication to Spiritual Beginnings," by Victor Riesel.

Sixth. An article from the Brooklyn Tablet dated August 1, 1963, entitled "Protest Against Indecency or Riot of Racists?"

Seventh. An editorial from the Daily Advance of Lynchburg, Va., dated August 2, 1963, entitled "Who's Lying?"

Eighth. An excerpt from the testimony of former Communist, Benjamin Gitlow, entitled "World Communist Movement, 1928," and his most recent publication "The Negro Question—Communist Civil War Policy."

Ninth. An editorial from the Evening Star of Washington, D.C., dated Monday, August 5, 1963, and entitled "Communist Righters?"

Tenth. An editorial from the Nashville Banner of July 22, 1963, entitled "Highlander Desegregation: With That Joie De Vivre and Tax Exemption Too."

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

[From the New Bedford (Mass.) Standard-Times, July 21-25, 1958]

**FORCED INTEGRATION FAILS TO PROMOTE HARMONY**

WASHINGTON.—The luster is wearing thin at Little Rock, Ark., where bayonets were used last fall to enforce integration in a public school. Some of the trailblazers appear to have washed their hands of the cause of Negro rights. Others have been seen in roles considerably less flattering than those they played last fall.

Ernest Green's observation "I'm glad that's all over," is perhaps not untypical. Ernest, 18, was one of the nine Negro youths admitted to Little Rock's Central High School under the guns of federalized National Guardsmen and U.S. paratroopers.

Last month Ernest was graduated. One of the nine was expelled; the other seven may never return to Central.

If the experiment continues at Central, it will have to do so without the assistance of many persons who were instrumental in launching it.

Mayor Woodrow Wilson Mann, of Little Rock, who made the daily telephone calls to the White House that led to Federal intervention, has left town.

He is now a resident of Denver, Colo., working in an investment banking firm.

Max Rabb, the Presidential assistant who was at the White House end of the Mayor Mann calls and was a keyman in the decision to send Federal troops, has left Washington.

He is now a partner in a big New York law firm.

Despite apparent success in its part in obtaining the Little Rock test, the National Association for the Advancement of Colored People has experienced a "sharp drop" in membership.

Federal Judge Ronald Davies, whose ruling that integration must begin "forthwith" in Little Rock was the foundation for what followed, has long since left Little Rock.

He is now back in his court in North Dakota, where there are but 257 Negroes in the entire State. Arkansas has 462,000.

Harry Ashmore, the Little Rock editor whose editorials in behalf of integration stirred the controversy and brought him a Pulitzer Prize, has conceded he will not employ a Negro on his newspaper.

Mrs. Grace Lorch, the Little Rock "housewife" who attracted national attention by "befriending" one of the nine students, has since refused to declare whether she is a Communist.

Herbert Brownell, whose U.S. Justice Department gave the orders for dispatch of troops, is no longer Attorney General.

He has taken up the more lucrative private practice of law.

The Justice Department, itself, has had a change of heart. Under its new chief, William P. Rogers, the word is "never again" on the use of Federal troops to enforce integration.

The Little Rock School Board, which had worked out a gradual integration program that Judge Davies' ruling nullified, has thrown in the sponge on any integration in the near future.

Central High School has claimed that the educational program for its 2,000 students was so badly dislocated by the 1-year experiment the school could not survive another year without complete disintegration of morale.

This was a major consideration in Federal Judge Harry J. Lemley's approval of a 2½-year stay of integration for the Little Rock high school, a decision that may have made the best of a very unfortunate situation.

**MAJORITY NEEDS CONSIDERATION**

Judge Lemley, while acknowledging the interest of Negroes in obtaining equal rights, said the "public interest" of the majority rated consideration, too. The burden placed on other Central High students and the "racial tension and unrest" created in Little Rock itself demanded a delay in integration, he said.

The ruling led to another example of apparent change in viewpoint among those who had been insistent on an immediate end of segregation.

When Judge Lemley's decision was taken to the U.S. Supreme Court, whose 1954 "sociological" and subsequent decrees had started the ferment in the South, that body declined to break up its summer vacation for a special sitting.

The Court, in effect, passed the buck to a lower court with an admonition to act fast.

Little Rock, the morning after, appears to have been a venture that has not served racial harmony or promoted integration. As

such, its origin, its leaders and its original objectives invited inquiry.

[From the New Bedford (Mass.) Standard-Times]

**COMMUNISTS' BASIC GOAL: TO INCITE RACIAL STRIFE**

WASHINGTON, July 22.—To incite racial strife is one of the oldest objectives in the Communist program for getting world domination. "We must realize that our party's most powerful weapon is racial tension," states a Communist Party handbook of 1912, well before a few hundred Bolsheviks seized control of Russia.

"By ropounding into the consciousness of the dark races that for centuries they have been oppressed by the whites, we can mold them to the program of the Communist Party," the handbook continues.

"In America, we will aim for subtle victory. While inflaming the Negro minority against the whites, we will endeavor to instill in the whites a guilt complex for their exploitation of the Negroes. Thus will begin a process which will deliver America to our cause."

**COINCIDENCE OR STRATEGY**

Is it coincidence or the result of strategy that, some 45 years later, racial unrest in an outstanding Southern city, Little Rock, Ark., has increased so sharply that the Federal judge called for a 2½-year delay in any integration?

Again, is it coincidence or the result of Communist strategy that one of the most influential of all Southern Negro leaders, the Rev. Martin Luther King, exhorts his followers with these words:

"It (the Montgomery, Ala., bus boycott) is a part of something that is happening all over the world. The oppressed people are rising up. They are revolting against colonialism and imperialism and all other systems of oppression."

When Mr. King draws a parallel between the situation of the American Negro and "oppressed peoples" rising against "colonialism" and "imperialism," he is following exactly, to the word, the Communist line.

**DIRECT APPROACH FAILED**

At first, the Communist drive for creation of racial strife called for a direct approach to Negroes, using labor unions and Communist fronts like the American Negro Labor Congress and the League for Struggle for Negro Rights.

This approach was brazenly direct, and it failed. Former Communist Joseph Kornfelder, one of the party founders in the United States and its first director of Southern operations, has described what happened:

"The South to the Communists was always one of the most vexing problems," Kornfelder told a joint legislative committee of the State of Louisiana in March 1957. "Moscow could never understand it \* \* \*. According to Marx' theory, the South should be leading the United States in Communist development.

"It just didn't work out that way. It was just to the contrary. The South proved to be a hard nut and it didn't conform to the doctrine."

**BLOCKED BY RELIGION**

"They decided that the big block against penetration of the South is religion. The Negroes believed in religion; the hillbillies believed in religion; nearly everybody is religious. The South is more religious than the North.

"Therefore, they decided maybe they should get at them under the auspices of the cross."

Kornfelder and two Negro former Communist leaders, Manning Johnson and Leonard Patterson, told the Louisiana committee that the new tactics included, besides use of

the church, penetration of reputable Negro organizations and the founding, but not obvious control, of others.

World War II, with its migrations and general dislocation of living habits, produced what Kornfeldt described as a "sort of honeymoon situation" between the Communist organizers and Negro organizations.

#### FOUR AGENCIES INFILTRATED

"It seems the intellectuals during that time had shown a remarkable weakness," he testified. "They were bigger suckers for the Communist propaganda than many others were, apparently because they sort of led a life apart from the daily troubles and toil of the population.

"They were the Ivory tower boys who picked up the theories of the Communists, not looking at what is behind the theories."

The results of this "honeymoon" were vital Communist infiltration of the most important agencies in the South dealing in Negro issues. The Communists infiltrated four of these organizations and actually helped found three of them.

They are the Southern Conference Educational Fund, the Southern Regional Council, the Highlander Folk School in Tennessee, and the National Association for the Advancement of Colored People.

An almost incredible maze of interlocking officials, ideas and publications linked the three first-named agencies with the Communist Party.

#### COUNCIL GOT FORD GRANT

The Regional Council and the educational fund were both offshoots of the old Southern Conference for Human Welfare, which was dissolved in 1948 after twice being described by the Federal Government as a Communist front serving the Soviet Union and its subversive Communist Party.

Former directors and officers of the Conference for Human Welfare became directors and officers of the Regional Council and the Educational Fund and of the Highlander School. The Communist Daily Worker openly boasted that James E. Jackson, chief of the southern branch of the U.S. Communist Party, was a cofounder of the Regional Council.

Although the Regional Council is not widely known in the North, its influence in the South is attested by its receiving a \$497,000 grant from the Ford Foundation Fund for the Republic.

Likewise, the Highlander School plays an important role in southern civil rights developments, although it is scarcely known in the North. The school, according to testimony before the Senate Internal Security Subcommittee, was cofounded by a Communist and by a man who refused to testify on his beliefs.

#### NAACP INFILTRATED

During these organizing years by the Communist Party, the NAACP was extensively infiltrated, although not dominated, by Communist sympathizers. Many of its leading officials were members of Communist fronts.

In fact, by 1954 and the crucial Supreme Court decision, the Communist Party was so confident it had set the stage for developments in its favor that the party's national convention in the winter of 1953 declared, "The next period ahead will witness momentous struggles of the Negroes \* \* \* given the vanguard leadership of the Communist Party, we may be confident that the Negro liberation movement will ally itself more fully with the camp of peace and democracy."

The Communist Party was in a position to follow its long-proved doctrine:

To get a "sociological" or pro-Communist book on the reading list of influential persons, like a Supreme Court Justice.

To persuade a Negro to violate a civil rights statute, in the cause of civil disobedience.

To inject a fellow traveler in the forefront of a civil rights dispute.

To support the program of the NAACP.

These objectives were attained in the year to come.

[From the New Bedford (Mass.) Standard-Times]

#### REDS GOAD NAACP TO END MODERATION

WASHINGTON, July 23.—The success of Communist efforts to exploit the southern Negro under the guise of "democratization" became fully evident in 1954 and the 3 subsequent years. The Supreme Court's historic 1954 ruling on school segregation was in judgment on four cases brought before it by the National Association of Advancement for Colored People, which for years had been a priority objective of Communist infiltration.

The NAACP charged that Negro children in Delaware, Kansas, South Carolina, and Virginia were being denied their rights under the 14th amendment.

The Court did not rule on this aspect. Instead, Chief Justice Earl Warren in the written opinion declared that the Court found for the NAACP because segregated schools induced a feeling of inferiority among Negro children.

#### SIX BOOKS CITED

This sociological view, the Justice stated, is "amply supported by modern authority." He cited six books by such "modern authority."

Two of the six authorities were Theodore Brameld and E. Franklin Frazier. Between them, they have been members of or identified with 28 organizations listed as Communist, Communist-fronts, or Communist-dominated.

A third "authority" was K. B. Clark. While arguments were being heard by the Court on the four cases; Clark was on the payroll of the NAACP as a "social science expert."

A fourth authority cited by Justice Warren was the book, "An American Dilemma," edited by Gunnar Myrdal, a Swedish Socialist. The Chief Justice emphasized the importance of this book in the Court's deliberations by saying it was depended on "generally," that is from cover to cover.

#### RECORDS NOTED

Sixteen of the contributors to Myrdal's book have long records of pro-Communist affiliation and activity. One, W. E. B. Dubois, identified by the Communist Party as the "honorary chairman" of the NAACP, had a hand in 82 parts of the book. Dubois has been identified with 80 Communist fronts, reportedly more than any other American citizen.

Dubois intervened in behalf of executed Communist spies Julius and Ethel Rosenberg and sent the Kremlin a message of condolence on the death of Stalin.

Myrdal, himself, has written that the U.S. Constitution is "impractical and unsuited to modern conditions." Its adoption was "nearly a plot against the common people," said this foreign authority on American Negro problems.

The Court's decision gave new influence to the NAACP. Its officers hailed the decision but indicated that it would not change the organization's plan for calm and orderly progress in race relations.

"We accept the decision quietly, unless there is deliberately fomented trouble," said the late Walter White, then executive secretary of NAACP.

#### WANTED STRUGGLES

Thurgood Marshall, chief NAACP counsel, who had argued the school cases before the Court, said, "The people will get together and work this thing out."

The Communist Party, however, wanted no part of moderation. It wanted the "big

sharp struggles" its leaders had forecast, and racial unrest. Communist publications and officials shrilled for "immediate implementation of the Supreme Court decision, immediate abolition of segregation and discrimination from every facet of American life, immediate enforcement" \* \* \* etc.

The record from the Supreme Court decision until the climax at Little Rock makes it plain which philosophy was the dominant one.

Moderation was forgotten.

The next 3 years brought unprecedented civil disobedience and violence in the South's racial affairs. There were all-out "incidents" of long duration in Tuskegee, Ala., Charleston, S.C., Tallahassee, Fla., Montgomery, Ala., Americus, Ga., and Clinton, Tenn., to name only the major ones.

#### COMMUNISTS BLAMED

The NAACP played a prominent role in each, but the atmosphere was not the moderate one ostensibly espoused by the NAACP.

"In my opinion, every major racial disturbance in the South since 1954 has been incited and directed by the Communist Party," Mrs. Paul Crouch, widow of a former Communist leader, told the Standard-Times. Her husband was a top Communist functionary in the South for 13 years, and she was his aid throughout the period.

Communist exploitation of the Negro through the NAACP is attested by the proceedings of the 1957 national convention of the Communist Party. That convention adopted as its main resolution, "the question of Negro freedom \* \* \* the crucial domestic issue of the day \* \* \* requiring support of the program of the National Association for the Advancement of Colored People."

Communist penetration of the NAACP in these important years is conceded by the NAACP itself.

#### ALL CHAPTERS WARNED

On February 14, 1956, Leroy Wilkins, who succeeded White as NAACP executive secretary, warned all chapters to guard against the "intensive efforts" of Communists to infiltrate.

At that very time, however, the NAACP's official publication, "The Crisis," was recommending as must background reading for Negroes, books by Claude Lightfoot, chairman of the Illinois Communist Party, and Dorey E. Wilkerson, member of the party's National Committee. Both have written extensively in behalf of racial unrest.

Communist dominance of Negro civil rights developments after the Supreme Court decision is illustrated, also, in the activities of the Highlander School, influential "sociological" workshop in the South Highlander, according to testimony before a congressional committee, was founded by a Communist and by a man who refused to state his beliefs.

#### IS PROGRAM SINCERE?

Since 1954, Highlander has held a series of "workshops to develop plans for an orderly transition from segregated to integrated schools." At the last workshop, held over the Labor Day weekend just before the trouble at Little Rock, the leaders of every important racial strife incident in the South since 1954 were present.

How sincere is the Highlander program for "orderly transition" in desegregation?

The actual curriculum at Highlander, its pamphlet statement in behalf of "orderly transition" notwithstanding, preached that "desegregation is more effectively accomplished in a single step than in a series of steps with delays in between."

This is fellow-traveler vernacular for the straight-out Communist program of "immediate desegregation."

Among those attending the important Highlander workshop was the Rev. Martin Luther King, leader of the Montgomery, Ala.,

bus boycott. King was to be at Little Rock, and, in 1958, at the White House, protesting integration delay.

By the time Central High School in Little Rock was to open for its 1957-58 school year, the Communist Party was marching step by step with the NAACP, whether the good element in the NAACP liked it or not.

[From the New Bedford (Mass.) Standard-Times]

**DAILY WORKER LED THE CRY FOR FEDERAL INTERVENTION**

WASHINGTON, July 24—"The honor of our country requires Federal intervention now, to end the organized defiance of decency and justice in the South." These words were not spoken by Mayor Mann of Little Rock. Nor by Maxwell Rabb, White House assistant to whom the mayor talked daily by telephone in the hectic days preceding intervention by the National Guard and paratroopers.

They were not spoken by an official of the National Association for the Advancement of Colored People, the dominant U.S. Negro organization.

The words were an official pronouncement of the Communist Party of the United States, issued 2 years before Little Rock, and printed in the party's official political guide, Political Affairs, issue of October 1955.

**UTTERED BY COMMUNIST**

"The Federal Government has the power and the duty to use troops and whatever other constitutional means are available to enforce the law of the land."

Use of the word "constitutional" in the above might lead someone to think a good American had said those words.

They were uttered 18 months before Little Rock's Federal troop intervention by Benjamin J. Davis, chairman of the Negro Commission of the U.S. Communist Party.

"The Federal Government hasn't hesitated to use the force of jail and seizures in trying to destroy the Communists and other foes of Jim Crow," said Davis, who, like other Communists, has been able to predict the future in civil rights matters.

**PRESSED FOR TROOPS**

"It should not hesitate to use whatever force—troops if necessary—to put down violent defiance of the law of the land, and murderous terror against peaceful citizens seeking to exercise their constitutional rights."

From the very beginning of the Little Rock incident, the Communists pressed for "dispatch of Federal troops to keep order in the South."

The Communist Daily Worker shrilled a demand for "action," on Sept. 5, the day after Governor Faubus stationed National Guardsmen around Central High School.

"The insurrection in Arkansas" must be put down, strummed the Worker the next day.

"G-men must be sent," said another edition, blasting FBI Director Hoover for refusing to do so.

**OTHER PHRASES**

"Every prerogative" must be used by the President, was another phrase in the daily demands for use of the military.

"Threats of blood running in the streets" were cited by the Worker, without identifying the source.

Southern whites were charged with being "immune to education, cajolery, and pleas of moderation," so that troops were the only recourse.

"Why wait?" asked one Worker editorial.

"Patience!" scoffed another.

"Nothing is to be gained by handling Faubus with kid gloves," stated another diatribe.

"Shilly-shallying" was laid to the President.

And so it came to pass. On September 24, paratroopers were airborne to Little Rock.

Exactly the methods advocated by the Communist agitators—speed and force—were used in a civil rights dispute.

"A tremendous victory for the American people," rejoined the next day's Daily Worker.

Use of armed troops climaxed years of incitement by violence and distortion of truth by the Communists and their sympathizers. Again a helping hand came from the Supreme Court that had "opened the way to Negro freedom," as the Communist Party observed, and from the misled NAACP.

Mrs. Daisy Bates, president of the Arkansas Conference of NAACP branches, had a key role at Little Rock.

**MRS. BATES LAUDED**

In an adulatory interview with Mrs. Bates, the New York Post's reporter Ted Poston stated, "both sides in this embattled southern town agreed on one thing: If there had been no Daisy Bates, there would have been no 101st Airborne Division patrolling the halls of Central High School.

"And no nine Negro children in the once all-white high school."

Mrs. Bates' husband, Lucius C. Bates, is a director of the Southern Conference Educational Fund, which former Communists have indicted as a "Communist transmission" agency for inculcating and carrying out Communist doctrine.

The Southern Conference Educational Fund took over many of the officers and all of the publications of the old Southern Conference for Human Welfare, twice listed as a Communist front, "doing the work of the Communist Party," by the U.S. Government.

Mrs. Bates is listed as a "sponsor" of the Southern Conference Educational Fund.

**ANOTHER WOMAN INFLUENTIAL**

Mr. Bates was a member of the organization known as Negroes for Wallace, a Communist rallying point. He was a sponsor of the Bill of Rights Congress, a Communist Party front.

Also influential at Little Rock was Mrs. Grace Lorch, white woman who "befriended" one of the Negro students refused admission to Central High.

Widely published press dispatches described Mrs. Lorch as a white housewife who protected a Negro girl before a jeering mob, and as having defied an angry crowd of whites to offer sympathy.

It was not reported, however, that Mrs. Lorch, according to Senate Internal Security Subcommittee records, has a thorough Communist Party background.

**HUSBAND INDICTED**

She has been identified as a one-time Communist Party organizer in Boston, as having attended a Communist Party convention, as a member of the New England District of the Communist Party, as former vice president of the Teachers Union, and as a director of the Samuel Adams School for Social Studies, both Communist fronts.

At the time Mrs. Lorch was active in Little Rock, her husband, Lee Lorch, was under Federal indictment on eight counts of refusing to answer questions on his alleged Communist background put to him by the House Un-American Activities Committee.

Here, too, the Supreme Court rendered an assist. The charges against Lorch later were dismissed by a Federal judge on the basis of the Supreme Court's freeing of John T. Watkins, United Auto Workers official who refused to name Communists he knew while he was one himself.

Little Rock found the U.S. Supreme Court, the NAACP, and the Communist Party teammates.

It was a dazzling demonstration of what can happen, to quote former Communist Joseph Kornfelder, when "the ivory tower boys picked up the theories of the Communists, not looking at what is behind the theories."

[From the New Bedford (Mass.) Standard-Times]

**SENATE GROUP SAYS SOUTH RED'S TARGET**

WASHINGTON, July 25.—What lies ahead for race relations in the South and, indirectly, for the Nation? If the pattern of the last 3 years is followed in the future, the outlook is not favorable. Some may want to ignore the record, but they cannot hide it. Racial disturbances since the Supreme Court decision of 1954, culminating in the use of armed force at Little Rock, have made two areas of opinion where there were three.

The middle-ground on southern civil rights issues, the ground on which progress had been steady if slow, is virtually deserted. Sides have been chosen, of necessity.

**TWO EXTREMIST CAMPS**

Without this conciliatory middle area, there are two extremist camps.

One is headed by the National Association for the Advancement of Colored People. The Communist Party officially has planted its standard in this camp, its purpose to promote racial tension behind the NAACP program.

The other camp includes various white citizen organizations, established authorities of many Southern municipalities and States and, as time passes, more and more of the moderates.

The no man's land between these two camps is widened in an election year, like the present, and with the 1960 presidential campaign drawing closer, neither major political party, nor, apparently, the Federal Government, wishes to intervene.

**A HANDS-OFF ATTITUDE**

The hands-off attitude in Washington was evident during Senate Judiciary Committee examination of incoming U.S. Attorney General William P. Rogers. The prospective head of the Federal agency that sent troops to Little Rock was not asked about his views on civil rights, not even by Southern Senators.

Absence of leadership from Washington has increased the importance of the role played by the NAACP. Its leaders apparently plan no change in policy.

Reviewing events through Little Rock, Dr. Channing Tobias, board chairman of the NAACP, declared:

"But this record of advance is only a beginning. Unjust practices are still commonplace in many parts of the Nation. The people have a continuing responsibility to take the lead, to assure the winning of equality in all communities, large and small, North and South.

**GOOD OBJECTIVE**

"The pattern is set; it's up to us to fill in the details of the picture. Only then will we have achieved our goal of a democratic America living up to its ideals."

These words from an influential Negro leader describe an objective which the majority of Americans would be happy to work toward.

But there is little reason to suppose that the good intentions of the NAACP will not capitulate, as they have before, to the driving, inflammatory race-tension strategy of the Communist Party.

After the 1954 court decision, the leadership of the NAACP promised moderation, a "quiet" "talking over" of issues among all segments.

**EXACTLY AS FORECAST**

Instead what transpired was a series of big, sharp struggles in civil disobedience and violence, exactly as forecast by Benjamin J. Davis, chairman of the Negro Commission of the Communist Party.

Today, Davis and his coworker, James E. Jackson, Communist chief for southern affairs, are using phraseology much like Dr. Tobias in predicting the future.

"The people must take the lead," says Davis. "Negro liberation is now the property of the whole American people."

Jackson's view: "The response to Little Rock has signalized that ours is the time ripe with opportunity to secure major victories in the cause of Negro freedom."

These words have a ring like Dr. Tobias, but an utterly different intent.

#### AIMS NEFARIOUS

"You are aware, of course," FBI Director J. Edgar Hoover commented for the *Standard Times*, "the Communists have no sincere interest in promoting racial harmony, but are ever alert to exploit any issue to further their nefarious aims."

This observation may be obvious to many Americans.

But is it obvious to Dr. Tobias, who has been associated with 40 Communist fronts, board chairman of NAACP, or to W. E. B. DuBois, honorary chairman of NAACP, who has been identified with 82 Communist fronts, more than any other American citizen?

Apparently it is not.

As recently as March 1958, the NAACP leadership brought a court action in Florida seeking to halt an investigation by the Florida Legislature of Communist activity in that State.

Besides the NAACP, leadership in the integrationist camp will come from the Reverend Martin Luther King, leader of the Montgomery, Ala., bus boycott. Mr. King also seems hazy in distinguishing between the Communist way and the American way.

#### A COMMUNIST EXPLANATION

At its 1957 national convention, the U.S. Communist Party selected a man identified by the *Communist Daily Worker* as Mr. King's "secretary," Bayard Rustin, to be an official "observer." Rustin praised the "democratic proceedings of the convention in a report later denounced by FBI Director Hoover.

Mr. King was quoted as telling a Chicago assembly last year, "It (the Montgomery boycott, in which there was much violence) is a part of something that is happening all over the world. The oppressed people are rising up. They are revolting against colonialism and imperialism and all other systems of oppression."

This explanation is exactly that of the Communist Party, the depiction of the American Negro as a kicked-around colonial, oppressed by imperialists.

Yet the same Rev. Martin Luther King was one of four Negro "leaders" who called upon President Eisenhower in June 1958 to try and set the pattern for racial progress.

#### A LOOK TO FUTURE

A former Negro Communist official, who later worked for the U.S. Department of Justice, sees the future in these words:

In my opinion the Negro leadership should realize that they have responsibility," a Louisiana legislative committee was told by Manning Johnson, "a responsibility to guide and spirit their people along the right paths, help to pull themselves up by their own bootstraps, and to work together as a group for cooperation, mutual cooperation between races, to the end result that they can keep what they have, strengthen their economic and political position, and move on to higher things.

"Men of King's type will not give that kind of leadership. The only thing they know is the threat and a sword.

"I know the NAACP can't do that. They have called the leaders of Southern life every conceivable type of name. They have labeled them everything they can, and there is no basis for them to negotiate with them because they have already built up a wall that cannot be gotten over, gotten under, or gone around."

Former Communist Johnson's judgment may be harsh. But the future will make him an accurate prophet unless there is wider understanding of the Communist background to "immediate" integration, to be accomplished by "force" if necessary.

In a little-publicized report of last November, the U.S. Senate Internal Security Subcommittee declared: "There is a present-day pattern of Communist activity in the mid-South area. The Communist participants \* \* \* make up the basic framework of a Communist operation that is directed against all generations of people in the South."

To that could be added, "and in the Nation."

[From the *Sunday Oklahoman*, Dec. 11, 1959]

#### REDS OF UNITED STATES ADVOCATE NEW NEGRO POLICY

NEW YORK.—The American Communist Party announced Saturday an about-face on a long-established Negro policy. The party no longer advocates the formation of a Negro nation within the United States, party leaders said.

Instead, the objective now "is to secure to the Negro people with all speed the complete realization of genuinely equal economic, political, and social status with all other American citizens."

The action, taken in a resolution adopted at the party's 17th national convention in a Harlem hotel, marks a fundamental change in the line of the American Communist Party dating back to 1930, a party spokesman said.

#### ACTION EXPLAINED

He said the former policy is being abandoned because it smacks of segregation.

The convention, said to be attended by 222 delegates from 40 States, is a closed affair but newsmen are briefed regularly by party officers.

The turnabout on Negro policy was announced by James Jackson of Richmond, Va., party secretary for southern and Negro affairs. He told newsmen the resolution was introduced by Claude Lightfoot of Chicago, chairman of the Illinois State Committee of the Communist Party.

#### POLICY MISCONSTRUED

Jackson said the old policy had been based on the premise that Negroes in the Deep South, where in places they outnumber the white population, were entitled to Negro representation and the right to form a separate political entity.

This policy, he said, has been determined to be incorrect because "it has been misconstrued as a form of segregation."

Jackson asserted the effect of the new resolution was that "the Negro people are not a nation, they are an oppressed people within the Nation. They are full members of the American Nation but are deprived of many rights within the Nation."

In another resolution, the convention urged the United States to stay out of Cuba.

[From *Milwaukee (Wis.) Sentinel*, Mar. 19, 1960]

#### RED "NEWSMEN" GO SOUTH, AIM TO ADD TO UNREST

(By Jack Lotto)

Two top Kremlin agents have moved into the southern lunch counter demonstrations in an attempt to provoke bloody racial strife.

The pair, ostensibly newspapermen, are a Russian-born spy recruiter-agitator, and the Red boss of all Negro and southern trouble-making activities.

Simultaneously, Communists and their supporters were told by the Red press to "express your solidarity" with the striking students by joining in the picket line demonstrations.

One of the "agit-prop" men on the scene in the South is Joseph North, 56, the "foreign editor" of *The Worker*, official mouthpiece of the Communist Party, U.S.A.

The other is James E. Jackson, 45, the newly named propaganda czar of the party, and editor of the Red newspaper. Jackson won't say whether he would side with the United States in a war with Russia.

North has, in the past, shown up at trouble spots. He was in Cuba, meeting with all the Communist brass, setting up the "line" to be followed, a few days after Castro took over.

He served with the Communists during the Spanish Civil War, and was one of the chief agitators in the Scottsboro rape case in the thirties. According to sworn congressional testimony, North helped recruit agents for the international Red espionage apparatus.

Soon after the arrival of North and Jackson in the South, Communist newspapers began blossoming with such headlines as "front line dispatch" and "written directly from the battlefield."

These veteran Communists will try to cash in on the civil rights issue and problems for Moscow's benefit. They can be expected to stir Negro-white animosity in the hope of creating big incidents.

The underlying theme to be pushed in pamphlets, leaflets, and newspapers: The true champions of the Negro people are the Communist Party and the Soviet Union.

The movement of the two agents into the South also showed up another Red lie. It came at a time when the Communist newspaper claimed it was having trouble collecting enough money to keep its presses rolling.

It should be remembered that no member of *The Worker* goes anywhere merely to write news stories. Also not to be forgotten is the fact the Communists, adroit at exploiting issues of genuine concern to all Americans, have betrayed the Negro's cause whenever it was expedient.

[From the *Cincinnati Enquirer*, June 9, 1963]

#### CINCINNATI PASTOR NAMED AS HEAD OF RED FRONT

(By Jack Lotto)

One of the top leaders of the integration movement in the South has been named head of a big pro-Communist front.

He is the Reverend Fred L. Shuttlesworth, 965 Dana Avenue, pastor of the Revelation Baptist Church, 1556 John Street.

The post he was elected to is president of the Southern Conference Educational Fund, with headquarters in New Orleans, and active in 17 Southern States.

Both the Senate Internal Security Subcommittee and the House Committee on Un-American Activities have described the SCEF as an organization set up to promote communism throughout the South.

This group has a long history of activity in the South. It originally was known as the Southern Conference for Human Welfare. One of its founders was a veteran Communist, the late Louis E. Burnham.

When the SCHW was cited as a Communist front in 1947 by the House committee, it ostensibly went out of business.

It quickly reopened at the same New Orleans address, under the new name and with the same telephone number.

According to the Senate subcommittee, the Southern Conference Educational Fund was operating with substantially the same leadership and purposes of its predecessor.

Said the House report on the SCHW:

"It seeks to attract Southern liberals on the basis of its seeming interest in the problems of the South. Its professed interest in Southern welfare is simply an expedient for larger aims serving the Soviet Union and its subservient Communist Party in the United States."

The field secretary for the SCEF, and editor of its publication, the Southern Patriot, is Carl Braden, of Louisville, Ky. Braden, identified in sworn testimony as a member of the Communist Party, recently finished serving a 1 year prison term for contempt of Congress.

New additions to the board of the Southern Conference Educational Fund included the Rev. James A. Zellner, Methodist minister in Panama City, Fla. He is the father of Bob Zellner, the "freedom-walker" active in the "student nonviolence committee," and now serving a jail term in Alabama.

Another board member is Mrs. Diane Bevel, of Cleveland, Miss., active in Nashville student demonstrations, and currently working in Alabama and Mississippi.

She is jailed in Gadsden, Ala., for taking part with Zellner in a prointegration march, following in the steps of William Moore, the postman shot and killed during a one-man protest march.

Communist and pro-Communists are moving into the South to provoke friction between whites and Negroes. On the scene is James E. Jackson, a member of the four-man ruling secretariat of the U.S. Communist Party.

Jackson, who is propaganda boss in the United States for the Reds, is also the party's secretary for southern and Negro affairs—a polite term for chief racial troublemaker.

This Moscow-trained Negro has been in the forefront of Communist organizational and agitational work in the South for years.

In 1959, he went to Russia as the representative of the U.S. Communist Party at the 21st World Congress of Communist Parties. There he hailed the Soviet Union and denounced the United States.

[From the New York (N.Y.) Mirror, July 4, 1963]

#### A REDEDICATION TO SPIRITUAL BEGINNINGS (By Victor Riesel)

(EDITOR'S NOTE: Before Victor Riesel left on a newsgathering tour of South America, he asked FBI Director J. Edgar Hoover for his comments on Independence Day—a holiday often observed by a gaiety which real security makes possible, and a cynicism which could undo both gaiety and security. Here is Mr. Hoover's reply.)

WASHINGTON, July 3.—On July 4, as bells ring out in celebration across the United States, some of us will be reminded that the bell which pealed the first blunderbuss notes announcing the adoption of the Declaration of Independence in 1776 reached all of the way back into Old Testament days for its message: "Proclaim liberty throughout all the land unto all the inhabitants thereof." (Leviticus, XXV, 10).

That statement, engraved on the bell ordered for the State House at Philadelphia in 1751, is a living reminder that our origins as a nation are spiritual and idealistic. The Founding Fathers believed that man, with God's help, is capable of self-rule, and the blueprint of government which they gave us remains a continuing challenge.

For though the men who projected that magnificent experiment in government gained for us the liberty we currently enjoy, they cannot preserve it for us. They gave us the guidelines for continuance of our freedom in a brief document which has safeguarded that freedom for 174 years.

But we can continue to reap the benefits of the Founding Fathers' knowledge and vision only if we in turn are willing to expend similar effort and to act with intelligence and foresight.

For today, the premise that governments are instituted to secure certain natural rights and that such governments derive "their just powers from the consent of the governed" is under vicious attack. Totalitarian

communism is increasing its challenging thrust in many areas.

With mounting intensity, domestic Communists seek to spread their influence among our youth and to exploit racial unrest in the United States. They are unceasing in their efforts to infiltrate and secure a foothold in American labor unions.

Late in 1962, the Communist Party distributed within Party circles a document entitled "To Reestablish the Priority of Working Class Emphasis in the Work of the Communist Party." This document is important. It is a statement on labor policy, and from a careful reading of it we may anticipate forthcoming Communist action in the labor field.

No area of American life is safe from Communist attempts to infiltrate and exploit, and communism thrives best in a world in which faith is in retreat. Therefore, in this week of celebrating the anniversary of a Declaration which holds "these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights," the words of the man whose active leadership made that Declaration live are pertinent. The first President of these United States said:

"It is impossible to govern the world without God. He must be worse than an infidel that lacks faith, and more than wicked that has not gratitude enough to acknowledge his obligation."

This year, as freedom bells ring out in celebration of the birth of this greatest of all Republics, may the living reminder of our spiritual beginnings renew in us the dynamic faith which motivated the Founding Fathers. May we rededicate ourselves to the task of preserving the immortal dream which we inherited.

[From the Tablet, Aug. 1, 1963]

#### THAT NORTH CAROLINA CAMP INCIDENT: PROTEST VERSUS INDECENCY OR RIOT OF RACISTS?

A citizens' protest against indecency was twisted in news stories to make it appear as an action of racists, according to the editor of a national anti-Communist biweekly published in Staten Island.

Frank A. Capell, editor of the Herald of Freedom and Metropolitan Review and former chief of the Subversive Activities Control Board of Westchester County, reported on the results of a special edition of his publication dealing with Summerlane School and Camp of Manhattan and Rosman, N.C.

#### NO CENSORSHIP

The special July 3 issue reproduced promotional literature for the camp, widely advertised as integrated, stating that there is no censorship of any kind and no regulation of private behavior of the teenager campers, and that teachers and counselors "are not expected to hide their weaknesses from the children."

The issue also contained information on George von Hilsheimer, camp director, whom it described as "a former minister who admittedly has engaged in acts of sexual degeneracy, who is a radical and a nihilist." A brochure was quoted saying many of Summerlane's teachers had worked in the Highlander Folk School, cited as a Communist enterprise by the State of Georgia.

Copies of this issue were supplied to the Rosman Chamber of Commerce for distribution to State legislators, judges, prosecuting officers and civic groups. This was done, Mr. Capell said, to provide documentation on which to base a demand for action by the proper authorities.

Mr. Capell reported that protests were made to the camp operators after complaints of gross immorality at the camp in the form of nude mixed bathing (to which a local Baptist minister was reportedly an eyewitness)

and a camp newspaper containing a sexual promiscuity theme (not fit for gentlemen to read, according to the local sheriff).

"The conduct at the camp so incensed the local citizens," Mr. Capell continued, "that residents of the camp were warned not to come into town and to stay in the camp to avoid trouble. The campers disregarded the warning and after several incidents the local citizenry took matters into their own hands. Several hundred people marched on the camp, destroyed the main building and told the campers to get out."

"Then," Mr. Capell said, "came the newspaper stories which distorted the protest into a mob action prompted by racism."

#### MOVE TO RED PICNIC SPOT

A check of the local records, Mr. Capell stated, reveals that reports of injuries were grossly exaggerated in news stories. A stabbing turned out to have been the taking of a knife away from one of the camp counselors who was then relieved of the seat of his trousers with it, with no personal injury.

He said the campers have found refuge in a New Jersey camp "well known for the number of Communist activities which have taken place there. Camp Midvale is located at Ringwood, N.J., and has long been a favorite vacation and picnic resort of Communist and Communist-front groups. The Communist paper, the Worker, holds its annual picnics there."

The article concerning Summerlane in the Herald of Freedom recommended action by the proper authorities and "bringing such activities to an end by lawful methods," Mr. Capell pointed out. "However," he concluded, "the invaders of the South goad the normally peaceful and religious people into acts of violence by refusing to obey the law and to cooperate with local authorities for their own protection. Their agitation creates violence."

[From the Lynchburg (Va.) Daily Advance, Aug. 2, 1963]

#### WHO'S LYING?

During the past several weeks Robert F. Kennedy, Attorney General of the United States, testified before the Senate Commerce Committee and stated repeatedly that the Federal Government has no evidence that any of the major civil rights groups are influenced by Communists. In addition, he stated on several occasions that the Communists have been remarkably unsuccessful in efforts to exploit the racial situation.

Contrast these statements with testimony given by J. Edgar Hoover, Director of the Federal Bureau of Investigation, on the same subject matter. On January 24, 1962, Hoover testified before the Appropriations Committee of the House of Representatives, as follows:

"Since its inception the Communist Party, U.S.A., has been alert to capitalize on every possible issue or event which could be used to exploit the American Negro in furtherance of party aims. In its efforts to influence the American Negro, the party attempts to infiltrate the legitimate Negro organizations for the purpose of stirring up racial prejudice and hatred. In this way, the party strikes a blow at our democratic form of government by attempting to influence public opinion throughout the world against the United States."

On two earlier occasions, Hoover testified before the same committee along the same line. On January 16, 1958, he said:

"The Negro situation is also being exploited fully and continuously by Communists on a national scale. Current programs include intensified attempts to infiltrate Negro mass organizations. The party's objectives are not to aid the Negroes—but are designed to take advantage of all controversial issues on the race question in the minds of the American people."

On March 3, 1961, Hoover told the same committee:

"The sit-in demonstrations in the South were a made-to-order issue which the party fully exploited to further its ends."

The Committee on Un-American Activities of the House of Representatives and the Internal Security Subcommittee of the Senate have published voluminous documentary evidence supporting fully the testimony of Hoover. This newspaper has just received the latest publication of the Committee on Un-American Activities, dated July 31, 1963, and containing the testimony before the committee of how the Communist Party in California has successfully extended its influence into additional Negro civil liberties units.

For the information of those who might feel that the Attorney General is simply misinformed, we point out that the Federal Bureau of Investigation is a part of the Department of Justice, which is headed by the Attorney General, and the Attorney General has access to the same information as the Director of the Federal Bureau of Investigation.

Our readers have a choice. They can believe Kennedy, one of the most cynical politicians and inept Attorneys General in the history of the United States, or they can believe Hoover, one of the finest law enforcement officers in the history of this or any other country, and a man of the greatest integrity.

As for this newspaper, we made the obvious choice a long time ago.

#### WORLD COMMUNIST MOVEMENT—SELECTIVE CHRONOLOGY 1818-1957

(Prepared by the Legislative Reference Service of the Library of Congress)

YEAR 1928

During the Communist Party presidential campaign, American Communists advanced the Comintern policy on Negro self-determination. In pursuance of Comintern instruction the party made every effort to attract the Negro masses. \* \* \* The campaign for a Negro republic in the South was tied up with a campaign in the party ranks against white chauvinism. Party members who failed to carry out the Negro policy or disagreed with it were accused of white chauvinism. \* \* \* The Negro question was injected into every situation, in every campaign. The Negroes were looked upon as the chosen people who were to be the vanguard of the Communist revolution. Party members were urged to make every effort to establish personal as well as social relations with the Negroes. Negroes were brought into the party, not on the basis of their Communist convictions, but on the promise that in the party they could enjoy a sociable evening together with whites on a basis of equality. Negroes who had recently joined the party were pushed into places of leadership simply because they were Negroes and as a demonstration that the Negroes enjoyed preferred treatment in the party. This was done not out of sympathy or consideration for the Negro masses, but for purely political reasons.

Behind the Negro agitation and the stress laid on exploiting the Negro issue was the desire to comply with the orders from Moscow. It was hoped through Negro minorities movement in the United States to give leadership to a colored Nationalist movement of world proportions in the countries of South and Central America, Africa, Asia, and the Antipodes. The American Nationalist Negro movement, Moscow believed, would provide the leadership for such a world movement. Besides, the Communist Party could dominate the American Negro movement, because it was believed possible for a small handful of American Communists to organize and control the 2 million Negro

workers in American industry, which force could be the most decisive in the broader worldwide Negro movement \* \* \*. Said the Comintern resolution:

"To the extent to which the party succeeds in developing a strong revolutionary Negro movement in the United States, it will also be able to exert a decisive influence upon the revolutionary movement of the Negroes in all parts of the world."

It was hoped by the development of this Negro Nationalist movement on a world scale to bring millions of new supporters in defense of the Soviet Union, ardent supporters, who could actually fight against Russia's enemies over a farflung territory. The Negro Nationalist movement was thus part and parcel of Russian political imperialism. (G: 480-483.)

(Above excerpt was from testimony of former Commie, Benjamin Gitlow.)

#### THE NEGRO QUESTION—COMMUNIST CIVIL WAR POLICY

(By Benjamin Gitlow)

(EDITOR'S NOTE.—What is behind the Negro civil rights bill? Does it mean the beginning of U.S. revolution? Does it put an end to the U.S. Constitution?)

(The Communist International in Moscow, in 1921, instructed the American Communists to organize and head the Negro masses. They have fanned the flame of impoverishment and exploitation ever since. The Communists are, therefore, championing the cause of the Negroes in America, not as part of a democratic movement, but as an important part of their drive to mobilize both colored and white for proletarian revolution and the overthrow of our Government. The Communists have no intention of conducting a constitutional battle for Negro rights and justice. To them the Constitution is a scrap of paper to use when it serves their purpose, to disregard it and violate it whenever it suits them. Since the U.S. Constitution and Bill of Rights provides a clear and equitable civil rights program for all citizens of the United States, after reading the enclosure it will become clear that the Kennedy civil rights bill can serve only one purpose: The Communist conspiracy.)

(Concerning the author: For 11 years Benjamin Gitlow was a Communist—the first in the United States to be convicted and imprisoned for such membership. He held the highest position in the Communist Party in the United States—that of general secretary of the party. Mr. Gitlow holds another distinction—that of being one of the few persons to split with Josef Stalin and live to tell it. In 1929 Stalin summoned Mr. Gitlow to Moscow. In the ensuing meeting, Gitlow refused to accept orders from the Red leader—hence the split. It was in 1939 that Mr. Gitlow wrote his first book—"I Confess," which told of his personal background as a Communist, and gave the public the first real insight of the workings of the Reds in this country. In 1940 he gave the House Un-American Activities Committee the complete story of the Communist Party in the United States and their plans to rule America.)

The Negro question is a most distressing problem for the American people. For the country it is a problem of great magnitude. Its political consequences in the affairs of our Government and in the arena of world politics cannot be ignored. We in the United States will have to deal with the Negro problem boldly and realistically. To exploit the Negro question, like a politician for expediency only and as an opportunistic leverage for vote getting as is too often the practice of our major political parties, will solve nothing and will eventually lead to a greatly aggravated crisis in race relations and in our relations with many nations. The immediate result of the continuance of such crass op-

portunistic policies will be the inflaming of our population and the dividing our people, at a time when a united, patriotic citizenry is badly needed to defend and preserve our liberties.

In this article I propose to deal with aspects of the Negro question that receive top priority from the Communists. I do so, fully conscious of the fact that to treat certain phases of the Negro question analytically and critically, especially as it affects our country's security and our posture in the cold war, is to arouse the ire of many individuals and organizations today in the forefront of the civil rights movement, the term by which the Negro question is erroneously called. Many of these civil rights forces who are recklessly spreading dissension among our people, and who are pushing their campaigns in utter disregard for the defense and security needs of the country, will, I am sure, attempt to distort any objective presentation and critical analysis of the Negro problem, on my part, into a smear campaign, charging that the writer is a racist, a white chauvinist, an ultra rightist opposed to integration and civil right.

Against such a ridiculous, premeditated smear a defense on my part is absolutely unnecessary. Let it be here noted—the examples are too numerous to cite—that to libel genuine anti-Communists in the vilest language is welcomed by the liberal intellectuals, who are proficient in this practice, and the press which favorably publicizes their calumnies.

On the other hand, in the world of the liberal traumatic miasma, to tell the truth about Communist, Communazi liberals and the host of fellow travelers who idealize Communist and totalitarian manifestations at home and abroad, is scandalous, McCarthyism at its worst, a repudiation of American ideals and traditions, character assassination and libelous.

Fully aware of attacks upon me personally that will follow the publication of this article, I have decided, nevertheless, to write it because the Communists and their supporters with the full backing of Khrushchev have embarked upon a campaign to exploit the Negro problem as a vehicle for national liberation. They intend to arouse to a fever heat the nationalist and chauvinist sentiments now finding expression in segments of the Negro population into a drive for the separation of the Negroes from the whites through the establishment of an independent Negro republic in the United States. They are hopeful that an intensified nationalist drive among the American Negroes will accelerate the build-up in Latin America and in Africa of the anti-American campaign to such an extent that it will aid the Communist imperialist efforts on these two continents. But what is much more important is the fact that the Communists are deliberately maneuvering among the American Negroes to create a situation for the outbreak of racial violence, to such an extent that it can be turned into a civil war—a civil war on a racial basis involved with profound political and revolutionary consequences. In such a civil war, should they succeed in fomenting it, the Communists hope to so undermine the American Government and our social structure that they can take over power. In the racial civil war they envisage, they are sure Negroes will be in the front ranks, the shock troops of the Communist revolution.

This Communist diabolic policy is a calculated and deliberate policy. In the final analysis it will not bring justice and political equality to the Negro. It is bound to bring on bloody strife in which the Negroes will be the main losers, and should the Communists win, enslavement of the Negroes and whites alike will take place and all Americans will live without rights, under a Communist dictatorship.

A historical outline, at this time, of the Communist role in the Negro question will, I am sure, help the reader to a better understanding of the Communist position.

The Communist International in Moscow in 1921, instructed the American Communists to organize and lead the Negro masses. For that special purpose money was liberally provided by the Comintern. The Communists took the position that the Negroes, constituting the most impoverished and exploited section of our population—a section with special problems and grievances because of racial discrimination—would constitute, once properly organized and led, the front rank fighters in a revolution to overthrow the United States Government and replace it with a Soviet form of dictatorship. To carry out the Comintern's instructions, the American Communist Party created a Negro department, organized special Negro organizations, published Negro papers and periodicals and conducted a drive for Negroes to join the party, giving them, if they did so, jobs and all kinds of special inducements. Every Negro member brought into the party was hailed as an achievement.

The Communist policy in the early years up to 1928 on the Negro question was that the Negroes should be accorded full racial, social, and political equality with the whites.

At the Sixth World Congress of the Communist International held in Moscow during the late summer of 1928, a special commission was set up to study the American Negro question. Joseph Stalin was a member of the commission on which the American Communist Party was well represented.

I was not in Moscow at that time because I was touring the country as the vice presidential candidate of the Communist Party. While I was campaigning in the South, I received a telegram from the national office of the Communist Party that to our regular Negro demands for equality, etc., I should add the right of the Negroes to national self-determination, the ultimate objective of which was, naturally, the establishment of a Negro government in the Black Belt of the South. The policy, though it originated in Moscow, did not appeal to me. I considered the demand for a Negro republic dynamite, dynamite that would be so explosive in the South, once a considerable number of the Negroes accepted it, that it would do the Negroes more harm than good.

At the close of the vice presidential campaign I was conducting, I returned to New York and went into a huddle on the Negro question with the leaders of the American Communist Party. I asked: "What do you seek to accomplish with this policy? Create a situation in the South where you will bring about a civil war between the whites and the blacks? Do you realize where that will lead to? Do you not realize that such a policy will lead to the butchery and massacre of thousands of Negroes?"

John Pepper, whose real name was Joseph Pogany, a leader of the terrorists in the first Red Hungarian revolution under Bela Kuhn, was attached by the Comintern to the leadership of the American Communist Party. He was a member of the Negro commission, as was Stalin—the commission that handed down the decision. I already had learned that the decision for the establishment of a Negro republic in the United States was formulated by Stalin and that he forced its adoption. So Pepper answered me calmly in these words:

"Comrade Gitlow, there is much truth in what you say but we could not help ourselves in Moscow."

In addition, the 1928 Stalin resolution laying down binding instructions upon the American Communist Party contained the following:

"To the extent to which the party succeeds in developing a strong revolutionary movement in the United States, it will also

be able to exert a decisive influence upon the revolutionary movement of the Negroes in all parts of the world."

Stalin hoped by utilizing Negro nationalism in the United States to develop revolutionary Negro nationalist movements on a world scale and through such movements to mobilize millions of ardent supporters for the Soviet Union. The revolutionary Negro nationalist movement which the Communists began in earnest to organize in the United States, in South America, in Africa, and wherever Negroes lived, became a most important arm of Soviet political imperialism.

I have put down in very brief outline the historical facts that constitute the background of the basic, the unchangeable position on the American Negro question of the American Communists and their comrades throughout the world, including, of course, their Soviet masters.

Until recently, the Communist policy in the United States has been to soft-pedal their demand for the establishment of a Negro, nationalist, separatist movement, a movement determined to oust the whites from the South, expropriate their lands and property and establish a Negro republic under Communist hegemony.

It appears that now the time has come for the American Communists to accent the loud pedal on Negro nationhood.

Claude Lightfoot, one of the top leaders of the American Communist Party and a guiding spirit in its Negro department, a Negro himself, states the present position of the Communists on the Negro question in this manner in an article in the July 1962 issue of "Political Affairs," the theoretical and outstanding political monthly of the Communist Party.

"Back in the early 1930's the Communist Party of the United States projected the idea that the Negro constituted an oppressed nation within a nation. The homeland of this nation was seen as embracing what was commonly called the black area of the South. The black belt at that time consisted of over 200 counties, crossing several States. It was an area of Negro majority. The Communist Party adopted this position in 1930." (This is an error on Lightfoot's part. The American Communist Party never originated this decision. It was handed down as binding instructions to the American Communist Party by Moscow in 1928, as I have already stated.)

He further explains that during the period of World War II the demand for a Negro republic was dropped. What Lightfoot deliberately forgets to state is that the demand was put in cold storage after Hitler attacked the Soviet Union and the Soviet Union became one of our allies. Then Lightfoot adds: "In 1946 the Communist Party reexamined its position on this question (that is after the war was over) and reaffirmed its previous position. Although the question of nationhood was reaffirmed this time certain modifications were made. \* \* \* The Communist Party now declared that what we are witnessing was a young nation in its earliest stage of development and because of this consciousness lagged behind objective developments. Notwithstanding these new observations the party continued to place the slogan of self-determination in the forefront of its general program."

That statement by Lightfoot is not an equivocal statement. It states categorically that the slogan of self-determination for the Negro, that is, for the establishment of a Negro republic in the black belt of the South, is in the forefront of the American Communist Party's general program. In other words in the forefront of the general Communist program for the communizing of the United States is the demand for the establishment of a Negro republic in the South. Why does the program of self-determination for the

American Negroes hold such high priority for the Communists? Because that objective cannot under any circumstances be achieved without bloodshed and civil war, and civil war to achieve Communist power is a basic major policy for the American Communist Party and so recognized in its program.

One must know how to read the Communist language. I believe I know how to read Communist language, how to digest it and get at its real meaning. Few persons do. And the sad part of the story is that those who make policy for our Government, who are responsible for guiding our ship of state through the perilous storms of the cold war, have not yet learned how to read and understand Communist language, a language unique in its logic, subtle in the use and meaning of words, in which every "I" dotted, every comma, every punctuation mark has a meaning all its own.

Lightfoot continues in this vein and I quote:

"And so in 1959 the Communists adopted a position which discarded the slogan of self-determination."

Particularly note that the slogan, not the policy, was discarded. The slogan, to tell the truth, was actually not discarded but filed away for future uses when the time would be more propitious for its exploitation. That time was not long in coming. It has already arrived because the slogan for a Negro republic has been removed from moth balls and is once again being proclaimed loudly from the Communist housetops. Why?

For the answer let us return to Lightfoot who writes:

"One must now take into account a powerful nationalist current which is becoming increasingly significant."

"The Muslim leadership and doctrine is the most significant source of a trend to the contrary within the ranks of the Negro people. (Contrary to the opposition to the Communist policy for a Negro republic that existed among the Negroes before). The heart of the program advanced by the Muslims calls for the establishment of a Negro nation, separate and apart from other white Americans."

One can begin to understand what the Communist Party is aiming at. It aims to make an alliance with the Black Muslim movement in order to draw it into the Communist orbit. But Communist aims go even further. The Communists see in the increasing popular support the Muslims have in the Negro community an opportunity of linking up the nationalist struggle of the Muslims, and those under their influence, with the world revolutionary struggle of the black people being engineered by the Communists against the United States as part of the Soviet effort to undermine U.S. influence in strategic areas of the globe.

This factor is indeed underlined by Lightfoot when he writes: "Nationalism is rising in the Negro community not entirely out of context with the problems flowing from the basic structure of American Negro life, but it is a fact that nationalism today is influenced more by external factors \* \* \* The national character of the Negro struggle is still an overall characteristic."

It is necessary here, before we examine what the Communist policy on the Negro question has in store for the United States, to determine the basic elements of the policy.

As has already been stated Stalin was the originator of the American Communist Party policy on the Negro question. Writing an article on "Estimating Stalin," William Weinstein, a top American Communist, gave this estimate of Stalin in the May 1962 issue of "Political Affairs."

"His [Stalin's] pamphlet written in 1912 on Marxism and the national question, which Lenin praised, remains a classic of Marxism. His 'Foundation of Leninism' which helped train generations of Communists in its time \* \* \* is also a great work."

We will, therefore, turn to Stalin's "Foundations of Leninism" as an authority on the basic foundation of the Communist position on the Negro question. On page 286 the following is written:

"It is obvious that those who look upon the nationalist question as an integral part of the general question of proletarian revolution, will never be willing to look upon it as a mere matter of constitutional adjustment."

To use Stalin's words—it is therefore obvious that the American Communists when they fight so loudly and militantly for civil rights, for integration, for the Constitution, are perpetrating a hoax on the Negroes. What they are diligently preparing, by their activities in the civil rights field, are conditions favorable for civil war and revolution. This is obviously true because the Communists, by exploiting the justified complaints of the Negro people and the humane instincts of the American people, seek, because they champion national self-determination for the Negroes, an outcome that is not a matter of constitutional adjustment; they seek revolutionary results that do not square with the legal process—for their real aim is civil war and revolution. That is the essence of the Communist position. They are setting a trap for ensnaring the Negro masses into the Communist conspiracy. They are committing a colossal fraud upon the American people.

To further underline the Communist position on the Negro question, I herewith underscore the fundamentals outlined by Stalin:

"The national question must not be considered as an isolated phenomenon but as one which is indissolubly intertwined with the question of the victory of the revolution." ("Fundamentals of Leninism," p. 288).

Stalin emphasized as most important this statement used by Zinoviev, chairman of the Comintern: "The national question is a revolutionary problem, not a constitutional one."

It should now be clear to every reader that the Communists have no intention of conducting a constitutional battle for Negro rights and justice. To them the Constitution is a scrap of paper to use when it serves their purpose, to disregard it and violate it whenever it suits them.

The Communists in their propaganda on the Negro question try to impress the American people and the Negroes in particular that they are for justice for the Negro, for giving the Negro full democratic rights, for raising his status and giving him equal social standing with the whites. This propaganda is all camouflage, all lies.

Here is what Lenin, the Communist genius, stated unequivocally in the basic Communist position as reported by Stalin:

"Herein he (Lenin) declared that the essential point of the nationalist question, in general, and of the right of self-determination in particular, was that they had ceased to be parts of the democratic movement, and had become vital constituents of the proletarian movement, of the Socialist revolution." ("Fundamentals of Leninism," page 290).

The Communists are, therefore, championing the cause of the Negroes in America, not as part of a democratic movement, but as an important part of their drive to mobilize both colored and white for proletarian revolution and the overthrow of our Government.

And using Aesopian language, because the Black Muslims reject the movements on civil rights which the Communists support, Lightfoot concludes as follows:

"Thus nationalism, as expressed today in the United States, unlike in Africa and other places, is an obstacle in the path toward freedom.

"But this does not necessarily have to be so. A nationalist movement which would

direct its fire at the source of our oppression, the white ruling class, would have a positive progressive value.

"And so those of us (the Communists) who feel that we can see through today's frustrations to a brighter tomorrow are duty bound to go among our Muslim brothers and to help light an understanding among them. For in winning them to more positive concepts we will help to enlist people who hold nationalist sentiments in the great battle for freedom in the United States.

We have Lightfoot's words for it that the American Communists are seeking to join hands with the Muslim Brotherhood, an organization that thrives on Negro chauvinism, hatred of all whites and separation from the United States. The Communists hope to direct the fire of the Muslim movement against the white ruling class. That is another way of saying against the U.S. Government. This is the important and immediate objective of the American Communist Party among the Negroes.

It is necessary to examine the Communist Negro policy a little more closely. Their policy on the Negro question is based on a false premise. It cannot stand up when considered in the light of U.S. vital population statistics.

The total Negro population of the United States in April 1960 was 18,871,831 representing 10½ percent of our total population. There is not a single State in the Union where the Negroes constitute a majority of the population. The Negroes are Americans and should enjoy all the privileges of American citizenship. They are, however, not an indigenous group in spite of the numerical numbers. It has no basis in origin, land, special language or culture warranting a legal status for separation as a distinct independent nation within the United States, as the Communists demand.

Under our Constitution there is absolutely no legal basis whatsoever for such separation. Any serious attempt in that direction, as the Communists propose, is bound to break out into racial violence and a great loss of life. This the Communists are fully aware of, yet they advocate that step and are prepared to make the gamble. They are willing to make that gamble because the Communists are disloyal Americans who have pledged their loyalty to a foreign power, the Soviet Union. Furthermore, they are under orders from their Russian masters to pursue such a policy regardless of the consequences. And, finally, since civil war is the main objective in setting the stage for the Communist assumption of power, nothing could foment civil strife and division among the American people better, than to inflame the Negro masses against the white ruling class by promising them heaven in the United States in a separate, independent Negro republic.

But you may insist, since Khrushchev has assumed high command over the Communist empire, a more rational and civilized attitude toward the world and its people may be expected. Nothing could be further from the truth, for on the Negro question Khrushchev sees eye to eye with Stalin and the American Communists. In Khrushchev's "Fundamentals of Marxism-Leninism" published 1961, on page 489, the following appears:

"The reactionary bourgeoisie is altogether incapable of solving the national question, as is eloquently attested by the gravity of the Negro question in the United States of America."

Khrushchev, who wants self-determination for the Negroes in the United States where there is absolutely no basis for it, refuses self-determination to the people in East Germany where there is a real, a fundamental basis for it. To prevent their desire for national liberation he builds a wall around East Berlin, locks the entire border

of East Germany with soldiers and bristling steel and tanks, thereby imprisoning a population of over 17 million people.

Yea, the ways of the Communists lack logic and reason. But of one thing you may be sure, they know where they are going and they are hellbent on getting there even if they have to drown the American Negroes in their own blood to get the power they covet.

[From the Washington (D.C.) Evening Star, Aug. 5, 1963]

#### COMMUNIST RIGHTERS?

Nothing the Government has said on the subject has removed every doubt that Communists are playing a part in the civil rights movement. On the contrary, even the denials during the Senate Commerce Committee hearings have been, on close scrutiny, somewhat less than categorical.

Senator MONROE, of Oklahoma, promptly and correctly challenged the statements of two Southern Governors charging that this summer's demonstrations have been Communist-inspired. In answer to the Senator's request for an FBI check, Attorney General Kennedy replied: "Based on all available information from the FBI and other sources, we have no evidence that any of the top leaders of the major civil rights groups are Communists, or Communist-controlled. This is true as to Dr. Martin Luther King, Jr., about whom particular accusations were made, as well as other leaders." This statement, however, refers only to "top leaders." By implication, this suggests that some of those beneath the top echelon are Communists.

At another point Mr. Kennedy said: "It is natural and inevitable that Communists have made efforts to infiltrate the civil rights groups and to exploit the current racial situation. In view of the real injustices that exist and the resentment against them, these efforts have been remarkably unsuccessful."

Here again, at first blush, this would appear to be a denial of Communist penetration. But it could also mean that infiltration has not been as successful as Communists hoped it would be.

One Mississippi State legislator has labeled Mr. Kennedy's statement a "whitewash." We do not believe this. But the FBI information on Communist penetration of the rights movement should be made public. All concerned—both white and colored—have a right to know just who is working for the Kremlin in this matter.

[From the Nashville (Tenn.) Banner, July 22, 1963]

#### HIGHLANDER DESEGREGATION: WITH THAT JOIE DE VIVRE AND TAX EXEMPTION TOO

Highlander Folk School, it seems, has always been able to work a little "joie de vivre" into its mission. A pioneer in the field of integration, its avowed good works were undertaken in the early thirties, long before the Supreme Court confirmed the practices of the institution with stern orders for the mixing of the races.

While many alumni have gone forth to remake the world by participating in deadly serious demonstrations, in some cases with the grim assistance at times of Federal troops, the loyal Highlander must look back with longing to the days of good fellowship and congeniality at the old alma mater.

For example, there was the Labor Day celebration in 1957. Recently sworn testimony before a congressional committee was to the effect that the now famous Dr. Martin Luther King was there, along with an alleged Communist or two and a considerable representation from Red-front organizations.

But as usual, at the idealistic refuge on the mountain not far from Monteagle, the

agenda did not call for all work and no play. Photographic evidence shows breaks for dancing, swimming, and other forms of relaxation. During the court hearing that ended in padlocking the school, the picture presented was hardly that of a religious convocation.

But when the place was closed by law, the director was undaunted. With whatever assets remained, he removed to Knoxville and set up the Highlander Research & Education Center. In a recent letter to friends and contributors, he proclaimed the Highlander "idea" had been "born anew, like Phoenix rising out of the ashes."

The communication also contained the glad tidings that Mr. Kennedy's Internal Revenue Service had concluded the Center need not pay income taxes and that all who wished to have a part in furthering a good cause could deduct their donations on their annual returns.

That must have been inspiring news for the harassed businessman who needs to relax on a trip occasionally and entertain a few faithful customers. Then while the taxpayer might have been fretting about discrimination on the matter of deductible pleasure, some Highlander researchers decided that all work and no play tends to dull the edge of ideals.

Knoxville newspapers bloomed out a few weeks ago with headlines about a Highlander camp in neighboring Blount County that caught the attention of the high sheriff. He decided to make an unannounced call, accompanied by deputies, with the net result that a group of Negroes and whites were hauled into court. Seven were bound over to the grand jury. There would have been eight, except that a judge was shocked to learn that one of the white girls was only 15 years old. Then there were seven. The charge: contributing to the delinquency of a minor. Some fines were also assessed for lewdness, disorderly conduct, and possession of whisky.

A story in the Knoxville Journal quoted the judge as saying that the involvement of Negroes and whites had no effect upon his decisions, and that anonymous efforts to intimidate him by telephone had been useless. Then came the statement from the bench that there had been "scandalous and lewd" activity at the camp and the officers charged only those they could identify.

Faced with the consequences of desegregation with *joie de vivre*, Director Horton told the court the camp was set up so people from the North and the South, as well as college students from all over the country, could get closer together and discuss their problems.

There is no indication as yet, however, that the explanatory plea for tax exempt togetherness will satisfy the demands of the legal and moral standards of historic Blount County.

#### MILITARY CONTROL OF CIVILIAN ACTIVITIES

Mr. THURMOND. Mr. President, on last Wednesday, the distinguished junior Senator from Mississippi [Mr. STENNIS] made an eloquent plea on the Senate floor for the President and Defense Secretary McNamara to withdraw the ruling issued by McNamara's order which would make it possible to place communities near defense installations off limits, if these communities should refuse to integrate their private business establishments and also presumably their locally controlled public facilities. As these remarks were printed in the body of the CONGRESSIONAL RECORD, I ask unanimous consent to have printed in today's RECORD the following articles in support of

the views expressed on that occasion by the distinguished Senator from Mississippi and others who participated in this discussion:

"Report Advances Race Amalgamation," which was printed in the August 2, 1963, issue of the Birmingham Post Herald.

"McNamara Exceeds Authority," which was printed in the Tampa Times on July 29, 1963.

"Political Use of Defense Bases" as printed in the August 4, 1963, issue of the News and Courier.

"Preview of Police State," which was printed in the August 2, 1963, issue of the News and Courier.

"Tax Returns No Club for Integrationist Welding," as printed in the August 2, 1963, issue of Nashville Banner.

"Attorney General of the Air Force" as printed in the August 6, 1963, issue of the Aiken Standard and Review.

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

[From the Birmingham Post Herald, Aug. 2, 1963]

#### REPORT ADVANCES RACE AMALGAMATION

The report of the President's Committee on Equal Opportunities in the Armed Forces (now being called the Gesell report) seeks integration "for the amalgamation of the races" and not merely to secure equal opportunity for Negroes in the services, charges Edward M. Almond, of Anniston, retired lieutenant general in the U.S. Army.

General Almond, who was commander of the 92d Division during World War II, has made a detailed analysis of the report and condemns many of its recommendations.

The report apparently is the basis for the action of Defense Secretary Robert McNamara in threatening to put "off limits" to service personnel, cities where segregation practices are followed.

Some of General Almond's criticisms of the report:

"It demands in the name of 'equal opportunity' a higher percentage of Negro promotions than education, age in service, and the more fundamental consideration of merit.

#### FEW VERIFIED

"It invokes responsibilities and makes demands on post and area commanders by coercive methods to force integration on civilian communities by 'threat and blackmail.'

"It quotes injustices repeatedly but at the same time admits that the Committee has verified very few and many times none of the facts.

"It does not envisage a real evaluation of the individual Negro based on merit, but repeatedly speaks of opportunities and 'latent' skills inherent in the Negro.

"It strongly recommends a 'spy system' to be called 'monitoring' with an especially sympathetic monitor throughout the range of troop levels in order to report on responsible commanders as to how they carry out their functions.

"It strongly recommends that those responsible for integrating Negroes among white elements of commands be given to understand that such accomplishments will rebound to the credit of the author of such plans for the purpose of furthering his promotion.

#### NO WAY OF KNOWING

"It emphasizes repeatedly that Negroes should operate without reference to race and that there should be no record of blood or race on the Negro's record of service. Later on in the report it complains of the inability to determine what cases there are which have been committed against Negroes,

since it has no way of determining from the military record whether the individual is a Negro or not.

"It goes on further to claim that the absence of such a record has cost untold time and money to accumulate such information for the purposes of the report."

Those signing the report were: Gerhard A. Gesell, Chairman; Nathaniel S. Colley, Abe Fortas, Louis L. Hector, Benjamin Muse, John H. Sengstache, Whitney M. Young, and Lawrence I. Hewes III, Committee counsel.

Mr. Gesell, the Chairman, is a Washington attorney.

#### RECOMMENDATIONS CITED

Following are some of the recommendations of the report, according to Representative JOE D. WAGGONER, of Louisiana, as quoted in the New Orleans Times-Picayune:

More recruiting should be directed toward Negroes to correct the "insufficient flow" of Negroes into the services and to increase the "pitifully small" number of Negro officers.

Negroes should be located in jobs throughout the services regardless of their individual preferences in order to have a few everywhere and in all positions.

Promotion boards should have more Negroes on them because white officers "consciously or unconsciously" discriminate against Negroes on promotions.

Special officers should be appointed (with biracial staffs) on every base to handle all complaints by the Negroes.

Such complaints are to be "encouraged." More Negro girls are to be brought on bases for social functions and fewer girls who believe in segregation.

#### NEGRO HOSTESSES FAVORED

Negro hostesses should be considered, rather than white.

Military police patrols used in neighboring communities should be integrated.

Segregated buses should be boycotted. Civic clubs should not be joined if they are segregated.

The practice of Negroes gravitating to one base service club and whites to another should not be permitted, even though this might be of their own choosing.

Methods are suggested for getting around segregated housing by renting homes in the name of the Government and moving Negroes in.

ROTC units should be canceled in segregated schools.

The efforts of officers to bring about integration should be constantly reviewed and rated. Promotions should be based on their "initiative" and "accomplishments" in this field.

Military personnel should be allowed to patronize only those local establishments which are "integrated" and have the "express approval" of the base commander. All others should be placed off limits.

Approved stores should display placards or decals on their windows and doors to show they have the approval of the military.

[From the Tampa Times, July 29, 1963]

#### McNAMARA EXCEEDS AUTHORITY

Defense Secretary McNamara's order declaring communities which practice "relentless discrimination" off limits to members of the armed services is almost laughable. But any tendency toward merriment is drowned in the realization of how far the Federal Government is willing to go to enforce its will on the American public.

What Secretary McNamara actually proposes is economic blackmail of communities which insist upon maintaining their own standards and traditions. This is a weapon being brandished with increasing frequency by Federal agencies which have wormed their way into the active life of every community in the United States.

The Secretary proposes to establish himself as judge, jury, and prosecutor. He is

prepared to issue and enforce an edict from which there is no appeal. We suspect the authors of the U.S. Constitution would recoil in horror from such an act.

We offer no defense of any community which practices "relentless discrimination." However, we do insist that where such abuses occur they should be attacked through normal judicial channels. The courts of this Nation are not paralyzed to such an extent that a Federal bureaucrat must apply martial law to suppress real or imagined evils.

And that is what Secretary McNamara is doing.

What is "relentless discrimination"?

Obviously, Mr. McNamara's action is related to the current wave of racial strife and demonstrations by Negro groups seeking, in some cases, full rights of citizenship and, in others, preferential treatment.

Does Secretary McNamara propose to dictate the hiring practices of a community? Would he use his power of blackmail to take the issue of school integration out of the hands of the Federal courts and place it with the military? Is he to sit in judgment of housing distribution within a community?

We are in total sympathy with the individual Negro's desire to improve his position and we believe that the individual Negro pursuing this ambition deserves the encouragement of his total community and recognition of goals achieved. But we do not believe his dreams or ambitions will be advanced through threats such as Secretary McNamara has issued. Such orders will arouse general antagonism even in areas where there is no "relentless discrimination."

Mr. McNamara seems to forget that the Government is not a private corporation and that he and the Kennedy brothers are not its principal shareholders. The Government belongs to all the people. As such, it should be responsive to the will of the people rather than expect the people to respond to its will. We see no basis for the Federal Government specifying codes of conduct for men, businesses, or communities beyond its constitutional limits.

Following the same principle which Mr. McNamara is applying in his "relentless discrimination" order, he might just as well declare that the Government will not purchase from firms which employ red-headed secretaries in preference to blondes. The point is that there are some things which are none of Mr. McNamara's business.

We have lived a long time within the framework of the present Constitution and have registered unmatched progress. There is no reason to junk it now in favor of government by Executive order which bypasses the legislative and judicial branches.

Secretary McNamara would be well advised to withdraw his "relentless discrimination" boycott order and confess that he has wandered far afield from his normal duties as head of the Defense Department.

We are certain that his retreat will not make life one bit more difficult for members of the Negro race. But we feel that enforcement of his order will injure the rights of citizenship of both white and colored people by establishment of a dangerous precedent. For, if the Secretary of Defense exercises economic blackmail to apply his will, how much longer will it be before the Secretary of Defense is backing up his orders to the American people with Armed Forces?

The doors of the courts are wide open to handle cases of "relentless discrimination," Mr. McNamara. Until they are closed, there is no excuse for a member of the Cabinet attempting to usurp their prerogatives.

[From the News and Courier, Aug. 4, 1963]

#### POLITICAL USE OF DEFENSE BASES

(An editorial from the Charlotte News)

Defense Secretary McNamara's latest directive bids fair to make Humpty Dumpty's

of military base commanders in the United States. In a precise defense of imprecise language, the original Humpty declared: "When I use a word, it means just what I choose it to mean—nothing more or less."

So it will be with the base commanders, who have been authorized by Mr. McNamara to declare "off limits" any area—or community—which practices "relentless discrimination" against Negroes.

"Relentless" in this instance, as the Greensboro Daily News rightly notes, is a "weasel word." It means whatever Secretary McNamara chooses it to mean, and the meaning can change from commander to commander—subject, of course, to higher level approval where the meaning well might change again.

The probability of unequal application of the directive is obvious. But the meaning of Mr. McNamara's words is not a point upon which debate ought to be impaled. It needs to be directed, instead, at the improper assumption that the social and civil ills of this Nation fall within the province of military concern.

Those ills, of course, are none of the military's business, unless Congress so declares by legislation or the President, in his capacity as commander in chief, so declares by Executive order. Neither Congress nor the President has made such a declaration.

The Defense Department's sole reason for being is to protect this Nation and this Government against foreign attack or domestic revolt. It is neither required nor authorized to use its considerable economic power to achieve political ends or social and civil reform which, at this time, not even Congress has endorsed as a goal properly within the purview of Federal authority.

[From the Charleston (S.C.) News and Courier, Aug. 2, 1963]

#### PREVIEW OF POLICE STATE

Orders from Washington to inject the armed services into local public school problems is the latest sample of Government dictation. It is, we are confident, by no means the last.

While citizens are marching in the streets of cities of both North and South, and gearing up perhaps for full-scale race riots, the Kennedy administration is proceeding with its practice runs for the police state in America.

We use these strong terms advisedly. An administration that will direct the Armed Forces to intervene in social and political matters on the scale already announced in the current controversy will not stop at policing the color problem. Once the habit is formed of employing the Armed Forces for domestic purposes instead of protecting the country against foreign enemies, the concentration camp and the firing squad begin to move closer.

Couched in language that seems harmless enough, a Department of Defense order published yesterday in the News and Courier instructs commanders to advise parents under their command of "the constitutional rights of their children to be assigned to school without regard to race." These "constitutional rights"—though supposedly settled by the 1954 decision of the Supreme Court—still are being argued in the courts. Yet Army, Navy and Air Force officers are being commanded to interpret them and see that they are enforced in local communities where military bases are situated. Other directives already have threatened to use the economic weapon, by putting off limits places of business that cater to patrons of only one race.

Meanwhile, in Congress, the so-called civil rights bill is under consideration to give the force of statutory law to Government management of private business policies. As we

understand this legislation, it would deny the civil right of a jury trial to businessmen charged with violation of rules for employment and accommodation.

Putting together the removal of protection by juries and the enforcement of Government civil policies by the armed services, a concerned citizen hardly can escape the conclusion that the United States of America is fast becoming a police state in the literal sense of the term.

[From the Nashville Banner, Aug. 2, 1963]  
TAX RETURNS NO CLUB FOR INTEGRATIONIST WIELDING

To the docket of coercive devices employed or attempted by the Kennedy team in behalf of its desegregation pitch, now is added the charge that it is using previously secret income tax returns of businessmen to make them integrate their facilities near military bases.

And to Senator BARRY GOLDWATER's urgent suggestion that the Senate investigate that, as well as kindred tactics visited on these areas as policy, through the Pentagon, a concerned public can only reply "It is time somebody investigated them."

Congress through its appropriate committees has that authority—backed with subpoena power.

Congress writes the laws, including, certainly, the tax statutes. It also has the responsibility of guarding these against abuse, or misuse for punitive purpose—as a blunt instrument held over individual or community heads.

Moreover, the Defense Department is answerable to Congress for digressing into new policy areas of sociological challenge, waving a big stick, on the domestic front. Whether such originates with Secretary McNamara, or through the Pentagon's embroidery with new offices of fancy nomenclature—such as the Deputy Assistant Secretary of Defense for Civil Rights—Congress has the authority, and the duty, to hold it to an accounting.

One of the foremost civil rights, guaranteed to the citizens by their Constitution—and not lawfully subject to abridgement—is the right to security from political caprice by figures of the Government, itself. That is the point to which Thomas Jefferson was drawing attention when he admonished, "In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution."

This is, after all, still the United States of America—where the people are boss—and not a police state, wherein they are in subject status to either elective or appointive officialdom.

If, as charged, tax returns—normally and properly secret—are employed as an instrument of coercion; and by units of the Government not properly privy to them, a major departure from the civil proprieties has occurred. And that, note it, is the business of Congress.

No less has a major departure occurred in the order, whatever its source, subjecting whole communities to the off limits status for failure to come to heel—just like that—at the brothers Kennedy et al., cracking of the whip. Again, this is not a police state, relative to military decree, or otherwise.

BARRY GOLDWATER and southern colleagues, challenging the drift in that direction, are not alone, surely, in their concern. As the Arizona Senator clearly pointed out—communities almost as far north as the Canadian border, with military installations, have not adopted all-out integration.

There is a vast difference between the Kennedy team's political interest and the public interest. There are adequate laws to accomplish the latter. It won't be accomplished by the former.

[From the Alken Standard and Review,  
Aug. 6, 1963]

ATTORNEY GENERAL OF THE AIR FORCE?

Senator BARRY GOLDWATER, a major general in the Air Force Reserve, sees in the Defense Department's civil rights program "the threat of a military takeover should things change in the country and we find the military commanders have become used to running politics and the social life of the community."

The Arizona Republican expressed this concern in attacking, on the floor of the Senate, the Pentagon order that directs commanders of military establishments to place off limits nearby areas where "relentless discrimination" is found.

Senator GOLDWATER charged that the directive "started in the Attorney General's Office" and demanded an investigation of the recent tour of military bases by the newly appointed Deputy Assistant Secretary for Civil Defense, Alfred B. Fitt, who, he said, was "completely armed with dossiers on the businessmen of the community, dossiers complete with every figure the Committee (Presidential Committee on Equal Opportunity) can get out of income tax returns."

Democratic Senators JOHN STENNIS of Mississippi, and STROM THURMOND of South Carolina, backed the Goldwater charge that the Pentagon order put the military in politics.

The Pentagon admitted that a group of Defense officials recently visited Air Force bases at Biloxi, Greenville, and Columbus, Miss.; Mobile, Ala., and Shreveport, La., and that Mr. Fitt was on part of the tour—"where off-base discrimination problems had been known to exist." But the Department denied that Mr. Fitt or any others had information from income tax records or Government files.

It would seem to us that the Defense Department might have its hands pretty full running the Army, the Navy, the Air Force, the Marine Corps, and in maintaining and strengthening our defenses against the most cunning, ruthless and far-flung enemies the Nation has ever faced—without undertaking to police civil rights.

However, the Goldwater charge of the use of police state tactics, would seem to revolve around the question of whether or not Mr. Fitt and his group have used, as the Senator said, "the full force of the Internal Revenue documents." When the facts have been established by investigation it will then be time to determine the proper scope of military duty.

DOCTRINE FOR TEACHERS

Mr. THURMOND. Mr. President, under the sponsorship of the American Bar Association, the Institute of International Studies at the University of South Carolina has prepared a syllabus and guide for teacher workshops and seminars entitled "Democracy and Communism in World Affairs."

It is my understanding that the draft is to be considered by the American Bar Association this weekend. I sincerely hope that the bar association will scrutinize this work most carefully, for I have had numerous protests from responsible sources concerning the lack of scholarship and the generally ineffective presentation of the subject in this work.

One of the latest criticisms which has come to my attention is an editorial entitled "Doctrine for Teachers" which appeared in the August 6, 1963, issue of the Richmond News Leader of Richmond, Va. I ask unanimous consent that this editorial be printed in the Record at this point in my remarks.

I am particularly concerned about this publication since it originated at the University of South Carolina. I have had numerous contacts from across the Nation inquiring as to just how such an inferior work happened to be produced in South Carolina. I must say that I am unable to account for what appears to be a most unobjective work and I join with many others who have taken a sincere interest in informing the public on the issues of communism against democracy and urge that the American Bar Association weigh most carefully the harm that could be done by sponsoring the distribution of an inferior product as a guide to teachers in public schools.

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

DOCTRINE FOR TEACHERS

The American Bar Association is circulating a draft version of a new teacher's guide on communism, intended for comment and correction before September publication. Our correction is brief: This draft needs lots of correction; it is unacceptable, and unfortunate.

The proposed publication is "Democracy and Communism in World Affairs." This title omits a significant word when one considers that the book was prepared by the ABA's Standing Committee on Education Against Communism. That word is "against."

Needless to say, this guide does not advocate communism. It does not, as a matter of fact, advocate anything. The message of the manual, which is designed to help teacher-trainees prepare high school courses in communism, pretty much comes down to this: You've got your communism, and you you've your democracy. They both have their good points and their bad points. If you want to "deal effectively" with communism, you have to understand the appeal which it has for its devoted followers. But teachers are warned "to steer clear of the 'good guys vs. the bad guys' approach." Communists are a bit despotic, but are they really such bad guys?

Under this analysis, communism becomes merely an alternate system of social organization, relished by hungry millions who have a taste for totalitarianism. Communism is indeed ruthless, which makes it something of a challenge to the more genteel "forces of freedom." But on the whole, the problem is to maintain a dynamic equilibrium in world affairs, with a judicious use of foreign aid as a holding action, and to demonstrate the moral power of good example. The ABA manual will cost no lost sleep to Walt Whitman Rostow and the State Department policy planning staff.

Over and over again the fledgling teacher is invited to understand the mysterious "appeals" of the Communistic system. He is invited to read the ponderous tomes of George Kennan and Walter Lippmann. He is told that the enormous bureaucracy of Soviet Russia is "essentially conservative." He is reminded of the excesses of our own industrial revolution, although "today we have learned that property is compatible with social justice." He observes the flowering of socialism and Marxism in history and follows the contributions of Hegel and the refinements of Lenin. He finds that Lenin's terrorism perverted true socialism—a development of such magnitude that a whole chapter is necessary to explain that the "democratic socialists are among the bitterest foes of the Communists, as well as their admittedly most dangerous enemies."

And so it goes in a soft tapestry of subtle webs and fine-spun distortions. The manual asserts that communism in the United States began in 1917; in reality Communists set up headquarters in New York in 1872. Here

Trotsky published "Novy Mir" until the revolutionary left to join Lenin in Russia in 1917. The manual implies that 10,000 U.S. Communists have registered under the foreign agents law, whereas none have. The manual twice refers to the pre-election Cuban crisis last year as the "November" crisis; and not without noting that "the U.S.S.R., backed away from the prospect with maturity and realism." The clear and familiar record of Communist espionage and subversion in the United States is ignored while Communist conquests abroad just happen impersonally—the People's Republic of China arises bloodlessly in 1949, Eastern European dissidents disappear, whole nations vanish from the map. The teacher who reads this guide will find no ugliness here.

In opposition to the alluring appeals of the myth they have invented, the authors of this book have no defined philosophy to offer. They speak sometimes of "democracy," although their only conviction is that "political democracy is justified by its own existence." Yet democracy is not distinctive of the American system; it has been representative of many tyrannies and two or three free nations. The significant feature of the American Republic was well expressed by the title of another American Bar Association pamphlet which we had occasion to praise a year ago: "Instruction on Communism and Its Contrast With Liberty Under Law." Americans have found certain limited features of democracy a workable means to a higher end—the dignity of a free man and his property, protected by his dependence on fixed higher principles.

In its anxiety to avoid indoctrination, the current manual forgets that all teachers must have a doctrine. It confuses an open mind with a blank mind. It believes that to be objective, one must have no objective. New discoveries cannot disturb the student who is taught to love the beautiful truths of Western civilization, and to love his country where these truths ought to be protected. Let such a student read beyond the narrow-minded oversimplifications of the coexistence theory, and he will discover that communism is evil. It has its strengths and its weaknesses; but one of its strengths—as this book sadly demonstrates—is the gradual erosion of American doctrine.

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

What is the will of the Senate?

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

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

What is the will of the Senate?

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1964

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

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate the unfinished business, which is H.R. 5888.

The Senate resumed the consideration of the bill (H.R. 5888) making appropriations for the Departments of

Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1964, and for other purposes.

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

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK. Is the Clark amendment the pending business?

The PRESIDING OFFICER. The Senator is correct.

Mr. CLARK. A further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK. Have I the right to withdraw the amendment without prejudice to offer it later today?

The PRESIDING OFFICER. The Senator may withdraw his amendment, because no action has been taken upon it. He may do so at his will.

Mr. CLARK. If I withdraw it, may I reoffer it later today?

The PRESIDING OFFICER. The Senator may do so.

Mr. CLARK. I withdraw my amendment for the time being. I notify Senators that I shall reoffer it at a time when I believe it will be possible to have a majority of Senators in the Chamber, and after a "live" quorum.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. COTTON. Mr. President, no doubt debate on the bill will continue long enough so that the distinguished Senator from Pennsylvania will have ample time in which to reoffer his amendment. However, having been courteous enough to inform the Senate that he intends to reoffer his amendment, it is only fair to say that many Senators had hoped that the Senate would be able to pass the bill promptly because of the favorable compromises that had been made in the subcommittee. Unless the Senator from Pennsylvania can take up the time until he reoffers the amendment, I am not sure that other amendments will not be offered.

Mr. CLARK. I must protect my rights in that regard, and I shall do so. It is my understanding that the Senator from Wisconsin [Mr. PROXMIRE] has informed the Senator in charge of the bill that he proposes to offer an amendment. I intend to get in touch with him to see if he is willing to come to the Chamber and offer his amendment.

Mr. COTTON. That is perfectly agreeable. The distinguished majority leader will be interested in my next statement. If consideration of the Clark amendment is deferred until late in the afternoon, and the amendment is adopted, it is only fair to say that the agreement between the distinguished chairman of the subcommittee, the Senator from Alabama [Mr. HILL], and myself will then be vitiated. I have approximately six amendments which I wish to offer, and upon which I shall want yea-and-nay votes. In the subcommittee, by a meeting of minds and by reasonable concessions, a situation was reached in which it was possible to report a good bill.

The Senator from Alabama will recall that before the Senate adjourned yester-

day, after bringing up the bill, I stated, as did other members of the subcommittee, that we would stand loyally by these appropriations, even though some of them, we felt, had gone a little too far. We said that because of the good result we had obtained. However, if the appropriations are to be increased, we will have every right to try to see that some of them are cut down.

This is not a threat of any sort. This is said merely on the question of time. If the distinguished Senator from Pennsylvania withholds his amendment, it may mean that late in the afternoon Senators may find themselves in the position where they will have to offer amendments which they had not intended to offer.

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

Mr. COTTON. I yield.

Mr. DIRKSEN. Yesterday I was contemplating making a motion to recommit. However, on reconsideration, I thought the committee deserved a pat on the back, first, because it reported a bill which is \$265 million under the estimates; second—and this is rather extraordinary, I believe—it is \$77 million under the appropriation bill for the fiscal year 1963.

I compliment not only the distinguished chairman, but also the distinguished members on our side, including our ranking member, the Senator from New Hampshire [Mr. COTTON], as well as the Senator from Nebraska [Mr. HRUSKA], the Senator from Maine [Mrs. SMITH], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from Colorado [Mr. ALLOTT] for their diligence with respect to the bill.

If amendments are to be offered to increase the amounts, obviously, if nothing happens, I will still reinstate in my mind the original feeling that I would offer a motion to recommit, along with all the other amendments that will be offered.

I do not believe that at this juncture the excellent work of the committee ought to be despoiled by trying to raise the amounts in the bill by substantial sums. The amendment that was withdrawn would increase one item by \$30 million.

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

Mr. DIRKSEN. I yield.

Mr. HILL. It would increase the item by \$30 million based on what is calculated to meet a need under legislation which has not yet been reported by the legislative committee.

Mr. DIRKSEN. I understand.

Mr. HILL. Mr. President, will the Senator from New Hampshire further yield?

Mr. COTTON. I yield to the Senator from Alabama, although I was about to yield the floor.

Mr. HILL. What the Senator from New Hampshire has said concerning what happened in committee is absolutely correct. The bill comes to the floor through the joint efforts, the cooperation, and the bipartisan spirit of the members of the Committee on Appropriations, both on the Democratic side and the Republican side. We have

sought to bring the best possible bill to the Senate. We reported it to the Senate with the understanding that we would fight for the bill in the form in which we have brought it to the floor, believing that, after due consideration by the subcommittee and also by the full committee, and based upon the spirit of cooperation with the committee, the Senate has before it the best possible bill.

Mr. COTTON. That is largely because of the untiring efforts of the chairman of the subcommittee, the distinguished Senator from Alabama [Mr. HILL]. He deserves great credit.

Mr. HILL. It is also because of the generous help, willing cooperation, and admirable spirit of the Senator from New Hampshire.

Mr. COTTON. Mr. President, on that statement, I yield the floor.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum. In view of the situation that now exists, I announce that it will be a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 122 Leg.]		
Allott	Ellender	Mechem
Bartlett	Ervin	Metcalf
Beall	Goldwater	Monroney
Bible	Hartke	Morton
Boggs	Hickenlooper	Moss
Burdick	Hill	Nelson
Carlson	Hruska	Pearson
Case	Jackson	Pell
Church	Jordan, N.C.	Proxmire
Clark	Mansfield	Robertson
Cooper	McCarthy	Scott
Cotton	McGee	Tower
Dirksen	McIntyre	Young, N. Dak.
Edmondson	McNamara	Young, Ohio

Mr. MANSFIELD. I announce that the Senator from Mississippi [Mr. EASTLAND], the Senator from Tennessee [Mr. GORE], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Missouri [Mr. LONG], the Senator from Oregon [Mr. MORSE], the Senator from Rhode Island [Mr. PASTORE], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from West Virginia [Mr. RANDOLPH], and the Senator from Alabama [Mr. SPARKMAN] are absent on official business.

I further announce that the Senator from Indiana [Mr. BAYH] and the Senator from Washington [Mr. MAGNUSON] are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN] and the Senator from Massachusetts [Mr. SALTONSTALL] are absent on official business.

The Senator from Vermont [Mr. PROUTY] is necessarily absent.

The PRESIDING OFFICER. A quorum is not present.

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

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. ANDERSON, Mr. BENNETT, Mr. BREWSTER, Mr. BYRD of Virginia, Mr. BYRD of West Virginia, Mr. CANNON, Mr. CURTIS, Mr. DODD, Mr.

DOMINICK, Mr. DOUGLAS, Mr. ENGLE, Mr. FONG, Mr. GRUENING, Mr. HART, Mr. HAYDEN, Mr. HOLLAND, Mr. INOUE, Mr. JAVITS, Mr. JOHNSTON, Mr. JORDAN of Idaho, Mr. KEATING, Mr. KEFAUVER, Mr. KENNEDY, Mr. KUCHEL, Mr. LAUSCHE, Mr. LONG of Louisiana, Mr. McCLELLAN, Mr. MCGOVERN, Mr. MILLER, Mr. MUNDT, Mr. MUSKIE, Mrs. NEUBERGER, Mr. RIBICOFF, Mr. RUSSELL, Mr. SIMPSON, Mr. SMATHERS, Mrs. SMITH, Mr. STENNIS, Mr. SYMINGTON, Mr. TALMADGE, Mr. THURMOND, Mr. WILLIAMS of New Jersey, Mr. WILLIAMS of Delaware, and Mr. YARBOROUGH entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

Mr. PROXMIRE. Mr. President, I call up my amendments, which are at the desk, identified as No. 154.

The PRESIDING OFFICER. Does the Senator wish to have the amendments considered en bloc?

Mr. PROXMIRE. Yes, Mr. President. I ask unanimous consent that the amendments may be considered en bloc and that the amendments may be printed in the RECORD without being read.

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

The amendments, ordered to be printed in the RECORD, are as follows:

On page 9, strike out lines 5 through 7, and insert in lieu thereof "\$870,000."

On page 9, beginning with "\$2,048,500" on line 14, strike out all through line 18, and insert in lieu thereof "\$1,135,000."

On page 15, line 20, strike out "\$4,670,000" and insert in lieu thereof "\$4,347,000."

On page 21, strike out lines 9 through 15.

On page 24, line 7, strike out "\$36,830,000," and insert in lieu thereof "\$31,810,000."

On page 24, line 14, strike out "\$3,000,000" and insert in lieu thereof "\$2,000,000."

On page 26, line 8, strike out "\$16,311,000" and insert in lieu thereof "\$13,811,000."

On page 26, strike out lines 10 through 18.

On page 28, line 6, strike out "\$30,405,000" and insert in lieu thereof "\$25,405,000."

On page 28, line 11, strike out "\$30,608,000" and insert in lieu thereof "\$28,608,000."

Beginning with page 30, line 19, strike out all through page 31, line 3, and insert in lieu thereof the following:

"To carry out the provisions of title VI of this Act, as amended, \$177,914,000, of which \$100,000,000 shall be for grants or loans for hospitals and related facilities pursuant to part C, \$5,628,000 shall be for the purposes authorized in section 636, and \$70,000,000 shall be for grants or loans for facilities pursuant to part G, as follows: \$20,000,000 for diagnostic or treatment centers, \$20,000,000 for hospitals for the chronically ill and impaired, \$10,000,000 for rehabilitation facilities, and \$20,000,000 for nursing homes: *Provided*, That allotments under such parts C and G to the several States for the current fiscal year shall be made on the basis of amounts equal to the limitations specified herein: *Provided further*, That funds made available under section 636 for experimental or demonstration construction or equipment projects shall not be used to pay in excess of two-thirds of the cost of such projects as determined by the Surgeon General.

On page 32, strike out lines 10 through 12, and insert in lieu thereof "\$4,590,000."

On page 32, line 19, strike out "\$19,145,000" and insert in lieu thereof "\$18,745,000."

On page 33, line 6, strike out "\$29,980,000" and insert in lieu thereof "\$27,921,000."

On page 35, line 15, strike out "\$164,674,000" and insert in lieu thereof "\$163,869,000."

On page 36, line 20, strike out "\$145,114,000" and insert in lieu thereof "\$144,340,000."

On page 37, lines 7 and 8, strike out "\$190,096,000" and insert in lieu thereof "\$177,288,000."

On page 37, line 12, strike out "\$133,624,000" and insert in lieu thereof "\$132,404,000."

On page 37, line 22, strike out "\$19,809,000" and insert in lieu thereof "\$19,689,000."

On page 38, line 4, strike out "\$114,717,000" and insert in lieu thereof "\$113,679,000."

On page 38, line 8, strike out "\$69,226,000" and insert in lieu thereof "\$68,723,000."

On page 38, line 9, strike out "\$350,000" and insert in lieu thereof "\$250,000."

On page 38, line 15, strike out "\$88,407,000" and insert in lieu thereof "\$87,675,000."

On page 42, line 22, strike out "\$5,256,000" and insert in lieu thereof "\$4,756,000."

On page 45, line 4, strike out "\$14,000" and insert in lieu thereof "\$7,000."

On page 45, line 5, strike out "\$95,000" and insert in lieu thereof "\$88,000."

On page 47, beginning with the word "and" on line 19, strike out all before the colon on line 22, and insert in lieu thereof "\$1,697,000."

On page 50, line 9, strike out "\$6,950,000" and insert in lieu thereof "\$6,700,000."

On page 50, line 19, strike out "\$7,000,000" and insert in lieu thereof "\$5,000,000."

On page 51, restore the matter proposed to be stricken on lines 14 through 18.

On page 51, line 19, strike out "203" and insert in lieu thereof "204."

On page 52, line 9, strike out "\$22,560,000" and insert in lieu thereof "\$22,060,000."

Beginning with the word "temporary" on page 52, line 23, strike out all before the word "and" on page 54, line 2.

On page 54, lines 6 and 7, strike out "\$5,740,000" and insert in lieu thereof "\$5,540,000."

Mr. PROXMIRE. Mr. President, the amendments would save the taxpayers a total of \$94,955,750.

At the same time they would permit a substantially higher level of spending for virtually all activities than last year's level.

The amendments would simply cut appropriations to the lowest of the following three levels:

First. The President's budget request.

Second. The level of appropriations in the bill as passed by the House.

Third. The level of appropriations in the bill as reported to the Senate.

Superficially, the bill as reported to the Senate would seem to cut spending below last year's levels. Actually it would increase appropriations by more than \$176 million. This is because certain authorizations for some important programs have yet to be extended. For example, if legislation granting Federal funds to school districts which have children of Federal workers in their classes were to be extended, as surely it will be, since it is one of our most popular programs, a supplemental appropriation of \$216,204,000 would be required.

I am confident that will come up and be passed; perhaps at a higher level. As a consequence, the funding of these programs will be handled in a supplemental appropriations bill.

Taking into consideration the fact that the National Institutes of Health last year returned nearly \$100 million—I think \$93 million—of appropriated funds, the bill would increase appropriations by

more than \$269 million over last year's actual spending and my amendments would permit increased expenditures of at least \$174 million, even after the cut.

Certainly if we are to attempt to keep Federal spending down in order to ease to some degree our annual budget deficits, we must start here and now. The amendments propose to do exactly this with a set of budget cuts which do not eliminate programs, do not cut them back, generally, but merely attempt to slow down their skyrocketing growth.

The President of the United States said this year, when he addressed the Congress, that he would recommend an increase in defense spending and in space spending, and in meeting our necessary responsibility in connection with interest on the national debt; but that in all other areas of Government spending there would not be an increase.

This policy would certainly apply to the appropriation bill for the Departments of Labor and Health, Education, and Welfare. Why should such appropriations be increased?

I feel that, if we are to take the President at his word—I think he was right in so stating—we should do our best to keep the level of spending as close to the level of last year as possible.

As I have stated, even if the amendments were agreed to and the \$95 million cut were provided, there still would be an increase in spending over the sum of last year, by \$174 million.

Mr. President, I shall take up the amendments which are incorporated in my amendments No. 154 in order.

SAVE  $1\frac{1}{2}$  MILLION BY CUTTING BRACERO PROGRAM

On page 9 I propose to strike out lines 5 through 7, and to insert in lieu thereof "\$870,000."

This would be a reduction of \$1,330,000 for the Mexican farm labor program. I strongly disapprove of this program, but this part of my amendments has nothing to do with my particular attitude on that program. The program has already been killed in the House of Representatives. There is a very serious question as to whether the Senate will pass the program. If the Senate does pass the measure for that program, there will remain a serious question as to whether the House will reverse itself and accept the Senate bill.

Under these circumstances, the recommended action seems to me to be consistent with the philosophy that is followed in our rules—rule XVI, subparagraph (g) and (d)—and also with the philosophy expressed by the distinguished senior Senator from New Hampshire last night. He pointed out, properly, that in the event an authorization is passed at a later date, a supplemental appropriation bill could take care of the funds called for by such authorization. This would seem to be the orderly way to handle the Mexican bracero program. For the Senate to make the assumption—I think it is a very unrealistic assumption—that the program will be revived, and to appropriate nearly \$1½ million for it, seems to me to involve an unnecessary expenditure.

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

Mr. PROXMIRE. I am happy to yield to the Senator from Iowa.

Mr. MILLER. I should like to ask the Senator a question.

There is a great deal of merit in the Senator's amendments. The Senator knows, as I do, how difficult it is to succeed in having the Senate adopt a reduction in appropriations once they have been recommended by the committee.

In the event that the Senator's amendments do not prevail, is it the Senator's intention to try to obtain at least a part of the effect by offering separate amendments with respect to some of the items contained in his amendments, such as the amendment he is now discussing, which would seem to me to be most persuasive even to Senators who might otherwise not go along with the amendments as a whole?

Mr. PROXMIRE. Yes, indeed. I have that intention. I am delighted to hear that the Senator from Iowa may support that particular amendment, when I offer it. I intend to offer that amendment later.

I shall offer only one amendment, or at most two amendments, of that kind. Perhaps there will be only this one. There are 31 different amendments included in my amendments No. 154. If I offered them separately, the time for consideration would be greatly extended.

The vote on my overall amendments may indicate to me generally whether there will be much support for any individual amendments. If Senators indicate to me that there is any amendment which a substantial number of Senators might support, which would give me real hope to have it agreed to, I shall be delighted to offer it.

Mr. MILLER. I hope the Senator will not necessarily be deterred by the vote on the main amendments, because it is understandable that there might be various reasons why Senators would vote "nay," with the result that they might constitute a group so large as to make the vote adverse on the amendments as a whole, whereas if Senators were given an opportunity to vote on individual amendments, the Senator from Wisconsin might well pick up enough strength to have some amendments adopted.

I recognize that there are many amendments, but perhaps if the Senator selected a few—not necessarily only two—they might comprise a good chunk of the \$95 million which the Senator is seeking to reduce by his main amendments.

Mr. PROXMIRE. That is very true. Another possible amendment, which I am seriously considering offering, is the amendment with respect to the provision in the bill which accounts for more than half of the \$95 million. There is a \$50 million increase provided in the bill over the Bureau of the Budget request, over what the agency wants, over what the administration says it can use for hospital construction. It may be that an amendment on that item, to cut it back to what the administration asks,

might succeed. That is a possible alternative.

Mr. MILLER. Yes. That is exactly what I was thinking about. I thank the Senator.

Mr. PROXMIRE. I thank the Senator from Iowa.

I have discussed the Mexican farm labor section of my amendment.

SAVING ONE-THIRD OF A MILLION DOLLARS:  
FDA BUILDINGS

On page 15, line 20, I would make a further amendment. It involves a reduction of \$323,000 in the allotment for the buildings and facilities of the Food and Drug Administration.

Incidentally, this amendment would reduce the appropriation to the level recommended by the House of Representatives and passed by the House of Representatives. Last year the Senate passed nothing. So it would still be nearly \$4½ million over last year's appropriation, which was nothing in this category.

The extra \$323,000 that the Senate has restored from the amount provided by the House is for planning for four district facilities: In Denver, Philadelphia, St. Louis, and San Francisco. The Denver plans will be completed, and the others begun.

The Food and Drug Administration requested funds for planning and for construction of seven district facilities, but construction funds were appropriated in the House for only three of these. The Senate has added these funds for planning purposes for the other facilities. The House wanted the others built before appropriating funds for planning the remaining four.

The question is how fast we should go in constructing these facilities. I am not against constructing them, but should we rush all seven this year? The House does not think that expanded field facilities are that urgently needed, and it was properly concerned with the rapid rate of construction. There were none last year, and seven were proposed for this year.

This is a very rapid step-up, particularly in light of what the President has said about keeping domestic spending down to last year's level.

SCHOOL FOR DEAF—ONE AND ONE-HALF MILLION DOLLAR SAVING

The next amendment involves a reduction of \$1,500,000 for expansion of teaching in education of the deaf.

Again we have a request by the administration, by the Budget, that the Congress should pass nothing. It is felt that we should not spend this \$1½ million. No funds were requested by the President for this purpose, and the House provided none, even though last year there was a \$1,500,000 program.

It seems to me no funds should be appropriated for this purpose until a bill authorizing continuation of the program has passed both Houses of Congress and is signed by the President.

So once again we come to the simple issue of whether Congress should force money on the administration and give it money which it has not indicated it wants. I think we should not do so.

VOCATIONAL REHABILITATION—\$5 MILLION SAVING

The next item is on page 24, line 17, involving a reduction of \$5,020,000 for research and training funds in the Office of Vocational Rehabilitation.

Last year \$25,500,000 was appropriated, and this was an enormous increase.

Let me trace the expansion of spending in this particular agency over a period of 4 years.

In 1960 the appropriation was \$12,700,000.

In 1961 it was \$16,430,000.

In 1962 it was \$20,250,000.

In 1963 it was \$25,500,000.

In other words, for each year from 1960 to 1963 there was an increase of \$4 or \$5 million.

This year the Senate committee has asked for an increase of \$11,330,000 in 1 year, an increase of some 40 percent, an increase from \$25 million to \$36 million.

The House concluded that the proposed increase is too much, being an increase of 44 percent.

If the Senate should go back to the House figure, as my amendment would provide, there would still be an increase of 24 percent, an increase of \$6 million over last year's appropriation.

In view of the rapid pace of expansion of this good program—it is a good program and I support the program—a pace which has involved an annual increase of \$4 or \$5 million, to provide another \$5 million this year would be generous, appropriate, and proper, rather than to step up the program suddenly and have an \$11 million increase in a single year.

The experience of our Congress with programs that have been rapidly expanded indicates that these are programs in which waste and inefficiency develop.

FOREIGN RESEARCH—\$1 MILLION SAVING

My next item concerns funds for research and training in the special foreign currency program in the Office of Vocational Rehabilitation. The Senate committee provided for a \$3 million appropriation for that item. It compares with a \$2 million allowance by the House.

There are two arguments for my proposal.

This program would provide an additional \$2 million, after my amendment. However, the Senate committee feels that we should go to a \$3 million level in a program for financing research in foreign countries. I think such a program has some merit, but we should recognize that the real problem of American industry in competing for foreign markets has been the fact that foreign countries have engaged in a great deal more commercial and industrial research than we have. We have concentrated our research very largely in the areas of defense and space, with some in the area of health sciences. But a number of industrialists with whom I have talked to have said one of the reasons for the great expansion of competition from abroad has been the fact that they have had this research advantage.

I think we should continue the program at a generous rate; but to step it up to the \$3 million level, and increase it by 50 percent, seems to me to be excessive.

In 1960 the budget request was for \$395,000 for this purpose, and it was not granted. Congress did not provide it.

However, in 1961 the amount appropriated was \$930,000.

The 1962 appropriation was \$1,372,000.

Last year the amount was increased to \$2 million, an increase of \$600,000 in 1 year.

Now the Appropriations Committee recommends a further increase of \$1 million, up to \$3 million.

The House has indicated that very few results of this program are available to the Congress now and that it cannot, therefore, be adequately evaluated. House Members felt that Congress should take a good look at this program, evaluate the results, and recognize what benefits have been realized from the large expenditures in the past, before increasing the program by \$1 million this year.

#### ALASKAN WATER POLLUTION—\$2,500,000 SAVING

The next section of the bill which I would amend is on page 26, line 8. There my amendment provides for a reduction of \$2,500,000 for buildings and facilities of the Public Health Service. This item goes back once again to the House-recommended figure.

It is always difficult to take a position in opposition to the distinguished Senators from Alaska. They are not only charming and attractive, fine gentlemen, and wonderful Senators, but they are also able men who make the best possible case for their State. But what this particular proposal provides, and what I would cut out, are funds for a regional water pollution control laboratory at Fairbanks, Alaska.

Alaska is the largest State in the Union; it is infinitely larger than Texas. It has a very small population. It has vast water resources of all kinds in all areas. It seems to me that to provide \$2.5 million for a study or for work on the development of water pollution control in Alaska would make about as much sense as it would have made to provide \$2.5 million to clear up pollution in the streams of this country back in 1492 when Columbus discovered America.

If any part of the United States can be expected to be clear of water pollution, it ought to be Alaska. Therefore, the increase which the committee makes over the House figure in order to provide for a regional water pollution control laboratory at Fairbanks makes very little sense to me and, I believe, is another reason why the amendment should be adopted.

#### BELTSVILLE HEALTH CENTER—\$1.4 MILLION SAVING

On page 26 I would strike out lines 10 through 18. The effect would be a reduction of \$1,441,000 for an environmental health center to be located in Washington, D.C. The result would be to go back to the figure recommended by the House of Representatives. The House disallowed the request in its entirety. The Senate committee restored it.

The House committee was favorably disposed toward the concept of a major environmental health facility, as was the Senate committee. In 1961, Congress appropriated \$785,000 for the planning of this environmental health center. The House report has this to say about the appropriation, at page 20 of the House report.

This was followed by inexcusable procrastination, indecision, and confusion in the executive branch. Last year it was testified that the site would be announced "tomorrow." This year no site has been selected and no assurance could be given the committee as to when it was to be selected.

The House disallowed the appropriation until the executive branch could come forward with firmer plans, and there could be better evidence of support and cooperation on the part of those interested in the various phases of environmental health. The first set of plans for the environment health center has not yet been completed.

It is true that the Secretary of Agriculture has now proposed a site. However, the site is controversial. The item ought to be separately considered and evaluated by the Senate before such a substantial amount of money is appropriated. The question is whether or not the facility should be located in the District of Columbia area. There was a feeling, eloquently voiced in the House of Representatives, both in the committee and on the floor, that a better place would be a college or university complex. The Senate committee, however, says that any location remote from the Nation's capital would "destroy" the basic "concept" of this environment health center.

I believe that the site suggested by the Secretary of Agriculture was selected in a hurry, in order to present the proposal before the close of the Senate hearings. More time ought to be devoted to careful selection of the site before a money commitment is made that seals the decision and makes it final. When money is spent it is virtually impossible to reverse a decision. Therefore it would be better to defer the appropriations. If there is urgency, action can be taken in a supplemental appropriation bill.

#### YELLOW FEVER MOSQUITO—\$5 MILLION SAVING

The next item is on page 28, line 6. I would reduce the appropriation recommended by the committee from \$30,405,000 to \$25,405,000.

Of all recommendations which my amendment makes, I believe this is the one that is hardest to refute. This is a cut of \$5 million from the communicable disease activities budget. What would the \$5 million do? It would initiate a program to eradicate from the United States the mosquito that carries yellow fever.

When did we last have any problem with yellow fever in this country? It was in 1907. There has been no yellow fever problem in the United States since 1907. The \$5 million additional provided in the bill would start a \$45 million program. The amount in the bill would be the first downpayment on it. Over a 5-year period \$45 million would be spent

for the eradication of a disease which is not a problem. Furthermore, if there should be an outbreak of yellow fever, there is an excellent vaccine against the disease.

It is true that this might be a contribution to our friends in other countries, but it seems to me that such a program should properly be a part of our foreign aid program. As such it might have some merit; and the Senate might decide to vote for it. This country does not need to spend \$45 million to eradicate a disease from which it has not suffered since 1907. There is a vaccine that can take care of it if it should develop.

#### HEALTH GRANT TO STATES—\$2 MILLION SAVING

The next item is on page 28, line 11, to strike out \$30,608,000 and insert in lieu thereof \$28,608,000. It involves a reduction of \$2 million. That \$2 million cut is from the \$15 million budgeted for general health grants to States. This amendment would cut the figure back to the level recommended by the House. The House made the cut because this is the kind of grant in which the States spend the funds on almost any phase of their health programs that they decide on. The House subcommittee has been told in the past that, to a great extent, the way the funds are used depends on who the health officer is in the particular State. Many health officers have ideas about what is the most important thing in their States, and their ideas do not necessarily coincide with the thinking of the Congress. The cut can thus be justified on an efficiency basis.

Furthermore, this is a matching program which was originally intended to stimulate the expansion of general health programs such as public health nursing and sanitary engineering in the States. It has since lost much of its stimulatory effect and remains a program in which the Federal Government continues to support existing activities at the level of service of a few years ago. The stimulating effect of the program is so minor now that this purpose of the program is largely lost. But the program is so entrenched that some State offices protested vigorously when a requirement was made a year ago that 10 percent of the funds be programed on new activities.

At any rate, the amendment, which would cut the amount back to the House figure, seems to be a sensible proposal.

#### HOSPITAL CONSTRUCTION—\$50 MILLION SAVING

The next amendment begins with page 30, line 19, and strikes out all through page 31, line 3, and inserts in lieu thereof the paragraph that is in the amendment. The amendment would effect a reduction which I have already discussed with the Senator from Iowa [Mr. MILLER]. It deals with hospital construction by the Public Health Service.

It would cut the hospital construction program back to the level the House recommended and the Bureau of the Budget recommended. The Bureau of the Budget told Congress that it could use only a certain amount. However, the Senate insisted on making it \$50 million over that amount. The Public Health Service and the Bureau of the Budget had good reasons for limiting that spending, the

principal one being that it is difficult to staff such an increase in the number of hospitals, and the amount suggested is just about the amount that can be spent and with as much rapidity as can be justified in view of the availability of the staffs. This is the judgment of a liberal, humanitarian administration.

By spending this additional money, we would be spending it to have hospitals partially staffed or to have them partially empty, or to have them not staffed at all and lying idle.

Furthermore, the cut is justified because the need for the extra \$50 million is obviated by other funds that the Public Health Service is getting from the accelerated public works program. Last year, Public Health Service got \$44,625,000, and a supplemental appropriation this year gave them another \$61,600,000. The total is \$106,225,000, and these funds are earmarked for hospital construction. I stress earmarked. So far, Public Health Service has allocated \$80,107,234 of the total. Hence, Public Health Service no longer needs \$50 million above the budget estimates.

#### RESPIRATORY ILLNESS—\$400,000 SAVINGS

My next item is on page 32, line 10, of the bill. There my proposed change would delete \$400,000 for the further expansion of the comprehensive study of respiratory illnesses of coal miners, in West Virginia. It would not eliminate the program, but it would retain it at the \$100,000 level, which the House recommended, and which is a sound level. Even Dr. Cooper, who is in charge of the program, testified before the Committee on Appropriations, that \$500,000 was too high, and that we could not justify going that high. So my amendment would restore the amount to the moderate level recommended by the House, the level at which the program has been operating successfully for some time.

#### RADIOLOGICAL HEALTH—\$400,000 SAVING

On page 32, line 19, I propose to reduce by \$400,000 the amount for radiological health and bring the amount back to the House recommendation. The recommendation of the Senate committee is \$400,000 over the House estimate. I understand that the Senate committee's recommendation is \$369,000 over the budget estimate for 1964.

This amount was proposed at a time when it seemed very unlikely that there would be a nuclear test ban. Now it seems likely that there will be a test ban. I am not saying that we should condition an appropriation bill entirely on that possibility, but my amendment is conditioned on the possibility of a test ban treaty. If such a test-ban treaty were in effect radiation problems which exist throughout the United States could be significantly lessened. At least, competition in testing would be reduced.

My proposal would not kill the program, but would merely reduce it to a level which seems more sensible and is closer to the budget estimate.

#### POLLUTION CONTROL—\$2 MILLION SAVING

My next proposal is on page 33, line 6. It would cut \$2,059,000 from the allotment for water supply and water pollution control. Two million dollars of this

reduction—virtually all of it—is applied against the "comprehensive program for water pollution control," for which an increase of \$2,428,000 was budgeted. The House committee recognized the importance of this activity, but pointed out that there are already 324 positions and more than \$4,500,000 being utilized for this purpose. The House felt—and it seems to me that the testimony in the hearings has corroborated this feeling—that a creditable and timely job could be done with the additional \$428,000 provided for this purpose in the bill, and this would be left if my amendment were adopted.

#### NATIONAL INSTITUTES OF HEALTH—\$18 MILLION SAVING

Now I come to a series of amendments relating to the National Institutes of Health, but with one prominent exception, based upon a later change that I make. This is the first year in some time that the Senate Committee on Appropriations has maintained its recommendation to the Senate for appropriations for the National Institutes of Health at the same level as that which the Bureau of the Budget recommended. In the past, the Senate has gone over—and often far over—the amount the National Institutes of Health said it could use.

However, it is true that this year, the Senate subcommittee and full Committee on Appropriations have maintained the level at the amount recommended by the Bureau of the Budget. The changes I propose to make in most of these programs are very slight; they are approximately 1 or 2 percent. They are based on a later change in the bill, which I shall discuss at a later point.

The House recommended that the allotment for overhead which provided to the Institutes for conducting research for the Federal Government be not increased. It will be recalled that last year this figure was increased from 15 to 20 percent. That was a disputed increase, but the increase was made.

This year, the Senate recommends elimination of the limitation entirely. The administration recommended that the limitation be held at 25 percent, and the House has proposed to keep it at 20 percent. My amendment would cut it to 20 percent. Because this additional expenditure to take care of overhead would not be provided in my amendment, a minimum saving of 1 or 2 percent would be effected. In other words, a saving of \$805,000 would be made in the appropriation for general research and services, out of the \$159 million recommended for appropriation.

For the National Cancer Institute, I propose a reduction of \$774,000 from the amount in the Senate bill, so as to make the total amount \$144,340,000.

The reason why I have made the series of changes on pages 35, 36, 37, and 38 of the bill is that I stay with the House recommendation, and I will explain why a little later.

#### MENTAL HEALTH—\$12 MILLION SAVING

First, I would make one very substantial additional provision for the Institutes of Health; namely, for mental health activities. For most mental

health activities there has been a series of huge increases. The increase recommended this year is the biggest increase, by far, in any section of this bill. It is an increase from \$143 million for mental health to \$190 million in 1 year, an increase of about \$47 million or \$46 million. That is an enormous increase. The House decided not to approve that much of an increase, but to approve a more moderate increase. My amendment would cut the figure back to the House figure. The reduction of \$12 million by the House, is the reduction which I would support. This involved a deferral of appropriation request for a new program of hospital improvement grants. There was considerable argument in the House hearings on this item. One Representative pointed out that these funds had been authorized with the understanding that "being certain, however, that at least one institution for the mentally ill and one institution for the mentally retarded in each State receives funds the first year." There was no indication that the institutions had to meet certain specifications to qualify.

Furthermore, this item is a 100-percent grant. It is a gift to the States from the Federal Government. Yet the State legislatures have shown no interest in making such grants.

Also, the House committee in an emphatic and comprehensive indictment of the spending in this particular program, said in its report that it was concerned with the lack of definitive details concerning the operation of the program in terms of guidelines, relationship to existing activities, criteria as to qualification requirements, review mechanism, and particularly the nature and extent of State and local participation.

Furthermore, the program is of a transitional nature in relationship to other broad programs in the mental health field currently pending legislative action.

Under these circumstances, it seems to me that this moderate cut would permit by far the largest increase in any health area, for mental health activities.

The recommendation of a \$12 million cut in the transitional program, which, as I have indicated, lacks criteria, direction, and guidelines, is justified, and permits the very worthy mental health program to expand substantially.

#### BUREAU OF FAMILY SERVICES—\$500,000 SAVING

On page 42, line 22, I provide an amendment that would reduce the allotment for the Bureau of Family Services by \$500,000. The Bureau of Family Services asks for 101 new positions the next year. The House did not allow 51 of these positions, since the Bureau had 42 new positions last year. Also the Bureau just finished making a study of aid to families of dependent children, at the request of the Senate Appropriations Committee—a very interesting and informative study made at the suggestion of the distinguished Senator from West Virginia [Mr. BYRD]. It took some 3 months of concentrated effort with 105 staff members and 2,400 State and local people to make this report, which was submitted only last week. It took no additional appropriations to finance this

study, although, as I say, 104 staff members and 2,400 State and local people were involved.

It would seem logical to conclude that if the Bureau could manage this work with no extra money, it surely does not need any extra money for the 50 positions; and the House denied such extra funds.

My proposal and the House proposal would permit an increase of 51 positions; not the requested increase of 101 positions. In view of the activities of this agency, it would seem that it is in a position to do its job without the very heavy expansion it recommends.

#### SOCIAL SECURITY CONVENTION—\$7,000 SAVING

The next provision is on page 45, in line 4. This would provide a reduction of \$7,000 in the representation allowance for an International Social Security meeting to be held next year in Washington, D.C. The amendment would still leave \$88,000 for the purpose of entertaining and providing for the conference. The House felt—and I think very correctly so—that \$95,000 would be an extravagant amount, and that at least some effort should be made toward providing a relatively reasonable sum, so that whatever temptation there might be to have extravagant cocktail parties or banquets might be somewhat diminished. Incidentally, this cut was made on the House floor, and there was very little opposition to it.

#### PROGRAM FOR DEAF—\$125,000 SAVING

Mr. President, the next item is on page 47, in line 19—to strike out all before the colon in line 22, and in lieu thereof to insert "\$1,697,000." This provides for a reduction in the sum provided for a program which the Federal Government has had for years. It is a wonderful program for the deaf—and is one I support. However, once again, my amendment simply provides that we return to the budget estimate, to the amount the agency said it could use. It makes no sense for us to force money on an agency. Last year, as I have indicated, the Institutes of Health returned \$100 million because they could not find ways to spend it. We know that in the past when we have forced funds on agencies, they feel impelled to spend them, and spend them extravagantly. So it seems that this provision also would be logical and sensible, if we follow the principle of not appropriating more than the Kennedy administration—which has a warm heart and great sympathy with and understanding of these programs—requests.

#### JUVENILE DELINQUENCY—\$250,000 SAVING

On page 50, in line 9, is my next provision. It would cut \$250,000 out of the proposal for juvenile delinquency and youth offenses. This is a very modest reduction, incidentally, because the Senate committee provides \$6,950,000; and my amendment would reduce it to \$6,700,000—or a relatively slight percentage cut.

This conforms with what the House has done. The House claims that this reduction results from a disallowance of the funds requested for financing the

project beyond the end of fiscal year 1964. A number of experts testified at the hearings and a number of persons have indicated that the juvenile delinquency program was not doing very well, and perhaps should not be continued. At any rate, it would seem that to appropriate funds to extend it for more than the coming fiscal year would be unwise, in view of the fact that there is pending on the calendar, and the Senate probably will pass, the so-called Domestic Peace Corps or Service Act, which also is aimed at meeting this particular need—although, admittedly, in a small way. But in view of that, the slight cut of \$250,000 which the House made, seems to me to be a sensible one to support.

#### EDUCATIONAL TV—\$2 MILLION SAVINGS

The next provision is on page 50, in line 19; and there I would make a reduction of \$2 million in the item for educational television facilities.

Mr. President, I believe very enthusiastically in educational television. Wisconsin pioneered with educational radio and educational television, and has a fine station at Madison, and another excellent one at Milwaukee. They have done wonderful work, and provide excellently for a cultural need and an educational need. They provide economical methods of education. This is a fine program, and I believe we should support it. But even with the cut I recommend, which the House has voted, we would support it very generously.

Last year, \$1.5 million was provided for the program. Even with my cut, we would provide \$5 million this year. In other words, the amount for the program would triple in 1 year. So it seems that the House is correct when it says that although this is a good program, we should go a little slower, rather than provide this rapid increase, and that it would be wholesome and efficient for Congress to take a little time to study the experience with the program before it proceeds with a 400-percent or 500-percent expansion of the program.

#### A 20-PERCENT LIMIT ON INDIRECT RESEARCH EXPENSE

The next item is on page 51. My amendment would restore the matter now proposed to be stricken out, and thus would restore the House language. I have already briefly discussed this item. This provision would set a 20-percent limit on indirect expenses connected with research projects.

Frankly, this is a controversial item; many persons in my State disagree with me on it, and they include most of those interested in it—the university people. I do not believe we should allow 25 percent—or, as the Senate committee has done in the bill—an unlimited amount to cover indirect expenses. If I were a university president or a university official, perhaps I would feel differently. But if we are going to provide aid to education, which I enthusiastically support, we should frankly specify it as such. Last year we did increase this indirect allowance from 15 percent to 20 percent—a one-third increase in 1 year, an enormous increase. But to increase it now so greatly that it would be a two-thirds

increase over a period of 2 years would seem to me to be excessive, particularly in view of the findings of the Fountain subcommittee. I think that subcommittee has made a very fine study of this whole area and has adduced much more information than Congress previously had; and last year the subcommittee made an excellent report on the HEW and on spending in the whole research area. The subcommittee stated:

Much if not most of health related research is conducted by investigators using facilities which would serve also for teaching, for clinical practice, and for research sponsored by the Institution itself as well as for Government-supported work.

So when a Federal agency makes financial aid available to help support research proposed by a scientist, and of a type customarily carried on by institutions of higher learning, the Fountain subcommittee believed that under the circumstances the Government does not incur the same obligation for indirect costs that it does with respect to sponsored research.

The overwhelming majority of these funds—almost all of them—are being spent on programs in which the institution will come to the National Institutes of Health and the other research facilities, and will propose that a program in which it wishes to engage be supported by the Federal Government. Under these circumstances there is no question that much of the indirect expenses cover the university or institution's indirect costs. There is benefit to a college, to a university, or to an institution to have the indirect costs covered to some extent; and with a 20-percent allowance, the Federal Government covers two-thirds of the indirect costs—because the maximum estimate is that the indirect costs are about 30 percent of these research projects. So it seems to me that the Federal Government should not be required to go higher than two-thirds. That is the gist of this language, which strikes out the Senate committee provision, which has no limit at all, and returns to the House provision, which would continue at a 20-percent level—the one we voted last year over the 15 percent of the year before.

Mr. President, the last provision I had is on page 52, in line 9. Since I started to speak, an alert staff member has called to my attention the fact that my amendment is in error. So I wish to modify my amendment on page 5, in line 1; the reference to page 52 of the bill should read "page 53." Of course, this was just a typographical error.

The PRESIDING OFFICER. The modification will be made.

The last amendment.

#### A \$500,000 SAVING IN NLRB

Mr. PROXMIER. Mr. President, the last amendment I have is on page 52, on line 9, to strike out "\$22,560,000" and insert in lieu thereof "\$22,060,000." The effect of the amendment would be to make a cut of \$500,000 in the items for the National Labor Relations Board—thus restoring the appropriation to the House level.

The last amendment I have is on page 52, line 9. The effect of the amendment

would be to cut \$500,000 from the appropriation for the National Labor Relations Board, restoring the appropriation to the House level. The National Labor Relations Board is a fine board. The head of the Board is one of the finest men in government anywhere. He is Mr. Frank W. McCulloch, the former administrative assistant to the distinguished Senator from Illinois [Mr. DOUGLAS].

Mr. McCulloch has done a splendid job on the National Labor Relations Board. He certainly deserves the support of the Congress. However, the funds appropriated for the Board have skyrocketed in recent years. The amount recommended in the House bill, and stated in the amendment of the Senator from Wisconsin, represents an increase of over 130 percent in 6 years. It is true that the workload of the Board has increased during the same period. The House was convinced that the Board could handle the workload well, on the basis of its fine record. The appropriation would represent a substantial increase of \$1 million, even if my amendment were agreed to. It seems to the Senator from Wisconsin that that makes sense.

#### A \$200,000 SAVINGS FOR MEDIATION SERVICE

My amendment includes one more provision, which appears on page 53, line 23, and on page 54, lines 1 and 2, referring to employment of arbitrators, conciliators, and mediators on the Labor Relations Board at rates of not in excess of \$100 per day. My amendment would provide for an increase of \$350,000 in that provision over the \$5,195,000 provided for last year. That is an 8-percent increase, which is a pretty generous increase. The House hearings and the committee report indicate emphatically a good job can be done with that amount.

On the basis of the review which I have made of my amendment, item by item, it seems that in every case the levels of spending which would be provided under my amendment would be adequate to provide an expanded program, an increased program, and a program which would permit the agency to move ahead and cope more effectively with the educational, health, and welfare needs of our Government, except, of course, in areas in which the administration—the action being concurred in by the House and Senate—has decided to drop a particular program. Such a situation is rare.

#### SUMMARY

To sum up, the amendment would cut appropriations, to the lowest of the following levels: First, the President's budget request; second, the level of the appropriations in the bill as passed by the House; third, the level of the appropriations in the bill as reported to the Senate. Superficially the bill as reported to the Senate would seem to cut spending below last year's level. It would not. The bill before the Senate would increase appropriations by more than \$176 million over last year's level of appropriations in the same areas. If we recognize the fact that approximately \$93 million of appropriated funds were returned by the National Institutes of

Health, the bill before the Senate would recommend a \$269 million increase over last year's actual spending. In view of the fact that the President has said that we should not increase the rates of spending except in connection with defense and space programs and interest on the national debt, it would seem that Senators who support the President in that regard would also support my amendment, because at least the amendment would bring the appropriation \$95 million closer to the President's intention in his effort to hold the line.

If there is to be economy anywhere in the Federal Government it should be in an area like the one which we are discussing, which has nothing to do with national defense. The amendment would permit programs to move ahead at a reasonable rate, and keep them from skyrocketing out of control.

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

The PRESIDING OFFICER (Mr. KENNEDY in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. 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. PROXMIRE. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. PROXMIRE. Mr. President, I yield to the distinguished Senator from Connecticut [Mr. DODD].

#### TRIBUTE TO WILLIAM RAY OF WEST HARTFORD, CONN.

Mr. DODD. Mr. President, our Capitol is being visited today by a very special visitor, a young man from West Hartford, Conn., named William Ray. The story of this young man is so instructive and inspiring that I wish to tell it on the floor of the Senate. It is a story that tells us what courage and determination can achieve in the face of personal tragedy.

William Ray was born in West Hartford in 1946. He has lived all his life at 36 Cortland Street. His early years were much like those of any other American boy.

Bill attended Elmwood Elementary School through the sixth grade, and enjoyed perfect health for 12 years. When 11, and in the sixth grade, he built a computer from a Westinghouse schematic. It was through this effort that he was sent to a special elementary class at Trinity College and received instruction in biology under the supervision of Dr. Stanley Zimmerman for a year.

In 1959 Bill entered Talcott Junior High School in Elmwood and attended school for about 2 months before he was stricken with rheumatoid arthritis. He was 12 years old at the time. He was in and out of the hospitals, while specialists performed various tests in order to confirm their original diagnosis. There followed a period of about 2 years when he was confined to bed with a high fever

most of the time, his entire body almost too stiff and sore to move. At times the limbs were almost paralyzed from lack of movement. He lost considerable weight and was a very sick boy. Whenever it was possible, he had a tutor come to his room and try and teach him some of the work his class was covering.

In March of 1960 he was anxious to enter a project in the school science fair. Under great difficulty he built one on thermoelectricity. He was overjoyed when he won first prize for his entry. The same project then entered the Northern Connecticut Science Fair at the armory in Hartford, where it won another prize, a second science grant.

It was still impossible for him to walk, but he tried to continue his school subjects at home with the help of the tutors supplied by the town of West Hartford. They were very kind and patient with Bill, which helped him considerably. The following year he built another project for the Northern Connecticut Science Fair. This time it was a model displaying hydroelectric power. It won him a first science grant in May 1961.

During these months he was receiving therapy treatments at home in order to rebuild the muscles of his legs. The disease had eaten away all the tissue, and he was unable to move them.

He became interested in ham radio operations, and managed to get his novice class license in 1960. He spent hours and hours just learning the code necessary to qualify, as well as practicing with his key to send out messages. His progress was slow as his fingers were too stiff to send out messages very fast. However, he did receive his general license soon afterward. This encouraged him to build a complete ham radio station in his room.

It has been through this hobby, ham radio, that he has made many wonderful friends throughout the United States, as well as in countries throughout the world. The exchange of cards, representing every corner of the earth, decorate one corner of his station.

During these long months, he still remained at home because of his illness. The West Hartford school system experimented with Bill, by installing an intercommunication system in the 9th grade classroom so that he might become part of a class, and possibly participate in discussions. He would sit up in bed and answer the teachers at school, as well as listen to the others in class. He enjoyed this plan of schoolwork very much.

Last September he entered Conard Senior High School in West Hartford. He was delighted as it was the first year in four that he was able—with the help of his wheelchair—to actually attend school in an institution. The course was hard, as he had to make up credits. However, the principal planned it on a part-time basis, with the consent of Bill's doctor. He took two subjects at school in the morning, and three subjects at home in the afternoon with tutors. He was driven to school every day and went about the building in his wheelchair. Unfortunately, there were many, many days he was too sore and stiff to attend. However, in June he

made the honor roll and passed into his junior year. Right now he just completed a 6-week summer course at the school in college preparatory mathematics. He seemed to enjoy it very much and realizes how important it will be as he hopes to obtain an electrical engineering degree someday, somehow.

His doctor is Dr. Edward Scull, a specialist in rheumatoid arthritis. He is very pleased with Bill's progress over the past 5 years. He says it was a very severe case of juvenile rheumatoid arthritis and in the past year has shown progress. However, there is still arthritis activity there, and he is unable to give a prognosis as to when it will all leave. He claims Bill's terrific interest in outside activities has done wonders in keeping his spirit up.

Bill is constantly trying to train himself to fit into a given field for the future.

This is a story of quiet heroism by a young boy.

It is a story of unsurpassed love and sacrifice by his parents, of dedication by his doctors, of devotion to the highest concept of duty by the West Hartford school system.

It reminds us of the great good in the world and it asks of each of us: What are we doing with the opportunities and privileges we have? Few, if any, can measure up to the standard set by Bill Ray.

And so I am proud to pay tribute to him today on the floor of the Senate and to call his example to the attention of the Nation.

Mr. President, I ask unanimous consent to insert in the RECORD a number of newspaper articles about the achievements of this remarkable young man.

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

[From the Hartford Times, Mar. 19, 1960]

#### STUDENT TRIUMPHS OVER HANDICAP

You can't keep a good man down. Or, in this case more accurately, you can't keep a good young man down for long.

William H. Ray, Jr., is 13, the slender, bespectacled son of Mr. and Mrs. William H. Ray, of 36 Cortland Street, Elmwood.

He has lived 1½ years under a handicap, a severe case of rheumatoid arthritis that prevents him from joining in most activities and that has kept him out of school for prolonged periods.

Tutors supplied by the West Hartford schools have visited him at home during his illness and kept him abreast of his class at Talcott Junior High School when possible.

It might seem that Bill Ray has enough to do without taking on extra projects, but that didn't prove to be the case.

His teachers suggested that he work on an exhibit for the school science fair, which was conducted this week.

During a period of 3 to 4 weeks—part of which he was unable to devote to his project—he constructed a demonstration thermoelectricity apparatus that operates a small motor.

The principle is that certain different metals, when placed together and heated, will produce electric current. Bill succeeded in demonstrating the principle and harnessing the resulting power for exhibit purposes.

Judges, who examined entries without any information on the builders, picked the thermoelectricity project for first prize in the eighth grade.

Thursday night Bill visited the Talcott fair in his parent's company to see for himself the bright blue ribbon tacked to his display.

The boy, who exhibits a science bent in other areas, is also teaching himself Morse code with the aid of a shortwave receiver.

Perhaps the most excited member of the Ray family, when told of Bill's triumph, little sister Kathryn, an Elmwood School student, who was "absolutely thrilled," said Mrs. Ray. And it all goes to show that you can't keep a good man down for long.

#### [From the Catholic Transcript, Apr. 14, 1960] HANDICAP NOT BLOCKING YOUTH WITH SKILL AND SOUND VALUES

Young Billy Ray, of Elmwood, thinks the drug industry owes him a gold pill. Under doctor's orders he swallows 20 tablets daily, including 12 aspirin, to deaden the biting pains of rheumatoid arthritis.

For the past 18 months Billy has patiently suffered, determined to overcome the affliction that has stiffened several parts of his body. Seldom does this slim, good-looking boy with neatly combed black hair complain. His lighthearted remark about deserving a gold pill is typical of his outlook.

There are times when he does become depressed. Who wouldn't? But how many adults could counter with, "When this happens I wish someone would shake me until I snapped out of it. Nothing can be gained from feeling sorry for yourself."

Impatient with sympathy this 13-year-old recently proved that his physical limitations won't interfere with his career. Although he has not been able to attend classes at Talcott Junior High School, Billy prepared an exhibit for the recent science fair.

After carefully scrutinizing all the entries from eighth grade students judges pinned the coveted first place blue ribbon on the project engineered by Billy.

Entitled "Thermoelectricity," Billy's display features a thermopile which produces electricity from heat. In a printed description of the project Billy pointed out that thermoelectricity is "very reliable in low voltage applications such as radio, telephone, and telegraph. He went on to make note of the fact that Russia is manufacturing kerosene lamps to serve as heat sources for thermoelectricity which is being employed to power radios in remote areas of the vast country.

"Luckily my arthritis hasn't affected my hands," says Billy, gifted with long agile fingers. "If it had, I guess I would really be in trouble. I like to build and repair electronic devices."

Bent on becoming an electronics engineer, specializing in either radar or automation, Billy has been electrifying friends of his parents since preschool days with his ingenious homemade inventions.

His mother recalls, "Billy's been carrying tools around in his pockets back as far as I can remember. He has always wanted to take things apart and rebuild them."

As a fifth grader Billy assembled a computer without any assistance. The job, considered a challenge for a junior high school pupil, amazed his teacher. Later the computer was sent to every school in West Hartford for viewing by science enthusiasts.

Friends of the Rays pass along old radios which Billy converts into receivers operating on emergency bands. Most of the sets are useless when they arrive in Bill's basement workshop. New life is given to them through his painstaking efforts.

At present Billy is engaged in building a pocket tape recorder. He says that for an expenditure of \$30 for parts he hopes to fashion a piece of merchandise worth more than \$250.

His mother and father are well aware of Bill's talents with recorders. Unknown to them he revitalized a discarded unit, "bugged" the living room with a tiny micro-

phone and late one night invited his parents to listen to their evening's conversation.

Mainly Bill is interested in electronic communications. He hopes to obtain an amateur radio operator's license in the future and join the world network of "hams."

With Billy, know-how is accompanied by strong desire to investigate and uncover reasons. He reads publications aimed for adults and is able to express himself on several weighty subjects.

Looking at the approach to science taken by the average junior high school student, Bill states, "Too many want to build junk. Look at the time spent by teenagers on outer space rockets. When assembled these rockets are nothing more than oversized hand grenades. A fellow 12 or 13 years old can't possibly uncover anything that is not already known by the experts."

Continuing he says, "Others spend their time putting 'burp' guns together. What good are they?"

From his self-assigned studies Billy draws the conclusion that Russian youths lead American contemporaries in the field of science. But he quickly brings to light the possibilities for Americans.

"In Russia a boy my age, who wants to study amateur radio, has to join a community station. He is one of 12 members. His opportunities are limited. Here, once a fellow has his equipment, he can go to work on his own, learning as much as he can absorb. There is no limit as to what he can do. The boy in Russia is restricted in many ways."

Outer space vehicles appeal to Bill only to the extent of their communications systems. He studies the reports and descriptions of the units and catalogues the information in his fertile mind.

Teachers have informed Mr. and Mrs. William Ray that their son is ahead of the average science student and that his undertakings go far beyond what is offered in classrooms.

Despite his sickness, Billy has remained abreast of his class in all subjects through home tutoring by teachers in the West Hartford school system.

Billy is reluctant to talk about the misfortune that befell him in the fall of 1958. It began with pains in his right ankle. When the ankle swelled up a doctor suggested he drop out of physical education classes, and diagnosed the condition as a result of "fast growth in the boy."

Subsequently, the pains worsened, spread to his knees and were accompanied by a high fever. Specialists were called in for several weeks, no one could put his finger on the cause. Not until February of 1959, at the end of a long hospital stay, did the Rays know Billy had rheumatoid arthritis.

Last summer he showed marked improvement and returned to school in September. His stay was short and by December he was in the hospital again undergoing more tests and treatment.

Damp days are exceptionally rough on Billy. His muscles tighten and ache. Even while the weather is clear and no one can be sure whether or not Billy will be mobile. At the end of many days he has to be carried upstairs by his father, who is comptroller and personnel director at WNBC-TV, New Britain.

His flair for electronics has done much more than keep him occupied in recent months. Billy has installed an intercom system in the house so he can communicate with his parents and save them steps.

Hopefully, Billy thinks he may regain full use of his body this summer. Doctors have informed the Rays that Billy's condition is unusual; that rheumatoid arthritis in a growing boy is a rarity. They say it could disappear as fast as it came, or linger indefinitely.

Billy has heard these reports and insists on being optimistic. He has developed a

well-balanced sense of values. Draped over the bedpost in his home is a set of rosary beads. Every night his mother and father and young sister, Kathryne, join him in reciting the rosary.

And pennants are not the only wall decorations in his room. There are several religious pictures that have been carefully clipped from magazines and neatly tacked above his bed and dresser.

In more than electronics, Billy is quite a young man.

#### LET US GIVE FULL EQUALITY TO THE COAST GUARD

Mr. GRUENING. Mr. President, yesterday, in the course of the debate on the military pay bill, my colleague from Alaska [Mr. BARTLETT] offered an amendment to the Senate committee draft of the bill to restore an item which the Senate Committee on Armed Services deleted from the House version. It sought to restore equality in the pay of the Commandant of the Coast Guard with that of the chiefs of the other services; namely, Army, Air Force, Navy, and Marine Corps.

My colleague made a very effective presentation of the reasons for the restoration of this item, to reestablish equality of treatment for the chiefs of all the services.

The Senator in charge of the bill opposed the amendment on the ground that the discrimination wrought by the Senate Committee on Armed Services was based on the fact that the Commandant of the Coast Guard was not a member of the Joint Chiefs of Staff, who for that reason were given an added emolument.

I do not share the point of view of those who made this change in the House bill. The Senator in charge of the bill opposed the amendment, which my colleague then withdrew. My colleague had made his point, however, by urging the House conferees to stand firm. I join him in his plea, and urge the Senate conferees not to insist on its change.

The argument that the personnel of the Coast Guard are not as great numerically as those in the Army, Air Force, Navy, and Marine Corps does not strike me as relevant.

Whatever its number, the Coast Guard is a highly important and admirably functioning agency. We in Alaska, who see it daily at work, admire and cherish it. It is, in the tradition of its motto, "Semper Paratus," ready at all times to meet unexpected emergencies, to save lives, to help those in distress along our farflung coastlines.

I hope that in conference the House version in this respect will prevail. That the Commandant of the Coast Guard is not one of the Joint Chiefs of Staff is probably an omission which should be rectified by amending the existing composition of this important body. But that is no reason for downgrading a service of such historic and continuing importance to our Nation.

#### NEW OPPORTUNITIES IN NUCLEAR POWER PROGRAM

Mr. JACKSON. Mr. President, I am most pleased to bring to the attention

of my colleagues a discussion by Commissioner James T. Ramey, of the Atomic Energy Commission, which was published in *Nucleonics* magazine in its July 1963 edition.

Commissioner Ramey is a comparatively new member of the Commission, however, he brings to it years of working experience in the atomic energy field. Before joining the Commission, he served as a most able staff director of the Joint Committee on Atomic Energy for 6 years and prior thereto he worked for the AEC in legal and administrative positions.

In the interview published in *Nucleonics*, Commissioner Ramey provides an articulate explanation of the Commission's current efforts to obtain maximum industrial participation in the nuclear power program. He also presented some recommendations aimed to provide new opportunities for qualified nuclear firms.

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

#### NEW OPPORTUNITIES IN NUCLEAR POWER PROGRAM DISCUSSED BY COMMISSIONER RAMEY

(AEC Commissioner James T. Ramey has been particularly active in exploring means by which AEC can assist firms, whose reactor technologies haven't yet gained a commercial market, to keep going until a self-sustaining and competitive nuclear equipment industry becomes possible. His interest in this problem dates back to when he served AEC's Chicago Operations Office as assistant counsel and assistant to the manager 1947-56. In the following interview, Ramey discusses current AEC efforts to maximize industrial participation in the nuclear power program and offers some new suggestions of his own.)

Question. What public interest considerations do you feel justify AEC's lending a helping hand to reactor firms which have not yet been able to establish themselves solidly in the nuclear power field? Conversely what should be the limitations on such a policy?

Answer. It should be recognized that only one or two firms have as yet been able "to establish themselves solidly in the nuclear power field," and this only in the last year or two.

The Atomic Energy Act has recognized as a public interest consideration in the atomic field a policy "to strengthen free competition in private enterprise." This policy would seem to be particularly applicable to the atomic power equipment industry. The AEC at the present time has something of a moral obligation with respect to industrial firms who were exhorted prematurely to come into the field. But this policy is different from a made-work program to keep a tired established industry in business. Rather it is to assist an emerging industry in bringing in a wholly new energy resource with as few violent fluctuations as possible.

On the positive side it is in the public interest with a new technology to encourage the variety of technical approaches which competition among a number of firms can provide. Similarly the presence of several firms in bidding on plants will insure that costs are realistic and prices not inflated. As a competitive industry gets established, it should be able to take over more of the development effort.

On the restrictive side, the public interest consideration reflected a long established policy against monopoly or oligopoly. As applied to atomic energy this policy would help prevent restraints on the development of this resource, and the distortion of the

technology in the interest of short-term monopoly factors.

The limitations on the policy should be to recognize that the AEC's program and the atomic equipment industry itself can be spread too thin. In my opinion we are spread too thin right now in fuel element development. The other limitation is that contract awards should only be made to well qualified firms. We shouldn't keep mediocre firms in business for the sake of maintaining competition.

Question. What steps are being taken by AEC to provide new opportunities for qualified nuclear firms?

Answer. The Commission lately has taken several steps in this direction:

The AEC recently adopted a policy of seeking competitive proposals on renewals of certain of its operating contracts, and all its service contracts, at AEC installations. With regard to renewal of certain operating contracts, the policy would give some weight to a firm's investment in the private development of atomic energy.

The Commission, at the Chairman's suggestion, in order to develop further a policy of encouragement of a competitive industrial base, has directed the staff to review the contractor selection system, and to consider measures whereby the Commission itself can develop or approve appropriate criteria of selection in important contract cases, and generally take a more active interest in the selection process.

The Commission at my suggestion has recently directed its staff to study possible criteria applicable to future extensions of its third-round invitations which would permit, as an alternative, firms to bid on 600-megawatt or larger stations to include two or more reactors. This might make it possible for firms to bid who do not believe they can take the risk on a single 600-megawatt or larger reactor. It is possible that tandem reactor stations may be as economic as large single reactors, taking into account shutdown time, and other factors.

The Commission is continuing its interest in smaller reactors (see question 7 for details).

Question. What further steps in this direction do you recommend?

Answer. Additional steps which I would recommend include:

We need to get a better idea of the economic impact of the AEC program as a whole and that of the other private atomic programs on those companies which make up the atomic equipment industry. The Division of Industrial Participation has made a start in this direction, but more needs to be done. From AEC's standpoint, we should be able to see not only what the civilian atomic power contracts add up to per company but also military and space contract dollars. Perhaps this is an area where the Atomic Industrial Forum and other industry organizations can be helpful.

There is need for a more vigorous educational effort on the desirability of developing a competitive nuclear equipment industry. This used to be recognized in AEC years ago, but the application of the more recent AEC procurement policies have tended to give large and established firms an advantage.

It would appear desirable for AEC to convene a series of followup seminars this fall with the utility and atomic equipment industries as to where we should go from here in implementing AEC's report to the President. I would hope that policies for further encouraging a competitive industrial base would be considered.

We should develop further improved means of regularized consultation between AEC and industry and labor in regard to the atomic power and related programs, in which this subject could be considered among others. Some progress has been made in this general field, but consideration should be

given to broadening our channels, such as the AEC Labor-Management Committee or providing additional channels.

A further adaptation of AEC's policy in seeking competitive proposals on renewal of its contracts should include consideration of segmenting its operation to permit equally or better qualified organizations to operate parts of the installation which can be separated efficiently. This is a suggestion being pressed by Mr. Tremmel, AEC's Director of Industrial Participation.

Question. How much opportunity do you see for new firms to replace contractors operating AEC-owned facilities, in view of the highly specialized nature of these facilities and the long intimate experience of the present contractors?

Answer. The AEC has been fortunate in having a number of very well qualified contractors. However, in some instances the obtaining of competitive proposals could reveal equally or better qualified organizations than the present contractor operator. The experience of the present contractor, except possibly at its top management level, would not be an important factor, since it would be expected that most personnel would stay with the project installation. A countervailing factor in some cases would be an evaluation of the real interest of the proposer in the project as a part of the atomic energy program, as evidenced by their respective investment of people and facilities in the private development of atomic energy.

The feasibility of segmenting contract operations and obtaining competitive proposals on the segmented portion also has important possibilities.

Question. Although AEC's prototype program is directly applicable to several firms with advanced reactor types, is it adequately paced to provide timely assistance to these companies? Also, what about the uncertainty of future budgetary support for the prototype program?

Answer. The prototype program, although designed for programmatic purposes, would seem to afford timely assistance to firms with advanced reactor types. This program would involve new starts on 7 or 8 prototypes in the next 10 or 12 years, and would, of course, also involve related research and development support. Certainly such a program would help firms interested in concepts which will be ready for prototyping in the next few years, such as the sodium graphite, the gas-cooled and the nuclear superheat.

There is undoubtedly some budgetary uncertainty on prototypes beyond that proposed for fiscal 1964. If the program is curtailed or stretched out, then it could indeed be too slow paced to be an effective incentive.

Question. To what extent might AEC be able to increase contractor participation in research-development programs now essentially on an in-house basis?

Answer. In view of the history of the proposals made several years ago by the chamber of commerce, the NAM and the Manufacturing Chemists Association, and the consideration given them by the AEC and the Joint Committee, I would say this is an interesting and touchy question which deserves further study. The AEC is carefully considering certain new research and development projects with a view as to whether they should be conducted on an "in-house" basis or at private industrial installations or other organizations.

Question. What AEC efforts are required to improve the economics of small- and intermediate-sized reactors and to promote a market for them? What sort of a market potential do you foresee among publicly owned utilities, in view of their generally not requiring large-size units? What about the foreign market potential for small-size reactors?

Answer. I don't believe AEC needs to do much more at present on improving the tech-

nology on small reactors, as such. But we should carefully evaluate the experience of the smaller reactors which are going or have gone, into operation this year to see what the technical and economic prospects for these reactors will be.

As to promoting a market for them, we should certainly try to keep the door open in the power demonstration program, particularly in the unsolicited proposal category. We should be on the alert for further demonstrations of small reactors, such as the possibility at Key West, Fla., of a combination nuclear electric plant and desalting facility. The AEC and the Department of Interior are conducting a joint design study of this project.

We won't know the market potential for nuclear power among the publicly owned utilities until the above evaluation takes place, and until the extent these utilities can and will pool their requirements can be ascertained.

I believe the foreign market for small and medium sized reactors (up to 200 megawatts) will for several years be limited to demonstration plants. Certainly there are possibilities in such developing countries as the Philippines, Pakistan and Taiwan, as well as possibly some of the industrialized countries. Much will depend on our own experience with small plants, and with our policies on international assistance.

Question. It has been noted that AEC has stepped up its promotional activities in an effort to interest utilities in building nuclear plants on their own or under one of the financial assistance programs. Could you describe the nature of these activities and the results that have been obtained thus far?

Answer. These are informal sessions which Commissioners and top staff are holding with their counterparts in the privately- and publicly owned utilities. A total of 18 utility sessions have been held. In these sessions the utility executives are encouraged to describe their current programs and future power plans with particular reference to nuclear power. The Commission usually describes its prototype and power demonstration program and encourages the utilities to identify any AEC policies or problems which they would like clarified.

I believe these discussions have been mutually helpful. In a number of cases there have been followup sessions between our respective staffs. In my opinion these sessions were helpful in moving up the schedule on the start of one atomic plant, and in enlisting interest by several utilities in AEC prototypes and possibilities for going ahead with atomic plants not otherwise considered under the AEC power demonstration program.

#### DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1964

The Senate resumed the consideration of the bill (H.R. 5888) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1964, and for other purposes.

Mr. HILL. Mr. President, the Senator from Wisconsin [Mr. PROXMIRE], speaking in behalf of his amendments, stated that the bill would increase appropriations by more than \$176 million. The Senator arrived at his figure, for example, by including the statement:

If legislation granting Federal funds to school districts which have children of Fed-

eral workers in their classes were to be extended, as surely it will be, a supplemental appropriation of \$216,204,000 would be required.

The \$216,204,000 was not in the budget estimates. It was not in the estimates sent to Congress by the Bureau of the Budget. It was not in any way considered by the House. It was not in any way considered by the Senate. It has no place whatever in the consideration of the bill. It is merely a reaching out for a figure, to arrive at some figure which the Senator from Wisconsin would like to have. It has nothing whatever to do with the budget or the figures in it, or the estimates of appropriations in the bill.

The Committee on Appropriations considered the bill very carefully. The committee exercised its best judgment. Senators on the Democratic side and those on the Republican side did what they could to insure most careful consideration. After careful consideration by Senators on both sides of the table, the bill was reported. The bill provides \$77,345,350 less than the appropriations for the last fiscal year of 1963. The bill provides \$264,861,750 less than the budget estimates for the present fiscal year of 1964.

The amendments represent a scatter-gun approach. They would scatter here, there, and everywhere. For example, they would reduce funds for the deaf, for teachers of the deaf—for Galludet College, the finest institution of its kind in all the world today for the teaching of those who are deaf.

The amendments would slash funds for water programs below the budget estimates for such programs.

The amendments would slash the funds for educational TV below the budget estimates for this program.

The amendments would slash the funds for radiological health, hospital construction, occupational health, the Alaska Health Laboratory, and the vocational rehabilitation programs for the crippled, maimed, and disabled.

The amendments would slash here and there, without logic. All the items have been considered by the Bureau of the Budget, by the House committee, by the House, and by the Senate committee. As a result of all this consideration, the Senate committee has brought the bill to the Senate with a figure \$264,861,750 below the budget estimates.

Mr. President, on behalf of the committee, I ask for rejection of the pending amendments.

Mr. COTTON. Mr. President, as the minority member of the subcommittee, I think I should state, first, that I am in accord with the distinguished Senator from Alabama.

There are several points in the presentation of the distinguished Senator from Wisconsin which are very well founded. There was nothing the committee could do about them. Undoubtedly, there are now, as there have been in the past, certain amounts which may become authorized subsequent to passage of the pending appropriation bill, which items will have to be the subject of a supplemental appropriation bill.

If I were free to do so, I might well support the amendments, although I do not believe that is the best method of amending an appropriation bill. I am not free to do so, because, as I have previously stated, certain members of the committee—at least the chairman and I—feel that we have accomplished a good job, and that once we open the flood-gates, a great deal of damage may be done.

Before the vote on the amendments, I take the opportunity to call to the attention of Senators, for the record, some salient facts that are perfectly accurate in the report but are not marshaled and put together too concisely.

It should be remembered that the Subcommittee on the Department of Labor and the Department of Health, Education, and Welfare, in its report and recommendations, set out five items in respect to which the report exceeds the budget estimate. Those items total, roughly, \$52 million; and \$50 million of that \$52 million goes to the Hill-Burton funds for hospital construction, which is about as essential and desirable a program as has ever been before Congress.

In respect to five items the committee exceeded the budget recommendations.

In connection with 14 items the Senate committee exceeded the House figure. Only 14 of some 150 items exceeded the House figure. On the other hand, on 20 items the budget figure was reduced. In 15 items the bill is below the figures passed by the House of Representatives.

I doubt whether, in the past 2 or 3 years, many appropriations bills have been brought to the floor of the Senate with a better record than that.

That is the reason why I again express the hope that the Senate can adhere to the bill as reported by the committee, because it represents a meeting of minds which I believe resulted in an excellent report.

Therefore, I shall be compelled to join my friend from Alabama in voting against the Proxmire amendments.

Mr. PROXMIRE. Mr. President, I shall be very brief in replying to the distinguished Senator from Alabama. He always does excellent work on these bills.

The Senator from Wisconsin did not take anything out of the air. The principle on which the amendments were proposed is very clear. I selected the lowest of three choices—the budget recommendation, the House-passed bill, or the bill recommended by the Senate committee.

One other point was raised by the Senator from Alabama with relation to the federally impacted school areas: The Senator from Alabama indicated that that item has no relation to this bill, that it has not been in the bill, and that it was an irrelevancy to bring it up.

The committee report, of which the Senator from Alabama is the author and sponsor, on page 83, in about the 8th line, refers to payments to school districts, appropriations, 1963.

For that item the bill provides \$177,856,000 below the figure for last year.

That accounts for \$178 million of the reduction.

The next item is a reduction of \$39 million in assistance for school construction. This item counts for almost \$40 million of the so-called reduction from last year.

The next item is a \$9,830,000 reduction in defense educational activities, which accounts for almost \$10 million of the reduction below the level of last year.

These and a few other instances account for the fact that the committee can come to the Senate and say that the bill it recommends provides appropriations below those of last year. This is a technicality, and not a fact. It does not represent the true situation. Furthermore, we should recognize the fact that last year the Institutes of Health returned \$100 million it could not spend. So that level of spending was \$100 million below the level of appropriations.

These are some of the reasons why the bill in fact, on a comparable basis, is \$269 million below the level of last year's spending.

I yield the floor.

Mr. BREWSTER. Mr. President, the urgent need for the establishment of a Center for the Study of Environmental Health has been well documented. The publication of the book by Rachel Carson and the testimony developed in recent Senate hearings on the use of pesticide are only two of the more dramatic aspects of this problem.

As our population increases at an accelerated rate, it becomes vital for the Nation to mount an organized program for the control of air and water pollution, radiation hazards and other man-made contaminants. A continuing search into the factors which affect man's physical environment and, through it, his health is essential.

I have closely followed the progress and plans for this center. In so doing, I have become acutely aware of the tremendous stake which our Nation has in environmental health and of the need for the facility proposed.

In a recent issue of a bulletin of the American Association for the Advancement of Science, environmental health was described as a new field with its focus on protection from the adverse products of technological change; requiring a new kind of organization for operational programs and for research.

The new problems created by these changes have led the Public Health Service to assume new responsibilities and establish new divisions—food protection in the 1940's, air pollution in 1955, and radiological health in 1958. Facilities for the study of water pollution, sanitary engineering, and occupational health are complemented by the environmental health activities of other Government agencies including the Atomic Energy Commission, the Food and Drug Administration, and half a dozen agencies concerned with water resources.

The Congress has given increasing support in recent years to the environmental health programs of the Public Health Service. Nonetheless, it is apparent that our rapid population growth, expanding urbanization and industrial-

ization, and increasingly complex technology are outstripping our efforts to contain environmental hazards. Changes are occurring so rapidly that the effects on man's health and well-being are not being dealt with as promptly and completely as they should. This fact is now widely recognized, not only by the scientific community but by the public as a whole.

What is urgently needed now is a major new effort and concentration in this field. This can best be provided by the establishment of a National Center for Environmental Health.

In his 1962 health message, President Kennedy recommended the establishment of an environmental health center. He explained:

Such a center will serve as the base laboratory for research and training activities, and as headquarters for the Public Health Service personnel concerned with health hazards in the environment. It will facilitate regular and frequent collaboration between public health service scientists and those with whom they should consult in other Federal agencies.

In his 1963 health message, the President renewed his request by asking that "The Congress approve the funds requested in the 1964 budget for initial steps to establish a central facility in the Washington area which can serve as a focal point for related research, training, and technical assistance in environmental health."

The selection of the Washington area as the proper location for this new facility is based on many considerations. By seeking to place the new center in this area, the Public Health Service is seeking greater efficiency and effectiveness in the consolidation of its own programs with new and greater opportunity for coordination with the activities of the several other agencies now active in this field, and with the scientific resources of the National Institutes of Health, the Bureau of Standards, and the National Science Foundation. The Public Health Service hopes that in so doing it will be able to increase its voice in the policy-making and scientific councils which are concentrated in Washington.

Since 1961 this proposal has been studied and reviewed by two scientific panels—the Gross Committee, appointed by the Surgeon General and composed of 19 eminent scientists from 11 States, and a second panel appointed by the President's science adviser. Both of these groups have endorsed the Washington location.

The committee report is very explicit in urging Senate approval of this location. I quote:

The very concept of the Center as the national headquarters for a coordinated program to deal with the health hazards of the environment is based on a location that can successfully provide for the close association of related activities, both within the Public Health Service and with other Federal agencies. Any location remote from the Nation's Capital would destroy this concept.

Cooperative efforts with other Federal agencies in Washington are now so widespread that specific agreements for joint projects number in the hundreds. The water pollution program alone has 35 such

working agreements, 17 of which involve the transfer of funds from one agency to another. The radiological health program has 16 formal agreements with other agencies and an equal number of informal working arrangements. Much of the work involved in these cooperative agreements is done in the field, but the policy direction must be retained at the Washington headquarters of each of the participating agencies.

More than 50 suggested sites have been studied by the staff of the public health service. Each of these has been evaluated in terms of such criteria as acreage cost, availability of utilities, topography, geology, transportation, access, and relationship to other agencies.

The Secretary of Agriculture has agreed to make land available to the Department of Health, Education, and Welfare on a site in Beltsville, adjacent to the Agricultural Research Center. This is a most happy solution to the search for a site for the National Center for Environmental Health in the Washington area. The Agricultural Research Center is engaged in pesticide research and other activities closely related to environmental health. Beltsville is also the site of the major new facility of the Food and Drug Administration, which has many interests in common with the environmental health programs of the Public Health Service.

A number of planning groups, including the National Capital Regional Planning Council and the National Capital Planning Commission have approved the Beltsville site in accord with their long-range plans for development of the National Capital area.

It is important to point out as well that officials have testified that between one-third and two-thirds of the Center's future personnel are already located in the Washington area and would be reluctant and costly to move.

I am proud that federally owned land in my own State of Maryland has been selected by the Department and by the committee as the optimum and most economical site for this new facility.

The State of Maryland stands ready to do everything within its power to facilitate the construction of this Center and to insure its successful operation. The Maryland Department of Planning and the State Roads Commission have given assurances to the committee that their plans for the Beltsville area will provide adequate access and radial highways well in advance of the time when the Center will reach its maximum of 5,000 employees.

The State roads commission is planning construction on every State highway in the Beltsville region, plus the creation of two entirely new modern highways. Under current plans Kenilworth Avenue—Maryland 201—will be extended from the Capitol Beltway to U.S. Route 1, with the first lane of the extension from the Beltway to Powder Hill Road scheduled for completion prior to 1967. In addition, Maryland 197—the Laurel-Bowie Road—will be constructed as an urban dual highway from the Baltimore-Washington Parkway to U.S. Route 1 by 1967.

These projects would seem to preclude significant traffic or highway problems during the first phase of the center, especially in view of the fact that initial occupancy is not scheduled until 1969, and will involve only 1,600 employees.

In addition to those mentioned above, Maryland's plans for the 1967-80 period

call for several other highway projects in the Beltsville region. These include completion of the Kenilworth Avenue extension, with a bridge over the Baltimore & Ohio Railroad and an interchange with U.S. Route 1; construction of the Outer Beltway from the Baltimore-Washington Parkway to U.S. Route 29, along the northern boundary of the proposed Environmental Health Center site; resurfacing of U.S. Route 1 through the Beltsville area; and construction of Maryland Route 212 from Riggs Road to U.S. Route 1 as a 48-foot urban facility.

These roads are included in the 1967-80 plans in anticipation of increased population and commercial, industrial, and governmental activity in the Washington metropolitan region, on which all economists and planners agree.

The State highway system in the vicinity of the proposed site should be well able to take care of any traffic load expected of it. All in all, our highway schedules and plans for the next 4 to 6 years assure the adequate handling of any traffic demands created by the Center during that period, and our long-range plans contain the solution for any highway problems in the foreseeable future.

Finally, I know that my State's long and honored association with medicine and public health will provide a most hospitable atmosphere for the research and training efforts of the staff of this new Center.

Mr. President, because I recognize the importance to the Nation of this continuing search into the factors that affect man's physical environment and thereby his health, I sincerely recommend that the ultimate success of this program should be the only standard by which any and all proposals concerning it be judged. In fact, I am so impressed by the importance of this program that I would not espouse the Maryland site if there were incontrovertible evidence that it would function more effectively in another location.

Federal scientific research is not a relief program for depressed areas. The effective protection of the public's health requires this new Center to be placed where its staff can work most efficiently. That place is Beltsville.

The PRESIDING OFFICER. The question is on agreeing to the amendments offered by the Senator from Wisconsin [Mr. PROXMIRE].

Mr. MILLER. Mr. President, will the Senator from Wisconsin yield for a question?

Mr. PROXMIRE. I yield.

Mr. MILLER. I should like to ask the Senator from Wisconsin whether or not it would be possible to have a division on this vote.

Page 2, line 12, of his amendments provides for a reduction of the amount of funds relating to the Hill-Burton Act. I must say to my friend from Wisconsin that I cannot support that portion of the amendments, but I might be able to support the remainder of his amendments. That being the case, it would be of assistance to me if there could be a division on the vote on the amendments.

I suggest that perhaps other Senators are in the same position I am in.

Mr. PROXMIRE. I thank the distinguished Senator from Iowa. He has an excellent record on economy. No one has a better record. I understand his sentiment. He has discussed it with me. However, I had talked with other Senators, and I have been persuaded that it would be a mistake for me to do what the Senator from Iowa proposes. So I shall have to object to that kind of division and insist on a vote on the amendments as drafted.

Mr. LAUSCHE. Will the Senator yield for a question?

Mr. PROXMIRE. I yield.

Mr. LAUSCHE. Will the Senator from Wisconsin repeat what the actual spending for last year was under the amount of this authorization? He gave the figures a moment ago.

Mr. PROXMIRE. The Senator from Wisconsin has contended that the bill as it now is before the Senate would increase spending over last year's actual spending level by more than \$269 million. It would increase the appropriation over last year's appropriation level by \$175 million. The difference is due to the fact that \$94 million which was appropriated last year was not spent. The administration could not spend it, and returned the money. However, it does represent an increase.

I have a chart, which I ask unanimous consent to have printed in the Record, on which my computations have been made. It would be difficult for me to explain it without taking too much time.

There being no objection, the chart was ordered to be printed in the Record, as follows:

*Totals relating to 1964 Labor-HEW appropriations and Proxmire amendment thereto*

Total, fiscal year 1963 Labor-HEW appropriations.....	\$5,571,962,600
1964 budget estimate.....	5,759,489,000
(Increase over 1963.....)	187,526,400
Total House allowance.....	5,449,981,000
(Under 1963.....)	121,981,600
(Under 1964 estimates.....)	309,508,000
Senate committee recommendation.....	5,494,627,250
(Under 1963.....)	77,345,350
(Under 1964 estimates.....)	264,861,750
(Over the House allowance.....)	44,646,250
Total Proxmire amendment.....	94,955,750
Total appropriations with amendment.....	5,399,671,500
(Under 1964 estimates.....)	359,817,500
(Under the House allowance.....)	50,309,500
(Under 1963.....)	172,291,100

Programs pending reauthorization:	
Payments to school districts.....	216,204,000
Assistance for school construction.....	37,984,000
Total.....	254,188,000

Assuming reauthorization of above programs:	
1964 budget estimate.....	6,013,677,000
(Increase over 1963.....)	441,714,400
Total House allowance.....	5,704,169,000
(Increase over 1963.....)	132,206,400
(Under 1964 estimates.....)	309,508,000
Senate committee recommendation.....	5,748,815,250
(Increase over 1963.....)	176,852,650
(Under 1964 estimates.....)	264,861,750
(Over the House allowance.....)	44,646,250
Appropriations with Proxmire amendment.....	5,653,859,500
(Increase over 1963.....)	81,896,900
(Under 1964 estimates.....)	359,817,500
(Under the House allowance.....)	50,309,500

Mr. LAUSCHE. What would the amendment do?

Mr. PROXMIRE. My amendment would reduce the level of appropriations by some \$94,900,000. It would do so by

cutting the level of spending to the lowest level of three alternatives—the House-passed bill, the budget estimate, or the amounts provided by the Senate committee—in each of the 31 items in the bill which differ.

Mr. LAUSCHE. And if that is done, will the Departments in 1964 have a sum of money equal to the money which they spent in 1963?

Mr. PROXMIRE. They will have approximately \$175 million more than they spent in 1963, even after the Proxmire amendments are adopted. I do not go back to the 1963 level. I provide for an expansion of those programs.

Mr. LAUSCHE. I will support the Proxmire amendments.

The PRESIDING OFFICER. The question is on agreeing, en bloc, to the amendments of the Senator from Wisconsin. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHURCH (when his name was called). On this vote I have a pair with the senior Senator from West Virginia [Mr. RANDOLPH]. If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD. I announce that the Senator from Mississippi [Mr. EASTLAND], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Missouri [Mr. LONG], the Senator from Oregon [Mr. MORSE], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Rhode Island [Mr. PASTORE], the Senator from West Virginia [Mr. RANDOLPH], and the Senator from Alabama [Mr. SPARKMAN] are absent on official business.

I further announce that the Senator from Indiana [Mr. BAYH] and the Senator from Washington [Mr. MAGNUSON] are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana [Mr. BAYH], the Senator from Mississippi [Mr. EASTLAND], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Washington [Mr. MAGNUSON], the Senator from Oregon [Mr. MORSE], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Rhode Island [Mr. PASTORE], the Senator from Alabama [Mr. SPARKMAN], and the Senator from Missouri [Mr. LONG] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN] and the Senator from Massachusetts [Mr. SALTONSTALL] are absent on official business.

The Senator from Vermont [Mr. PROUTY] is necessarily absent.

The result was announced—yeas 27, nays 58, as follows:

[No. 123 Leg.]

YEAS—27

Bennett	Dodd	Lausche
Byrd, Va.	Douglas	McClellan
Case	Edmondson	Morton
Church	Ervin	Mundt
Cooper	Goldwater	Pearson
Curtis	Jordan, N.C.	Proxmire
Dirksen	Jordan, Idaho	Robertson

Simpson  
Symington

Thurmond  
Tower

Williams, Del.  
Young, Ohio

NAYS—58

Allott  
Anderson  
Bartlett  
Beall  
Bibie  
Boggs  
Brewster  
Burdick  
Byrd, W. Va.  
Cannon  
Carlson  
Clark  
Cotton  
Dominick  
Ellender  
Engle  
Fong  
Gruening  
Hart  
Hartke

Hayden  
Hickenlooper  
Hill  
Holland  
Hruska  
Inouye  
Jackson  
Javits  
Johnston  
Keating  
Kefauver  
Kennedy  
Kuchel  
Long, La.  
Mansfield  
McCarthy  
McGee  
McGovern  
McIntyre  
McNamara

Mechem  
Metcalf  
Miller  
Monroney  
Moss  
Muskie  
Nelson  
Pell  
Ribicoff  
Russell  
Scott  
Smathers  
Smith  
Stennis  
Talmadge  
Williams, N.J.  
Yarborough  
Young, N. Dak.

NOT VOTING—15

Alken  
Bayh  
Eastland  
Fulbright  
Gore

Humphrey  
Long, Mo.  
Magnuson  
Morse  
Neuberger

Pastore  
Prouty  
Randolph  
Saltonstall  
Sparkman

So, Mr. PROXMIRE's amendments were rejected.

#### VISIT TO SENATE BY AMOA TAUSILIA LOLESIO, SPEAKER OF LEGISLATIVE ASSEMBLY OF WESTERN SAMOA

Mr. MUNDT. Mr. President, it is my pleasure to announce to the Senate the presence of a distinguished guest from abroad, the second highest ranking official of Western Samoa. Western Samoa became independent on January 1, 1962.

Our guest is Hon. Amoa Tausilia Lolesio, speaker of the unicameral Legislature of Western Samoa.

Speaker Amoa, who is visiting the United States under a Smith-Mundt Act grant, is studying parliamentary procedures.

Western Samoa, new, young, and small, is a firm friend of the United States. I am sure all Senators will wish to join me in welcoming Speaker Amoa to the Senate.

[Applause, Senators rising.]

#### DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1964

The Senate resumed the consideration of the bill (H.R. 5888) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1964, and for other purposes.

Mr. DIRKSEN. Mr. President, I should like to ascertain from the majority leader what amendments, if any, may yet be offered this afternoon and whether any further yea-and-nay votes are contemplated. I understand that several Senators have in mind attending a ceremony of some kind, away from the Senate Chamber, beginning after 4 o'clock this afternoon. I am sure they would be deeply interested in the disposition of the time, and would like to know whether the pending bill might be disposed of before that hour.

Mr. MANSFIELD. So long as the distinguished minority leader has raised the question, and so long as a large number of Senators are in the Chamber, I think the answer now would be that there will be no 3 o'clock "get away" but that with a little cooperation there might be a 4:30 "get away" to permit Senators to attend the repast, "shindig," or whatever one desires to call it, which I understand will occur in either St. Marys County or on Chesapeake Bay.

However, I believe the Senator from Pennsylvania [Mr. CLARK] desires to offer an amendment as soon as the colloquy between the leadership is concluded.

After a consultation between Senators on this side of the aisle and the minority leader, I understand there is a willingness to agree to a limitation of 30 minutes debate on the amendment, 15 minutes to a side; and a vote could follow immediately.

Mr. CLARK. That is entirely satisfactory to me. I should like to have the yeas and nays ordered on my amendment, but I have a feeling that perhaps some of our friends on the other side might not desire to agree to the proposal.

Mr. MANSFIELD. I withdraw my statement, and shall postpone the hour of departure slightly. I now understand there might be considerable debate on the amendment.

I also understand that the Senator from Ohio [Mr. LAUSCHE] has an amendment which he desires to have considered. He is agreeable to limiting the debate on it. There may be other amendments to be proposed. If so, I wish the voices of the Senators who propose to offer them might be heard.

Mr. COTTON. Mr. President, perhaps in a few minutes from now, we would not object to a limitation of debate on the amendment of the Senator from Pennsylvania. However, the Senator from Pennsylvania had an opportunity to offer his amendment last night and had an unlimited opportunity to present his argument for the Record.

Much depends on the disposition of the amendment of the Senator from Pennsylvania. Senators who are planning to be away later should know that we—by "we," I mean the chairman of the subcommittee and the ranking minority member of the subcommittee, without seeking, of course, to suggest that any Senator should not work his will on this appropriation bill—believe that a good result has been achieved, and we wish to maintain it if we can.

If the amendment of the Senator from Pennsylvania should prevail, and thus increase the amount in the bill, I am obliged to give notice that three or four amendments will be offered to reduce certain amounts in the bill. If the amount in the bill remains as it is, those amendments will not be offered.

For the moment, I shall have to object to a limitation of debate on the amendment of the Senator from Pennsylvania, because it is important that his amendment be disposed of carefully. In a few minutes, I think we may agree to a limitation.

Mr. JAVITS. Mr. President, I have at the desk an amendment which is printed and which I shall wish to present.

Mr. PROXMIER. Mr. President, I shall take a total of less than 5 minutes to discuss two amendments that I shall offer.

Mr. CLARK. Mr. President, does the majority leader desire to have me call up my amendment?

Mr. MANSFIELD. The Senator from Pennsylvania has the floor. I have yielded the floor.

Mr. CLARK. Mr. President, I call up my amendment No. 155, and ask that it be read. Then I shall ask for the yeas and nays.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 3, line 8, it is proposed to strike out "\$110,000,000" and insert in lieu thereof "\$140,000,000."

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

Mr. CLARK. I yield.

#### ANNOUNCEMENT OF BIRTH OF SON TO PRESIDENT AND MRS. KENNEDY

Mr. MANSFIELD. Mr. President, the good news has just reached the Chamber that President and Mrs. Kennedy have announced the birth of a son. [Applause.]

Mr. President, it is coincidental and historic that on this happy occasion, the present Presiding Officer of the Senate [Mr. KENNEDY], and the uncle of the newest Kennedy, is in the chair.

#### DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1964

The Senate resumed the consideration of the bill (H.R. 5888) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1964, and for other purposes.

Mr. MANSFIELD. Mr. President, if the Senator from Pennsylvania will further yield, I should like to propose a unanimous-consent request to the effect that 30 minutes be allowed on the pending amendment, 15 minutes to be controlled by the Senator from Pennsylvania, and 15 minutes to be controlled by the Senator from Alabama [Mr. HILL].

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state it.

Mr. DOUGLAS. Mr. President, reference was made on the other side of the aisle to some pressing engagement which required the departure of Members on the other side of the aisle to some unknown event. If there is real cause for Senators to leave, of course, I shall be happy to assist them; but I wonder what event requires their absence.

Mr. MANSFIELD. I can answer the question. Members on both sides have been invited to a social event which happens once a year. Most of the remarks made in regard to it have been made in jest.

Mr. DOUGLAS. But we have work to do.

Mr. MANSFIELD. Of course we do; and the Senator from Illinois can be assured that our work comes first, not second.

Mr. ANDERSON. Reserving the right to object, Mr. President, can the able majority leader indicate at what time the space authorization bill may come up? Members of my office wish to know; and it is desirable that we be informed whether it will come up this afternoon.

Mr. MANSFIELD. The possibility is that if the pending bill is disposed of this afternoon, that measure will then be laid down and made the pending business.

Mr. ANDERSON. But will the debate on it begin this afternoon?

Mr. MANSFIELD. That would be up to the Senator from New Mexico, who is in charge of the bill.

Mr. ANDERSON. The able Senator from Tennessee [Mr. KEFAUVER] has an amendment to offer, and wishes to know whether he should have it ready this afternoon. I assume that probably it would be taken up tomorrow.

Mr. MANSFIELD. Yes. But the Senator in charge of the bill could be prepared, if he so desires, to make his opening statement today.

Mr. ANDERSON. Very well.

Mr. DIRKSEN. Mr. President, reserving the right to object, and with further reference to the unspecified event, let me say that I shall not be there, but I am advised it is somewhere west of Moscow.

The PRESIDING OFFICER. Is there objection to the requested unanimous-consent agreement? The Chair hears none, and it is so ordered.

Mr. CLARK. Mr. President, on the question of agreeing to my amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McCARTHY. The agreement on the time relates only to this one amendment, does it?

Mr. MANSFIELD. That is correct.

Mr. CLARK. Mr. President, has the proposed agreement been entered into?

Mr. MANSFIELD. Yes.

Mr. CLARK. Mr. President, I yield myself 3 minutes on my amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 3 minutes.

Mr. CLARK. Mr. President, first, in view of the happy news which the majority leader has just given us—and I note in the chair the uncle of the new baby—I should like to point out that my amendment is an administration amendment; therefore, I hope it will receive support, particularly at this happy time.

Mr. President, the purpose of this amendment is to restore to the bill \$30 million for the Manpower Development and Training Act appropriation set forth on page 3 of the bill. The administration requested \$165 million for this purpose. The House cut back the appropriation to \$140 million. The Senate committee cut back the appropriation by another \$30 million, to a total of \$110 million.

The proposed cut would gravely prejudice the training program under the

Manpower Training and Development Act. Senators have on their desks a letter directed to each Senator by all the Democratic members of the Subcommittee on Manpower and Employment, under whose jurisdiction the substantive legislation falls. In the letter, it is pointed out that the actions of the Senate Appropriations Committee are profoundly prejudicial to efforts now being made to restore vigor to our economy by helping those who lack marketable skills to acquire them. There is also in yesterday's RECORD—from the speech I made last night—a letter from the Secretary of Health, Education, and Welfare—it appears in column 2 on page 14239. In it he expresses his grave concern at this cut, and points out that practically 20,000 individuals who could receive training if the House figure were restored, will not receive it because of the Senate committee cut. Secretary Wirtz points out how badly the proposed cut would cripple the program.

It has been said that the Appropriations Committee cannot make this money available because in its wisdom, as a result of its hearings, it concluded that beginning early next year there will be no possibility of obtaining any more money for this program, and thus it will have to come to a halt because the State legislatures are not prepared to pick up the 50 percent of the tab which they are required to pick up under pending legislation. The answer to that is that there is in process in Congress—in the House as well as in the Senate—a bill; ours is Senate bill 1716, which has been reported favorably. It was approved by all members of the committee. This bill would waive for 1 year the State matching fund agreements, on the ground that the legislatures have not had time properly to assess the program, and that in most instances they will not be meeting next year, and that the program is beginning to roll, that we are training at the rate of 108,000 trainees a year, that the number will increase to approximately 140,000 or 150,000 if the program continues to roll, and that it would be a grave mistake to let the program die.

Let me make it crystal clear that I am going along with the Appropriations Committee, in not attempting to increase this amount above the House figure. We are prepared to accept the cut of \$25 million which the Secretary of Labor stated in testimony before the Senate committee he was prepared to accept. We merely wish to return to the House figure.

In the letter, Mr. Nestingen points out that if the full appropriation had been granted, 140,000 individuals could have been trained; but with the cuts made by the House and by the Senate committee the number is down to 90,000 individuals—or 50,000 less, who otherwise would go back on payrolls, and thus, through their income taxes, would in the course of a year or two, return to the Federal Government increased amounts of tax revenue.

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

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

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

Mr. CLARK. In other words, Mr. President, the amount the bill will cost will thus be returned to the Federal Government. In short, this is an interest-paying, dividend-paying investment in the brains of America. So I suggest that it would be quite unwise to sustain this cut.

There is also in the RECORD a longer letter from the Secretary of Labor supporting this move to restore the amount of this appropriation to the House figure.

The committee says that is all right, but that although adequate authorization exists for the full amount of the appropriation requested by the administration, it cannot recommend the appropriation of the full amount of the authorization when it does not think it will be spent under present law.

I have checked carefully with the staff of the Appropriations Committee, which tells me that frequently appropriations are reported in advance of enactment of authorizing legislation extending the program, and that practically every appropriation bill continues certain items based on authorizing legislation not yet enacted. I point out that on page 9, there is an appropriation for a program not yet authorized; in fact, the House has killed it. That is the bracero program, for which the same appropriation procedure is utilized, in order to make an appropriation available for the braceros, before the authorizing legislation extending the program beyond December 31 of this year has been authorized. But the committee is unwilling to make that provision in regard to the problem of the unemployed people of the United States who can be turned into useful and productive citizens if we provide the necessary funds.

Mr. CLARK. I yield 2 minutes to the Senator from Connecticut.

Mr. DODD. Mr. President, if I were asked to name a program in which the Federal Government participates which I think is the most worthwhile and useful, the Manpower Development and Training Act would be one of the leading contenders.

This is a practical, essential and at the same time humanitarian program, one which has brought new opportunities and hope for the future to thousands of American workers and their families.

To help train workers in new skills is an eminently logical and realistic way for us to meet the problems created when workers lose their jobs due to technological improvements or intensive foreign competition from low cost imports.

Not only do these retraining programs help thousands of people to find new jobs and enjoy a better life; they also help businesses find workers trained in important, even essential, skills, workers who otherwise might not be available in the local labor market.

I am proud to say that my State was one of the first to enter this important field, and Connecticut State and local

officials, in cooperation with businessmen, have done an outstanding job.

Officials and businessmen have been consulting and cooperating with each other, and not until a labor market survey is made and it is determined there is a need for certain skills, is a training program started.

A Wall Street Journal article, which I inserted in the RECORD earlier this year, had this to say about the retraining program in Connecticut:

Proper retraining can help many unemployed individuals, provided they want to work. Here in Connecticut nearly 2,100 jobless men and women have completed courses since 1959, ranging from 4 weeks in welding to 18 weeks in typing. Nearly all immediately got jobs in their new fields.

And progress has continued at a good rate since the date of this article—March 25. As of the last week in June, a total of 67 projects for 3,330 trainees had been approved in Connecticut, with 11 more proposals involving 700 to 1,000 individuals under review.

In fiscal 1963, Connecticut made full use of the funds available to the State. For the 67 approved projects, approximately \$1,060,000 for training costs and allowances to individuals are committed under the Manpower Development and Training Act.

I am sure that the State can make good use of its full authorization of funds during fiscal year 1964 as well, and it is for this reason that I am so deeply concerned over the \$30 million cut in retraining funds approved by the Senate Appropriations Committee last week.

My distinguished colleague, the senior Senator from Pennsylvania [Mr. CLARK], who played such a significant role in having the manpower development and training program established, has offered an amendment to restore this \$30 million. I wish to associate myself with him in this effort, and I hope the Senate will accept his amendment. This will still leave the figure \$25 million below the original budget request, because of a House cut, but I think the \$30 million will be crucial to the success of the program during fiscal 1964.

These retraining projects have been successfully administered in various parts of the country, and when one considers the fact that Federal funds were not made available until last year I think it is evident that the program shows great promise.

Connecticut is a shining example of the success that can be achieved, in helping the unemployed find a new place in their communities.

I urge my colleagues again to join in support of this amendment. It will certainly be money well spent, on a very worthwhile and practical program.

Mr. CLARK. Mr. President, I reserve the remainder of my time.

Mr. HILL. Mr. President, I yield myself 7 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 7 minutes.

Mr. HILL. Mr. President, the Appropriations Committee considered this matter very carefully in light of the testimony before it, and recommended the

appropriation carried in the bill—\$110 million—as the amount which can be expended under the law as it is now on the statute books.

The committee did not feel that it should enter into the realm of speculation and speculate that perhaps some time in the future—whether it be tomorrow, next month, or next year—the Congress would pass another bill, and therefore we should try to appropriate funds on the speculative basis that some bill might be enacted into law in the future.

The Manpower Development and Training Act, under which these funds are appropriated, provides that beginning July 1, 1964, the funds should be matched by the States dollar for dollar. That provision was written into the act in March of last year, which was approximately 9 months before the State legislatures met this past winter. The legislatures met, but only three of them made any provision for matching funds. At least in two of those instances the provisions made were not adequate to carry on a full program.

So we find ourselves with the law as now written requiring matching funds. The programs cannot go forward because the funds have not been made available by the legislatures to match the Federal funds.

But my distinguished friend, the Senator from Pennsylvania, has said:

Even though the funds are not available now, we are going to bring in a bill which will do away with the matching requirement. So go ahead and appropriate the money without that bill ever being reported by the full committee.

It has been acted upon by the subcommittee, but it has not been acted upon by the full committee. It has not been presented to the Senate. It is not on the Senate Calendar. But the Senator has told us, "The Senate can now assume that the bill will become law and may go ahead and appropriate the necessary funds."

Yesterday the Senator from Pennsylvania [Mr. CLARK] and the Senator from West Virginia [Mr. RANDOLPH], who spoke in behalf of the amendment—

Mr. CLARK. He is a cosponsor.

Mr. HILL. A cosponsor of the amendment with the Senator from Pennsylvania, read the following language from the committee report:

The committee is advised that only three States in the regular biennial legislative sessions of this year appropriated any funds for such matching, and the funds appropriated by each of these States is grossly inadequate to match the State's allotment of the 1963 appropriation. In the absence of the requisite State matching funds it will not be possible, under the present law, to approve projects in fiscal year 1964 to carry over into the following fiscal year, as was done in the year just concluded.

It could be done in the year concluded because the matching provision was not in the law.

In consequence of the record before the committee, it is believed that the appropriation recommended will provide sufficient funds for the program in the fiscal year 1964.

The distinguished Senator from Pennsylvania read those words from the com-

mittee report which I have just read and then made the following statement, which appears on page 14238 of yesterday's Record:

Technically, this would be a completely correct argument if matters were to remain as they are now; and in that event it would be highly doubtful whether the amount appropriated would be inadequate.

That much of the argument was predicated on the proposition that the committee would report another bill, which the Senate would pass, and then the House committee would act on the bill, the House itself would pass the bill, and then it would be signed by the President. We cannot appropriate money on that basis.

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

Mr. HILL. I yield.

Mr. LAUSCHE. What type of bill is it anticipated will be passed?

Mr. HILL. The bill which it is anticipated would be passed would remove the requirement for matching funds from the States.

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

Mr. HILL. I yield.

Mr. LAUSCHE. The States have refused to appropriate matching funds. It is now proposed that Congress will see that their anticipation is carried into effect. What the State legislatures have refused to do we propose to do.

Mr. HILL. The Senator is correct.

Mr. LAUSCHE. It is proposed that the Congress should appropriate the money. The committee does not go along with that argument.

Mr. HILL. The committee has said that the Senate cannot act on the basis of that argument because no action has been taken except by a subcommittee of the full committee. The full committee has not yet acted on the bill. Yesterday the Senator from West Virginia [Mr. RANDOLPH], joining with the Senator from Pennsylvania [Mr. CLARK], read the following words from the committee report which I have read, and then he said:

I do not argue with this point.

In other words, "I do not disagree with what the committee said."

He then said:

On the contrary, it was precisely the same knowledge which led to the introduction of S. 1716.

The bill S. 1716 would remove the requirement for matching funds by the States. That measure has been acted upon by the subcommittee, but not by the full committee. It is not on the Senate Calendar. It had no Senate action on the basis of which the Appropriations Committee could act.

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

Mr. HILL. I yield.

Mr. LAUSCHE. Which three States passed laws requiring matching funds? Does the Senator from Alabama have that information available?

Mr. HILL. Yes. Connecticut, Montana, and Tennessee are the three States. The other 47 States took no action to match the available funds.

The issue is foursquare. Is the recommendation of the Appropriations Committee to be voted down because the committee did not seek to appropriate funds for which there is no legal authorization? That is the issue we are up against. Is the committee compelled to reach out and speculate that perhaps one State will pass a matching fund law, or perhaps some other State will do so, and perhaps some other proposed legislation will pass and, therefore, we will bring in a bill appropriating the necessary funds? The procedure followed by the Senate throughout the years and required under the rules of the Senate is that there must be authorization first before the Appropriations Committee can act.

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

Mr. HILL. I yield.

Mr. ROBERTSON. Is it not true that if there is no authorization for an appropriation, the item in the appropriation bill is subject to a point of order?

Mr. HILL. I was about to make that point. The Senator is absolutely correct. If there is no authorization for an appropriation, the item is subject to a point of order.

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

Mr. CLARK. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Pennsylvania has 8 minutes remaining.

Mr. CLARK. I should like to say to my dear, cordial friends that I have no intention of being panicked into voting before my 8 minutes have been consumed. Mr. President, I yield myself 3 more minutes.

The eloquent argument of my good friend from Alabama might be persuasive. It was not adopted by the House Appropriations Committee, which met in February of this year, at which time the situation was not quite, but almost as clear as it is now, that the State legislatures were not going to pick up the tab for the next fiscal year under this bill. In effect, the House disagreed with the arguments of the Senator from Alabama. The Department of Labor disagrees with those arguments. The Department of Health, Education, and Welfare disagrees with those arguments.

My friend from Alabama, for whom I have the highest regard, would have been more persuasive if he had made the same argument against the provisions on page 9 of the very same bill. On that page we observe that the Appropriations Committee is doing for the Mexican labor braceros program exactly what it refused to do for Americans looking for work they cannot find because they are not trained. So the position of the Appropriations Committee appears to be that it is all right to waive the fact that authorizations have not been received to import Mexican labor into the southwestern part of the United States, where it is alleged they will take jobs away from American labor, but we cannot do that to train American labor so that it can obtain jobs.

If the technical argument made by my friend in connection with the Manpower

Development and Training Act is valid, it is equally valid with respect to the braceros program on page 9 of the bill. But I say that it is not valid in either instance. Time after time appropriations have been recommended and passed by this body when the authorizing legislation had not yet been passed. Ample precedent exists for what is being done. I have consulted with the Parliamentarian, who through my staff has advised me that there is no shadow of substance to a point of order being raised against this appropriation.

I ask my friend from New Hampshire, who I am sure will take the floor in a moment, "Why did you not cut out the appropriation entirely? That would have been the honest thing to do. Do not cut it to \$110 million. Wipe it out, because every argument you have made in support of the cut from \$140 million to \$110 million could logically be made to eliminate the whole appropriation. If your premise is right—and I say it is not—then the conclusion must be that not 1 cent of the money could be spent in the fiscal year beginning next July."

Mr. President, I reserve the remainder of my time.

Mr. HILL. Mr. President, I yield 6 minutes to the distinguished Senator from New Hampshire.

Mr. COTTON. Mr. President, I am a little puzzled by the closing remarks of my friend from Pennsylvania about the argument I have made. I have not made any as yet. For a moment or two I shall make some arguments.

In the first place, let us forget for the moment about parliamentary procedure, about whether it is in order or out of order, about whether it depends on a bill for authorization not yet passed. Let us look at the situation to determine the need.

I am in entire accord with the sentiments of the Senator from Pennsylvania about the need for job training in this country. However, I should like to invite the attention of Senators to what transpired and to the situation in respect to the bill before the Senate. There are three other places in the bill where there is provision for job training.

In the bill, the subcommittee has recommended \$8 million for the job training activities of the Area Redevelopment Agency.

To the Bureau of Apprenticeship and Training, we gave \$5,460,000. That Bureau, of course, utilizes some privately raised funds, in addition.

Third, the Office of Education is receiving \$34,756,000 for the promotion and further development of vocational education.

So all the talk about what will happen about job training in regard to the \$30 million which has not been authorized yet is in complete disregard of the fact that there is in this bill duplication, triplication, and quadruplication of a very worthy program.

In addition, only yesterday the other body passed one of the most sweeping bills that has been passed to date for the expansion of vocational education.

H.R. 4955 would authorize new appropriations for State vocational education programs amounting to \$45 million for

fiscal year 1964, \$90 million for fiscal year 1965, \$135 million for fiscal year 1966, and \$180 million for subsequent fiscal years.

In addition, one of the points to be considered is the provision for training of those who need training in the colored population.

There is much talk about upsetting the recommendation of the subcommittee for \$30 million which has not yet been authorized, although there are in the same bill three other items for training, and although the other body has passed a bill for vocational education and we are about to launch upon another large training and education program. I say "about to," since the bill has not passed the Senate, but if we wish to be speculative we can be as speculative as the Senator from Pennsylvania. There will be ample opportunity for job training.

If Senators will follow the hearings they will find that the evidence showed that during the past year, of the 542 positions in this Department 137 persons were employed in the home office in Washington. What were they doing? They were coordinating. What was meant by "coordinating"? I asked that in the hearings. I was told that they were assembling and putting together information which came in from the States and from the field so that they could make reports to the President, and prepare records. It was research and coordinating.

They asked for 58 more employees, for 58 new positions, at a time when the President himself wants to hold down extra positions, yet they could not tell me how many of those employees would be employed in the home office in Washington collecting, assembling, and coordinating data.

I now am informed that of a total of 516 positions which would be provided by the bill as recommended to the Senate, 124 would be in the field, and 392 in Washington. These figures are interesting indeed.

Mr. President, forgetting all about whether it was authorized, if we are to tip over the bill and open it up—and it will be opened up—I promise Senators that there are plenty of amendments to be considered that involve more than \$30 million and this particular set of facts.

I am confident the Senate will not take such action.

Mr. CLARK. Mr. President, will the Senator respond, on my time, to an observation?

Mr. COTTON. I will endeavor to do so.

Mr. CLARK. The Senator, I am sure quite inadvertently, made a misstatement of fact which I am confident he will wish to correct. The Senator said that there was no authorization for the appropriation now under consideration. I am sure the Senator will recall that there is an authorization of \$165 million, or about \$55 million more than the Senate committee authorized, and a good deal more than the amendment would restore.

Mr. COTTON. The Senator is perfectly correct. I was relying on the fact

that the Senator himself said unless the other bill passed the amount in this bill was adequate.

Mr. CLARK. All I am saying is that there is an authorization.

Mr. COTTON. Technically the Senator is perfectly correct. Actually, it does not change the tenor of my remarks.

Mr. HILL. Mr. President, I yield 1 minute to the Senator from Ohio [Mr. LAUSCHE].

The PRESIDING OFFICER. The Senator from Ohio is recognized for 1 minute.

Mr. LAUSCHE. Mr. President, I shall vote against the proposed amendment. I shall do so on the basis that we had better give heed to what 47 States, by their silence with respect to the request of the U.S. Congress to pass matching laws, have implied. Forty-seven of the fifty States have refused to pass a law which would match, to the extent of 100 percent, the money which is to be put up by the Congress.

In my judgment, we ought to begin listening to what the people are saying back home. Nine months ago they were given the opportunity to pass laws approving a dollar-for-dollar matching on the job training program. There has been silence from 47 States. Three States have passed laws, which are inadequate with respect to matching.

The argument is now made: "The program is beginning to roll."

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

Mr. LAUSCHE. Will the Senator yield me 1 more minute?

Mr. HILL. Mr. President, I yield 1 additional minute to the Senator from Ohio.

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

Mr. LAUSCHE. It is said that the program is now rolling, and that it will continue to roll next year. I say that it will roll—it will roll over the taxpayer. We are asked to compel States to do what they do not wish to do. We would be running the Government into further and further deficits if we did so.

Mr. CLARK. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Pennsylvania has 3 minutes remaining.

Mr. CLARK. How much time does the Senator from Alabama have remaining?

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

Mr. CLARK. Mr. President, I yield myself 3 minutes.

Mr. President, I ask my good friend from Ohio to go back to his own State and see whether the people who voted for him want this program killed. Let him go back and take a look at the training programs underway in Cleveland and elsewhere in his great State. Look at the men who have been taken off the relief rolls and put back to work, and then say whether the people of Ohio want this program to be killed.

Mr. LAUSCHE rose.

Mr. CLARK. I will not yield at this time; I do not have sufficient time to do so.

The Senator talks about rolling over the taxpayers. That is what my good friend from Ohio says. I say to the Senator, without fear of contradiction, that this program saves the taxpayers money. It takes people off the relief rolls. It gives people an opportunity to be taxpayers.

There is not an economist who would support the position of the Senator from Ohio that the program rolls over the taxpayers. Mr. President, I yield the remainder of my time to the Senator from Ohio [Mr. LAUSCHE].

Mr. LAUSCHE. I thank the Senator very much.

If I had gone back to Ohio and subscribed to the spending programs which were espoused frequently on this floor, I would not have been reelected to the Senate in 1962.

This program envisions merely the spending of money. The Federal Government is extraordinarily liberal when it says to the States, "You put up a dollar, and we will put up a dollar."

I cannot understand how one could interpret the silence of 47 States to mean that they subscribe to this program. That cannot be done. If their silence means anything, it means, "We refuse to join. If the Federal Government wants to spend the money, let it do so."

That is the message which is sent to Congress.

I should like to enter into a discussion of what is being done on spending, but I do not think it will be necessary. The pillars will begin to fall. The time is not far off, in spite of the Brookings Institution report to the effect that we should continue to spend, when the International Monetary Fund will begin talking to the United States the way it is talking to Argentina and Brazil. It will say to us, "Put your house in order. Go on a diet. Quit spending."

I respect the Senator from Pennsylvania. He is my friend. But I disagree with him most vigorously on this item.

The PRESIDING OFFICER. The time on the amendment has expired. The question is on agreeing to the amendment of the Senator from Pennsylvania [Mr. CLARK]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MONRONEY (when his name was called). On this vote I have a live pair with the distinguished Senator from Virginia [Mr. RANDOLPH]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD. I announce that the Senator from Mississippi [Mr. EASTLAND], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Missouri [Mr. LONG], the Senator from Oregon [Mr. MORSE], the Senator from Rhode Island [Mr. PASTORE], the Sen-

ator from West Virginia [Mr. RANDOLPH], the Senator from Alabama [Mr. SPARKMAN], the Senator from Oregon [Mrs. NEUBERGER], and the Senator from West Virginia [Mr. BYRD] are absent on official business.

I further announce that the Senator from Indiana [Mr. BAYH] and the Senator from Washington [Mr. MAGNUSON] are necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia [Mr. BYRD], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Missouri [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Oregon [Mr. MORSE], the Senator from Oregon [Mrs. NEUBERGER], and the Senator from Rhode Island [Mr. PASTORE] would each vote "yea."

On this vote, the Senator from Indiana [Mr. BAYH] is paired with the Senator from Mississippi [Mr. EASTLAND].

If present and voting, the Senator from Indian would vote "yea" and the Senator from Mississippi would vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN] and the Senator from Massachusetts [Mr. SALTONSTALL] are absent on official business.

The Senator from Vermont [Mr. PROUTY] is necessarily absent.

The result was announced—yeas 29, nays 54, as follows:

## [No. 124 Leg.]

## YEAS—29

Burdick	Inouye	Moss
Church	Javits	Muskie
Clark	Jordan, Idaho	Nelson
Dodd	Kefauver	Pell
Douglas	Kennedy	Ribicoff
Engle	McCarthy	Scott
Fong	McGee	Williams, N.J.
Gruening	McGovern	Yarborough
Hart	McNamara	Young, Ohio
Hartke	Metcalf	

## NAYS—54

Allott	Ellender	Mechem
Anderson	Ervin	Miller
Bartlett	Goldwater	Morton
Beall	Hayden	Mundt
Bennett	Hickenlooper	Pearson
Bible	Hill	Proxmire
Boggs	Holland	Robertson
Brewster	Hruska	Russell
Byrd, Va.	Jackson	Simpson
Cannon	Johnston	Smathers
Carlson	Jordan, N.C.	Smith
Case	Keating	Stennis
Cooper	Kuchel	Symington
Cotton	Lausche	Talmadge
Curtis	Long, La.	Thurmond
Dirksen	Mansfield	Tower
Dominick	McClellan	Williams, Del.
Edmondson	McIntyre	Young, N. Dak.

## NOT VOTING—17

Aiken	Humphrey	Pastore
Bayh	Long, Mo.	Prouty
Byrd, W. Va.	Magnuson	Randolph
Eastland	Monroney	Saltonstall
Fulbright	Morse	Sparkman
Gore	Neuberger	

So Mr. CLARK's amendment was rejected.

Mr. LAUSCHE. Mr. President, I offer my amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 5, line 12, it is proposed to strike out "\$425,000,000" and insert in lieu thereof "\$400,000,000".

On page 6, line 18, immediately before the period it is proposed to insert the following: "Provided further, That no

part of any amount appropriated by this paragraph shall be available to defray any costs incurred for advertising or publicity services of any newspaper, periodical, radio station, or television station".

Mr. MANSFIELD. Mr. President, I wish to propound a unanimous consent agreement, namely, that 20 minutes of debate be allowed on the pending amendment, with 10 minutes to be controlled by the Senator from Ohio [Mr. LAUSCHE], and 10 minutes to be controlled by the Senator from Alabama [Mr. HILL].

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

Mr. HOLLAND. Mr. President, will the Senator from Ohio request a yeas-and-nays vote on his amendment?

Mr. LAUSCHE. I am not prepared to say at this time.

If my amendment is adopted it will reduce the amount recommended by the committee for the operation of the U.S. Employment Service from \$425 million to \$400 million. The House allowed \$350 million. The Senate committee's recommendation is \$425 million. My amendment will make available to the U.S. Employment Service, as I have already stated, the sum of \$400 million.

I have two reasons for proposing the amendment. The sum recommended by the committee is \$25 million more than was appropriated last year. From the universities of the State of Ohio I have received letters complaining that the U.S. Employment Service was coming into the universities to engage in the placement of students, thus substituting its service for the established placement bureaus of the universities.

If I had received only one letter along this line, I would have paid no attention to it. However, I have received many letters. The argument made by the universities is: "The placement service of the universities is our means of keeping in contact with industry. We must have friendly relations with industry, which frequently contributes to the establishment of scholarship funds."

The U.S. Employment Service answers by saying: "We do not go in unless we are asked to go in."

I made inquiry on that point, and I found that a very delicate method is used. Universities are told, "We will make available for you this service."

In my judgment, we are doing a disservice to the placement bureaus of the various universities and the country when the U.S. Employment Service steps in to perform work that is already being done.

Second, I have before me a sheaf of advertisements prepared by the U.S. Employment Service and placed in various newspapers of Ohio. One of them, which was published in the Cincinnati Post and Times Star, reads:

Jobs. Clerical, professional, and sales. Immediate openings.

Marketing manager—communications, \$16,000 a year.

Industrial engineer, \$7,500 to \$7,800 a year.

Methods engineer, \$500 to \$550 a month.

Next, I refer to an advertisement in the Cincinnati Enquirer:

Now staffing immediate openings with largest motel chain in America.

Bartenders, cooks and helpers, salad girls, bus girls, cashier-hostess, waitresses, porters, dishwashers, bellhops.

Another advertisement from the Cincinnati Post and Times Star reads:

Jobs. Immediate openings. Professional and clerical.

Mr. RUSSELL. Mr. President, will the Senator from Ohio yield?

Mr. LAUSCHE. I yield.

Mr. RUSSELL. Were those advertisements inserted by the motel?

Mr. LAUSCHE. These advertisements were paid for by the taxpayers of the United States and were inserted by the U.S. Employment Service. The motels have not done this. The enterprises which desired the skilled mechanics have not paid for the advertisements; the advertisements were paid for by the taxpayers.

I have a whole sheaf of advertisements. I shall not read each one. But one after another indicates that the U.S. Employment Service, which was established in the 1930's to find jobs for the unemployed, is now advertising for people to apply for jobs by means of advertisements paid for by the taxpayers' money. It was never intended that such practices should be followed by the U.S. Employment Service.

I wish to read certain statements made when this law was passed in 1933. The report of the Senate Committee on Education and Labor stated, in part:

We have in the proposed bill, then, a Federal agency set up to work in the various States in cooperation with the State employment agencies for the purpose of reducing unemployment and for the purpose of stabilizing labor conditions throughout the States.

The report of the House committee in 1933 stated:

In conclusion, the committee feels that the passage of this legislation will do much to bring about desired results in helping to relieve the unemployment situation through the country by providing employment services whereby the Federal Government and the States may work in harmony and avoid duplication of efforts.

A number of other statements were made in 1933, when the bill was discussed in the House and Senate, pointing out that the purpose of the U.S. Employment Service was to help persons who were out of work.

But what has happened? The U.S. Employment Service now finds it easier to give help to those who have jobs, who are not out of work.

I know it is more difficult to place an unemployed worker in a job than one who is already employed. However, it is the jobless who need help. This is particularly true of those who are getting aid to dependent children. Even though they are unemployed, fathers with children in need can get relief through ADC in 15 States which have these programs. To get this relief, the fathers must first register with the Employment Service, so that the Service will know who they are. But the record of the Employment

Service here is a sorry one indeed. For the month of May 1963, 4,821 families were removed from the aid to dependent children relief rolls because the fathers got jobs. They were new jobs, not cases where they returned to their former employment. Out of these 4,800 who got new jobs, only 382 got them through referral by the public employment services. In just this 1 month alone, more than 4,400 found new jobs through other avenues such as help-wanted ads, leads from neighbors or friends, going around to places of business inquiring about employment, and private employment agencies. For everyone who got a job through the Employment Service, 12 others found jobs through other sources. My point here is that the Employment Service helped less than 8 percent of those who got new jobs. The record shows that this is quite typical, month after month. But 92 percent were not helped by the Public Employment Service.

That is the substance of my amendment. I shall not ask for a yea-and-nay vote on the amendment.

Mr. MILLER. Mr. President, will the Senator from Ohio yield?

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

Mr. MILLER. I, too, have received similar correspondence from some of the universities in Iowa concerning the items to which the Senator from Ohio alluded. It seems to me that his amendment is worthwhile. While he may not be constrained to ask for the yeas and nays, I should like to do so. Would the Senator from Ohio have any objection if I did so? His amendment has much merit. One way in which we might be able to have some amendments adopted is to have them explained as lucidly as the Senator from Ohio has explained his amendment, and then vote them up or down. I should dislike to see an amendment such as that offered by the Senator from Ohio lose by a mere voice vote, although I do not know what the disposition of the Senators in charge of the bill is.

Mr. MILLER subsequently said: Mr. President, I ask unanimous consent that a letter from Paul H. Robbins, executive director of the National Society of Professional Engineers, and a letter from Dr. Chester E. Peters, president of the College Placement Council, Inc., may be printed in the RECORD following my remarks on the Lausche-Miller amendment.

The PRESIDING OFFICER. Is there objection to the request by the Senator from Iowa?

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

NATIONAL SOCIETY OF  
PROFESSIONAL ENGINEERS,  
Washington, D.C., April 19, 1963.

Subject: Fiscal year 1964 requests, Bureau of Employment Security, Department of Labor.

HON. JOHN E. FOGARTY,  
Chairman, Subcommittee on Department of Labor, House Appropriations Committee, U.S. House of Representatives, Washington, D.C.

DEAR MR. FOGARTY: The 60,000-member National Society of Professional Engineers is

deeply cognizant of the necessity and desirability of improving the effectiveness of the Bureau of Employment Security. There appears little reason to question that expanded activities of the Bureau in selected areas may significantly aid in the national efforts to reduce the alarming rate of unemployment, reflecting a concomitant increase in the rate of economic growth. It is respectfully submitted that this should be one of the main criteria in evaluating any increased appropriation requests for the employment service activities of BES.

The National Society of Professional Engineers is concerned to note the intention of the U.S. Employment Service to extend its support of State employment agencies to enable them to take over college placement activities. These activities are an integral, inseparable and vital part of the operations of the institutions of higher education, affording them information not otherwise available concerning supply, demand, and quality of their programs and graduates. It should also be noted that the important labor market information of BES is already available to the institutions.

The tremendous responsibilities of BES would be better fulfilled if its resources and energies were directed toward programs and problems of critical national concern which cannot otherwise be satisfactorily met. But our colleges and universities are doing a commendable job in their placement activities which provide them with vital liaison with industries and employers of their graduates. Removal of this liaison by operation of their placement facilities through and under the BES would deprive institutions of one of their most valuable, important resources.

Institutional opposition to the BES program is reflected in response to a letter to all college presidents from the College Placement Council outlining the program. Without soliciting any response, 200 college presidents replied they were in opposition to the BES assuming responsibility for their placement activities.

Another survey of 1,400 major employers asked how much they were utilizing State employment agencies for on-campus recruiting. Of the 1,023 replies, 856 did not use the State employment services. Of the 199 companies that commented pro or con on its effectiveness, 4 were favorable to the State employment services, and 195 were negative in their reactions.

The many financial demands upon the Government are urgent and critical. The Congress is now evaluating programs to which the available resources can best be assigned. Consideration must be given to curtailing those activities and expenditures for which there is no demonstrable need, demand or justification—and which may be detrimental to the interests of institutions of higher education. We therefore urge your committee to adopt an appropriate restrictive amendment to prevent the Department of Labor, through the BES, from employing Federal funds in State plans for college placement activities.

Thank you for considering this proposal. If the National Society may be of assistance to you and your colleagues in any manner, please do not hesitate to call upon us.

Very truly yours,

PAUL H. ROBBINS,  
Executive Director.

PRESENTATION OF THE COLLEGE PLACEMENT COUNCIL, INC., TO THE SUBCOMMITTEE ON DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES OF THE SENATE COMMITTEE ON APPROPRIATIONS

Mr. Chairman, in the face of unemployment approaching 5 million and with the recognized need for retraining of individuals displaced in employment through increased automation, a heavy obligation rests upon

the U.S. Department of Labor. It must expend every effort to utilize effectively appropriations made available to alleviate current manpower problems. Conversely, the dissipation of tax moneys by its U.S. Employment Service to provide unneeded and unsought assistance to graduating college students would appear to be an especially unthinkable misuse of public funds at this time.

Under the broad provisions of the Wagner-Peyser Act, the Department of Labor has been seeking to expand its professional placement activities on as many fronts as possible. Some of these aims would appear to be commendable. In the area of the career placement and employment of college students, however, there is virtually no need for assistance. With almost negligible exceptions the colleges and universities are providing the counseling, testing, and placement necessary to the efficient incorporation of its graduates into the economy. Employers in business, education, government, and industry have achieved a mutually advantageous relationship with these institutions. The campus placement activities are an integral part of the system of higher education and in most instances a function of student personnel services.

Until recently less than a half-dozen colleges and universities utilized personnel from the State employment services to provide placement assistance to their students. In the 1960's, however, the number has increased rapidly to the point where there are now 19 institutions with State agency personnel staffing the placement offices in whole or in part.

When it became obvious that the State employment agencies were circularizing college administrators, inviting them to augment or substitute the free services of the State employment agencies for student placement services previously provided by the colleges, concern was felt in many quarters. Concurrently, the State employment agencies began to contact employers offering to furnish recruitment services on the college campus without cost and, in some instances, encouraging the establishment of exclusive representation whereby the employer would conduct recruitment only through the State employment agency. Approaches to employers have been reported with increasing frequency in recent months. Additionally, the State agencies have continued to follow a practice of keeping confidential the identity of employers whom they serve. This practice has resulted in the college placement director being denied knowledge of the actual organization for which the student is being sought and the placement officer's effectiveness as a counselor consequently is being negated.

The College Placement Council, Inc., a nonprofit organization through which placement and recruitment are coordinated at a national and international level, was among the first to question the U.S. Employment Service program. It approached the Department of Labor to determine if the Department's objectives had been misconstrued. In four separate conferences from March 1962, to March 1963, representatives of the College Placement Council attempted first to convince the Department of the unnecessary role it was assuming. Failing this, it sought cooperation in which the Department would dissuade the State employment agencies from providing on-campus services. In all discussions the Department of Labor refused to accept the basic philosophy of the placement directors, i.e., that the counseling, testing, and placement of college students is and must remain an integral function of higher education.

To assure itself of the validity of its own position, the College Placement Council, which represents the eight Regional Placement Associations in the United States and

Canada, polled those in the United States and received unanimous support for its position. Included in the seven associations in the United States are nearly 900 of the 1,085 4-year degree-granting, accredited colleges and universities in the country. Also represented are some 1,800 employers in Government, business, education, and industry—virtually every employing organization of consequence which chooses to visit a college campus to recruit graduates.

The rationale offered by the Department of Labor for its interest in the college placement field has not followed a consistent pattern. Its initial position suggested that the placement offices were so ill staffed and implemented for their responsibilities that supplementation by the U.S. Employment Service was necessary to acquaint college graduates with the "thousands of jobs" of which they otherwise would not be aware. A program was proposed wherein college seniors would be registered with the local employment office, State employment staff members would be stationed on campus for part- or full-time service, and employers would be represented by State agency personnel who would keep the identity of such individuals in confidence. When considerable negative response developed to this set of directives, the U.S. Employment Service issued a new directive which stressed generalities but failed to rescind, specifically, its earlier intentions.

The College Placement Council in cooperation with the U.S. Chamber of Commerce acquainted college presidents with the foregoing developments and received some 200 unsolicited letters from college presidents in response, most of these volunteering strong support of the College Placement Council's position. Employers were then canvassed to determine the extent to which they were taking advantage of the State employment service for the recruiting of professional personnel and their attitude toward such service. Again a preponderantly negative response to the utilization of the State employment agencies was recorded.

Representatives of the Department of Labor express concern for the status of "youth" as an important element of the unemployment problem. It is entirely proper that they should. The term "youth" in this context is presumed to cover everyone of working age short of his 21st year. The college youth, however, is completely dissimilar from the high school dropout, or even the high school graduate. To equate the college graduate with the youth problem of unemployment is not realistic. The college graduate of today is widely sought by government, business, education, and industry. The average and the exceptionally talented graduates have a multiple choice of career opportunities. The less talented have, and always will have, less option. But relatively few reach the end of their senior year without employment if they have actively sought it. For the State employment agency to expend effort, staff, and money to urge upon these college graduates even more openings while the high school students, and the high school dropouts in particular, need massive assistance, is a disservice to our economy.

Statements of Labor Department representatives have given the impression that college placement offices are not sufficiently established or implemented to serve their purpose. At the present time there are 1,085 accredited, 4-year degree-granting institutions of higher education. Of the foregoing, 853 have formalized placement activity. These placement offices are cooperating with one of the seven regional placement associations of the United States, the College Placement Council, or both. They represent some 2,810,000 college students. The remaining 232 accredited institutions are so limited in enrollment or specific as to career preparation (theological seminaries, music

or art institutes, etc.) that formal placement programs are infrequently necessitated. As the smaller colleges develop to the point where formal placement activities are indicated, the regional placement associations provide counsel and assistance to their placement offices through standing committees charged with these responsibilities.

College placement officers and employers, over the past decade in particular, have cooperated through their regional placement associations to establish a remarkable working relationship which has been a prime factor in effecting understanding and communication between higher education on the one hand and the employer on the other. The mutual benefits have resulted in a philosophy and a technique unique in the world for effective career placement of graduates. This is not to say that the system, as is true with all systems involving the variability of the individual, cannot be and is not being improved. Much remains to be done and the College Placement Council reflects the determination of those whom it serves, in higher education and among the employers of the Nation, that it be done without on-campus Federal supplementation.

The major, irreconcilable difference in philosophy between the College Placement Council and the U.S. Employment Service is that the council insists upon placement being an integral part of the educational process, with counseling, testing, and placement conducted exclusively by officers of the college, retained by the college, and responsible only to the college. This is the way the system has grown and improved, with higher education and employers sharing the financial burden because of a conviction that the best interests of all concerned are thus served. The "Philosophy of College Placement" published by the College Placement Council says in part, "The educational process develops an individual's mental powers and ethical standards by a system of study and discipline to fulfill his potentialities both as an individual and as a useful citizen in his community. As an integral part of this educational process, college placement advances the purposes of the particular educational institution it serves. In endeavoring to extend and communicate knowledge, placement activities must operate in the climate of academic freedom. They must provide opportunity for individual initiative, maintain institutional and professional integrity, and be concerned with the needs of the public."

The College Placement Council submits that these ends cannot be achieved through the substitution or supplementation of on-campus college placement responsibilities by the State affiliates of the U.S. Employment Service. It invites the serious consideration of this committee and of the Senate to the importance of directing the funds allocated to the Department of Labor to those critical areas of need which the U.S. Employment Service is uniquely qualified to serve. Since college placement is not one of these critical areas and since its continuing administration within the traditional framework of higher education is recommended by educators and employers alike, the College Placement Council asks your endorsement of the position that a professional program for the college campus as proposed by the U.S. Employment Service is both unnecessary and unwarranted.

DR. CHESTER E. PETERS,  
President, College Placement Council, Inc.

Mr. LAUSCHE. The recommendation of the committee is \$425 million. The House allowance is \$350 million. My amendment would reduce the amount to \$400 million.

I have confidence in the Senator from Alabama. I believe he will recognize the impropriety of the kind of advertising

I have described, such as the advertisement for a job paying \$16,000 a year. How does that help to relieve unemployment? What wild imagination can bring us to the conclusion that such an advertisement is performing the function of the U.S. Employment Service. I know that under the law the U.S. Employment Agency can advertise in this manner, but it is wrong and ought to be stopped.

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

Mr. MILLER. Mr. President, I ask unanimous consent that I be permitted to join as a cosponsor of the amendment of the Senator from Ohio.

Mr. LAUSCHE. Mr. President, will the Senator from Alabama give consideration to this question when the bill is in conference?

Mr. MILLER. Mr. President, a point of order. I did not hear a response by the Chair to my unanimous-consent request.

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

Mr. HILL. Mr. President, I yield myself 3 minutes.

The Senator from Ohio had addressed a question to me.

I am sure that all members of the conference representing the Senate will, in conference, give due consideration to the question which the Senator from Ohio has raised today about advertising.

The House provided \$350 million. The Senate provided \$425 million. There is a difference of some \$75 million between the two Houses.

I think I can assure the Senator from Ohio that the conferees will thoroughly discuss the question of advertising.

Mr. LAUSCHE. I have been told by a member of the staff that the USES spent \$412 million last year and that of that amount a substantial part was paid for advertisements. I say in all sincerity that this practice is not at all justified by the purpose of the law.

Mr. HRUSKA. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I yield.

Mr. HRUSKA. May I inquire of the chairman of the subcommittee, who is in charge of the bill, his attitude with reference to the language contained in the amendment offered by the Senator from Ohio?

Mr. HILL. I told the Senator from Ohio that I was sure the members of the conference, including the chairman—speaking for myself, and I feel certain that this would be true of the other members of the conference—would consider this subject very thoroughly in the conference with the House conferees, having in mind the statement made by the distinguished Senator from Ohio this afternoon.

Mr. HRUSKA. Would that include the acceptance of the amendment offered by the Senator from Ohio? Otherwise, nothing would be in conference, with respect to the language in the amendment.

Mr. LAUSCHE. My amendment provides that no money shall be used for paid advertising.

Mr. HILL. When the conferees consider a question of this kind, they have wide discretion and could very well, in reaching their agreement, not only determine the amount of the funds, but also state in the report exactly what the funds were for and what they shall not be used for.

Mr. HRUSKA. And the conditions under which they might be spent?

Mr. HILL. I should say the conferees could consider all such questions.

Mr. HRUSKA. If the conferees would inquire into matters of the kind contained in the amendment offered by the Senator from Ohio, I would have no objection.

Mr. HILL. Certainly.

Mr. HRUSKA. And also the conditions relating to the expenditure thereof?

Mr. HILL. The conferees can go into all the various categories of questions.

Mr. HRUSKA. If the conditions set forth in the amendment of the Senator from Ohio were included, I believe that would satisfy those who have asked the questions.

Mr. CLARK. Mr. President, will the Senator from Alabama yield 1 minute to me?

Mr. HILL. I yield.

Mr. CLARK. In view of the recent colloquy, I wish to have the RECORD show that in my opinion this really is an iniquitous amendment, which I hope will not be adopted either on the floor or in conference. The voluminous testimony which the Employment of Manpower Subcommittee of the Committee on Labor and Public Welfare has taken on the whole employment problem makes it abundantly clear that if we are to make any real dent in the unemployment problem, the Employment Service must be far more aggressive than it has been. It must seek jobs for these people, rather than wait for the employers to offer them. Advertising is the essence of salesmanship; advertising is the essence of enabling the unemployed to become aware of job opportunities, whereas they will not become aware of them in the absence of advertising.

So when the Senator from Alabama goes to conference, I hope he will take note of the fact that at least a few Members of the Senate do not agree to the inclusion of this amendment.

The PRESIDING OFFICER. The question is on agreeing to the Lausche-Miller amendment.

Mr. MILLER. Mr. President, on this question, I ask for the yeas and nays.

The yeas and nays were not ordered.

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

Mr. MANSFIELD. First, Mr. President, on the question of agreeing to the amendment, I now ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HILL. Mr. President, I have said to the distinguished Senator from Ohio that the conferees will go into the matter of paid advertising. I understand his amendment would specifically forbid all advertising; is that correct?

Mr. LAUSCHE. Yes.

Mr. HILL. I do not know whether the Senate wants to go quite that far. Our

subcommittee received considerable testimony on both sides of this question. Senators will agree that, on the whole, this issue really should be determined by the legislative committee, rather than by the Appropriations Committee. It goes to the basic legislation, which of course is handled by the Senate Finance Committee and the House Ways and Means Committee.

In answer to some of the criticisms about advertising, I point out that the Employment Service has stated:

Since Employment Service funds for advertising are very limited (less than one-half of 1 percent of the budget and averaging about \$6 a week for each local office), only a small portion is paid for by the Employment Service. Most publicity is made available as a public service contribution by newspapers and radio and television stations, or is underwritten by employers for whom workers are being recruited.

That statement by the Employment Service is to the effect that much of the advertising is free, given either by the newspapers, radio stations, or television stations, or is paid for by employers who seek workers and therefore are willing to pay for the advertising, in the hope they will get the workers they need. Therefore, I do not know whether it would be wise for us at this time, without further consideration, to provide there shall be no advertising; and I thought the distinguished Senator from Ohio would withdraw his amendment.

Mr. LAUSCHE. I contemplated withdrawing it; but I could not do so in the face of the rather widespread request that the Senate vote on it.

Mr. SMATHERS. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I yield.

Mr. SMATHERS. Will the Senator from Alabama explain whether it is his judgment that from time to time it is necessary for the Employment Service to make clear whether jobs are available for those who might be included to take them? Is that the need for the advertising?

Mr. HILL. That might be one of the needs for it, and might be one of the reasons why the advertising has been carried. The distinguished Senator from Florida is a member of the Senate Finance Committee, and has heard a great deal more about this particular legislation and its provisions than perhaps any member of the Appropriations Committee has.

But to continue with my response to the query of the Senator from Florida, let me say the testimony discloses, for example as to the situation in New York State:

Job opportunities and the supply of qualified applicants are rarely in balance, which frequently necessitates advertising to bring together employers and applicants.

Mr. SMATHERS. In other words, the problem is to let the one who is seeking a job know that a job exists?

Mr. HILL. Yes, particularly in large cities such as New York.

Mr. SMATHERS. And the best way to do that is to advertise in the newspapers, so that those who are unemployed may know that jobs are available?

Mr. HILL. Yes.

Mr. SMATHERS. In order to make the program work satisfactorily, or to make it work even more satisfactorily, is it not necessary to let those who are unemployed know that jobs for them are available at certain places?

Mr. HILL. Yes; and no doubt the Finance Committee and the Ways and Means Committee had that situation in mind.

The PRESIDING OFFICER (Mr. McGovern in the chair). All time on the amendment has expired.

The question is on agreeing to the Lausche-Miller amendment. On this question, the yeas and nays have been ordered; and the Clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD (after having voted in the negative). On this vote I have a pair with the distinguished Senator from Illinois [Mr. DIRKSEN]. If he were present, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withdraw my vote.

The rollcall was concluded.

Mr. MANSFIELD. I announce that the Senator from Mississippi [Mr. EASTLAND], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Missouri [Mr. LONG], the Senator from Oregon [Mr. MORSE], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Rhode Island [Mr. PASTORE], the Senator from West Virginia [Mr. RANDOLPH], and the Senator from Alabama [Mr. SPARKMAN] are absent on official business.

I further announce that the Senator from Indiana [Mr. BAYH] and the Senator from Washington [Mr. MAGNUSON] are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana [Mr. BAYH], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Missouri [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Oregon [Mr. MORSE], the Senator from Oregon [Mr. NEUBERGER], and the Senator from Rhode Island [Mr. PASTORE] would each vote "nay."

On this vote, the Senator from West Virginia [Mr. RANDOLPH] is paired with the Senator from Mississippi [Mr. EASTLAND]. If present and voting, the Senator from West Virginia would vote "nay," and the Senator from Mississippi would vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. ARKEN] and the Senator from Massachusetts [Mr. SALTONSTALL] are absent on official business.

The Senator from Maryland [Mr. BEALL] and the Senator from Vermont [Mr. PROUTY] are necessarily absent.

The Senator from Illinois [Mr. DIRKSEN] is detained on official business, and his pair has been previously announced.

The result was announced—yeas 33, nays 49, as follows:

[No. 125 Leg.]

YEAS—33

Allott	Carlson	Dominick
Bennett	Cooper	Ellender
Boggs	Curtis	Ervin
Byrd, Va.	Dodd	Goldwater

Hickenlooper	Mechem	Scott
Hruska	Miller	Simpson
Jordan, N.C.	Morton	Talmadge
Jordan, Idaho	Mundt	Thurmond
Lausche	Pearson	Tower
Long, La.	Robertson	Williams, Del.
McClellan	Russell	Young, N. Dak.

## NAYS—49

Anderson	Hartke	Metcalf
Bartlett	Hayden	Monroney
Bible	Hill	Moss
Brewster	Holland	Muskie
Burdick	Inouye	Nelson
Byrd, W. Va.	Jackson	Pell
Cannon	Javits	Proxmire
Case	Johnston	Ribicoff
Church	Keating	Smathers
Clark	Kefauver	Smith
Cotton	Kennedy	Stennis
Douglas	Kuchel	Symington
Edmondson	McCarthy	Williams, N.J.
Engle	McGee	Yarborough
Fong	McGovern	Young, Ohio
Gruening	McIntyre	
Hart	McNamara	

## NOT VOTING—18

Alken	Gore	Neuberger
Bayh	Humphrey	Pastore
Beall	Long, Mo.	Prouty
Dirksen	Magnuson	Randolph
Eastland	Mansfield	Saltonstall
Fulbright	Morse	Sparkman

So Mr. LAUSCHE's amendment was rejected.

Mr. HILL. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. PROXMIRE. Mr. President, I ask for the attention of the Parliamentarian. I intend to make two points of order on the bill.

I make the point of order that on page 9, lines 5 through 7 and lines 16 through 18—the italicized matter—are not in order on the grounds that they represent a violation of rule XVI, subparagraphs 2 and 4; that is, the language both is legislation on an appropriation bill and also provides for a contingency, which is specifically prohibited under the rule.

The PRESIDING OFFICER. The Chair rules that the point of order is sustained.

Mr. PROXMIRE. I thank the Presiding Officer.

Mr. HILL. Mr. President, on behalf of the Committee on Appropriations I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 9, line 5, it is proposed to strike out "\$870,000" and to insert in lieu thereof "\$1,387,250".

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Alabama.

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were not ordered.

Mr. PROXMIRE. Mr. President, I intend to speak at some length on this amendment, because it would provide for a continuation of the bracero program.

Furthermore, it would do so although the House of Representatives has already killed the program and there is very considerable question as to whether the Senate will approve the program at all.

There has been discussion this afternoon as to the propriety and wisdom of the Senate making appropriations before an authorization bill is passed. This is a direct, clear, and obvious violation of that principle as well as the rule.

I oppose the bracero program but it is obvious that many Senators favor the program—there is no question that it has merit. Whether Senators favor it or oppose it, it seems to me to be clearly a violation of the rule to provide the money. The Chair has sustained my position. It should be obvious to the Senate, under these circumstances.

I hope that the Senator from Alabama will reconsider and recognize that the appropriation for the program will be forthcoming if the authorization bill is passed. To press, in violation of the rule, for an appropriation now, when the authorization has not been passed, seems to this Senator to be not in order.

Before I yield the floor I hope there may be a short debate and a vote. Once again I renew my request for the yeas and nays, in view of the fact that this amendment involves a substantive question. The Chair has ruled on it. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. PROXMIRE. Mr. President, I yield the floor.

Mr. HOLLAND. Mr. President, I wish to make a brief statement.

When the Committee on Appropriations was marking up the bill, S. 1703, the bill referred to in the committee amendment which has just been stricken on a point of order, either was the pending business on the Senate floor or had been announced as being the next order of business. As I recall, S. 1703 was the pending business on July 30 and 31. H.R. 5888 was reported to the Senate on August 1.

Because of the invariable rule of the Senate, since I have served on the Appropriations Committee, of trying to take care, in an appropriation bill pending at the time, of matters which it is believed will be enacted, the committee placed in this appropriation bill the language which has been stricken on a point of order; namely, the language which would require that \$517,250 of the total appropriation for compliance activities in the Mexican farm labor program be available only upon enactment of the bill authorizing the extension of the program for 1 year.

The same statement may be made, with a difference in amounts involved, with respect to the paragraph which deals with the salaries and expenses item on the Mexican farm labor program. I think all Senators familiar with the matter know that that is the case.

On July 31 a point of order was raised on the floor of the Senate to the further debate and consideration of S. 1703, and the bill was sent back to the Committee on Agriculture and Forestry of the Senate. On August 1 the Senate Committee on Agriculture met and again voted to report out S. 1703.

The same number of members of that committee—5 of the 17—who had voted against the favorable reporting of the bill on the first occasion the committee ordered it reported again voted against the favorable reporting of the bill on August 1; that is, the next day, following the raising of the point of order on the floor of the Senate.

The bill was again reported favorably to the Senate. It was favorably reported yesterday morning, the delay between the committee vote and the actual reporting of the bill being due only to the fact that the Senator from Wisconsin requested of the Senator from Florida, who had been directed by the chairman of the committee, the Senator from Louisiana [Mr. ELLENDER] to report the bill, that he would like to have the report held up until the minority views could be prepared. I was very happy to grant that privilege to the Senator from Wisconsin. I think that is a customary privilege. I do not feel it was anything special. I had done exactly the same thing when the bill was first reported.

I do not know why the minority never seems to be able to write its opinions as fast as the majority, but that frequently happens, and that is what happened in this case.

So the bill is now upon the calendar again, and ready for consideration.

The Senator from Wisconsin again has raised a point of order, this time directed to the appropriation bill.

It is true that the House of Representatives has killed a bill somewhat similar to the bill now before the Senate and on the calendar. However the House bill was quite different in one important respect, in that the House bill would have extended the program for 2 years, whereas the Senate bill, introduced by the two distinguished Senators from Colorado [Mr. ALLOTT and Mr. DOMINICK], would extend the program for only 1 year.

This is a very significant difference between the two measures. In his report to the House committee and in a request to the Senate committee, the Secretary of Labor recommended extension of the program for 1 year—not for the 2 years covered by the House bill, but for the 1 year covered by the Senate bill.

In both cases I think it is fair to say that he suggested an amendment, being a portion of the amendment suggested by him 2 years ago, when this program was last extended, at which time several of the suggestions made by him were adopted.

The Senator from Florida would not have been able to approve the amendment requested by the Secretary of Labor. He does not think there were many Senators—certainly not more than five—within the membership of the full committee who would have approved it.

My principal reason for disapproving it is that it would have required the employers of agricultural labor who sought to avail themselves of the services of Mexican labor to give exactly the same treatment, in connection with various phases of the operation, but particularly the advancement of transportation money, to domestic labor that is required in the case of Mexican labor.

It is not reasonable to apply the same requirements to domestic and Mexican workers because of their different situations. The Mexican workers program is handled by the Department of Labor itself. It recruits the laborers, brings them in, takes care of them at various hostleries known as reception centers, and otherwise provides for their welfare and safety. They may remain in the country only if they carry out their work contracts, so that the employer has some assurance when he pays for their transportation that they will work for him.

It would be completely wrong to put into the law the requirement that employers of domestic agricultural labor should be required to advance to domestic labor transportation expenses to and from their places of work, because it happens that we have laws in this Nation against peonage.

Those who do this kind of labor, mostly stoop labor, know that when they come to a farmer—let us say the distinguished Senator from Virginia [Mr. BYRD] who raises fine apples on his farm in Virginia—they have a perfect right, no matter how much he has advanced to them, to depart from his place the next day, without striking a lick, or, if they get a better offer, to leave his orchard to go to someone else's orchard, or go anywhere else, for any reason they may have, and he has no way of requiring them to perform their work.

In the case of Mexican laborers, they are handled by the Department of Labor and the Immigration Service, and the same rule does not apply at all.

So the committee has recommended the extension for 1 year, as recommended by the Secretary of Labor, but without the amendment recommended by the Secretary; and I would be surprised if a substantial number of Senators would consider it a reasonable proposal.

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

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

Mr. ROBERTSON. Do I correctly understand there is a difference in the law covering laborers who come in from Mexico to go into some States to pick small crops, and apple pickers who come from the Bahamas into the valleys of Virginia, for example, to harvest apples? Do I correctly understand there is a difference in the law applying to those two groups of laborers?

Mr. HOLLAND. There is a complete difference in the law as between the latter situation and the braceros. However, some workers are brought in from Mexico under the same law that covers offshore labor.

Those who know anything about these two laws say that the so-called Bracero Act, the act which is involved in these proceedings, is much fuller in its coverage of the protection of the workers than is the other act, and is so designed because the Secretary of Labor is authorized to provide camps, recruit laborers, and transport them. In the one case, the employer repays the various costs, including costs of transportation and the cost of the program, through the Federal agency; whereas in the other case it is

paid more directly from the farmers to the individuals or governments concerned.

Mr. ROBERTSON. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. ROBERTSON. I wish to point out—

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

Mr. HOLLAND. I have yielded to the Senator from Virginia. I shall be glad to yield next to the Senator from Wisconsin.

Mr. ROBERTSON. Letters I have received say that the farmers of Virginia who do not use Mexican labor want the Mexican labor bill passed because the fight against that bill is by union labor, and if the unions can eliminate the Mexican laborers, they will make the farmers pay two or three times as much. The average unionman would not work on the farm, if there were any relief left for him, under any circumstances, for any wage; and if they can knock out the Mexican laborers, and then knock out the apple pickers, who are authorized to come and go, we shall lose our apple pickers.

While my distinguished colleague from Virginia, through superior skill, has been able to accumulate a few dollars by growing apples, that is not true of every apple farmer, and we still need the help of these pickers.

I am for the bill for the Mexican workers, but the Senator from Virginia may point out that when the Senator from Pennsylvania wanted to add \$40 million to train workers, if it were not authorized, it would have been subject to a point of order.

Am I to understand that, after the Senator in charge of the bill from the subcommittee struck out the additional \$517,250, and left the \$870,000 which was in the House bill, it is still authorized?

Mr. HOLLAND. The \$870,000 item which is in the House bill is to carry the program through December 31.

Mr. ROBERTSON. Is that authorized?

Mr. HOLLAND. The Senator is correct. If the amendment now offered by the chairman on behalf of the committee, after polling the committee, is approved, the amount provided will be \$1,387,250 instead of \$870,000. The Senator is speaking about the paragraph covering compliance activities, and the amendment of the Senator from Alabama would provide sufficient funds to permit the compliance activities in connection with the enforcement of this law to continue next year, in the event that the extension is enacted into law.

Mr. ROBERTSON. I want to vote for the Mexican labor provision. It has been rejected by the House. We shall try again in the Senate. But it is not yet law. Is that correct?

Mr. HOLLAND. That is correct. The bill to extend the program beyond December of this year has not been passed yet.

Mr. ROBERTSON. Under those circumstances can the \$870,000 be appropriated?

Mr. HOLLAND. The program is provided for by existing law, but only until December 31, 1963. The appropriation is therefore authorized, but the amount that is needed will depend on whether the program is extended.

Mr. ROBERTSON. Then, I would not be inconsistent in voting to see that the \$870,000 is authorized?

Mr. HOLLAND. The \$870,000 is needed to cover the period ending December 31, the present period covered by Public Law 78. There is no contention about that sum. It is covered by the budget. The reason for proposing the larger amount now is to make a similar provision for the coming year, but without the language to which the Senator from Wisconsin has objected, although it is for the same purpose, as the Senator well sees.

The Senator says he is for renewal of the program. I would expect him to be, and I think he should be, because every grower of perishable products who has to rely upon this type of labor has only so much to draw on from the domestic pool; and if those elsewhere in the Nation are not able to obtain the laborers they have become accustomed to rely upon—and last year they used 195,000 workers under Public Law 78 in the West, Southwest, and as far north as Michigan—it means that some of the domestic labor which customarily would have gone to the apple orchards of Virginia and West Virginia, the orange groves of Florida, or to the pickle fields of Michigan, will be going to California or other points in the Southwest. The result will be a shortage, such as that which we are experiencing in other parts of the country with respect to the same type of labor.

Mr. ROBERTSON. Is not this also true as to the fundamental—

Mr. HOLLAND. I will yield to the distinguished Senator from Wisconsin, as I have already assured him that I would. I will yield to him shortly. In the meantime I will continue to recognize my friend from Virginia until he has completed his line of questioning.

Mr. ROBERTSON. Is it not also true that the union labor which complains about this program has an average income, at least so far as the skilled union worker is concerned, which is four times the average income of the average farmer?

Mr. HOLLAND. The Senator is correct in principle, although I cannot give the amount. I had not expected to go into the merits of the bill. Anyone who wishes to read the record in the House—and a full record was made there, both this year and in past years—will see that with reference to the pickle industry in the State of Michigan where about 20,000 foreign workers are used annually, it was made very clear that the industry tried to procure its workers from among the unemployed in the industrial areas of Michigan, only to find that those workers would not remain in that type of work. They would spend a few hours and then say that the work was too hard.

The pickle industry would prefer to have them, because those workers are close by and the employers are saved the expense of recruiting more distant

workers and the expense of maintaining recruiting offices. Those who are raising highly perishable crops are left in a very precarious position unless they have access to farm labor in two directions, first, Mexican labor in the Southwest and, second, offshore and Canadian labor in the East.

Anyone who wishes to leave the farmers, who are already in a precarious position, in that kind of situation, will have to follow an argument which I cannot support.

So far as the attitude of the labor organizations is concerned, they are active in this field; and, of course, the recommendations of the Labor Department show its interest in augmenting the membership of organized labor. That interest has been shown in a series of recommendations. I believe the farming people of this country are growing rather tired of it, because they must contend with the elements, with the seasons, and with the many precarious situations associated with that form of agriculture. They are entitled to a little consideration. That is why I am interested in this subject. I now yield to the Senator from Wisconsin.

Mr. PROXMIRE. I thank the Senator for yielding. I was not able to follow fully the colloquy between the Senator from Virginia and the Senator from Florida, and I would like to determine whether or not the sum of \$1,387,250, on line 5 of page 9, has in fact been authorized. Does the authorization go further than the \$870,000? Has there been an authorization for the \$1,387,250? Does the Senator from Florida or the Senator from Alabama know?

Mr. HOLLAND. So far as I know—and I stand ready to be corrected by the distinguished chairman of the committee, or any other Senator—the authorization bill is not in a precise amount of cash. On the contrary, the authorization is for a fixed time. The Appropriations Committee in the House fixed the amount at \$870,000. The Appropriations Committee in the Senate fixed it at \$1,387,250. My information is that the only authorization now in the law has to do with the continuance of these programs through December 31, 1963.

If I am incorrect, I ask any Senator who knows the facts more clearly to correct me. I am sure that is the case.

Mr. PROXMIRE. Will the Senator from Florida permit the Senator from Wisconsin to ask the Chair and the Parliamentarian, whether, in view of the clear language of paragraph 1 of rule XVI, which requires a meeting of a standing committee or a previous authorization, the amendment of the Senator from Alabama raising the amount by \$517,000 is in order?

Mr. HOLLAND. May I be heard on that? I wish to make it clear that the subcommittee and the full committee approved the exact amount of \$1,387,250.

The only vice of which they were guilty in the mind of the Senator from Wisconsin was to put in the wording that comes after that amount. That amount was added in the regular meeting of the subcommittee. The Senator from Alabama is present, and I am sure

he knows that that is the case. It was approved in the full meeting of the full committee. The Senator has made his point that the wording is not good. Now for him to try to make the point that the committee did not act upon this amount is rather futile, because the committee has acted on the amount and the amount was reported by both the subcommittee and the full committee.

Mr. PROXMIRE. That is not my point. The point of order I made was sustained. That knocked out the \$1,387,000; that eliminated that amount.

Mr. HOLLAND. The Senator is correct.

Mr. PROXMIRE. The amount then went back to \$870,000. Since that action was taken by the Chair, there has been no meeting of the Appropriations Committee. Therefore I am asking the Chair to rule whether the authorization is sufficiently adequate to permit the Senator from Alabama to raise the amount. If the authorization is not sufficient, then the amendment of the Senator from Alabama is in violation of paragraph 1 of rule XVI.

The PRESIDING OFFICER. The Chair will read the pertinent section of rule XVI, as follows:

1. All general appropriation bills shall be referred to the Committee on Appropriations, and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate submitted in accordance with law.

Under the last part of that paragraph the committee has acted within the rule, and the proposed amendment of the Senator from Alabama is, therefore, within the rule.

Mr. PROXMIRE. I had anticipated that that would be true. However, there was some confusion among Senators as to whether the authorization had actually been made. I shall speak briefly on this subject.

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

Mr. PROXMIRE. I yield.

Mr. RUSSELL. Mr. President, I have very grave doubts as to whether the Senator's point of order would lie in the first instance to the amount recommended by the committee. The language that follows the amount is undoubtedly subject to a point of order. However the committee could have recommended \$10 million, for example, instead of \$1,387,000, and not have earmarked any part of it. The point of order against the amount was not good, in my judgment. The committee, having appropriated a specific amount, has not violated any rule of the Senate. Where it violated the rule was where it earmarked a part of the appropriation.

The Chair has ruled that that part of the amendment was subject to a point of order. I wish to point out, before the RECORD is closed, that the rule gives the right to any Member of the Senate to

offer an amendment. Any Member may offer an amendment in his own right as an individual Senator to increase any one of the items in any amount by which he desires to increase or decrease it, as he sees fit as long as it is authorized by law. The precedents in that respect are unbroken.

The PRESIDING OFFICER. The Chair agrees with the interpretation of the Senator from Georgia. The point of order that was sustained a little while ago, made by the Senator from Wisconsin, had reference to the entire amendment. A point of order would not lie against the amount itself.

The Senator from Alabama is perfectly in order in his proposal relative to the amount.

Mr. RUSSELL. I thought the point of order was subject to being divided. It was undoubtedly good as to the amount included. But I do not agree that a point of order can eliminate an amount duly recommended by the Committee on Appropriations if there is no authorization by law for it. No earmarking could take it out.

Mr. PROXMIRE. The only point was whether there was authorization.

Mr. RUSSELL. I think it is generally agreed that there is no authorization. But if Congress wanted to waste some money, it could appropriate \$10 million instead of \$1 million, and such action would not be subject to a point of order.

Mr. PROXMIRE. If the amount went above the amount authorized, it seems to me a point of order would lie.

Mr. RUSSELL. If it were in excess of an authorization, the amount in excess would have to be approved by the Committee on Appropriations. The Committee on Appropriations can approve, in committee, any amount in excess of the authorization; but no Senator can offer an amendment on the floor in excess of that amount.

Mr. PROXMIRE. I believe the situation is now clear. The amendment is clearly in order. First, I presume the verbal limitation included by the Committee on Appropriations was for a purpose. The purpose was to earmark and limit funds. I believe the committee acted properly, because it felt that the additional appropriation could not be made without some kind of limitation.

The amendment of the Senator from Alabama provides that the funds may be appropriated without limitation.

If the bracero bill passes, there will be a supplemental appropriation. I am sure there will be no trouble in that respect, if the bracero bill is permitted to become law.

The purpose of my point of order and in opposing the position of the Senator from Alabama is merely to argue, as I tried to argue about 2 o'clock this afternoon, that until the enactment of a law authorizing these funds, it is not orderly or proper, whether we approve the bracero bill or oppose it, to pass this kind of appropriation.

Every Senator knows that the bracero bill is highly controversial. The Senator from Florida has discussed its merits to

some extent. When the bill comes before the Senate, some of us who oppose it will discuss it at considerable length, at least for several hours. In its present form, the bill is opposed by the Secretary of Labor; he made that clear. He is opposed to a 1-year extension without an amendment which the Senator from Florida [Mr. HOLLAND] and other Senators oppose, and may very well be able to defeat on the floor of the Senate.

Second, the Secretary of Agriculture, who is our expert on the farmer, has given a very brief report, indicating that his support for a 1-year extension, is clearly conditioned on the amendment which the Secretary of Labor desires to have offered and which the Senator from Minnesota [Mr. McCARTHY] and the Senator from New Jersey [Mr. WILLIAMS] will offer. So there is a real question—and this is the main point I wish to make—whether the proposed bracero legislation will pass. It is highly controversial.

Most important of all, similar legislation has been killed in the House. There is every likelihood that the House will not accept the bracero bill, if the Senate passes a 1-year extension. Under these circumstances, it does not make sense for the Senate to move ahead with an appropriation until the bracero bill has passed. There is plenty of time; there is no hurry. We shall consider at least one, perhaps two supplemental appropriation bills before the bracero situation develops. So is it not orderly to proceed to increase the amount to the level provided by the amendment of the Senator from Alabama until there is a purpose for this additional spending clearly provided in an authorizing bill.

Mr. HOLLAND. Mr. President, I call attention to the fact that the inclusion of this item by the Senate committee simply means that it will be in conference. If the House is adamant about the further consideration of the bracero bill on the 1-year extension basis, of course the item will go out in conference. If the House approves it, we will have completed the consideration of this phase of the matter. It seems to me that that is a complete answer to the views of the Senator from Wisconsin.

The question now is one of foresight, as to whether we should include this item in the bill, so that if the House accepts it—and we are not yet in conference by a good bit—this item will remain in the bill.

Mr. ALLOTT. Mr. President, I was about to make the point which the distinguished Senator from Florida has made. I express my appreciation to him and to the distinguished Senator from Alabama, chairman of the subcommittee, for including this money in the appropriation bill. In making this statement, I do not wish to discuss the merits of the bracero bill at this time, although I should be perfectly willing to do so. I am sure that it will be debated at great length and just as vigorously by those of us who favor the bill, when it comes before the Senate. Therefore, I hope all Senators will support the amendment of the chairman of the committee, which is

in conformity with the action of the committee in its meeting.

Mr. McCARTHY. Mr. President, this procedure is somewhat unusual in the circumstances under which we are considering the Mexican farm labor bill. As the Senator from Wisconsin [Mr. PROXMIRE] has said, the House has rejected the Mexican farm labor program. It would be in order to approve the \$800,000 in the bill, but I do not see any reason why we should now proceed to appropriate money to administer a program which has been rejected by the House and which might very well be rejected by the Senate when the program is brought before us.

I can anticipate the argument which will be made next week if we now appropriate money to administer the program in 1964. Senators will rise and say, "We might as well approve the program because we have already appropriated the money to carry it out."

A few minutes ago, when the Senator from Pennsylvania [Mr. CLARK] proposed to include additional money for the retraining of unemployed American workers, the argument was made against it: "We do not have sufficient authorization for it. There is an authorization for some retraining, but why appropriate more money than is needed to carry out the program?"

So in one case we have the committee and the Senate consistent: "Let us not appropriate more money than we might need to retrain unemployed American workers."

But 20 minutes later it is said, "Let us appropriate more money than we need, so as to import Mexican farmworkers to perform work that might otherwise be done by American workers."

Mr. DOUGLAS. Mr. President, will the Senator from Minnesota yield?

Mr. McCARTHY. I yield.

Mr. DOUGLAS. The Senator from Minnesota has made an excellent point. The employment of Mexican laborers will mean added unemployment for American workers. If the Senate supports the amendment offered by the Senator from Alabama, it will be voting to make the unemployment situation of American workers worse, just as on the previous amendment the Senate likewise voted to make the unemployment situation of American workers worse. Is that correct?

Mr. McCARTHY. The Senator from Illinois is quite correct.

In addition, it would give additional support to carrying to conference such an item for the next farm labor bill. In view of the present situation of the Mexican farm labor bill, I see no justification whatever for including more funds than are needed to carry out the program for the duration of the time that it has been authorized; and certainly I see no reason for the appropriation of this additional money on the very day when we have rejected the proposal that we make an appropriation in anticipation of the need to retrain unemployed Americans.

Therefore, I suggest that the Senate vote only the additional appropriation necessary for the remainder of 1963, and

reject the amendment proposed by the Senator from Alabama.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama [Mr. HILL]. On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Nevada [Mr. CANNON], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Missouri [Mr. LONG], the Senator from Oregon [Mr. MORSE], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Rhode Island [Mr. PASTORE], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Florida [Mr. SMATHERS], the Senator from Alabama [Mr. SPARKMAN], and the Senator from Missouri [Mr. SYMINGTON] are absent on official business.

I further announce that the Senator from Indiana [Mr. BAYH] and the Senator from Washington [Mr. MAGNUSON] are necessarily absent.

I further announce that, if present and voting, the Senator from Tennessee [Mr. KEFAUVER] would vote "nay."

On this vote, the Senator from Indiana [Mr. BAYH] is paired with the Senator from Nevada [Mr. CANNON]. If present and voting, the Senator from Indiana would vote "nay," and the Senator from Nevada would vote "yea."

On this vote, the Senator from Minnesota [Mr. HUMPHREY] is paired with the Senator from Mississippi [Mr. EASTLAND]. If present and voting, the Senator from Minnesota would vote "nay," and the Senator from Mississippi would vote "yea."

On this vote, the Senator from Washington [Mr. MAGNUSON] is paired with the Senator from Arkansas [Mr. FULBRIGHT]. If present and voting, the Senator from Washington would vote "nay," and the Senator from Arkansas would vote "yea."

On this vote, the Senator from Oregon [Mr. MORSE] is paired with the Senator from West Virginia [Mr. RANDOLPH]. If present and voting, the Senator from Oregon would vote "nay," and the Senator from West Virginia would vote "yea."

On this vote, the Senator from Oregon [Mrs. NEUBERGER] is paired with the Senator from Florida [Mr. SMATHERS]. If present and voting, the Senator from Oregon would vote "nay," and the Senator from Florida would vote "yea."

On this vote, the Senator from Rhode Island [Mr. PASTORE] is paired with the Senator from Alabama [Mr. SPARKMAN]. If present and voting, the Senator from Rhode Island would vote "nay," and the Senator from Alabama would vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN] and the Senator from Massachusetts [Mr. SALTONSTALL] are absent on official business.

The Senator from Maryland [Mr. BEALL], the Senator from Kansas [Mr. CARLSON], and the Senator from Vermont [Mr. PROUTY] are necessarily absent.

The result was announced—yeas 45, nays 34, as follows:

[No. 126 Leg.]

YEAS—45

Allott	Hayden	Monroney
Bartlett	Hickenlooper	Morton
Bennett	Hill	Moss
Bible	Holland	Mundt
Byrd, Va.	Hruska	Muskie
Cooper	Jackson	Pearson
Cotton	Jordan, N.C.	Robertson
Curtis	Jordan, Idaho	Scott
Dominick	Kuchel	Simpson
Edmondson	Lausche	Stennis
Ellender	Mansfield	Talmadge
Engle	McClellan	Thurmond
Ervin	McGee	Tower
Goldwater	Mechem	Yarborough
Hart	Miller	Young, N. Dak.

NAYS—34

Anderson	Gruening	Metcalf
Boggs	Hartke	Nelson
Brewster	Inouye	Pell
Burdick	Javits	Proxmire
Byrd, W. Va.	Johnston	Ribicoff
Case	Keating	Russell
Church	Kennedy	Smith
Clark	Long, La.	Williams, N.J.
Dirksen	McCarthy	Williams, Del.
Dodd	McGovern	Young, Ohio
Douglas	McIntyre	
Fong	McNamara	

NOT VOTING—21

Alken	Gore	Pastore
Bayh	Humphrey	Prouty
Beall	Kefauver	Randolph
Cannon	Long, Mo.	Saltonstall
Carlson	Magnuson	Smathers
Eastland	Morse	Sparkman
Feulbright	Neuberger	Symington

So Mr. HILL's amendment was agreed to.

Mr. HILL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ALLOTT. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Colorado.

The motion was agreed to.

Mr. PROXMIRE. Mr. President, I make a point of order. I refer to page 21, lines 9 to 15. I make the point of order that the provision in the bill is in violation of rule XVI. It is a contingency, and clearly violates the provisions of subparagraph (2). I point out also that the program has not been requested by the administration. It has not been requested by the Department. It has not been approved by the House. I oppose it on the ground that Congress should not give the administration the money unless it asks for it. The point I now make is that the language is not in order, and therefore should be stricken from the bill.

The PRESIDING OFFICER. The Chair sustains—

Mr. HILL. Mr. President, I should like to be heard on that question.

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

Mr. HILL. The point of order may go to the proviso but not to the other part. The Senate has passed Senate bill 1576, the mental health bill. That bill authorized the expenditure of \$1,500,000 for training teachers of the deaf. If the Senate has passed an authorizing bill, it

is in order to include the appropriation in an appropriation bill. I point out that the authorization bill has passed the Senate.

The PRESIDING OFFICER. The Senator from Alabama is correct in what he has said. But does he modify the committee amendment—

Mr. HILL. The Senator from Alabama with the consent of the committee modifies the amendment on page 21, line 12, so as to strike out the language from the word "provided" down through the paragraph including line 15.

The PRESIDING OFFICER. The amendment as modified is within the rule because the part that he has agreed to eliminate is the part that is subject to the point of order. The remainder of the language would be within the rule. Without objection the amendment as modified is agreed to.

Mr. JAVITS. Mr. President, I offer an amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment of the Senator from New York will be stated.

The LEGISLATIVE CLERK. On page 31, line 3, before the period it is proposed to insert the following: "Provided further, That no part of the amounts appropriated in this paragraph shall be used for hospitals or related facilities which are segregated on account of race, creed, or color".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

Mr. JAVITS. Mr. President, on the amendment I ask for the yeas and nays.

The yeas and nays were ordered.

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

Mr. JAVITS. I yield.

Mr. DIRKSEN. I should like to ask the Senator how long he intends to discuss his proposal.

Mr. JAVITS. Mr. President, I shall not take more than 20 minutes. I should like, if I may, without being presumptuous, to address myself to the majority leader. If the majority leader intends to move to table the amendment, I would deeply appreciate the opportunity to ask for the yeas and nays on the motion to table at this time while many Senators are present.

Mr. MANSFIELD. That is perfectly agreeable to me. In return, I would deeply appreciate it if the Senator would agree to a 25-minute limitation on the amendment, 22 minutes to be used by himself, and 3 minutes by the majority leader.

Mr. JAVITS. I ask the majority leader to allow me to inquire of Senators in the Chamber whether any other Senator desires to speak on the amendment. Then I shall be able to answer his question. If no other Senator desires to speak, may we agree on a half hour? I shall take 25 minutes, and 5 minutes will remain to the majority leader.

Mr. MANSFIELD. Mr. President, I make such a request.

Mr. HOLLAND. Mr. President, I did not hear all that the distinguished majority leader said. Did I correctly understand him to say that he expected to make a motion to lay on the table the

amendment of the Senator from New York at the expiration of 30 minutes?

Mr. MANSFIELD. At the end of the 30 minutes, or sooner, the time to be divided 25 minutes to the Senator from New York, and 5 minutes to the majority leader.

Mr. HOLLAND. With that understanding, I am perfectly willing to proceed.

Mr. JAVITS. Mr. President, I ask unanimous consent that the request for the order for the yeas and nays on the amendment apply also to a motion to table when made.

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

Mr. MANSFIELD. Mr. President, has my request for a time limitation been agreed to?

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

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. As I understand the situation, there will be 30 minutes of debate on the amendment, the time to be divided in order to give 25 minutes to me and 5 minutes to the majority leader.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. As I understand the situation further, the yeas and nays are ordered either on the amendment or on a motion to table the amendment, if such a motion is made.

The PRESIDING OFFICER. By unanimous consent that is the situation.

Mr. JAVITS. I thank the Chair.

Mr. President, I yield myself 15 minutes.

I shall be factual. Everyone knows my views upon this subject. The moralities have been argued many times. I should like to give my colleagues the facts. The facts are so appalling that it seems to me they make a far more overwhelming and far more persuasive case that we ought, in all good conscience, to do what is recommended by the amendment, than any coloration which I might give them.

I refer to one of the two anachronisms in the law. The law in the case of Hill-Burton Act aid for the construction of hospitals in specific terms permits the so-called separate-but-equal doctrine of the Plessy against Ferguson decision—separate-but-equal facilities—which was stricken down by the Supreme Court in 1954 in the public school desegregation cases. That provision is contained in section 622(f) of the Public Health law. Very interestingly, provision is made in that section that aid for such facilities shall be given provided that the facilities will be made available without discrimination on account of race, creed, or color, to all persons residing in the territorial area to be served by that facility. But the law further states that an exception shall be made in cases where separate hospital facilities are provided for separate population groups, if the plan makes equitable provision on the

basis of need for facilities and services of like quality for each such group.

And the Public Health Service regulations accordingly state, in section 53.112:

The State agency may waive the requirement of assurance from the construction applicant if (a) it finds that the plan otherwise makes equitable provision on the basis of need for facilities and services of like quality for each such population group in the area; and (b) such finding is subsequently approved by the Surgeon General.

That is the segregation permission; that is, the State agency may waive the requirement.

What compounds the problem and makes the provision appalling is the fact that the State agency's waiver must be subsequently approved by the Surgeon General, who is a Federal official. So this is a situation, in the case of Hill-Burton funds, in which a Federal official is affirmatively approving segregated hospitals.

Think of that, Mr. President, at a time such as this, when the country is literally burning upon this issue.

The Surgeon General of the United States actually does so. There is no guess about this. I have the record. The Hill-Burton program became law in 1946. In 1957, two such hospitals were authorized. In 1958, two were authorized. In 1959, five were authorized. In 1960, 18 were authorized. In 1961, 10 were authorized. In 1962, four were authorized. In 1963, one was authorized.

In short, this is a situation in which, in effect, we are allowing not only Federal tax moneys but also Federal authority to be used affirmatively to establish segregated facilities.

The facts are well known. I have put surveys in the RECORD. Findings have been made by the Southern Regional Council, in a report on the Hill-Burton hospital construction program. It is well known that there are many hospitals which are being constructed in the southern States, where segregation is the social order, and where hospitals and many other facilities are segregated.

I invite Members of the Senate to refer to pages 705 and 706 of the hearings on the bill. There are tables showing total allocations, by State, of the funds appropriated for the past fiscal year and expected to be appropriated for the present fiscal year.

The amount we are asked to appropriate is not \$170 million, as requested by the administration and as it appears on page 706. In this case the amount is to be raised by \$50 million, so it is to be \$220 million. Even with respect to \$170 million—I invite attention to exhibit IV on page 706—the total allocation to the 11 Southern States, where segregation is the social pattern, amount to \$56,423,463. That is \$56 million in round figures. That figure would have to be increased by at least 25 percent, because the amount in the bill is to be increased by \$50 million.

First, we would be legislating a direct aid to segregation, because the Surgeon General not only can allow but also has allowed segregated facilities in respect of hospitals. Second, we would be feeding money without any precaution or safeguard, directly into areas where seg-

regation is the social pattern. The indications are that segregation not only is practiced with respect to patients, but also is practiced with respect to Negro physicians, who, incidentally, represent only 2 percent of the physicians in the country although Negroes represent 10 percent of our population. It is practiced with respect to admittance into medical societies, even in States where one cannot be permitted to practice in a hospital unless one belongs to a medical society; it is practiced with respect to specialist training, of which specialists the Negroes have only a few hundred in the country, whereas in proportion to the population the figure should be about 6,000; and it is practiced with respect to admission to medical schools affiliated with the hospitals.

Mr. President, it seems to me that the overwhelming burden of the facts is so shocking in this respect, in connection with what is probably the most pernicious kind of segregation and discrimination, as to impress the Congress, if anything in the world can.

Let us examine the legislative situation. We are facing a civil rights "package." What will come of that we do not know. In that civil rights package the President has recommended a provision which would give him the authority, in his discretion, he says, to cut off Federal funds to State programs which are segregated or discriminatory.

I should like to report something to the Senate. I have tried, as has the Senator from Michigan [Mr. HART], to get from the Government departments an accounting as to how those departments are using Federal funds which are entrusted to them in respect of State programs which are segregated or discriminatory. The principal agency from which I have not had a reply is the Department of Health, Education, and Welfare.

One can understand why when one looks over the pending bill. Not only is this the most pernicious example of discrimination and segregation, in respect of the Hill-Burton Hospital Construction Act, but also there are other things in the same bill involving the same problem—vocational education, impacted school districts, and others. I have picked out the most outrageous of all, for it seems to me to be absolutely the clearest case.

This represents an almost unbelievable pattern in the Federal Government. A number of Government departments have reported to us that they believe they have the authority to withhold funds from any State programs which are segregated or discriminatory. I will name those. One is the Post Office Department, which says flatly that it has such power. Another is the Department of Labor, which says flatly that it has that power. The Commerce Department says that it has that power in all but two instances. The Defense Department says it is in doubt, and that it intends to consider the question further. Of course, we all know that the Housing and Home Finance Agency has such power, because the President made that clear by an Executive order against discrimination in housing.

Some of our Government departments feel that they have this authority and actually are applying it. These statements are in writing, and I have introduced them in the RECORD, as has the Senator from Michigan [Mr. HART], with whom I have collaborated in this effort. It is absolutely fantastic that, on the one hand, certain departments say they can withhold money; and, on the other hand, a department such as the Department of Health, Education, and Welfare not only says it cannot but also, for all practical purposes, affirms that the Surgeon General not only has the authority to utilize, but also will utilize the authority, in order to directly authorize the use of Federal moneys for the establishment of new—not old—segregated Federal hospitals.

Many people talk about protests and demonstrations and the impatience of Negroes. Under this state of facts have we any other right than to say to ourselves, "They are exercising absolutely unbelievable restraint"? This kind of situation is facing the Congress of the United States, which is today asked to appropriate \$220 million for certain purposes. Yet Congress does not have the self-discipline, unless it should adopt an amendment like the one pending, to put a stop to the abuses of the use of public moneys in the fashion in which I have just described.

What will we be greeted by, Mr. President, as the argument against my amendment? We will be told, "It is in the President's package"—which, incidentally, would give him discretionary authority. I believe he has absolute authority. Other departments say they have authority. Only the Department of Health, Education, and Welfare is silent.

We shall be faced with the argument, "This is in the President's package. It will be dealt with in good time."

Mr. President, I have given the record. Since 1957 there has been segregated hospital after segregated hospital built. I have given the figures which show that \$56 million will go into the South in aid of hospital construction.

We are asked to pay out this money. It is the money of the taxpayers.

It has been said time and time and time again—and it is worth repetition—that the taxpayers' money is taken out of the backs of whites and blacks alike. Yet that money is to be used for the very thing for which one such person—Medgar Evers—has put down his life in protest, and as to which others are protesting at the risk of imprisonment and the blasting of their whole futures because of an arrest record, all over this country, and very heavily in the South.

We shall be confronted with the argument, "It will be taken care of. Congress will deal with the whole subject. The President will look into it."

We are asked to appropriate the hard-earned money of the American taxpayers to support and authorize directly a segregated practice of this character on the part of the Federal Government.

Perhaps we have some indication of the attitude upon this subject from the fact that when the President sent to Congress a special message he told us

only that he wanted to eliminate the separate-but-equal provisions of the Morrill Act, the Federal Land-Grant College Act. Incidentally, there is \$11 million in the bill for that purpose, and an amendment toward that end would also lie.

We understand these situations, and so we try to pick out the one which will most appeal to all Senators and which will most trouble the conscience of the Congress, which is what I have tried to do today.

But the President said nothing about the Hill-Burton Act, I assume on the ground that, if he has discretionary authority, he will use it, and not as he chooses. But I submit that we are dealing with an affirmative exercise of authority by the Federal Government to authorize separate-but-equal facilities. Where that power has come to be exercised—and there is no question about it; it has been exercised in the cases I have described from 1957 on—I cannot see how we can expect people to rely upon the fact that we will do justice in the Congress to their legitimate complaints on the ground of segregation and discrimination when we will not restrain the expenditure of any of this money for the purposes I have described.

It is a pernicious example of discrimination. In my judgment, it is affront to our Constitution. It should be an affront to the conscience of the Congress. I feel very deeply that, at the very least, this is the kind of practice so blatant, involving so much money, involving new, not old, projects, that we must put a stop to that practice.

I fought the same battle with respect to construction of airports, when an effort was made to get around the law on the pretense that the particular segregated part of an airport was not constructed by the use of Federal money. I am fighting the same battle on this bill.

I do not know what will become of the President's package bill for civil rights, but this is a question of justice in the barest zones of humanity. A play has been written called "The Death of Besie Smith," which involved the case of a Negro woman who died because no one would pick her up and take her to a white hospital in the South. This is not unusual. It is one of the things that is most deeply rooted in the minds of Negroes in the South. The least we can do is to say we are not going to spend U.S. money to support this practice. It is really very elemental.

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

Mr. JAVITS. I yield to my colleague.

Mr. KEATING. It should be emphasized that even if the President's package is enacted in every respect, it will not take care of the situation to which the Senator is addressing the amendment. All the President's proposals authorize is the discretionary authority to withhold funds, not the mandatory direction which is required. The authority now exists to withhold funds, but it is not being exercised, and, if enacted into law, the President's package bill will do nothing to correct that situation.

In due course, it is the intention of some of us to offer an amendment to make that section mandatory, and, generally in programs where discrimination is practiced, to do exactly what the senior Senator from New York is seeking to do in the matter of the Hill-Burton Act.

Mr. President, I strongly support this amendment. It is incredible at this date in our history that the Federal Government should operate as a silent partner of segregation in any area of activity. Yet this is exactly the situation under a host of Federal grant-in-aid programs administered without regard to the requirements of equal protection.

The Constitution of the United States is colorblind and so is the Internal Revenue Service. It collects taxes from every citizen whether he is white or Negro, and it is immoral as well as unlawful for such funds to be disbursed on a racially segregated basis.

I will support every effort to strike down this invidious practice. The most effective way of dealing with it, in my judgment, would be an Executive order applicable across the board which would direct every official of the executive branch to insist upon a policy of non-discrimination under any programs which are within his agency's jurisdiction. A second approach would be the adoption of general legislation directing the same course of action. But no such Executive order has been issued and no such legislation has yet been acted upon. Until we take these steps to curb Federal subsidies for Jim Crow projects, we have no choice, unless we want to turn our back on the Constitution, but to insist that each individual program for which funds are requested or for which an extension is proposed be subject to non-discrimination requirements.

The situation under the so-called Hill-Burton Act is particularly serious. We have all heard of cases in which citizens of the United States in dire need of medical attention have been turned away from white-only hospitals, sometimes with fatal consequences. We know that qualified medical doctors who could render a valuable service to the community are denied admission to the staffs of certain hospitals because they are Negro.

I have on several occasions attempted to obtain assurance from the Secretary of Health, Education, and Welfare that such practices would not be tolerated at any hospital constructed with Federal funds or operated with Federal assistance. The Attorney General has actually instituted litigation to bar such practices at hospitals subsidized with Hill-Burton funds. Despite these urgings, the Department of Health, Education, and Welfare continues its head-in-the-sand attitude toward the whole problem.

On June 4, 1963, after a meeting with the top officials of the National Medical Association, I wrote to Secretary Celebrezze asking for a report on steps his Department was taking to enforce non-discrimination requirements in hospitals receiving Federal grants. The Hill-Burton Act contains a provision allowing ap-

proval of grants for separate but equal facilities under specified conditions.

This provision, in my judgment, has been a nullity since the Supreme Court's decision in the Brown case holding the separate but equal doctrine unconstitutional. But even apart from any question of its validity, I have been advised by the National Medical Association that separate but equal grants have been requested in only a small number of cases and that 98 percent of all grants under the Hill-Burton Act have been made on the basis of a certification by the State agency involved that the facilities would be operated without discrimination on account of race, creed, or color. In these cases there can be no arguing with the fact that operation of a hospital on a segregated basis violates not only the Constitution but the act itself and the regulations issued by the Surgeon General.

In my June 4 letter to Secretary Celebrezze, I requested that he submit to me a report on the following subjects:

First. The steps the Department takes to enforce a policy of nondiscrimination in cases in which no waiver for separate but equal facilities has been granted.

Second. The number of cases in which a waiver has been granted for segregated hospital facilities, and a summary of the Department's present policy with regard to granting such waivers.

Third. The position of the Department on its authority to condition all grants under the Hill-Burton Act on a requirement of nondiscrimination in view of the requirements of the equal protection clause.

I also asked for the Department's comments on the extent to which there is racial discrimination against patients and physicians by hospitals receiving Federal or State financial assistance.

I have yet to receive an answer to this letter after waiting for more than 2 months and despite repeated telephonic requests to the Agency as recently as yesterday for its response.

Well, let me say that this is an issue which neither the Secretary of Health, Education, and Welfare nor the Congress can duck. We are on the eve of a historic civil rights debate. The President has submitted to us a request for legislation which would go a long way toward assuring continued progress in the field of civil rights. But the Federal Government has a solemn obligation to enter this debate with clean hands. The force of its appeal for enactment of this legislation will be strengthened by every step we take to rid every Federal activity from the taint of discrimination. It is within the power of the President to deal with these shocking conditions without legislation, but he has chosen not to exercise that power. It, therefore, becomes our duty to adopt the measures needed.

This amendment is only one of the multitude which are required to translate the principle of equal protection into a guiding directive controlling the expenditure of all Federal funds. But we have to start some place at some time, and this is as good a place and time as any. I hope that this amendment will be overwhelmingly approved.

Mr. President, I ask unanimous consent that the text of my letter to Secretary Celebrezze be printed at this point in the RECORD, and I assure the Secretary, in the RECORD, that I will also request unanimous consent that any reply I receive to this letter, whenever it arrives, also be printed in the RECORD.

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

JUNE 4, 1963.

HON. ANTHONY J. CELEBREZZE,  
Department of Health, Education, and Welfare,  
Washington, D.C.

DEAR MR. SECRETARY: Officials of the National Medical Association have brought to my attention their discussions with the Department regarding enforcement of nondiscrimination requirements in hospitals receiving Federal grants.

In my judgment, it is no more lawful for the Federal Government to expend Federal funds on segregated projects or programs than it is for State officials to support segregated facilities. I recognize that the Hill-Burton Act contains a clause authorizing an exception to be made to the general statutory prohibition against discriminatory hospital practices in cases in which equitable provision is made for separate facilities. It is apparent, however, that this clause was invalidated when the separate but equal doctrine was repudiated by the Supreme Court and that it no longer offers any justifiable basis for the refusal of the Department to enforce a policy of nondiscrimination in all cases.

In any event, the officials of the National Medical Association advise me that the exception for separate but equal facilities has been granted relatively infrequently and that 98 percent of all grants under the Hill-Burton Act have been made on the basis of a certification by the State agency that the facilities will be operated without discrimination on account of race, creed, or color. In such cases, operation of the hospital on a segregated basis violates not only the Constitution, but the act itself and the regulations issued by the Surgeon General.

I am confident that you would agree that it is shocking that any hospital supported by public funds, Federal or State, would deny its facilities to people in need of hospital care or to qualified physicians because of their race. Under these circumstances, I would appreciate a report from you indicating the following:

1. The steps the Department takes to enforce a policy of nondiscrimination in cases in which no waiver for separate but equal facilities has been granted.

2. The number of cases in which a waiver has been granted for segregated hospital facilities, and a summary of the Department's present policy with regard to granting such waivers.

3. The position of the Department on its authority to condition all grants under the Hill-Burton Act on a requirement of nondiscrimination in view of the requirements of the equal protection clause.

I would appreciate also the Department's comments on the extent to which there is racial discrimination against patients and physicians by hospitals receiving Federal or State financial assistance.

Your cooperation, as always, is most gratifying.

Very sincerely yours,

KENNETH B. KEATING.

Mr. KEATING. Mr. President, I urge that the amendment be adopted and that any motion or effort to kill it be defeated.

Mr. JAVITS. I thank my colleague for his remarks.

Mr. President, I yield myself all but 2 minutes of my time.

I wish to make two further points: First, since this program began in 1946, there are 104 totally segregated hospitals which have been authorized under the Hill-Burton program, involving \$36,996,000 as the Federal Government's share. That is a crying shame, and it is time to stop it.

Second, proceedings in court have so far failed. The NAACP has sued in order to prevent the use of such funds for two segregated hospitals. The Attorney General has tried to get into one such case. So far the district court has thrown it out on the ground that there was no cause of action.

Consequently, this is the place where justice must be sought. It is for that reason that I am pressing this amendment and hope that it will be approved.

I yield 1 minute to the Senator from Michigan.

Mr. HART. To underscore the last statement of the senior Senator from New York, this is the place and this is the time. If there is any answer to the cries for justice in the country in this sensitive area, this is it. I hope the amendment prevails and that Senators on this side of the aisle will resist any effort to table the amendment.

Mr. JAVITS. I am somewhat embarrassed by the fact that the Senator from Montana [Mr. MANSFIELD] wished to take a few minutes on the amendment and is not now in the Chamber. Therefore I ask unanimous consent that I may suggest the absence of a quorum without the time being charged to either side, to give the majority leader an opportunity to return to the Chamber.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and 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 (Mr. BREWSTER in the chair). Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I yield back four and a half minutes of my time. I point out to the Senate that this subject is now being considered in the appropriate committees of the Senate. Therefore I move to table the amendment of the Senator from New York.

The PRESIDING OFFICER. The question is on agreeing to the motion to table made by the Senator from Montana. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. HUMPHREY. I announce that the Senator from Nevada [Mr. CANNON], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Missouri [Mr. LONG], the Senator from Oregon [Mr. MORSE], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Alabama [Mr. SPARKMAN], and the Senator from Missouri [Mr. SYMINGTON] are absent on official business.

I further announce that the Senator from Indiana [Mr. BAYH] and the Senator from Washington [Mr. MAGNUSON] are necessarily absent.

On this vote, the Senator from Indiana [Mr. BAYH] is paired with the Senator from Nevada [Mr. CANNON]. If present and voting, the Senator from Indiana would vote "nay" and the Senator from Nevada would vote "yea."

On this vote, the Senator from Missouri [Mr. LONG] is paired with the Senator from Mississippi [Mr. EASTLAND]. If present and voting, the Senator from Missouri would vote "nay" and the Senator from Mississippi would vote "yea."

On this vote, the Senator from Oregon [Mr. MORSE] is paired with the Senator from Arkansas [Mr. FULBRIGHT]. If present and voting, the Senator from Oregon would vote "nay" and the Senator from Arkansas would vote "yea."

On this vote, the Senator from Missouri [Mr. SYMINGTON] is paired with the Senator from Washington [Mr. MAGNUSON]. If present and voting, the Senator from Missouri would vote "nay" and the Senator from Washington would vote "yea."

On this vote, the Senator from West Virginia [Mr. RANDOLPH] is paired with the Senator from Alabama [Mr. SPARKMAN]. If present and voting, the Senator from West Virginia would vote "nay" and the Senator from Alabama would vote "yea."

Mr. KUCHEL. I announce that the Senator from Massachusetts [Mr. SALTONSTALL] is absent on official business.

The Senator from Maryland [Mr. BEALL], the Senator from Kansas [Mr. CARLSON], and the Senator from Vermont [Mr. PROUTY] are necessarily absent. If present and voting the Senator from Maryland [Mr. BEALL] would vote "nay."

The Senator from Nebraska [Mr. HRUSKA], the Senator from New Mexico [Mr. MECHEM], the Senator from Kentucky [Mr. MORTON], and the Senator from Kansas [Mr. PEARSON] are also necessarily absent and, if present and voting, would vote "nay."

The result was announced—yeas 44, nays 37, as follows:

[No. 127 Leg.]

YEAS—44

Bartlett	Humphrey	Moss
Bible	Inouye	Muskie
Brewster	Jackson	Neuberger
Burdick	Johnston	Pastore
Byrd, Va.	Jordan, N.C.	Pell
Byrd, W. Va.	Kefauver	Robertson
Church	Kennedy	Russell
Clark	Long, La.	Smathers
Edmondson	Mansfield	Stennis
Ellender	McCarthy	Talmadge
Ervin	McClellan	Thurmond
Gruening	McGee	Williams, N.J.
Hayden	McNamara	Yarborough
Hill	Metcalf	Young, N. Dak.
Holland	Monroney	

NAYS—37

Aiken	Engle	Miller
Allott	Fong	Mundt
Anderson	Goldwater	Nelson
Bennett	Hart	Proxmire
Boggs	Hartke	Ribicoff
Case	Hickenlooper	Scott
Cooper	Javits	Simpson
Cotton	Jordan, Idaho	Smith
Curtis	Keating	Tower
Dirksen	Kuchel	Williams, Del.
Dodd	Lausche	Young, Ohio
Dominick	McGovern	
Douglas	McIntyre	

## NOT VOTING—19

Bayh	Hruska	Prouty
Beall	Long, Mo.	Randolph
Cannon	Magnuson	Saltonstall
Carlson	Mechem	Sparkman
Eastland	Morse	Symington
Fulbright	Morton	
Gore	Pearson	

So Mr. MANSFIELD's motion to table Mr. JAVITS' amendment was agreed to.

Mr. JAVITS. Mr. President, in our country there is always a way of doing justice, whatever may be the momentary decision which is taken. The vote has been taken. That is it. I have no complaints about how any Senator voted. However, since, in my opinion, the President has complete authority to act in this matter, it would be well to consult not only the vote but the dynamics of the vote, in order to determine whether or not the conscience of the Senate was affected by the state of facts which was disclosed to the Senate in the discussion on the amendment. I can only hope and pray that Senators who voted as they did, in the utmost faith and in good conscience, feeling sincerely that the President of their party would correct the situation, will not find their hopes dashed. I say that in the interest of the country, in the interest of common decency, and in the interest of common justice, which I think is involved in this situation.

Mr. MANSFIELD. Mr. President, proposed legislation is now pending before the appropriate committees. I assure the Senator from New York that when it is reported—and it will be—a majority on this side of the aisle will vote for it. I should like to have the assurance of the Senator from New York that a majority of Republicans will vote for the proposed legislation at the same time and join with us to pass good civil rights legislation.

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

Mr. MANSFIELD. I yield.

Mr. JAVITS. It seems to me that on this side we have now had a fairly good demonstration as to consistency. I also recall that the last time we had the problem of a cloture-vote issue of this character, a majority of the 33 Republicans voted in favor of cloture. I cannot anticipate how my colleagues might vote in the future; but it seems to me these are rather auspicious indications.

Mr. MANSFIELD. I hope so. I also hope that what we see this afternoon on the Republican side is an augury of what will happen when the civil rights proposal reaches the floor.

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

Mr. MANSFIELD. I yield.

Mr. KEATING. Of course I hope, as does the Senator, that a majority of the Republican Senators will vote for the civil rights bill. I call attention to the fact that every Republican Senator voted for the 1957 bill, and also for the 1960 bill. By the same token, I hope the distinguished majority leader will be able to develop support for an amendment to the bill sent to us by the President, in order to take care of the situation facing us today. The President's bill does not

do so, but gives the President or the administrators of the program discretionary authority to cut off funds. Many of us desire to make that provision mandatory, if we are to deal with this problem by legislation rather than by Executive order.

When the time comes, I hope the distinguished Senator from Montana will feel that such an amendment is deserving of support.

Mr. DIRKSEN. Mr. President, earlier today I paid tribute to all the members of the subcommittee who prepared this bill, which, when measured in terms of the budget estimates, and also in terms of the House action, and also when compared with the 1963 fiscal year appropriation, was indeed a craftsmanlike job.

But the story must be completed; and I remind the Senate that normally there would be included in the bill some items which are not yet authorized. Insofar as I can tell, they probably will aggregate approximately \$300 million; and when they are added to the totals here involved, quite a different fiscal picture will be presented.

So I renew my warning and my admonition—which I gave when the previous appropriation bill was considered—because in view of the dangers inherent in the imbalance of payments between our country and others and the strange reaction we got from the Tokyo market, the Toronto market, the Montreal market, and the London market, I think we are playing with fire; and I am not going to let this appropriation go by without reaffirming the warning that unless we place our fiscal house in order, there is always the danger that the slender fabric of confidence abroad will be severed. If and when it is severed, I think I shall want to look for the closest storm cellar. So this bill will not be passed without at least that warning.

Mr. LAUSCHE. Mr. President, based upon the figures presented by the Senator from Wisconsin [Mr. PROXMIER], it appears that under the legislation which will be passed, there will be available for these two departments \$269 million more than they had in the fiscal year 1963. An increase of \$269 million means a 5-percent increase in spending.

I should like to vote for this bill; but I feel obliged to vote against it, as an indication that I do not subscribe to 5 percent or more annual increases in expenditures in accordance with Parkinson's law.

So I will vote against the bill.

Mr. HILL addressed the Chair.

Mr. PROXMIER. Mr. President, at this point will the Senator yield?

The PRESIDING OFFICER. The Senator from Alabama, who first addressed the Chair, is recognized.

Mr. HILL. Mr. President, the bill is \$77,345,350 under the appropriations for the past fiscal year—1963; and the bill is \$264,861,750 under the budget estimate for the current fiscal year—1964.

Mr. DIRKSEN. Mr. President, I appreciate the verity of the figures which have been offered by the distinguished Senator from Alabama, but they do not gainsay what I previously stated—name-

ly, that there are other items, not yet authorized, which normally would appear in this bill; and they may assume the dimensions of as much as \$300 million.

So I shall give the distinguished Senator from Ohio a chance to vote on this issue, by making a motion to recommit the bill to the committee. I so move.

On that question, Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce the Senator from Nevada [Mr. CANNON], the Senator from Idaho [Mr. CHURCH], the Senator from Mississippi [Mr. EASTLAND], the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Missouri [Mr. LONG], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Oregon [Mr. MORSE], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Virginia [Mr. ROBERTSON], the Senator from Alabama [Mr. SPARKMAN], and the Senator from Missouri [Mr. SYMINGTON] are absent on official business.

I further announce that, if present and voting, the Senator from Indiana [Mr. BAYH], the Senator from Nevada [Mr. CANNON], the Senator from Idaho [Mr. CHURCH], the Senator from Mississippi [Mr. EASTLAND], the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Missouri [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Oregon [Mr. MORSE], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Virginia [Mr. ROBERTSON], the Senator from Alabama [Mr. SPARKMAN], and the Senator from Missouri [Mr. SYMINGTON] would each vote "nay."

I further announce that the Senator from Indiana [Mr. BAYH] and the Senator from Washington [Mr. MAGNUSON] are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Massachusetts [Mr. SALTONSTALL] is absent on official business.

The Senator from Maryland [Mr. BEALL], the Senator from Kansas [Mr. CARLSON], and the Senator from Vermont [Mr. PROUTY] are necessarily absent.

If present and voting, the Senator from Kansas [Mr. PEARSON] and the Senator from Kentucky [Mr. COOPER] would each vote "nay."

The Senator from Nebraska [Mr. HRUSKA], the Senator from New Mexico [Mr. MECHEM], the Senator from Kentucky [Mr. MORTON], the Senator from Kansas [Mr. PEARSON], and the Senator from Pennsylvania [Mr. SCOTT] are also necessarily absent.

The Senator from Kentucky [Mr. COOPER] is detained on official business.

The vote was announced—yeas 14, nays 59, as follows:

## [No. 128 Leg.]

## YEAS—14

Bennett	Hickenlooper	Simpson
Curtis	Jordan, Idaho	Thurmond
Dirksen	Lausche	Tower
Dominick	Miller	Williams, Del.
Goldwater	Proxmire	

## NAYS—59

Alken	Hartke	Metcalf
Allott	Hill	Monroney
Anderson	Holland	Moss
Bartlett	Humphrey	Mundt
Bible	Inouye	Muskie
Boggs	Jackson	Nelson
Brewster	Javits	Neuberger
Burdick	Johnston	Pastore
Byrd, W. Va.	Jordan, N.C.	Pell
Case	Keating	Ribicoff
Clark	Kefauver	Russell
Cotton	Kennedy	Smathers
Dodd	Kuchel	Smith
Douglas	Long, La.	Stennis
Edmondson	Mansfield	Talmadge
Engle	McCarthy	Williams, N.J.
Ervin	McClellan	Yarborough
Fong	McGee	Young, N. Dak.
Gruening	McIntyre	Young, Ohio
Hart	McNamara	

## NOT VOTING—27

Bayh	Fulbright	Morton
Beall	Gore	Pearson
Byrd, Va.	Hayden	Prouty
Cannon	Hruska	Randolph
Carlson	Long, Mo.	Robertson
Church	Magnuson	Saltomstall
Cooper	McGovern	Scott
Eastland	McChes	Sparkman
Ellender	Morse	Spyington

So Mr. DIRKSEN's motion to recommit was rejected.

Mr. HUMPHREY. Mr. President, on behalf of my colleague [Mr. McCARTHY] and myself, I offer an amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment of the Senator from Minnesota will be stated.

The LEGISLATIVE CLERK. On page 45, line 6, it is proposed to insert the following:

## RESEARCH AND TRAINING (SPECIAL FOREIGN CURRENCY PROGRAM)

For purchase of foreign currencies which the Treasury Department determines to be excess to the normal requirement of the United States, for necessary expenses of the Welfare Administration, as authorized by law, \$1,200,000, to remain available until expended: *Provided*, That this appropriation shall be available in addition to other appropriations to such agency, for the purchase of the foregoing currencies: *Provided further*, That no additional dollars other than those appropriated in this Act shall be used or available for these purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I have discussed the amendment with the chairman of the committee and the distinguished Senator from New Hampshire [Mr. COTTON]. The purpose of the amendment is merely to make available some unused foreign currencies where such currencies are declared by the Treasury as being available for the purpose of research in the welfare program.

The proposal was recommended by the Bureau of the Budget. It would not require additional dollars, as the amendment indicates. It would fit very well into the program which is before the Senate. I believe that I have the concurrence of the Senator from New

Hampshire [Mr. COTTON] and the Senator from Alabama [Mr. HILL].

The amount requested for 1964, \$1,200,000, is less than the last appropriation—1962. The House rejected the administration request for continuing this research project and the purpose of my amendment is to restore the amount recommended by the Department.

The projects contemplated under this appropriation item are all in areas in which the Welfare Administration has domestic responsibility and are concerned with problems for which we are seeking solutions in this country. Many such problems can be studied most effectively in foreign countries because of the existence of conditions or because of the existence of a large number of cases which are available for study. To illustrate: Each year in our domestic State crippled children's programs about 5,000 cases of congenital dislocation of the hip are treated. Although we have good services for treating these children, we know little about why the condition occurs, especially why its incidence is high in certain groups. In several countries in which we have excess foreign currency there are isolated areas with a very high incidence which might yield clues to the cause of this malformation.

Toxemia of pregnancy is the leading cause of maternal mortality in the United States and one of the causes of premature birth, often resulting in brain-damaged infants. In Israel it has been noted that the incidence is twice as high in European-American and locally born inhabitants as in Oriental groups. A study of why this is true would be most useful to the United States. Tetanus of the newborn is a serious condition in the United States. The high incidence of this disease in certain countries of Europe and Asia offers a good opportunity for a trying-out immunization procedure. Many such examples could be enumerated where we can look for answers to some of our problems.

The United States has no cause for complacency about the status of child health. For example, in the fifties the United States slipped from 6th to 10th place in infant mortality among countries meeting certain criteria. I have been informed by the Children's Bureau that we have slipped again—to 11th place. This certainly does not argue for the elimination of research which would make available to us the knowledge of other countries. Many of the countries in which this foreign currency program is carried out offer unique opportunities for us to acquire new knowledge. The program offers also the very valuable opportunity for specialists and scientists in the United States to collaborate with scientists in other countries, one of the most effective ways I know of working for peace.

With the enactment of the public welfare amendments of last year, we took another step in meeting the problem of persistent poverty and dependency in this country by providing preventive services which will help keep our citizens off of the welfare rolls. Some of the foreign countries offer exceptional opportunities for evaluating and testing methods of providing certain social serv-

ices that could prove useful in tackling the dependency problem here at home. Prevention and treatment of juvenile delinquency, which is an increasingly serious problem in this country, has been dealt with effectively in some of the foreign countries. Improved ways of providing community services; methods for providing better care for dependent children and for meeting the needs of older persons have been under experiment in some of these countries. I believe we should make the most of our opportunities to gain important knowledge and findings which will be of value not only for the life and well-being of our own citizens but for all of mankind.

All of the projects under this program will be supported by using appropriated funds to purchase foreign currencies excess to the normal needs of the United States that are derived from the sale of surplus agricultural commodities under the terms of the Agricultural Trade Development and Assistance Act of 1954, as amended. Thus, funds appropriated for the purchase of the foreign currencies do not increase governmental expenditures.

I ask unanimous consent to have printed at this point in the RECORD, a statement by the Department of Health, Education, and Welfare in relation to the special foreign currency program of research and training.

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

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—WELFARE ADMINISTRATION

## APPROPRIATION TITLE: RESEARCH AND TRAINING (SPECIAL FOREIGN CURRENCY PROGRAM)

## Effect of House action

The House disallowed the total request of \$1,200,000 for this program. Action by the House is appealed and restoration of the \$1,200,000 is requested.

The amount requested for 1964, \$1,200,000 is less than the last appropriation (1962). Since no funds were appropriated in fiscal year 1963, the elimination of an appropriation for fiscal year 1964 would result in virtual discontinuance of this program which has made such a promising start. Nearly \$1 million in pending requests would be eliminated from consideration. The first year's operation of the program has been distinctly successful. Twelve projects of great value to the United States have been formally approved. Sixty-six additional projects in the amount of \$1,949,200 are pending consideration. Should no new funds be appropriated, the program would come to a halt sometime during the year since it would not be fair to encourage countries to develop and submit projects for funds which do not exist.

In the maternal and child health segment of the program funds are exhausted for two countries, Pakistan and Israel, and six projects awaiting action cannot now be activated. In the other four countries all funds are being programmed. We have requested only a token amount for the countries in which programming is not complete, just enough to keep the program active. The bulk of the request is for the countries whose funds have been used up and for two new countries in which excess currencies have recently become available (Burma and Indonesia). Reduction in the amounts requested for the other countries would result in a loss of knowledge applicable to child health programs in the United States. Negotiations are underway for studies concerned with prevention of tetanus of the newborn (babies still die in the United States of this condition),

anemia of pregnancy, and outpatient treatment of diarrheal diseases in children (3,000 die yearly in the United States from this cause).

This is the only foreign currency program providing opportunity overseas for research in social service. There has been an exceptionally positive response from countries. Funds for Israeli projects were exhausted first. Five additional projects await 1964 funds. India with qualified social scientists available submitted 13 projects in social service. Seven must be held for next year's funds. A research proposal from United Arab Republic on impact of urban development on family and child welfare is being delayed for additional funds. All 1962 funds have been programed and projects now pending consideration would use the funds requested for 1964.

Specifically eliminated in the welfare field would be projects of practical value in implementing the 1962 welfare amendments such as: a study of working mothers and the effect of work on family living; a study in basic causes of juvenile delinquency to be sponsored by a top research agency in Israel; a demonstration of community services used effectively by the aged; research in community self-help and rehabilitation; a study of the chronically unemployed and impact of Government rehabilitation programs; and demonstration of new rehabilitation methods in aftercare of juvenile delinquents.

Elimination of funds for this promising program would result in a distinct loss to the United States in new technical knowledge. It would, in addition, create widespread misunderstanding in all cooperating countries as to why the United States would exclude child health and social welfare from U.S.-supported overseas research.

#### ADDITIONAL JUSTIFICATION FOR FOREIGN CURRENCY PROGRAM FOR SENATE SUBCOMMITTEE ON APPROPRIATIONS

In developing the maternal and child health and social welfare segments of the foreign currency program, the Welfare Administration has selected problems of special concern to the United States which can be studied effectively in the participating countries because of special geographical and social conditions occurring there or because of the volume of the cases available. Also, of course, the competence and interest of the collaborating investigators have been considered.

#### Examples of such projects underway or being developed

1. **Toxemia of pregnancy:** This is the leading cause of maternal mortality in the United States and one of the causes of premature birth often resulting in brain damaged infants. In Israel it has been noted that the incidence is twice as high in European-American and locally born inhabitants as in Oriental groups. A study is underway to determine differences in diet, habits, etc., in these groups which may give some clues to cause of the disease.

2. **Juvenile delinquency:** An action-research project is underway in Israel, a country with a very low delinquency rate. The project is being conducted in a city with problems similar to those of U.S. cities with young people from rural areas coping for the first time with city living and coming from many different ethnic groups.

In India, a study of the halfway house program would provide the United States with valuable information about this community aftercare program. Although halfway house programs have been established in other countries for many years, the first halfway house administered by a public agency for delinquent children in the United States was established only this past year in New York State.

3. **Tetanus of the newborn:** The United States still has 60-70 deaths a year from

this cause. Yugoslavia, with a high incidence of the disease, offers a good proving ground for a field trial of immunization of pregnant women routinely during prenatal care, as a preventive measure.

4. **Services for aging:** Meeting the special needs of senior citizens is a key concern to almost every American city. Other countries are also active on this problem and are experimenting with demonstration of services, part-time employment and recreational activities suited to older persons, particularly to help them stay in their own homes. Israel and Poland, countries with life expectancy rates comparable to the United States, are eager to cooperate with us in evaluating the effectiveness of community services, new ways of meeting health, welfare, and economic needs with greatest safeguards to family ties and individual well-being. Four projects experimenting with provision of a range of community services are being requested for 1964.

5. **Congenital dislocation of the hip:** Almost 5,000 cases are cared for annually in the State crippled children's programs. Though we have good services for treating these children, we know little about why the condition occurs, especially why its incidence is high in certain groups such as the Navajos. In Yugoslavia and in Poland there are isolated areas with very high incidence (26 percent of 2,700 examinations in Zeta in Yugoslavia) which might yield clues to cause.

6. **Mental retardation: Phenylketonuria** was thought to occur in about 1 in 20,000 newborns, but the current study of the Guthrie test, supported by the Children's Bureau in this country, has shown a much higher incidence—14 cases in 120,000 babies tested to date. The disease does not occur in Negroes but no information is available on various ethnic groups. Israel and Poland offer opportunity for adding this information and so increasing our understanding of this condition.

7. **Institutional care:** Many children in the United States are in institutions today because no scientific criteria are available to guide communities in deciding on the type of care needed. A child welfare research project now under way by the Hebrew University will identify such criteria and will also establish the variety of community services required to meet individual children's needs. Additional projects will demonstrate practical methods for training institutional personnel, house parents, and child care workers.

8. **Care of premature infants:** Premature birth is the leading cause of death in newborns. Those small babies who survive often spend weeks or months in hospitals and frequently develop poorly because of lack of individual care and "mothering." In Warsaw in the Premature Clinic a special program of care has been devised, based on their conviction of the need for individual care, and the availability of sufficient well-trained and highly motivated nurses to give it. Their reported success warrants study of this program.

9. **Manpower:** Of the 22,500 caseworkers employed in public assistance in the United States in 1960, 89 percent had had no specialized preparation for their work, yet all must handle difficult social cases. Shortage of trained manpower is of equally great concern in welfare programs overseas. Studies in effective use of manpower in public agencies are under way in Pakistan and Israel to identify types of social problems adequately handled by less skilled staff, and those services requiring trained social workers. Experiments in accelerated staff training will also contribute new knowledge for State public welfare agencies.

10. **Research into methods of care and treatment of emotionally disturbed children:** Agencies in the United States are reporting

an increase in the number of emotionally disturbed children and the lack of resources to meet the needs of these children. Institutions for the emotionally disturbed child are costly. In both Israel and Poland emotionally disturbed children are placed by plan in institutions with normal children. It is claimed that the expectations and the model of the normal setting have produced good results for the disturbed child. If through adequate research we can determine the validity and value of this program and the type of children for whom it is best suited, it will be of great benefit to the United States.

11. **Rehabilitation of dependent groups:** Public welfare agencies in the United States are constantly seeking new knowledge on the most effective methods of rehabilitation of long-time dependents. Research and demonstration projects in methods of rehabilitation, retraining and reemployment in Israel, Poland and the UAR provide opportunities for evaluation of a variety of methods and combinations of services in reestablishing "hard to reach" families.

#### Future of the program

In the health field, funds available for Pakistan and Israel are obligated and it is for these two countries and two new ones (Burma and Indonesia) that the bulk of the 1964 budget is requested. Projects are planned which will use the funds available in the four other countries (Egypt, India, Poland, and Yugoslavia) but since these may not be in operation until later in the year, only enough money is requested for a token program, to keep interest alive and project formulation active in the countries.

Though the program is slow getting off the ground, it is sound. Interest among the scientists has been keen, but the grant mechanism is unfamiliar to these countries and the preparing of projects and processing them through governmental channels is slow. In developing maternal and child health projects for the use of 1964 funds the Children's Bureau plans to develop working relationships with some U.S. medical schools and schools of public health through which experts on their staffs can provide consultant service to countries, in order to expedite the development of country projects.

In the social welfare field, the response of welfare agencies and the social scientists in the universities has been exceptionally positive, especially in India, Israel, United Arab Republic, and Pakistan. Arrangements are well established now with selection committees of social scientists screening project applications to insure good design and quality of research. All available funds are programed. More than 20 projects are ready for processing when 1964 funds are made available.

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

Mr. HUMPHREY. I yield.

#### LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, before Senators leave, I believe it would be well to have an expression about what the business of the Senate will be tomorrow.

Mr. MANSFIELD. Mr. President, to the best of the knowledge of the leadership, no more amendments will be offered after the amendment of the Senator from Minnesota. To the best of my knowledge, it is not anticipated that there will be a yea-and-nay vote on passage of the proposed legislation.

It is the intention of the leadership to proceed to consider the bill (H.R. 7500) to authorize appropriations to the National Aeronautics and Space Administration for research and development,

construction of facilities, and administrative operations, and for other purposes, on which no votes will be taken tonight, but on which an opening statement by the chairman of the committee, the distinguished Senator from New Mexico [Mr. ANDERSON] may be made.

Following consideration of that measure, which may require 1 or 2 days, the Senate will be in a position to take up the bill S. 1321 to provide for a National Service Corps to strengthen community service programs in the United States.

Following that, the so-called Mexican farm labor bill will probably be considered next week.

#### MESSAGE FROM THE HOUSE— ENROLLED BILLS 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 bills, and they were signed by the President pro tempore:

S. 130. An act to change the name of Fort Randall Reservoir in the State of South Dakota to Lake Francis Case;

S. 131. An act to change the name of the Big Bend Reservoir in the State of South Dakota to Lake Sharpe;

S. 192. An act for the relief of M. Sgt. Benjamin A. Canini, U.S. Army;

S. 219. An act for the relief of Bernard W. Flynn, Jr.;

S. 280. An act for the relief of Etsuko Matsuo McClellan;

S. 752. An act for the relief of Janos Kardos;

S. 850. An act to change the name of the Bruce Eddy Dam and Reservoir in the State of Idaho to the Dworshak Dam and Reservoir;

S. 1003. An act for the relief of the Middlesex Concrete Products & Excavating Corp.;

S. 1326. An act to provide for the conveyance of certain mineral interests of the United States in property in South Carolina to the record owners of the surface of that property;

S. 1643. An act to amend the act entitled "An act for the relief of the estate of Gregory J. Kessenich," approved October 2, 1962 (76 Stat. 1368); and

S. 1652. An act to amend the National Cultural Center Act to extend the termination date contained therein, and to enlarge the board of trustees.

#### DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1964

The Senate resumed the consideration of the bill (H.R. 5888) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1964, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Minnesota [Mr. HUMPHREY] for himself and his colleague [Mr. McCARTHY].

The amendment was agreed to.

Mr. PROXMIRE. Mr. President, on page 26, lines 15 through 18, there is a provision:

*Provided*, That \$785,000 of unobligated balances heretofore appropriated under the

heading "Buildings and facilities", Public Health Service, shall be merged with this appropriation.

I have consulted with the parliamentarian. It is my understanding that this language is legislation upon an appropriation bill.

I opposed the appropriation for a center at Beltsville. I tried to knock that out with my amendment.

Mr. President, I make the point of order that the language is not in order, and I ask for a ruling from the Presiding Officer.

Mr. HILL. Mr. President, I modify the amendment with the consent of the committee by striking out the language referred to by the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, my point of order was confined to the language of the proviso.

Mr. HILL. Mr. President, I modify the amendment by taking that language out of the amendment.

The PRESIDING OFFICER. The Chair rules that the Senator from Alabama, with the consent of his committee, has the right to modify the amendment to come within the purview of the rule, and the Senator has so modified it and as modified it is agreed to.

Mr. PROXMIRE. Mr. President, my point of order would have done precisely the same thing. My point of order simply would have knocked out the proviso. The Senator from Alabama has accommodated me by modifying the amendment to knock out all the language of the proviso. We are all happy. We have saved \$785,000.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 5888) was read the third time.

Mr. CANNON. Mr. President, the Senate Appropriations Committee has added \$400,000 to that amount approved by the House for the Public Health Service to obtain additional equipment for laboratory facilities for the Southwest Radiological Health Laboratory in Las Vegas, Nev. This item is set out on page 28 of the committee report.

As Senators may know, the Public Health Service has been conducting a dual-pronged program of research at the southern branch of the University of Nevada. One phase of the program involves monitoring of milk and other food products conducted wholly by PHS.

The other phase involved radiological work for the Atomic Energy Commission by PHS within a 300-mile proximity of the Nevada test site.

The Nevada Legislature has authorized a bond issue for the construction of new buildings to house these activities, and it is necessary that PHS have sufficient money to provide for the needed research equipment.

I would also suggest that the results of these investigations are important not only to the people in my State but to

humanity everywhere and, perhaps, even to generations unborn.

I am particularly pleased that the Senate committee has seen fit to provide for this expansion and hope that the House will concur.

Mr. DOUGLAS. Mr. President, I understand that the bill has been read the third time.

The PRESIDING OFFICER. The bill has been read the third time.

Mr. DOUGLAS. I wonder if the distinguished chairman of the subcommittee, the Senator from Alabama [Mr. HILL], would be willing to answer a few questions, which I submitted to him earlier in the day.

Mr. HILL. Mr. President, I shall not take the fifth amendment. I shall answer the questions to the best of my ability.

Mr. DOUGLAS. I thank the Senator from Alabama.

As a preface to my questions, I wish to say that though I differ with the Senator from Alabama on a number of important issues—one of which was developed this afternoon—I pay tribute to him for the distinguished work which he has done in the field of public health. I have often said, both in the North and in the South, that the Senator from Alabama is one of the most quietly useful Members of this body, and that the country owes a great deal to him for his work in the field of health.

I do not think there would be a Hill-Burton Act, were it not for the Senator from Alabama.

The National Institutes of Health owe their extremely flourishing condition to the Senator from Alabama. He touches the rock of public credit and abundant streams gush forth so that the National Institutes of Health have money running out of their ears, money they do not always know what to do with.

It has always been a mystery to me how the Senator has been able to persuade some of his colleagues to support these appropriations. It has been my feeling that possibly some of the digressions from what I regard as the path of virtue on the part of the Senator from Alabama have had the beneficial effect of gaining votes for his beloved Institutes of Health.

I mention all this as a preface to my questions.

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

Mr. DOUGLAS. I yield.

Mr. HILL. I thought the distinguished Senator was about to pay me a compliment, and I was prepared to thank him for his generous words. However, as the Senator proceeded with his statement I was not so sure whether it was a compliment, or exactly what it was. If it was delivered in the spirit of a compliment, I express my deep appreciation.

Mr. DOUGLAS. It was a truthful compliment. It had truth in it, as well as complimentary references.

The questions which I should like to address to the Senator from Alabama refer to the drug Krebiozen.

I should like to begin by saying that I find, from page 36 of this bill, that there will shortly be an appropriation of \$145,-

114,000 for cancer research; is that correct?

Mr. HILL. The Senator is correct.

Mr. DOUGLAS. On page 35 of the bill it is shown that for general research and services, National Institutes of Health, there will be furnished \$164,674,000, some of which probably will be used for research in the field of cancer.

So the Senator from Alabama has provided large amounts of money for research in the field of cancer; that is true, is it not?

Mr. HILL. Mr. President, I cannot say that the Senator from Alabama has provided all those funds. Many other Senators have participated.

Mr. DOUGLAS. The Senator from Alabama steered these requests to their pending successful appropriation.

Mr. HILL. I cannot claim even that much credit. I can say that I have been on the team which has sought to do the job.

Mr. DOUGLAS. Yes, indeed.

Since the distinguished Senator from Alabama bears the name of Lister, this means that he is the godson of the celebrated Joseph Lister, the founder of antiseptic surgery, under whom his beloved and skilled father studied at the halls of learning in London, when Lister was a professor in one of the hospitals of London?

Mr. HILL. That is true.

Mr. DOUGLAS. The Senator is the godson of Joseph Lister?

Mr. HILL. I am not the godson. I bear his great and honored name.

Mr. DOUGLAS. Is it not true that Joseph Lister was nearly driven out of the medical profession by the British Medical Association because he said that surgery which was not antiseptic gave rise to infections and caused great mortality among the patients?

Mr. HILL. He was subjected to many attacks.

Mr. DOUGLAS. By the British Medical Association?

Mr. HILL. By men prominent in that association.

Mr. DOUGLAS. Is it not true that Lister was merely following the teachings of the great French physiologist, Louis Pasteur, who discovered the germ theory of disease?

Mr. HILL. He applied the discoveries of Pasteur to surgery.

Mr. DOUGLAS. Is it not true that Pasteur was nearly driven from his chair at the University of Paris by the doctors and physiologists of France?

Mr. HILL. That is correct.

Mr. DOUGLAS. Looking back in history, is it not also true that Semmelweis—and in our country Oliver Wendell Holmes, Sr.—who discovered the cause of puerperal fever, resulting in death of women in childbirth—the cause being the dirty hands of doctors—was nearly driven from the profession?

Mr. HILL. The truth is that poor Semmelweis was a martyr to the cause. He died driven and hounded to his death.

Mr. DOUGLAS. He was driven to his death by the doctors?

Mr. HILL. That is true, because he insisted on washing his hands after he came out of the dissecting room, before he delivered a woman of a child.

Mr. DOUGLAS. It was thought that that was a reflection on the medical profession, who believed that their hands were always clean and could not have anything on them that would infect others.

Mr. HILL. Yes.

Mr. DOUGLAS. Is it not also true that Dr. Jenner, who developed the theory and practice of vaccination as a preventative, also was persecuted by the medical profession?

Mr. HILL. He was. He observed that the women in Scotland who milked cows and had cowpox largely secured an immunity from smallpox. That gave him the idea, and he developed the vaccine, which was the first vaccine we had against a dread disease.

Mr. DOUGLAS. Is it not true that the teachings of Lister were brought to this country by the celebrated Dr. W. W. Keen, who, after the Civil War, went to Scotland and studied under Lister and then came back to practice in Philadelphia, and who was virtually driven out of practice in Philadelphia by the medical association and was only saved by some adventurous people on the board of the Pennsylvania General Hospital?

Mr. HILL. Dr. Keen was, according to history, the first American surgeon to use Lister's methods in Philadelphia.

Mr. DOUGLAS. As a young man I spent an evening with Dr. W. W. Keen, who spoke of the persecution he had been subjected to by the leaders of the medical profession in the city of Philadelphia.

Mr. HILL. He was a very remarkable man. Keen's 14-volume work was almost a bible for surgery procedures.

Mr. DOUGLAS. Is it not true that Robert Koch, developer of 606, who did work on tuberculosis, suffered from persecution by the German medical association?

Mr. HILL. He did, as William Harvey, the discoverer of the circulation of the blood, had suffered.

Mr. DOUGLAS. So the medical profession in many instances sought to persecute and defeat the professional men who were later hailed as great discoverers?

Mr. HILL. There are a great number of instances of that kind.

Mr. DOUGLAS. In order that the position of the Senator from Illinois may be made clear, I do not claim that the drug Krebiozen is a cure for cancer. Neither has Dr. Ivy or Dr. Durovic, the discoverers of the drug, made such a claim. Dr. Ivy merely says that there should be a thorough test of the drug.

Would not the distinguished Senator from Alabama, the bearer of the proud name of Joseph Lister, agree that the way for the drug to be tested is to test it, rather than argue about it, and that the fair and proper way would be for the National Institutes of Health to undertake a fair, impartial, and controlled scientific test and investigation of the drug in the laboratory and in the hospitals?

Mr. HILL. The drug should be tested. Many thousands of drugs have been tested in the past. I believe this drug should be tested, as thousands of other drugs have been tested.

Mr. DOUGLAS. I thank the Senator. That is all I have been claiming.

Is it not true that many drugs highly toxic in nature have been tested by the National Cancer Institute?

Mr. HILL. Undoubtedly the Food and Drug Administration and the Cancer Institute both have tested many such drugs.

Mr. DOUGLAS. That are toxic?

Mr. HILL. Toxic drugs. I think this drug ought to have the same tests, under the same procedures, that other drugs have had. In other words, I believe in equal justice.

Mr. DOUGLAS. I thank the Senator. He will get in trouble with the American Medical Association when he says that.

Will not the Senator agree that at least while a test is going forward, the Food and Drug Administration should not issue any termination order, or notice of termination of the exemption of the drug Krebiozen for investigational use? In other words, so long as the test is in progress, and since the drug is admittedly nontoxic, and no charges have been made that it is toxic, should it not be allowed to be distributed to qualified doctors of patients who believe they need it in order to sustain their lives?

Mr. HILL. It is my understanding that, under the Kefauver act which Congress passed in the last session, and which I believe the distinguished Senator from Illinois supported, and which I supported, for this drug to be sold and/or tested there must be an application on file with the Food and Drug Administration, and then the drug will be tested; and it was tested until Dr. Durovic withdrew that application. But, under the law, when the application was withdrawn, the Food and Drug Administration could not permit the sale of the drug.

Mr. DOUGLAS. It is true that the application was withdrawn. I have taken the position, with Drs. Ivy and Durovic, that they should refile if a guarantee is given to them that a fair test will be conducted and the ground rules clearly laid out. If the sponsors of the drug refile for exemption so that patients can continue to receive the drug, should not the National Institutes of Health undertake a fair test; and should not the Food and Drug Administration not give any notice of termination of the exemption of the drug?

In other words, if a refile takes place should there not be simultaneous refile and a simultaneous guarantee on the part of the Food and Drug Administration that they will not object to the distribution of the drug to patients, and that the National Institutes of Health will test?

Mr. HILL. It is my understanding that if there is a refile, the distribution of the drug can go forward.

Mr. DOUGLAS. Should there not be an understanding to that effect in advance, so that we do not have one side move and the other side refuse to move? Should there not be simultaneous guarantees?

Mr. HILL. Each agency has its own responsibilities. The Food and Drug Administration has its responsibilities under the law, and the Cancer Institute has

its responsibilities under the law. This drug ought to be treated, as I said before, just as hundreds and thousands of other drugs have been.

Mr. DOUGLAS. In other words, if they refile, the Food and Drug Administration should permit the drug to be re-distributed and the National Institutes of Health should order a fair and impartial test?

Mr. HILL. If a new application is filed, the drug should be handled under the same conditions as all other drugs have been handled.

Mr. DOUGLAS. Is it not true that the precedent is to file and then permit investigational distribution, if there are no injurious effects, and to have a test by the National Institutes of Health? Is not that the ordinary procedure?

Mr. HILL. I have not checked the procedure, but, as I have said, the drug should receive the same treatment at the hands of the Food and Drug Administration and the Cancer Institute, under the same conditions and procedures exactly, as the other thousands of drugs have had.

Mr. DOUGLAS. Many of them poisonous and toxic.

Should not the National Institutes of Health indicate the precise procedures that should be followed in undertaking a fair test, and should not they and the Food and Drug Administration provide a list of the reasonable and necessary conditions which the manufacturer must meet in order for a test to go forward?

Should not all the ground rules be set out ahead of time so that all the parties involved will know what is required of them and what they agree to, so there will not be a continuing conflict between and among the parties?

Mr. HILL. This drug should be handled just as other drugs have been handled.

Mr. DOUGLAS. What is wrong with laying down procedures to be followed in making a fair test, and what is wrong with an agreed-to test of the fair conditions which the manufacturer must meet?

I have been trying, as a layman, for years to mediate between Dr. Durovic and Dr. Ivy on one hand and the National Institutes of Health on the other. I have always been baffled by the fact that, after discussion had proceeded a little way, one side or the other would produce a new set of conditions, and we were never able to nail down either side as to precise steps.

In mediating any dispute there should be on the table the procedures which should be followed and the conditions which should be met.

Is it not desirable that the National Institutes of Health and the Department of Health, Education, and Welfare and the Food and Drug Administration prescribe a set of standards?

Mr. HILL. Yes; and under the same terms and conditions under which applications for other drugs have been handled.

Mr. DOUGLAS. They should not be any more severe with respect to Krebiozen than with respect to other drugs?

Mr. HILL. I would say that the authorities should act on equal terms and conditions as applied to any other drug.

Mr. DOUGLAS. I may say that if the National Cancer Institute will provide the reasonable and necessary conditions for a test, the manufacturer must, in my opinion, meet them, provided the conditions are reasonable and necessary. And, knowing ahead of time what will be required, there need not be any dispute among the parties.

Mr. HILL. That is correct.

Mr. DOUGLAS. While the evaluation of the effectiveness of the drug must be done by those who are impartial and unbiased, is it not true that the clinical data and the proper procedures and dosages and therapy developed by Dr. Ivy should be followed? For example, if only half the dosage which is required is given, or if various types of cancer need different dosages, it would certainly be proper that those who make the test follow the clinical therapy that the chief medical sponsor of the drug knows from experience is the correct and most effective therapy. Does the Senator agree?

Mr. HILL. I cannot pass on that point. I do not feel that I am qualified to pass on it. The history of the drug is that, whereas drug after drug has been approved during a period of approximately 12 years or more, this is the one drug that I have heard of with respect to which there has been any question, controversy, or dispute about the approval of a drug.

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

Mr. DOUGLAS. I yield.

Mr. McNAMARA. I rise to say that I have read with great interest the book that was written by the promoters of the drug.

Mr. DOUGLAS. Mr. Bailey's book entitled "A Matter of Life and Death"? He is an independent writer.

Mr. McNAMARA. Yes; I believe that is the title of it. I was considerably impressed by the book. I discussed it not only with members of the committee, but also with the HEW officials. I believe there is considerable blame on the other side. I believe the Government made a reasonable request of the promoters of the drug. I am sure the Senator from Illinois agrees with me on that point. I do not believe the legislative history of this bill should be written in such a manner as to put the blame entirely on one side.

Mr. DOUGLAS. I am trying to obtain an agreed set of requirements and an agreed set of standards, so that the two sides will know in advance what is required and what is to be produced.

Mr. McNAMARA. The only problem is that the Kefauver bill was recently passed. It is a good bill. It was certainly in the interest of the public to pass that bill.

Mr. DOUGLAS. The great Senator from Tennessee is one of the Senators who have joined us in sponsoring Senate Resolution 101, which started with 11 sponsors, and which received 3 more this morning. A moment ago an additional sponsor was added, when the Senator from Texas [Mr. YARBOROUGH] joined us. The Senator from Delaware [Mr. WILLIAMS] has also joined us, and

he will have personal testimony to give on the subject tomorrow, I believe.

Mr. McNAMARA. I am not so much concerned with the individual as with the legislation passed under the leadership of the Senator from Tennessee.

Mr. DOUGLAS. It is fine legislation.

Mr. McNAMARA. The Senator from Tennessee is a fine legislator. However, I am talking about the legislation, and not about the Senator. We must keep in mind, if we are writing legislative history, that those for whom the Senator is speaking at this time have not performed in this matter as the other side has performed.

Mr. DOUGLAS. We are not asking for any exemption in any degree from the legislation. We are merely asking that the Food and Drug Administration and the National Institutes of Health be willing to test this drug in the same way it has tested thousands of other products, and not multiply difficulties.

Mr. McNAMARA. The Senator from Illinois and I will have no difference of opinion on that point, if they meet the same qualifications that the others meet. I agree with the chairman of the committee that certain conditions should be met.

Mr. DOUGLAS. Why should not the requirements be set in advance instead of having certain people keep them in their pocket and bring them out one by one?

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

Mr. DOUGLAS. I yield.

Mr. YARBOROUGH. The distinguished Senator from Illinois has mentioned the fact that I have asked to be listed as a cosponsor of the resolution. That was done in response to a request from people in my State. I know responsible people there who have been treated with this drug and who have said that the treatment has been beneficial. I know some responsible and well educated people who say they owe their lives to the use of Krebiozen. Some of these people have medical doctors in their family, who say so also. That is the reason why I have joined as a cosponsor.

Mr. DOUGLAS. Should not all the data from this test, including all procedures and results be made available not only to the sponsors of the drug but also to the entire scientific community?

Mr. HILL. I do not know what the practices are with reference to other drugs or what the reason may be for or against the proposal. I know of no reason why all the facts should not be made known.

Mr. DOUGLAS. The National Institutes of Health and the Food and Drug Administration should take cognizance of this exchange of questions and answers between the Senator from Illinois and the Senator from Alabama. The Senator from Alabama is the chief defender and sponsor of the National Institutes of Health, and certainly has been a strong force behind the Food and Drug Administration. I hope they listen to their master's voice, especially when he said, "The drug should be tested."

Mr. HILL. The Senator from Illinois is ascribing to me powers which do not exist. I have been very much interested

in the work being done in the National Institutes of Health, and I have tried to help them. The Senator mentioned the American Medical Association. Only in the past several weeks the World Medical News, a publication of some very distinguished doctors and scientists, published a quotation from Dr. Hugh Hussy, former dean of Georgetown University Medical School, and now chairman of the Council on Scientific Activities of the American Medical Association, in which Dr. Hussy said that due to medical research, medical knowledge has been doubled in the past 10 years.

Mr. DOUGLAS. Mr. President, if the Senator will yield further, last year I delivered an address on the floor of the Senate, the chief substance of which concerned a statistical report made by Dr. Ivy on the clinical records of 4,200 cases. The number has since been increased to about 5,000. The clinical record showed objective improvement in 36 percent of the cases; arrest of growth of tumor in about 54 percent of the cases; and either no gain or retrogression in 10 percent of the cases.

I have interviewed many people who have testified that they were on the point of death when they took Krebiozen and who have shown me their biopsy reports and medical records. They said that not only were they living, but that many of them were in excellent health, even though a great deal of time had passed.

I could detail many of these cases, but in consideration of the time element, I am forced not to do so.

But there has recently come into my possession a report made back in 1952 by a committee appointed by President George Stoddard of the University of Illinois, headed by Dr. Warren H. Cole. Their findings were, on the whole, adverse to Krebiozen, but an analysis of the material was printed in subsequent pages of the report, which I believe was never made available to the public.

I hold these findings in my hand. I will not say how I obtained a copy of them, but I have a copy of them. From page 7 of the report I read the following statement:

The clinical details of 15 cases were presented to the committee by Dr. Ivy and some of his associates (see app. A). Thirteen of these cases were presented in person. All of these cases showed subjective improvement of some type such as the relief of pain—

Relief of pain is certainly subjective. Now let us notice the following, and I continue to read:

Reduction in size of tumor, or retardation of growth, and the possible disappearance of the tumor in one case.

Reduction of the size of tumor is not a subjective improvement; it is an objective improvement.

Retardation of growth is not a subjective improvement. It is at least holding one's own, and is objective.

The possible disappearance of a tumor in one case was certainly objective.

The committee apparently said these were subjective in order that they might brush them away; but they go on and say:

Judged by this presentation alone, Krebiozen would appear to have beneficial effects.

But the committee went on to say:

No opinion of any kind can be expressed concerning these patients until after a period of several months. It was a selected group, and there was no very good reason to assume that the final outcome would be different from that of the remainder of the series.

That was in September 1952. If my information is correct, the committee never asked to see those patients again.

I am also informed, as of July 1963, that 8 of the 15 patients are still alive after 11 years. A study of these cases in the appendix indicates that a considerable portion of the 15 were in their 50's and 60's. Therefore, some would be expected to die under the ordinary operations of the mortality table, regardless of whether or not they had cancer.

I think it is up to the National Institutes of Health, and also of the Illinois commission which has been appointed to deal with this matter, headed by the President of the Illinois Medical Association, to examine the 8 survivors who, 11 or 12 years ago, took Krebiozen when they were in a very difficult situation, to ascertain what their present condition is. All I am asking is that there be a test.

I know it is said, "But the American Medical Association has pronounced Krebiozen to be a fraud." Perhaps it may be; I do not say that it is not. But the doctors in the past, as the review of the evidence showed, branded Jenner, Semmelweis, Oliver Wendell Holmes, Sr., Pasteur, Lister, Koch, and Keen as charlatans. I simply say that these matters are too important to be left to specialists or to the medical bureaucracy. Napoleon said that war is too important to be left to the generals. We go on the assumption in the Senate that foreign relations are too important to be left to the diplomats. It seems to me that this question is too important to leave purely to doctors, because a feud has developed between Dr. Ivy, a distinguished and outstanding physiologist in this country, on the one hand, and the American Medical Association, on the other. I should like to read something about Dr. Ivy, whom I have known for many years.

First, he set up the Naval Medical Research Institute at Bethesda and served as its Director for nearly a year.

He was president of the American Physiological Society from 1939 to 1941.

He was selected by the American Medical Association's Board of Trustees to represent the Allied Governments at the trials of the German medical men after World War II.

He was vice president of the University of Illinois and was in charge of its medical schools.

Dr. Ivy has contributed a dozen or more papers on cancer research to leading medical journals—at least, he did before he sponsored Krebiozen. Since then, it has been almost impossible to have any journal publish his articles.

Dr. Ivy has discovered a number of the hormones of the human body.

Dr. Ivy was named executive director of the National Advisory Cancer Council and served from 1947 to 1951. He advised the U.S. Public Health Service

on cancer research because of his wide knowledge and background.

He was a director of the American Cancer Society.

Dr. Ivy is one of the foremost pathologists and medical and cancer research experts in the country today.

I knew Dr. Ivy first when he was a colleague of mine at the University of Chicago, under the great physiologist Anton J. Carlson. It was our great regret that Northwestern University and the University of Illinois were able to get him away from us. I am sorry to say that he was largely forced out of the University of Illinois and barred from the Chicago Medical Association because of his defense of Krebiozen.

I do not believe the Government should be placed in the position of summarily rejecting, without a test, a product that this man spent many years of his life testing and which he believes to be effective, both subjectively in reducing pain, and objectively in reducing or affecting or managing malignant tumors.

Let me make it clear again that certain newspapers have misrepresented my position. I am not a doctor, a physiologist, or a cancer expert. I am not personally competent to deal with this subject. I simply say it is a subject which deserves a fair test in the laboratory and in the hospitals; it is not a subject to be fought out on the floor of the Senate or in other public forums. We must clear a lot of the ground before the medical politicians and bureaucrats will permit the work to get underway.

There are four political parties in this body: Liberal Democrats, conservative Democrats, conservative Republicans, and liberal Republicans—four parties, not two. But there is a fifth party in the country which is more powerful than any of these four, or all four combined, and it is the bureaucracy. God forbid the day when the bureaucracy takes over and makes the laws and institutions of this country.

I hope we may count on the Senator from Alabama, the source of wisdom and the source of funds for the National Institutes of Health, to bring his great influence to bear to see to it that Dr. Ivy does not go the way of Semmelweis, and that we get a fair test.

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

Mr. HILL. I yield.

Mr. HUMPHREY. What the Senator from Illinois [Mr. DOUGLAS] has said in reference to a fair test for any drug is surely within the national and public interest. A government that is interested in medical research ought to undertake such a test. I believe this has been fully substantiated by the argument today and by the statement of the Senator from Alabama.

I should like to ask the Senator from Alabama one or two questions. First, I compliment him on his fine work as chairman of the subcommittee in handling the bill.

I notice that funds for the water supply and water pollution control program of the Public Health Service were raised from \$27,921,000 to \$29,980,000,

which I thoroughly approve and am delighted to see.

While \$500,000 of those funds are available for a study of the Upper Ohio River Basin, we are well aware that the valley of the Red River of the North, which borders North Dakota and Minnesota, has also had an application before the Government for funds for this purpose. Those funds are particularly important to the Red River Valley in the Minnesota area, because this area is subject to continual flooding. Crops are continually destroyed, and this adds to the burdens of an already distressed area. These funds will permit the Public Health Service to accelerate its project in the Red River Basin and thereby permit the Corps of Engineers to complete its comprehensive survey of the Red River Basin.

I understand that funds which are now available will permit this project to proceed.

Mr. HILL. We have provided funds for the Arkansas Red River, the Lower Arkansas, the Great Lakes-Illinois River Basin, and the Missouri River Basin, including the Red River of the North.

Mr. HUMPHREY. That is correct.

Mr. HILL. Yes; those are included.

Mr. HUMPHREY. That total appropriation does cover these projects?

Mr. HILL. It does, indeed, cover them.

Mr. HUMPHREY. One further point. I read very carefully the report on the matter of the communication of research findings—on what we might call information activities by the Department of Health, Education, and Welfare. The Senator from Alabama may recall that the Food and Drug Administration recently announced that it wished to establish a drug clearinghouse as a means of improving the communication of medical information, particularly that in regard to drugs. I do not know whether the Food and Drug Administration submitted a specific project on that subject, but at least the report we have would indicate a need for reporting to Congress on this matter, because I note that the report states that next year the Department will expect a definitive report on the ways in which the service can assist in the implementation of the recommendations made in the Dwyer report, and also states that increasing attention must be paid to the problem of making more effective use of new scientific knowledge in the health sciences field. Certainly the hearings held by the committees of both Houses indicate the need for a drug information clearinghouse; and unless one is provided, we shall have increasing problems, in the entire field of new drug application, in finding new ways to make use of the side effects of drugs, and new ways to avail ourselves of the therapeutic value of new drugs.

I hope this debate and these comments will remind the Food and Drug Administration of the importance of proceeding with its plans, and that at the appropriate time it will come with them to Congress. I know they will receive an appropriate hearing.

Mr. HILL. I commend the distinguished Senator from Minnesota on the

fine work he has done in bringing attention to the need for such a clearing center and for giving emphasis to this need. Surely that should be done.

One thing that gives me concern is the fact that after we acquire new knowledge, we do not get it to those who must have it in order to obtain the results the new knowledge would bring.

Mr. HUMPHREY. The Senator from Alabama is entirely correct; and such information will be invaluable to the medical profession, which today is virtually overwhelmed by the great number of new drug products on the market.

Instead of criticizing the doctors, I think it is our job to see to it that they receive the necessary information, which they, in turn, may use in the hospitals and may make available to research centers of the country.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill (H.R. 5888) was passed.

Mr. HILL. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. HILL, Mr. RUSSELL, Mr. STENNIS, Mr. PASTORE, Mr. BIBLE, Mr. BYRD of West Virginia, Mr. COTTON, Mrs. SMITH, and Mr. ALLOTT conferees on the part of the Senate.

#### ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, with the full concurrence of the minority leadership, I wish to call up three measures on the calendar to which there is no objection.

#### AMENDMENT OF ARMED FORCES RESERVE ACT AND THE UNIVERSAL MILITARY TRAINING AND SERVICE ACT

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 364, House bill 6996.

The motion was agreed to; and the Senate proceeded to consider the bill (H.R. 6996) to repeal section 262 of the Armed Forces Reserve Act, and to amend the Universal Military Training and Service Act, and for other purposes, which had been reported from the Committee on Armed Services, with amendments, on page 2, line 12, after the word "may", to strike out "be." and insert "be, or satisfactorily performs such other Ready Reserve service as may be prescribed by the Secretary of Defense."; in line 17, after the word "of", where it appears the first time, to insert "such"; in the same line, after the word "of", where it appears the second time, to strike out "an organized unit of such" and insert "the"; on page 5, line 7, after the word "shall", to insert "subject to section 269 (e) (4) of this title"; and in line 16, after the word "duty", to insert "or active duty for training".

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

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

The question now is on agreeing to the committee amendments.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 388), explaining the purposes of the bill.

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

#### EXPLANATION OF THE AMENDMENTS

The amendments are intended to (1) preserve a statutory exemption for Reserve trainees who, for reasons beyond their control, are unable to serve in an organized unit, but who satisfactorily perform such other service as may be prescribed by the Secretary of Defense; (2) permit Reserve trainees who perform extended active duty, as distinguished from active duty for training, to credit such active duty in combination with satisfactory Ready Reserve service in qualifying for transfer to the Standby Reserve after a combination of 5 years of active duty and satisfactory service in the Ready Reserve; and (3) make clear that enactment of this act does not increase the minimum period of active duty for training required for an exemption from training and service before enactment of this act.

#### PURPOSE

This bill would (1) revise, consolidate, and extend the laws under which the so-called 6-month training program and other special Reserve enlistment programs have been operated, and (2) clarify an exemption from conflict-of-interest laws for members of selective service local boards and other uncompensated persons who served in administering the Universal Military Training and Service Act.

#### BACKGROUND

Through a combination of circumstances the armed services have offered several special Reserve enlistment programs as alternatives to serving 2 years of active duty in discharging the obligation for military service. These programs have included:

1. The so-called 6-month training program established by the Reserve Forces Act of 1955 as section 262(a) of the Armed Forces Reserve Act.

This program was open to persons between the ages of 17 and 18½. It involves a total Reserve obligation of 8 years and an initial period of active duty for training of from 3 to 6 months (in practice it was 6 months). The length of active participation in the Reserve after performance of this initial period of active duty for training varied among the services from 3 years in the Army to 7½ years in the Air Force Reserve. Authority for this program expired on August 1.

2. The 6-month training program for persons between the ages of 18½ and 26 that is operated under the authority of section 511 of title 10, United States Code.

Enlistment in this program entails total Reserve obligation of 6 years with active participation required for the entire period of obligation.

3. The National Guard training program authorized by section 6(c) (2) (A) of the Universal Military Training and Service Act.

This program permits a person to enlist in the National Guard before reaching the age of 18½ and provides draft protection if a person continues to participate satis-

factorily until he reaches the age of 28 except that if he performs at least 3 months of active duty for training his obligation ends after 8 years of service.

4. The critical skills program authorized by section 262(b) of the Armed Forces Reserve Act for persons between the ages of 17 and 26.

Enlistment in this program resulted in an 8-year Reserve obligation but they were not required to participate actively in the Reserve. This program was operated on a limited basis for a few years but has been discontinued.

The existence and administration of these several special enlistment programs have resulted in some inequities in the length of Reserve obligation and active participation and some confusion concerning the exact extent of these obligations. For example, a person who enlisted in the 6-month training program before he was draft vulnerable incurred an 8-year obligation, while a per-

son who waited to enlist in the program until he was eligible for the draft incurred only a 6-year obligation. This incongruity resulted because the Reserve Forces Act of 1955 contemplated a 6-month training program only for persons under the age of 18½. When this program was enacted special authority was needed to provide draft exemption for those persons enlisted in it, because at that time there was no general authority for deferment or exemption from induction merely because of membership in a Reserve component. After the 1955 act was approved, selective service regulations that defer a person participating satisfactorily in the Reserve made possible the successful operation of a 6-month training program for persons over the age of 18½. These persons were enlisted under laws requiring total obligated service of 6 years.

The tabulation that follows shows the various methods by which young men can now discharge their military obligation.

#### Methods of fulfilling the military obligation

Major programs now in use	Age	Minimum active duty	Ready Reserve	Total, military service obligation
Selective service (voluntary or involuntary induction)...	18½ to 26	2 years	2 years <sup>1</sup>	6 years.
Enlistment in Active Forces:				
Army	17 to 34	3 years	1 year <sup>1</sup>	Do.
Navy	17 to 31	4 years	do	Do.
Air Force	17 to 28	do	do	Do.
Marine Corps	do	do	do	Do.
Coast Guard	17 to 26	do	do	Do.
6 months' active-duty-for-training program:				
Army National Guard and Army Reserve	17 to 18½	6 months	3 years <sup>2</sup>	8 years.
Air National Guard and Air Force Reserve	18½ to 26	do	5½ years	6 years.
Marine Corps	17 to 18½	do	7½ years	8 years.
Coast Guard	18½ to 26	do	5½ years	6 years.
Other Ready Reserve enlistment programs:				
Army Reserve	17 to 18½	8 weeks	Until age 28	Until age 28.
Naval Reserve	18½ to 26	do	5 years 4 weeks	6 years.
	17 to 26	2 years	2 years <sup>1</sup>	Do.
	17 to 31	do	3 years	Do.

<sup>1</sup> Sec. 269, title 10, United States Code, provides that after a combined total of 5 years of active duty (other than for training) and satisfactory service in the Ready Reserve, individuals subject to the 6-year obligation may request transfer to the Standby Reserve for the remaining 1 year of obligated service. As a matter of equity, Army authorizes transfer to the Standby Reserve of those with 2 or more years' active duty if their combined active service and participation in a Ready Reserve unit totals 4 years.

<sup>2</sup> Sec. 262, Armed Forces Reserve Act of 1952, as amended, provides for enlistment in Ready Reserve units of the Reserve components, excluding the National Guard, for a total of 8 years, including initial 3 to 6 months' active duty for training. Sec. 6(c)(2)(A), Universal Military Training and Service Act, as amended, provides that a person enlisting in the National Guard prior to attaining age 18½ years is deferred from induction so long as he continues to serve satisfactorily and, upon attaining age 28, is exempt from induction. However, if he completes 8 years of satisfactory service including 3 or more consecutive months of active duty for training, he is also exempt. The memorandum of understanding provides that Army Guardsmen performing 6 months' initial active duty for training will be required to serve a total of only 3½ years in the Ready Reserve. This was extended to the Army Reserve by Army policy.

H.R. 6996 will simplify the special enlistment programs by consolidating the authority for a single special enlistment program for all the Reserve components. It provides for the continuation of the so-called 6-month training program with modifications

that will permit its utilization by all the Reserve components and by providing a uniform Reserve obligation of 6 years.

The tabulation that follows shows the various enlistment programs that would be available after enactment of this bill.

#### Methods of fulfilling the military obligation (upon enactment of H.R. 6996)

Major programs now in use	Age	Minimum active duty	Ready Reserve	Total, military service obligation
Selective service (voluntary or involuntary induction)...	18½-26	2 years	2 years <sup>1</sup>	6 years.
Enlistment in Active Forces:				
Army	17-34	3 years	1 year <sup>1</sup>	Do.
Navy	17-31	do	2 years	Do.
Air Force	17-28	4 years	1 year	Do.
Marine Corps	17-28	3 years	2 years	Do.
Coast Guard	17-26	4 years	1 year	Do.
Non-prior-service Ready Reserve enlistment program:				
All Reserve components including National Guard	17-26	4-plus months.	Approximately 5½ years.	Do.
Other Ready Reserve enlistment programs:				
Army Reserve	17-26	2 years	2 years <sup>1</sup>	Do.
Naval Reserve	17-31	do	3 years	Do.

<sup>1</sup> Sec. 269, title 10, United States Code, provides that a member of the Ready Reserve not on active duty who has a statutory military obligation shall, upon his request, be transferred to the Standby Reserve for the rest of his term of service if he has served on active duty (other than for training) in the Armed Forces and satisfactorily participated in the Ready Reserve, or a combined total of 5 years. A shorter period may be prescribed by the Secretary concerned with the approval of the Secretary of Defense. The Secretary of the Army, with the approval of the Secretary of Defense, has authorized transfer to the Standby Reserve of those with 2 or more years of active duty if their combined active service and participation in a Ready Reserve unit totals 4 years.

#### FEATURES OF THE NEW PROGRAM

1. A standard 6-year period of Reserve obligation will be provided.

This standard obligation is prospective in nature and will operate to reduce a longer Reserve obligation incurred prior to enactment of this bill.

2. A minimum period of active duty for training of not less than 4 months will be provided.

Some Reserve enlistment programs now involve active duty for training of not more than 8 weeks and others involve as much as 6 months.

3. Persons who volunteer may be given active duty for training of longer periods to qualify them in military specialties that are needed by their units.

This program can supply the Reserve with persons possessing "hard" skills and should diminish the requirement in the event of future mobilization for persons who have previously served long periods on active duty.

#### LENGTH OF OBLIGATED SERVICE

A uniform 6-year obligation for persons enlisting in the 6-month training program is in harmony with the views of the committee as expressed in Senate Report 498 accompanying H.R. 5490 of the 87th Congress. The following excerpt from that committee report is pertinent:

"The committee emphasizes that this reduced obligation should not be construed as an indication that international conditions permit any relaxation in our preparedness efforts or in our attempts to achieve an effective Reserve. There is full awareness of the importance in creating a trained Reserve composed largely of persons who have not previously fought a war or served on active duty for long periods. At the same time the committee strongly believes that the responsibilities for defending our country should be shared fairly and that a reduction in the service obligation should cause an increase in the number of eligible persons who have been given some training and who would be available in the event of an emergency."

In the same report the committee expressed the following views in answer to the argument that a 6-year obligation would require more persons to be recruited and trained to maintain the Reserve components at their desired strength:

"The committee considers that the additional costs of recruiting and training such personnel are justified, not only in the interest of causing the obligation for military service to be more extensively shared, but also in the interest of having more persons with some military training available in the manpower pool. In other words, it might be more convenient and less expensive to have a 10- or 12-year obligation than a 6- or 8-year one, but against convenience and expense must be balanced the objective of an equitable distribution of the burden of military service.

"One other consideration needs to be mentioned. Under the committee bill the obligation of all persons in the Armed Forces will be 6 years. Without compensatory arrangements in the form of the length of active participation required, this uniform requirement might be unfair, since a person who has performed 2 years or more of extended active duty obviously has contributed more than a person who has performed only 6 months of active duty for training. The committee believes that this problem can be solved fairly by adjusting the period of time that a person is required to participate actively in the Reserve in accordance with the length of active duty or active duty for training performed. For example, a 2-year inductee should be required to participate actively in the Reserve for a shorter period than a person who enlists in the 6-month

training program before he is draft vulnerable, and a person who enlists in the 6-month training program before he is draft vulnerable should be required to participate actively for a shorter period than a person who enlists in the 6-month training program after he is draft vulnerable. The Secretary of Defense has adequate authority under existing law to establish the required periods of active participation in the Reserve on a graduated basis."

**CONTINUATION OF RELIEF FROM CONFLICT-OF-INTEREST PROVISIONS**

Section 13(a) of the Universal Military Training and Service Act, as amended, exempts uncompensated officials of the Selective Service System, members of the National Selective Service Appeal Board, and persons appointed to conduct hearings on appeals of persons claiming exemption as conscientious objectors from certain conflict-of-interest provisions of law, including sections 281, 283, and 284 of title 18, United States Code. Sections 281, 283, and 284 of title 18, United States Code, were reenacted as sections 203, 205, and 207, respectively, of title 18, United States Code, by Public Law 87-849.

Section 6 of this bill makes conforming changes to the section numbers in the Universal Military Training and Service Act.

Since some of the 40,000 local board members and other uncompensated persons who work for the Selective Service System are attorneys, or may have claims against the Government, continuation of these exemptions is desirable to avoid a possibly unfair handicap to them in pursuing their regular occupations.

**READMITTANCE OF WALTER SOWA, JR., TO U.S. NAVAL ACADEMY**

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 365, House bill 2192.

The motion was agreed to; and the bill (H.R. 2192) authorizing the readmittance of Walter Sowa, Jr., to the U.S. Naval Academy was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 389), explaining the purposes of the bill.

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

**EXPLANATION**

Walter Sowa, Jr., a former midshipman at the U.S. Naval Academy, was admitted to the Academy as a congressional candidate from the Second District of New Hampshire on July 1, 1957. He was discharged on July 11, 1960, because of deafness after having completed 3 years at the Academy. Since that time he has received treatment that has cured his defective hearing. A report of an examination by a board of medical examiners at the U.S. Naval Hospital, St. Albans, N.Y., that has been approved by the Bureau of Medicine and Surgery indicates that he is physically qualified for readmission to the Naval Academy. He is now 23 years old, however, and thus is above the maximum age for readmission. This bill, in effect, waives the maximum age in the case of Mr. Sowa and authorizes an additional space at the Naval Academy to accommodate his readmission.

The committee recommends the enactment of the bill in order that the Government and Mr. Sowa may receive a return from the investment during the 3 years he spent at the Academy before his disqualification for reasons beyond his control.

**DISPOSAL OF CERTAIN WATERFOWL FEATHERS AND DOWN**

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 366, Senate bill 1994.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 1994) to authorize the disposal, without regard to the prescribed 6-month waiting period, of certain waterfowl feathers and down from the national stockpile.

Mr. KUCHEL. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. KUCHEL. Are we to assume that the sale of waterfowl feathers will not damage the national interest?

Mr. MANSFIELD. The Senator from California, with his usual perspicacity, is correct.

Mr. KUCHEL. I thank the Senator from Montana.

The PRESIDING OFFICER. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1994) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately five million eight hundred thousand pounds of waterfowl feathers and down now held in the national stockpile. Such disposal may be made without regard to the requirement of section 3 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(e)), that no such disposition shall be made until six months after publication in the Federal Register and transmission to the Congress and to the Armed Services Committees, thereof of a notice of the proposed disposition.*

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 390), explaining the purposes of the bill.

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

**PURPOSE**

This bill would (1) authorize disposal of approximately 5,800,000 pounds of waterfowl feathers and down from the national stockpile and (2) waive the requirement for a 6-month waiting period before this disposal could begin.

**ORIGIN**

On June 17, 1963, the Administrator of the General Services Administration transmitted to the Congress a request for approval of a proposed disposal of approximately 5,800,000 pounds of waterfowl feathers and down now held in the national stockpile. The text of the letter requesting this approval appears later in this report under the caption "Departmental Recommendations." Transmitted with this request was a copy of a notice of the proposed disposition that was published in the Federal Register on June 25, 1963. The text of this proposed notice follows:

Mr. MANSFIELD. Mr. President, that completes the measures to be considered and voted on today.

**AUTHORIZING APPROPRIATIONS FOR THE NATIONAL AERONAUTICAL AND SPACE ADMINISTRATION**

Mr. MANSFIELD. I now move, Mr. President, that the Senate proceed to the consideration of Calendar No. 362, House bill 7500, and that it be laid down and made the pending business.

The motion was agreed to; and the Senate proceeded to consider the bill (H.R. 7500) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes which had been reported from the Committee on Aeronautics and Space Sciences, with an amendment to strike out all after the enacting clause and insert:

That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration the sum of \$5,511,520,400, as follows:

- (a) For "Research and development", \$4,225,275,000, of which amount \$28,200,000 is authorized only for implementing Project Surveyor-Orbiter as requested by the National Aeronautics and Space Administration in its budget estimates for fiscal year 1964, and enumerated as follows:
  - (1) Manned spacecraft systems program, \$1,556,600,000;
  - (2) Launch vehicle and propulsion systems program, \$1,153,500,000;
  - (3) Aerospace medicine program, \$11,000,000;
  - (4) Integration and checkout program, \$140,000,000;
  - (5) Systems engineering program, \$37,000,000;
  - (6) Meteorological satellites program, \$63,700,000;
  - (7) Communications satellites program, \$44,175,000;
  - (8) Industrial applications program, \$3,500,000;
  - (9) Geophysics and astronomy program, \$194,400,000;
  - (10) Lunar and planetary exploration program, \$282,600,000;
  - (11) Bioscience program, \$21,200,000;
  - (12) Launch vehicle development program, \$127,700,000;
  - (13) Facility, training, and research grants program, \$50,000,000;
  - (14) Space vehicle systems program, \$53,462,000;
  - (15) Electronic systems program, \$30,362,000;
  - (16) Human factor systems program, \$13,200,000;
  - (17) Nuclear electric systems program, \$68,768,000;
  - (18) Nuclear rockets program, \$96,687,000;
  - (19) Chemical propulsion program, \$24,497,000;
  - (20) Space power program, \$16,524,000;
  - (21) Aeronautics program, \$16,200,000;
  - (22) Tracking and data acquisition program, \$220,200,000.
- (b) For "Construction of facilities", including land acquisitions, \$747,060,400, as follows:
  - (1) Ames Research Center, Moffett Field, California, \$11,044,000.
  - (2) Flight Research Center, Edwards, California, \$1,157,000.
  - (3) Goddard Space Flight Center, Greenbelt, Maryland, \$20,332,500.
  - (4) Jet Propulsion Laboratory, Pasadena, California, \$2,998,200.
  - (5) Langley Research Center, Hampton, Virginia, \$8,204,700.
  - (6) Launch Operations Center, Cape Canaveral, Florida, \$300,316,000.

(7) Lewis Research Center, Cleveland and Sandusky, Ohio, \$18,634,000.

(8) Manned Spacecraft Center, Houston, Texas, \$35,102,000.

(9) Marshall Space Flight Center, Huntsville, Alabama, \$28,980,000.

(10) Michoud Plant, New Orleans, Louisiana, \$8,688,000.

(11) Mississippi Test Facility, Mississippi, \$102,196,000.

(12) Nuclear Rocket Development Station, Nevada, \$15,650,000.

(13) Various locations, \$168,253,000.

(14) Wallops Station, Wallops Island, Virginia, \$505,000.

(15) Facility planning and design not otherwise provided for, \$25,000,000.

(c) For "Administrative operations" \$539,185,000.

(d) Appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required for the performance of research and development contracts and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used for construction of any major facility, the estimated cost of which, including collateral equipment, exceeds \$250,000, unless the Administrator or his designee has notified the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified in an appropriation Act, any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed \$35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) No part of the funds appropriated pursuant to subsection 1(c) for maintenance, repairs, alterations, and minor construction shall be used for the construction of any new facility the estimated cost of which, including collateral equipment, exceeds \$100,000.

(h) No part of the funds authorized by this section may be expended for the establishment of an Electronic Research Center unless the Administrator has transmitted to the Committee on Aeronautical and Space Sciences of the Senate and to the Committee on Science and Astronautics of the House of Representatives a detailed study of the geographic location of the proposed Center, and (1) each such committee has transmitted to the Administrator written notice to the effect that such committee has no objection to the establishment of such Center, or (2) forty-five days have passed after the transmittal by the Administrator of such study to those committees.

(i) Until such time as the National Aeronautics and Space Administration shall establish uniform design criteria and construction standards for facilities for which

appropriations are authorized pursuant to this Act, the National Aeronautics and Space Administration shall utilize for such facilities design criteria and construction standards established either by the General Services Administration, the United States Navy Bureau of Yards and Docks, or the United States Army Corps of Engineers.

Sec. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), and (14), of subsection 1(b) may in the discretion of the Administrator of the National Aeronautics and Space Administration, be varied upward 5 per centum to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed a total of \$722,060,400.

Sec. 3. Not to exceed 2 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with \$30,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (15) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Sec. 4. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of thirty days has passed after the receipt by each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon

in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Sec. 5. The Administrator is hereby authorized to transfer, with the approval of the Bureau of the Budget, funds appropriated pursuant to this Act (other than funds appropriated pursuant to paragraph (15) of subsection 1(b), to any other agency of the Government whenever the Administrator determines such transfer necessary for the efficient accomplishment of the objectives for which the funds have been appropriated. Not more than \$20,000,000 of the funds authorized by this Act may be transferred by the Administrator under this section, and no transfer in excess of \$250,000 shall be made under this section unless the Administrator has transmitted to the Committee on Aeronautical and Space Sciences of the Senate and to the Committee on Science and Astronautics of the House of Representatives a written statement concerning the amount and purpose of, and the reason for, such transfer, and (1) each such committee has transmitted to the Administrator written notice to the effect that such committee has no objection to that transfer, or (2) thirty days have passed after the transmittal by the Administrator of such statement to those committees.

Sec. 6. Section 307 of the National Aeronautics and Space Act of 1958 is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding any other provision of law, the authorization of any appropriation to the Administration shall expire (unless an earlier expiration is specifically provided) at the close of the third fiscal year following the fiscal year in which the authorization was enacted, to the extent that such appropriation has not theretofore actually been made."

Sec. 7. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1964".

Mr. MANSFIELD. Mr. President, so far as I know, tonight there will be no debate on this bill, although I understand and expect that the distinguished chairman of the committee which has been considering the bill—the senior Senator from New Mexico [Mr. ANDERSON]—and the distinguished senior Senator from Maine [Mrs. SMITH] have statements to make at this time.

Mr. ANDERSON. Mr. President, we have before us today H.R. 7500, to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations; and for other purposes. H.R. 7500 passed the House by a vote of 334 to 57. While there were some differences of opinion in committee as to some of the individual items contained in the act, the measure received unanimous support from the committee in reporting the act to the floor with an amendment. The committee spent long hours in reviewing the NASA's budget request for fiscal year 1964. In front of each Member are parts I and II of the hearings encompassing some 1,154 pages of testimony. In addition, the committee spent 2 days taking some 260 pages of testimony from eminent scientists which is available on the desk of each Senator. A summary of these hearings can be found beginning on page 348 of the committee report accompanying the bill.

Also, the committee took testimony in executive session over a period of 7 days from NASA and the Department of Defense in connection with the markup of the bill.

Mr. President, before going into a review of the action taken by the House and the committee in connection with NASA's proposed budget, I would like to comment briefly on the civilian portion of our national space program.

I am fully aware of the many opinions which have been espoused as to the priority of funding between our military and civilian space programs, and the concern expressed in many quarters with respect to the huge authorization of expenditures for the civilian portion of our space program. I should only like to say at this point that our administration has declared as a national goal the landing of a man on the moon by 1970. NASA has been given the responsibility by the administration of carrying out this national objective and while I, like others, would disagree with some of the decisions that have been made by Mr. Webb, the Administrator, and his associates, I, personally, feel, and I believe the other members of the committee would generally agree, that NASA deserves unqualified credit for the manner in which it has embarked upon this formidable task.

NASA has now accomplished nine successful suborbital and orbital flights involving American astronauts without the loss of a life. The planning, preparation, and carrying out of this gigantic operation involving thousands of people from NASA, from our military forces, and from industry, defies description.

In addition, NASA has carried out a tremendously successful scientific interplanetary program which only a few years ago would have been considered fantastic even to envision.

Mr. President, the United States is in space today to stay. NASA is dedicated to the objective of making our Nation preeminent in space, and has, indeed, to date compiled an enviable record and taken a long step toward the accomplishment of this objective.

The original administration request for NASA for fiscal year 1964 was \$5,712 million; broken down this included \$4,351,700,000 for research and development; \$560,300,000 for administrative operations; and \$800 million for construction of facilities. After a most thorough review by the House Committee on Science and Astronautics, the House recommended a net reduction to \$5,203,719,400; broken down this included \$4,013,175,000 for research and development; \$508,185,000 for administrative operations; and \$682,359,400 for construction of facilities.

After a careful analysis by the committee of the budget requests, the reductions recommended by the House and NASA's requests for restoration, the committee has recommended a total of \$5,511,520,400, broken down to include \$4,225,275,000 for research and development; \$539,185,000 for administrative operations; and \$747,060,400 for construction of facilities. A comparison would show that overall the committee has reduced by \$200,479,600 the adminis-

tration request for NASA for fiscal year 1964 which is \$307,801,000 more than was authorized by the House.

Mr. President, before reviewing the action taken by the committee on the bill, I should like to say that the committee took detailed testimony on every major research and development program and every construction of facility request contained in NASA's budget. With respect to many programs the individual projects and items within such projects were scrutinized carefully and NASA was requested to justify them. However, the committee's major consideration was not NASA's internal decisions to realine and rearrange projects and items within major programs, but rather the management aspects of their programs. As an example, the committee carefully reviewed the cost and auditing systems utilized by NASA and amended the reprogramming requirements of NASA in such a way that the committee now believes them to be both meaningful and effective.

Also in the case of NASA's request for an electronics center, the committee spent considerable time inquiring into the need for such a center and the methods by which NASA would integrate the work of the center with its total research and development electronic needs so that a more orderly program would result and a smoother interface between NASA, the electronics industry, and university and commercial research institutions could be accomplished.

Mr. President, I should now like to review briefly the House's adjustments to H.R. 7500 and the related action taken by the committee. In view of the fact that detailed information on each of NASA's programs, the House's action, and the committee recommendations is contained in the committee's comprehensive report, No. 362, accompanying the bill and available to each Senator, I ask unanimous consent that they may appear in the Record at this point as a summary of the action taken by the committee with respect to NASA's fiscal year 1964 request.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

#### RESEARCH AND DEVELOPMENT

NASA's budget request was for \$4,912,000,000 of which \$4,351,700,000 was for research and development and \$560,300,000 was for operations. The House approved for research and development \$4,013,175,000, which was a reduction \$338,525,000 from the budget request. Your committee has recommended a total of \$4,225,275,000, which represents a reduction of \$126,425,000 from the budget request, or a restoration of \$212,100,000 over the amount authorized by the House.

#### 1. MANNED SPACECRAFT SYSTEMS—

\$1,556,600,000

The ultimate objective of the development of manned spacecraft systems is to provide the capability for a broad program of manned space exploration which will achieve and maintain a position of leadership for the United States. A specific goal in acquiring this capability is to land a man on the moon and return him safely to earth. The two principal items under manned spacecraft systems are projects Gemini and Apollo. The Gemini project will place two men in earth orbit to explore the long-duration flight and to develop the techniques of space rendez-

vous. The Apollo project will provide a 3-manned spacecraft which will be used to carry man in earth-orbital, circumlunar, lunar orbit and lunar landing, and return missions.

The House action reflects a reduction of \$120 million for Apollo spacecraft development on the basis that use of the amount requested could not be wholly identified, particularly in connection with the development of the command and service modules. The NASA request for restoration indicated that, subsequent to the visit by House committee members to North American Aviation, NASA completed contract negotiations with the contractor which have shown that funds requested for fiscal year 1964 are indeed required unless there is to be a delay of from 4 to 6 months in meeting the program objectives on the command and service modules. If the House reduction were applied to other elements of the Apollo and Gemini efforts, the result is estimated to be a delay of 1 to 2 months across the board. On the basis of NASA testimony that the tightest controls and the exercise of greatest management skills will be necessary to meet program objectives even if the House reduction is restored, the committee recommends restoration of the reduction made by the House.

#### 2. LAUNCH VEHICLE AND PROPULSION SYSTEMS—

\$1,153,500,000

The Launch Vehicle and Propulsion Systems program supports, through the development of the required vehicle and propulsion systems, the primary mission of the Office of Manned Space Flight, the manned exploration of space. The program consists of the development of three major launch vehicles to be used in missions leading to manned lunar landing. The administration requested for this item \$1,168,500,000. The House authorized \$1,138,500,000. Specifically, the House action reduces the budget request of \$45 million for the M-1 engine by \$30 million on the basis that there is now no specific mission for the M-1 engine, that the higher specific impulse for the M-1 makes it a potentially useful engine for some future launch vehicle, but that the budget request was excessive for fiscal year 1964 in view of the very long development leadtime envisioned and the fact that present concepts may be outmoded or in need of revision by the 1970's when the M-1 would become operational. NASA testimony to your committee indicated that a reduced but sound development program could be conducted at a fiscal year 1965 level of \$30 million without bringing the project to a virtual halt. On the basis of this testimony and in view of the reorientation of this project to emphasize advancement of technology rather than system development, committee action recommends restoration of \$15 of the \$30 million House reduction.

#### 3. AEROSPACE MEDICINE—\$11 MILLION

The objectives of the aerospace medicine program are to provide operational medical support to space flight missions and to conduct development and test of systems and components to insure the effective performance and safety of the astronauts in flight and on the ground. The original administration budget request was for \$16,700,000. The House reduced this amount by \$5,700,000 on the ground that this funding represented a 100-percent increase of the funds allocated for this purpose in fiscal year 1963 and that the rate of progress required, together with other Government capabilities should make it possible to fund this project at the level of \$11 million. Your committee, after taking testimony on this program, found that NASA indicated that they could carry out their fiscal year 1964 program under this funding level. Therefore, your committee recommends sustaining the position of the House in cutting \$5,700,000.

**4. INTEGRATION AND CHECKOUT—\$140 MILLION**

The objectives of this program are to provide overall integration analysis, reliability assessment and checkout for all elements essential to the Apollo project. The administration requested \$153 million for fiscal year 1964. The House reduced this request to \$125 million. Its action reflects a reduction of \$28 million on the basis that the NASA justification did not establish clearly the amount to be used to fund contractor services and that NASA testimony on what would be done with \$28 million of the total request was also vague and uncertain. NASA testimony to your committee indicated that the \$28 million was for standard "off-the-shelf" equipment such as computers, power supplies, and oscilloscopes to be provided at a significant cost savings as Government-furnished equipment to the prime integration and checkout contractor (General Electric Co.), to become an integral part of the overall checkout system. On the basis that NASA has now identified the planned utilization of the \$28 million and with the expectation that NASA will be able to effect economies in the total integration and checkout effort, the committee recommends restoration of \$15 of the \$28 million House reduction.

**5. SYSTEMS ENGINEERING—\$37 MILLION**

The objectives of the systems engineering program are to provide for centralized systems engineering and study capabilities for the manned lunar program; for the study of advanced mission concepts; and for the support of Apollo systems synthesis, including development of overall reliability and systems test plans and the definition of environmental hazards and scientific mission requirements. The administration requested \$37 million for this item which was approved by the House with no recommended reduction. Your committee agreed with the decision of the House with respect to this item.

**6. METEOROLOGICAL SATELLITES—\$63,700,000**

The objectives of the meteorological satellites program are (1) to establish and continually improve meteorological satellite capability to provide the meteorologist with worldwide observations of atmospheric conditions and storm systems; (2) to develop a meteorological satellite system suitable for use on a routine continuing basis in an operational meteorological satellite system; and (3) to provide a capability to explore and understand the structure, temporal and spatial variation, and the dynamic processes of the atmosphere in the region from 30 to 100 kilometers. The administration requested \$63,700,000 for this item which was authorized by the House and your committee, because of the extreme importance to this Nation to proper weather forecasting, agreed that the total amount should be authorized.

**7. COMMUNICATIONS SATELLITES—\$44,175,000**

The objectives of the NASA Communications Satellite program are to assist in the early establishment of an operational communications satellite system, and to support the continuing development and expansion of such systems through a program of research, development, and flight testing of techniques and concepts designed to insure the realization of the full capabilities of communications satellites.

The original administration request for this item was \$51,100,000. The House reduced this request to \$42,175,000. The House action reflected itself in two areas: (1) Supporting research and technology—a reduction of \$1,925 million in the areas of supporting research and technology which were considered unessential to the NASA program. Testimony before your committee indicated that the NASA requires restoration to permit execution of a sound and timely R. & D. program in fulfillment of NASA responsibilities under the Space Act and 1962 Communications Satellite Act, including support

of the Federal Communications Commission, the Department of Defense, and the State Department. On this basis, your committee recommends restoration of \$1.5 million as requested by NASA. (2) Advanced synchronous communications satellite—a reduction of \$7 million on the basis that the original schedule could be adhered to by deferring this amount; the House committee specifically deleted the item for reliability studies estimated at \$5 million for contracted work. Restoration of this \$5 million was requested to permit an independent contractor's analysis of the system contractors design, test, and quality control, for which NASA does not have adequate in-house capability. On the basis that investment of \$5 million for an independent reliability review of a program in which each launch will cost about \$20 million is a sound expenditure, the committee recommends restoration of \$5 million.

**8. INDUSTRIAL APPLICATIONS—\$3,500,000**

The objective of the industrial applications program is to promote the early and effective utilization of the technical advances evolving from the NASA research and development activities by industry. The House provided for full authorization of the administration request which was also endorsed by your committee.

**9. GEOPHYSICS AND ASTRONOMY—\$194,400,000**

The fundamental objective of the geophysics and astronomy program is to extend our knowledge and understanding of the earth, the sun, and the universe. The original budget request was for \$194,400,000. The House authorized \$190,400,000. This action reflects a reduction of \$4 million which would eliminate the follow-on international satellites on the basis that the authorization of the funds requested by NASA should be deferred until after negotiations had taken place with foreign nations and agreements had been reached. NASA testimony to your committee indicated that NASA had failed to convey to the House a full appreciation of the fact that specific agreements have been reached with the United Kingdom and France for international satellite projects to be funded by the \$4 million. On the basis that these funds are necessary to implement these agreements, your committee recommends restoration of the House reduction.

**10. LUNAR AND PLANETARY EXPLORATION—\$282,600,000**

The primary objective of the lunar and planetary exploration program is the exploration of the solar system and immediate objective of the program is to obtain scientific information and design data required for manned space flight systems development, particularly for the manned lunar landing program.

The administration's request for this item was \$322,600,000. The House authorized \$254,400,000, a reduction of \$68,200,000, consisting of \$25 million from the Ranger project, \$28,200,000 from Surveyor Orbiter, and \$15 million from Mariner.

After a review of the Ranger program and consulting with NASA officials, your committee agrees with the House that \$25 million can be reduced in Ranger funds and a good and adequate job can still be done by Ranger within the remaining \$65 million. Your committee, however, stressed the fact that this \$25 million reduction should not be construed as lessening the need for the Ranger program since it is extremely important to the success of the manned lunar landing program.

With respect to the House's action of reducing by \$28.2 million the Surveyor Orbiter project, your committee received extensive testimony from NASA which indicated that the Orbiter program was essential to the Apollo project and would be initiated during the fiscal year 1964 timetable. Therefore, on this basis, your committee restored the orig-

inal budget request for Orbiter, but worded the authorization in such a manner so that this amount may not be reprogramed, but must be used for Surveyor Orbiter as stated in NASA's fiscal year 1964 budget request.

Your committee agreed with the action of the House that the \$15 million reduced by the House from the Mariner project could be properly deferred.

**11. BIOSCIENCE—\$21,200,000**

The Bioscience program of the NASA is being developed to provide this country with biological knowledge that can be gained only in the environment of space, and with the basic biological knowledge pertinent to space exploration and operations. The administration's request for this item was for \$35,200,000. This authorization was reduced by the House to \$21,200,000. The House's action indicated that the amount authorized was at the same approximate level of funding as NASA's fiscal year 1963 request. Your committee agreed with the House that this funding level should be adequate for NASA to accomplish its requirements during fiscal year 1964.

**12. LAUNCH VEHICLE DEVELOPMENT—\$127,700,000**

The objectives of this program are to provide reliable and economic launch vehicles for (1) the unmanned earth orbital, lunar, planetary, and interplanetary missions for scientific exploration; (2) meteorology, communications, and supporting research and technology flight missions; and (3) the acquisition of engineering data from unmanned flights to support manned space exploration. The administration's request for this item was \$130,700,000. The House reduced by \$3 million the supporting research and technology program on the ground that there was no substantial reason for increasing SRT effort inasmuch as large funds were being authorized to support the Centaur development program and the Scout and Delta vehicles are now considered reliable launch vehicles. Your committee concurred in the reasoning of the House and agreed to the reduction of \$3 million.

**13. FACILITY, TRAINING, AND RESEARCH GRANTS—\$50 MILLION**

The Facility, Training, and Research grants program is a planned, coordinated effort of institutional liaison to establish and maintain direct scientist-to-scientist communication between NASA and the university research community. The administration's request for this item was \$55 million. The House committee proposed the authorization of the full amount; however, on the floor of the House the bill was amended to maintain the same level of support as effected in fiscal year 1963. Therefore, the House reduced this item to \$30,600,000. Your committee, after a careful review of NASA's proposed programs in this area, felt that in many ways the success or failure of the national space program rests directly on the skill and training of those who undertake the effort. Your committee cautioned NASA that the indiscriminate granting of scholarships without regard for need must inevitably include many who would have continued their education anyway and, therefore, can only lessen the impact on the total manpower problem that Government funds might otherwise have had. It strongly recommended that NASA explore this problem with the cooperating universities and encourage them to place a greater emphasis on need in selection of NASA scholars. While it felt that the reduction of the House was too great, it authorized a total of \$50 million for this program.

**14. SPACE VEHICLE SYSTEMS—\$53,462,000**

The objective of the space vehicle systems program is to identify and solve critical technical problems bearing on present-generation space vehicles as well as to advance

the state of the art to enable the development of more advanced space vehicles for future space missions.

The administration's budget request for this item was for \$61,962,000. The House reduced this amount to \$53,462,000, a reduction of \$8,500,000 in item proposed by NASA to initiate the advanced fire project, an investigation of reentry hearing problems at planetary rate velocities. The House's action was based on the fact that this program was only indirectly related to the lunar project and could be deferred at this time. Your committee concurred in the opinion of the House and authorized only \$53,462,000.

#### 15. ELECTRONIC SYSTEMS—\$30,362,000

The objectives of the electronic systems program are to provide reliable and efficient components, and flexible and proven techniques for developing guidance, stabilization, communications, tracking, instrumentation, and data processing systems which will meet the projected needs of the NASA's future manned and unmanned space missions. The administration's request for this item was for \$30,362,000. The House authorized this entire amount, and your committee agrees that a total authorization is necessary and warranted.

#### 16. HUMAN FACTOR SYSTEMS—\$13,200,000

The objectives of this program are (1) to obtain a better understanding of man's capabilities and limitations and to determine his utilization in advanced aerospace systems; (2) to obtain design requirements for equipment and subsystems which will guarantee an environment adequate for maintaining the high operating efficiency of crews during programed and emergency phases of advanced aerospace missions; and (3) to determine overall human requirements and integrate them into the design of advanced aeronautical, astronautical, and ground support systems.

The Administration requested \$18,200,000 for this item. The House authorized \$13,200,000. The House felt that NASA could accomplish its mission with this reduced amount and because of the possible duplication of efforts in this area, suggested that the Department of Defense and NASA should coordinate their efforts and seek cooperative experiments in this field. Your committee agreed with the concern of the House and concurred in authorizing \$13,200,000 which reduced the Administration's request by \$5 million.

#### 17. NUCLEAR-ELECTRIC SYSTEMS, \$68,768,000

The objective of the Nuclear-Electric Systems program is to provide the scientific and engineering knowledge and to develop the systems necessary for the early and practical utilization of nuclear electric propulsion and power generation systems in space. The Administration's request was for \$68,768,000 for this item. The House authorized the full amount. Your committee, after hearing extensive testimony from NASA and the Atomic Energy Commission relative to these nuclear electric systems, agreed to the total authorization requested by the Administration.

#### 18. NUCLEAR ROCKETS—\$96,687,000

The Nuclear Rocket program has the primary objective of establishing the basic technology and developing and providing qualified nuclear rocket engines for accomplishing operational missions in advanced launch vehicles. The Administration's request for this item was \$96,687,000. The House authorized a total of \$91,687,000. This action reflects a reduction of \$5.0 million on the basis that the KIWI reactor development project which is the responsibility of AEC is the pacing item in this program and to date AEC has not developed a satisfactory design which would be reflected in delays to NASA's Nerva engine and Lift stage projects. In view of such delays the House

believed that the proposed reduction would not burden NASA in carrying out its responsibilities in this program. NASA testimony before your committee indicated that the budget request was designed to take full recognition of the pacing influence of the reactor development effort and that the proposed reduction, while not large in percentage, would undoubtedly affect progress in a variety of areas such as systems dynamics, control and instrumentation, and basic technology for the long leadtime nonnuclear components and subsystems. Based on this testimony, and in view of recent encouraging progress in NASA's nuclear rocket programs, the committee recommends restoration of the House reduction.

#### 19. CHEMICAL PROPULSION—\$24,497,000

The objective of this program is to conduct the research and advanced technology studies to increase knowledge of chemical propulsion processes, to investigate new concepts and techniques, and to advance chemical propulsion to meet future requirements.

The Administration's request was for \$22,497,000 for this item. The House agreed fully with this request, but increased it by \$2 million on the ground that high energy propellants appeared to offer one of the most promising advances for improvement of the Nation's capability in space. Your Committee agrees with the House as to the importance of such a research and development program and feels that every effort should be made to expand the state of the art in the area of propellants, both in chemical vehicles and other exotic systems capable of high-thrust such as nuclear engines. Therefore, your Committee agreed with the House to the full authorization request plus the additional \$2 million which would allow NASA to increase the emphasis on research on such high energy propellants as borane, diborane and fluorine.

#### 20. SPACE POWER—\$16,524,000

The objectives of this program are to conduct research and technology work leading to a better basic understanding of solar and chemical energy processes and to devise new and improved methods of utilizing these energy sources for developing the electrical power required for the accomplishment of space exploration. The Administration's request for this item was \$16,524,000. The House agreed to the authorization of the full amount which was concurred in by your Committee.

#### 21. AERONAUTICS—\$16,200,000

The objective of the NASA Aeronautics program is to conduct research to generate the technology for the design, construction, and operation of advanced aeronautical vehicles and missiles to support current and projected civil and military requirements and to maintain U.S. leadership in these fields. The original Administration request for this item was \$16,200,000. This authorization was agreed to by the House and concurred in by your Committee.

#### 22. TRACKING AND DATA ACQUISITION—\$220,000,000

The objective of the NASA Tracking and Data Acquisition program is to provide the operational ground instrumentation support required by all NASA flight projects.

The Administration requested a total of \$231,500,000 for this item. The House authorized \$216,700,000. This action reflects a reduction of \$14.8 million on the basis that the budget request represented approximately a 70-percent increase over the planned fiscal year 1963 program and that NASA testimony did not fully justify the need for the funds. (1) Supporting Research and Technology: Of the indicated reduction of \$5 million for supporting research and technology, NASA requested restoration of \$2 million on the basis that this would permit

a level of effort which would be responsive to the requirement for improved tracking and data acquisition capabilities in the future. Your Committee considered the level of effort sustained in fiscal year 1963 was adequate and therefore sustained the House action. (2) Network Operations: NASA requested restoration of the \$3.5 million House reduction for network operations on the basis that the full amount requested in the budget was required for contracts to provide operations personnel to support the number of flights planned to occur in fiscal year 1964. Since the House action on NASA's flight projects did not affect the number of flights to be conducted during fiscal year 1964, your Committee recommends restoration of the reduction proposed by the House.

#### Administrative operations—\$539,185,000

The administration's original request incorporated operations in their total request for research and development. The House separated from the total request for research and development the amount that NASA was budgeting for its operations in support of its programs. By separating this request it was determined that NASA was requesting a total of \$560,300,000. A summary of the various items within the administrative operations budget can be found on page 332 of your committee's report. The House authorized a total of \$508,185,000. This action reflected (1) personnel costs—a reduction of \$25 million in personnel costs on the grounds that reduced personnel requirements would result from reduced program activity (i.e., presumably R. & D. projects deleted or reduced by House action); and that, while the fund reduction would limit an increase in personnel, NASA would have freedom to increase personnel in essential program areas. NASA requested full restoration on the basis that the reduction would permit hiring only 595 new personnel in lieu of the 3,953 reflected in the budget, that 595 was inadequate to cover the budgeted increases in personnel (1,600) for the 3 manned space flight centers alone, and that the budget number of 3,953 was now some 2,000 short of requirements currently estimated by NASA centers. On the basis of these considerations and the understanding that NASA was prepared to operate with a tight belt and effect economies wherever possible, your committee restored \$20 million of the \$25 million House reduction.

2. Other administrative costs: a reduction of \$27.115 million of other administrative costs on the basis that the budget request constituted approximately a 30-percent increase over fiscal year 1963 in this general area and it was the opinion of the House that economies could be effected to the extent of \$27 million. NASA requested restoration of \$11 million on the basis that this would provide the minimum essential level of operations consistent with the efficient conduct of NASA in-house research and development activity and the effective direction and supervision over the expanding contract programs. On the basis of this testimony, your committee restored \$11 million of the \$27.115 million House reduction.

Although the preponderance of the authorization is included above in the research and development activities of NASA, a considerable supporting effort is required in the field of construction of facilities which is elaborated on below.

#### Construction of facilities

The Administration requested \$800 million to support the fiscal year 1964 program, constructionwise. The authorization requested is to procure required facilities and includes the purchase of installed equipment to conduct the planned operations.

The House committee examination of the NASA request resulted in the postponing of those projects which would, in that committee's view, not require funding in this

fiscal year, would not jeopardize ongoing programs, or would replace undesirable and inefficient existing facilities. Design of certain facilities had been initiated utilizing nearly \$8 million of fiscal year 1963 funds and a replacement amount was requested for fiscal year 1964. This authorization was withheld; however, a \$15 million item authorization for planning and design for future work was incorporated in the House bill because potential saving in time by adequate prior design, more accurate budget estimate requests, and less reprogramming would result. (Interesting to note is the sequence on the planning authorization: NASA requested \$10 million; the House committee felt strongly that this aspect should receive more emphasis and increased the item by 150 percent to \$25 million. By floor amendment, the \$25 million recommended authorization was reduced by \$10 million to \$15 million, leaving a \$5 million authorization in excess of the NASA request.) In total, the House reduced the Administration's request of \$800 million by \$117,640,000.

Your committee examined each construction item for which authorization was requested. On completion of the House subcommittee hearings and receipt of information relative to their proposed reduced pro-

gram, the chairman directed the staff to work closely with NASA in behalf of minimizing the construction program while not imposing severe penalties on the ongoing programs. As a result of this diligent effort, NASA requested only partial restoration of the House reductions. Your committee then reexamined each construction item as to their impact on the programs.

In general, the authorization requested is a continuation of ongoing programs initiated in prior years. In excess of 60 percent (approximately \$500 million) of the requested authorization is at Launch Operations Center in Florida, the Mississippi Test Facility, Marshall Space Flight Center at Huntsville, Ala., and the Manned Spacecraft Center at Houston.

Approximately \$176 million was requested for 11 various locations. The largest single item in this group involves the acquisition of three required instrumentation ships and an estimated expenditure of \$90 million. Other items include several engine facilities, tracking facilities, an electronic center, and a lunar excursion module test facility.

The remaining 15 percent (\$124 million) of the NASA requested authorization is to further the program at the remaining eight established NASA centers and activities.

Your committee proposes a total authorization for construction of facilities in the amount of \$747,060,400. This amount includes the \$10 million NASA requested and the additional \$15 million for planning and design as originally proposed by the House committee. Use of this authorization by NASA will enhance planning detail which will permit earlier initiation of construction after authorization and will allow NASA to submit more refined budget cost estimates for authorization. In summary, this total sum is \$52,939,600 less than requested by the administration, but \$64,700,400 more than approved by the House. In regard to the reduction, your committee in several instances believed that authorization requested could be deferred until the following fiscal year, and in other instances, while the proposed facilities would add efficiency to the operation, they did not have an adverse impact on the ongoing programs at this time if deleted. In the instance where your committee made restoration of House reductions, it believed that the programs would be impaired or that the orderly sequential development would suffer if the authorization were not granted.

Specifically, the following items constitute the reductions by your committee:

Location and project	President's budget	Senate committee reduction	Location and project	President's budget	Senate committee reduction
1. Ames Research Center:			9. Marshall Space Flight Center:		
Administrative management building.....	\$1,375,000	-\$1,375,000	Acceleration test and calibration facility.....	\$1,700,000	-\$90,000
Life sciences research laboratory.....	4,880,000	-240,000	Acoustic model test facility.....	2,000,000	-60,000
Model construction building.....	347,000	-347,000	Additions to the components test facilities.....	3,875,000	-200,000
Space environment research facility.....	3,600,000	-70,000	Barge dock and loading facilities.....	800,000	-209,000
2. Flight Research Center: Flight research support laboratory.....	2,924,000	-2,924,000	Expansion and modernization of the high-pressure gas and propellant systems.....	4,000,000	-2,000,000
3. Goddard Space Flight Center:			Expansion of computation facilities.....	2,315,000	-2,315,000
Data interpretation laboratory.....	5,390,000	-229,500	Extension to the propulsion and vehicle engineering laboratory.....	1,900,000	-1,900,000
Meteorological systems development.....	4,103,000	-170,000	Hangar for vehicle components.....	4,600,000	-1,100,000
Utility installations.....	2,439,000	-200,000	Hazardous operation laboratory.....	500,000	-27,000
4. Jet Propulsion Laboratory:			Support operations building.....	500,000	-500,000
Addition to the space flight operations facility.....	1,000,000	-54,800	Utility installations.....	5,000,000	-1,115,000
Development engineering building.....	3,900,000	-3,900,000	10. Michoud plant:		
Utility installations.....	467,000	-47,000	Addition to production facilities.....	6,000,000	-780,000
5. Langley Research Center:			Parking and security improvements.....	610,000	-150,000
Addition to the vehicle antenna test facility.....	1,758,000	-73,300	Road and airstrip rehabilitation.....	760,000	-385,000
Electronic instrumentation laboratory.....	2,850,000	-109,000	11. Mississippi Test Facility:		
Fatigue research laboratory.....	1,291,000	-1,291,000	F-1 engines system test stand.....	9,000,000	-459,000
Utility installation.....	1,249,000	-90,000	Maintenance facilities.....	5,987,000	-3,707,000
6. Launch Operations Center:			Security control facilities.....	675,000	-675,000
Advance Saturn launch complex No. 39.....	217,219,000	-10,000,000	Transportation and parking facilities.....	7,585,000	-2,988,000
Advance Saturn support facilities.....	9,309,000	-225,000	Warehouse addition and storage facilities.....	2,318,000	-1,382,000
Barge lock and channel.....	1,000,000	-100,000	Waterways and docking facilities.....	4,242,000	-283,000
Cafeteria.....	899,000	-89,000	12. Nuclear Rocket Development Station:		
Central instrumentation facility.....	31,508,000	-260,000	Additions to engine test stand No. 2.....	5,000,000	-1,500,000
Manned spacecraft facilities.....	6,512,000	-25,000	Additions to engine maintenance assembly and disassembly building.....	4,500,000	-1,340,000
Range engineering and administration building.....	4,823,000	-25,000	Support facilities.....	5,040,000	-2,000,000
Utility installations.....	23,755,000	-117,000	13. Various locations:		
Vehicle maintenance and service facility.....	1,561,000	-1,561,000	Facilities for H-1 engine production.....	1,500,000	-90,000
7. Lewis Research Center:			Facilities for M-1 engine program.....	16,000,000	-6,000,000
Addition to the spacecraft propulsion research facility.....	3,500,000	-335,000	Facilities for S-IV B stage program.....	5,300,000	-195,000
Alteration to the space power chamber.....	5,665,000	-550,000	Instrumentation ships.....	90,000,000	-1,000,000
Modernization of the instrument research laboratory.....	1,316,000	-1,316,000	Lunar excursion module test facility.....	15,000,000	-500,000
SNAP-8 assembly and spacecraft checkout building.....	5,000,000	-5,000,000	14. Wallops Station: Support facilities.....	2,000,000	-1,495,000
8. Manned Spacecraft Center:			15. Facility planning and design.....	10,000,000	+15,000,000
Atmospheric reentry materials and structures evaluation facilities.....	2,915,000	-220,000	Total.....		-52,939,600
Center support facilities.....	5,162,000	-1,465,000			
Launch environment and antenna test facility.....	7,482,000	-217,000			
Mission simulation and training facility.....	2,216,000	-147,000			
Spacecraft control technology laboratory.....	6,106,000	-278,000			
Ultra-high-vacuum space chamber facility.....	2,685,000	-307,000			

The above action by your committee will authorize a total budget for NASA of \$5,511,520,400 for fiscal year 1964. Your committee believes that the NASA can support effectively its fiscal year 1964 program with this funding.

Mr. ANDERSON. Mr. President, the able Senator from Tennessee [Mr. KEFAUVER] addressed to me a letter to which I have replied. I ask unanimous consent to have printed at this point in the RECORD his letter and my reply.

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

U.S. SENATE,  
COMMITTEE ON APPROPRIATIONS,  
August 5, 1963.

HON. CLINTON ANDERSON,  
U.S. Senate,  
Washington, D.C.

DEAR CLINT: I have before me H.R. 7500, the NASA authorization bill for the fiscal year 1964. I note that this bill was passed by the House of Representatives on August 1,

1963, sent to the Senate on August 2, 1963, and reported out by your committee on that same day, August 2.

This bill, as amended by the Senate Committee on Aeronautical and Space Sciences, of which you are chairman, authorizes the expenditure of \$44,175,000 for a "communications satellites program." Since the Communications Satellite Act of 1962 created a privately owned corporation for profit as a monopoly to establish, own, and operate all our Nation's nonmilitary satellite communications facilities, it is clear that all or most of this amount will redound directly to the

benefit of that corporation. For this reason, I note with concern that H.R. 7500 makes no provision for reimbursement by the Communications Satellite Corp. to NASA for these moneys.

Last summer, after extended debate, Congress elected to place the development and operation of our Nation's space satellite communications in the private sector. For, as Senator PASTORE said later, "[We] were led to believe when we formed this corporation, practically all of this work (i.e., research and development) would be undertaken by this private corporation, because we said America has grown on private industry, so let private industry do it."

I respectfully request that you make available to me the following information which I and every Senator will need in order to intelligently vote on this measure:

1. What percentage of, or particular items contained in the \$44,175,000 authorization for the communications satellites program will be reimbursed by the Communications Satellite Corporation?

2. What bases or guideline have been or will be used in determining the amounts to be reimbursed.

3. How and under what conditions will such reimbursement be accomplished?

In view of the fact that debate on H.R. 7500 is scheduled for this week, your prompt attention to this matter will be greatly appreciated.

With kind regards.

Sincerely,

ESTES KEFAUVER, U.S. Senator.

AUGUST 6, 1963.

HON. ESTES KEFAUVER,  
U.S. Senate,  
Washington, D.C.

DEAR ESTES: Thank you for your letter concerning H.R. 7500, the NASA authorization bill for the fiscal year 1964. The questions you raise relative to the \$44,175,000 for communications satellites I have endeavored to answer as specifically as I can in the order in which you ask them.

In response to your first question, none of the \$44,175,000 authorized for the NASA communications satellite program is to be reimbursed by the new Communications Satellite Corp. None of the authorized funds for this program will be used solely or peculiarly for the benefit of the corporation.

As you know, the corporation was established to build an operating commercial communications satellite system. It is still in the process of organizing to accomplish those objectives.

The NASA program, on the other hand, is, and continues to be, a more fundamental program of experimental activities directed toward a determination of technical problems and component characteristics fundamental to the general technological area and communications satellite development. NASA projects are tailored to the achievement of basic scientific technological data as deemed necessary by NASA and DOD technical specialists concerned with the solution of fundamental problems in this area. As a consequence, the flight systems in the NASA program do not incorporate the specific equipment that would be used in operational systems.

It goes without saying that the results from the NASA investigations into this highly complex area will benefit Government agencies, the public, and industrial firms; however, no element of the program is directed toward the exclusive benefit of any one organization and the data and information derived from this effort will be made equally available to all potential users through established dissemination mechanisms. In this regard, the research and development conducted by NASA in the communications satellite field will provide a widespread and general benefit, analogous

to the general benefits from long-established Government research efforts in areas ranging from agriculture through atomic energy.

In addition to the expected contribution to the general technical understanding of the problems of this new activity, which will be essential to the continued pre-eminence of the United States in this new area, the program authorized by these funds is essential to NASA for maintaining the authoritative capability required of it under its duties and responsibilities as provided in the Communications Satellite Act. As you undoubtedly recall, this Act requires that NASA advise the Federal Communications Commission on technical characteristics of communication satellite systems, consult with the new Corporation with respect to the technical characteristics of the systems, and advise the State Department on the technical feasibility of particular routes.

In response to your second question, the guidelines to be used by NASA in connection with reimbursement by the Corporation are provided for in the Communication Act of 1962. NASA will conduct activities at the specific request of the corporation and reimbursement will be required to cover all identifiable costs related to the required services. Specifically, such reimbursement will include all costs associated with hardware items furnished by or through Government channels, testing services furnished by Government facilities, launch, tracking, data reduction services performed by the Government or Government contractors, and any other services specifically identifiable with the required work. This, of course, includes reimbursement for salaries and expenses of Government employees assigned to do specific work required.

In response to your final question as to conditions under which reimbursement will be accomplished, it is understood that it would be handled as follows: NASA anticipated it will enter into a signed agreement with the Communications Satellite Corporation defining the specific items and the terms of reimbursement for the furnishing of these items, as well as for services connected with the performance of the requirement. Precedence exists for such an agreement in view of the contract which exists between NASA and the American Telephone & Telegraph Corp. in connection with the Telstar project, which was signed on July 27, 1961. Under that agreement most of the costs were reimbursed in advance of the performance of the work requested, with a postperformance audit and adjustment of actual incurred costs. In view of the satisfactory experience under the Telstar agreement, it is anticipated that this type of procedure can be used as a basis for requests placed on NASA by the Communications Satellite Corp.

I hope that the preceding information is responsive. The material used in answering your questions was derived from the NASA hearings and from discussions with NASA officials. Of course, progress in this area will be under continuing review by this committee.

If I can be of any further assistance, please advise me.

Sincerely,

CLINTON P. ANDERSON,  
Chairman.

Mrs. SMITH. Mr. President, in the lumbering regions of northern New England, there is an old saying which I believe is applicable in the consideration of this authorization bill. It goes like this: "Never send a man into the woods with a dull ax." In logging parlance this means that to realize any production the furnishing of proper tools is mandatory.

The National Aeronautics and Space Administration made the same point to

our committee. In fact, literally thousands of pages of documentation and testimony were presented to our committee by NASA. We also had the benefit of referring to the many pages of hearings before the House. During my 5 years on this committee never have we made such a searching and exhaustive effort to determine what tools and management concepts the NASA needs to do their space job. Nor did our committee content itself with listening exclusively to Government witnesses.

In May of this year in a letter to our chairman I proposed that the manned lunar program be put in greater perspective by calling witnesses who represent a broad spectrum of scientific opinion. This proposal was unanimously agreed to by the committee. In June hearings were held entitled, "Scientists' Testimony on Space Goals."

During those hearings we had the benefit of the judgment of some of America's most eminent scientists on our overall space goals and objectives.

After hearing from these scientists and witnesses from the Department of Defense, the Atomic Energy Commission, and from the NASA, nearly a week of executive sessions followed in which this bill was marked up.

Let me say emphatically that during the long hours spent in marking up this bill, partisanship was not evident irrespective of reports to the contrary. The guiding philosophy which was most apparent to me in the committee room was what can NASA intelligently use during fiscal year 1964 to get the job done. I think it is clear that not everything NASA said it required during fiscal year 1964 was needed. Some of the requested construction projects could be deferred to another year without upsetting the program of placing a man on the moon in this decade. Other requests for short lead items which could be acquired during fiscal year 1965 were deferred without harm to the program. There were several other areas where the time schedule was tight, nevertheless, no amount of additional money could hurry the project. This latter situation reminded me of the quandary of a young constituent who was pressing the elevator button of the New Senate Office Building several years ago. Upon being asked what he thought of this new building he replied, the building was nice, but he wished he were stronger so he could push that button harder to make that elevator run faster.

Needless to say, Mr. President, whenever requests from NASA were based on logic of this kind they were dealt with accordingly.

In my opinion we have reported out a well-balanced bill. It reduces NASA's original requests by over \$200 million, and it divides all of NASA's research and development work into 22 major categories and places a price tag limitation on each category. Administrative operations is also placed into a separate category with a price tag and time limitation on these funds. Changes have been made in the legislative language giving the committee greater oversight of NASA's reprogramming actions. We also have put a limitation on the length

of time beyond which authorized funds cannot be expended. We have provided that in connection with the electronics facility that no funds can be expended for land acquisition until NASA comes back to our committee to justify a specific site for the facility.

I want to express to the chairman my thanks for his cooperation. His understanding, patience, and leadership throughout the long and often times tedious meetings was exemplary. His policy of making available to all members of the committee any information within his possession was most helpful. To the committee members and the staff, I am most appreciative for their constructive approach to the monumental task of assimilating and digesting all the vast reams of material which made it possible for the committee to knowledgeably report what I consider to be an excellent bill.

#### ORDER OF BUSINESS

The PRESIDING OFFICER. What is the further pleasure of the Senate?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### ADJOURNMENT

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate at this time, I move that the Senate stand in adjournment until 12 o'clock noon, tomorrow.

The motion was agreed to; and (at 7 o'clock and 5 minutes p.m.) the Senate adjourned until tomorrow, Thursday, August 8, 1963, at 12 o'clock meridian.

#### NOMINATIONS

Executive nominations received by the Senate August 7, 1963:

##### TREASURY DEPARTMENT

Robert A. Wallace, of Illinois, to be an Assistant Secretary of the Treasury.

##### POSTMASTERS

The following-named persons to be postmasters:

##### ALABAMA

Merle Wilson, Union Grove, Ala., in place of A. S. McDermott, retired.

Larry C. Clark, Weaver, Ala., in place of P. J. Tolleson, retired.

##### ARKANSAS

Max O. Weathers, Salem, Ark., in place of D. H. Collins, removed.

Donald L. Ray, McNeil, Ark., in place of J. T. Sumner, retired.

Raymond J. Robinson, Garfield, Ark., in place of J. A. Bruce, retired.

##### CALIFORNIA

Robert M. Heighway, Altaville, Calif., in place of A. A. Hyland, removed.

Mazie A. Thornton, Auberry, Calif., in place of E. S. Anderson, retired.

Leland K. Pauly, Camptonville, Calif., in place of M. M. Cleveland, deceased.

Joseph L. Causey, Compton, Calif., in place of C. L. Veitch, deceased.

##### FLORIDA

Gladys A. Tillis, Keystone Heights, Fla., in place of F. M. Walrath, Jr., resigned.

Joseph E. Arnold, Pinellas Park, Fla., in place of M. M. Stevenson, retired.

##### GEORGIA

Andrew J. Casey, Jr., Cave Spring, Ga., in place of G. F. Medlock, transferred.

Billie L. Hamrick, Ranger, Ga., in place of H. F. Hamrick, deceased.

George H. Hunt, Thomson, Ga., in place of J. R. Arnold, retired.

##### IDAHO

Grant A. Patterson, Halley, Idaho, in place of G. F. Walker, deceased.

##### ILLINOIS

Eugene L. Herwig, Ashton, Ill., in place of A. M. Boyenga, deceased.

Gladys J. Lash, Big Rock, Ill., in place of S. D. Abbott, retired.

Floyd J. Wesemann, Buckingham, Ill., in place of W. T. O'Brien, retired.

Milan S. Gjundjek, Downers Grove, Ill., in place of L. W. Black, deceased.

LeRoy M. Grande, Forreston, Ill., in place of E. E. Mase, retired.

Maurice E. Potter, Lafox, Ill., in place of H. A. Potter, retired.

##### INDIANA

Margaret F. Moss, Harlan, Ind., in place of S. E. Husted, retired.

Mary E. Liedtke, La Crosse, Ind., in place of C. D. Watson, retired.

Helen K. Galbraith, Oakville, Ind., in place of B. E. Garrett, removed.

##### IOWA

Max M. Brewster, Albion, Iowa, in place of E. M. Burroughs, retired.

Ruth M. Kopel, Haverhill, Iowa, in place of C. F. Heiring, deceased.

Robert M. Fishel, Lockridge, Iowa, in place of Lena Fritts, retired.

Dorothy H. Schuck, New Hartford, Iowa, in place of E. L. Perrin, deceased.

Marcus A. Neppi, Wall Lake, Iowa, in place of D. V. Lawler, transferred.

##### KANSAS

William W. Knouse, Horton, Kans., in place of J. W. McManigal, retired.

##### KENTUCKY

Elmer B. Arnett, Salyersville, Ky., in place of W. G. Conley, resigned.

##### MAINE

Margaret M. Evans, Center Lovell, Maine, in place of A. B. Silkworth, retired.

John E. Mains, Gray, Maine, in place of L. E. Wilson, retired.

Malcolm R. Packard, Locke Mills, Maine, in place of D. R. Swan, removed.

##### MARYLAND

Guy W. Hinebaugh, Oakland, Md., in place of D. M. Browning, resigned.

Lee C. Hocker, Rockville, Md., in place of H. H. Hassell, removed.

##### MICHIGAN

James E. Pryal, Escanaba, Mich., in place of R. W. Cleary, retired.

Robert L. Cooper, Kalamazoo, Mich., in place of Walter Schanz, removed.

Delbert S. Lee, Metamora, Mich., in place of Gladys Hallenbeck, retired.

##### MINNESOTA

Victor J. Humeniuk, Baudette, Minn., in place of A. G. McDougall, deceased.

Albert F. Kellen, Woodstock, Minn., in place of F. A. Melcher, retired.

##### MISSISSIPPI

Milton S. Draper, Ackerman, Miss., in place of B. L. Files, deceased.

##### MISSOURI

James H. Shearrer, Patterson, Mo., in place of Samantha Wilkinson, retired.

Roger L. Funkenbusch, Taylor, Mo., in place of Emmett J. Snyder, deceased.

##### MONTANA

Fred A. Geisser, Townsend, Mont., in place of C. A. Watkins, retired.

##### NEBRASKA

Charles D. Young, Filley, Nebr., in place of A. K. Halcomb, retired.

Marie M. Smith, Gandy, Nebr., in place of Minnie Santo, retired.

Frank C. Evans, Shubert, Nebr., in place of Elta Evans, retired.

William H. Hancock, Yutan, Nebr., in place of D. C. Mumm, deceased.

##### NEW JERSEY

J. Robert Tracey, Morristown, N.J., in place of R. A. Brown, retired.

Vincent R. Loftus, New Brunswick, N.J., in place of T. G. Radics, removed.

##### NEW MEXICO

Bertha M. Bogart, Sunland Park, N. Mex. Office established November 1, 1960.

##### NEW YORK

Elmer H. McCann, Chateaugay, N.Y., in place of P. C. Curtin, removed.

Anthony Mignana, Deer Park, N.Y., in place of M. T. Hollings, retired.

Thomas W. Schermerhorn, Esperance, N.Y., in place of A. C. Montanye, retired.

Laura A. West, Livonia Center, N.Y., in place of N. M. Panipinto, deceased.

Merle E. Parsons, Red Creek, N.Y., in place of J. D. Stafford, retired.

Helen M. Cascanette, Saint Regis Falls, N.Y., in place of H. J. Baker, retired.

Kessler B. Baldwin, South Otselic, N.Y., in place of C. B. Baldwin, deceased.

##### NORTH CAROLINA

Harold E. Davis, Bryson City, N.C., in place of W. T. Martin, retired.

James L. Morris, Jr., Cherokee, N.C., in place of E. T. Walkingsstick, retired.

Williford M. Farris, Gastonia, N.C., in place of C. W. Boshamer, retired.

Jane L. Humphrey, Kelford, N.C., in place of P. T. Roane, retired.

Carlene D. Bailey, Penland, N.C., in place of W. G. Pitman, retired.

R. Guy Sutton, Sylva, N.C., in place of T. W. Ashe, retired.

##### NORTH DAKOTA

Vernon D. Jacobson, Maxbass, N. Dak., in place of W. P. Josewski, retired.

##### OHIO

Robert C. Plassman, Bloomdale, Ohio, in place of F. D. Treece, retired.

Earl B. Linstedt, Cardington, Ohio, in place of P. D. Fleming, deceased.

Harold W. Kaderly, Galloway, Ohio, in place of N. L. B. Tyler, retired.

Orville C. Ruedebusch, New Bremen, Ohio, in place of H. J. Laut, deceased.

Richard H. Taylor, New Haven, Ohio, in place of C. E. Davis, deceased.

Edgar E. Arnold, Pomeroy, Ohio, in place of W. P. Lochary, retired.

Arthur F. Strauss, Strasburg, Ohio, in place of O. C. Metzger, retired.

Freeman A. Enoch, Syracuse, Ohio, in place of H. E. Clark, retired.

Richard L. Hostetler, Walnut Creek, Ohio, in place of Lester Gerber, retired.

##### OKLAHOMA

Leslie K. Smedley, Davenport, Okla., in place of Troy Combs, retired.

##### OREGON

Anna C. Allen, Elgin, Oreg., in place of L. D. Allen, deceased.

##### PENNSYLVANIA

Joseph F. Morris, Ardmore, Pa., in place of L. A. Quillen, retired.

Walter B. Helhowski, Hilltown, Pa., in place of H. D. Weisel, retired.  
Kenneth E. Huber, Catawissa, Pa., in place of H. L. Hause, deceased.

## RHODE ISLAND

Luther W. Andrews, Greene, R.I., in place of L. E. Davis, retired.

## SOUTH DAKOTA

Floyd L. Leibbert, Bryant, S. Dak., in place of D. M. Thue, removed.  
Mary E. Ewoldt, Piedmont, S. Dak., in place of J. B. Keyes, resigned.

## TENNESSEE

James L. Lee, Collinwood, Tenn., in place of A. F. Hassell, retired.  
Benton P. Scoggins, Harrison, Tenn., in place of L. G. Wilson, resigned.  
Mary A. Warf, Hohenwald, Tenn., in place of W. T. Starbuck, retired.  
Alva L. Hassler, Monteagle, Tenn., in place of C. P. Fufts, retired.  
Clay N. Blevins, Shady Valley, Tenn., in place of V. W. McQueen, transferred.  
Toy J. Fuson, Smithville, Tenn., in place of E. P. Lassiter, deceased.

## TEXAS

Charles A. Fleming, Jr., Kress, Tex., in place of B. O. Burk, Jr., transferred.  
Andrew J. Hayes, Plains, Tex., in place of R. C. Watson, resigned.  
William R. Saunders, Wimberley, Tex., in place of V. D. Hamby, deceased.  
Cecil E. Garner, Yorktown, Tex., in place of L. A. Sloma, retired.

## UTAH

Kay R. Peterson, Manti, Utah, in place of A. J. Judd, retired.  
Edward W. Monk, Mount Pleasant, Utah, in place of R. K. Bohne, deceased.  
Roy Ross, Richfield, Utah, in place of W. H. Sorensen, retired.  
Clarence A. Bundy, Washington, Utah, in place of L. L. Stephens, retired.

## VIRGINIA

Robert W. Buntin, Blackstone, Va., in place of T. P. Jones, retired.

## WASHINGTON

Edward O. Riechman, Carnation, Wash., in place of E. A. Anderson, retired.  
Vernell B. Shepler, Coulee Dam, Wash., in place of C. E. Sears, retired.  
Jennie F. Snider, Rainier, Wash., in place of Clara Wilson, retired.  
William E. Mitchell, Vashon, Wash., in place of G. A. Morrison, resigned.

## WEST VIRGINIA

Melvin C. Stemple, Aurora, W. Va., in place of G. E. Mason, resigned.  
Hal S. Findley, Flemington, W. Va., in place of Joe Piccolo, deceased.  
Jack L. Dotson, Richwood, W. Va., in place of W. W. Green, retired.

## WISCONSIN

Charles F. Lieder, Cornell, Wis., in place of R. W. Howard, retired.  
Charles W. Larson, Mauston, Wis., in place of Myles Clark, transferred.  
Leona N. Stahl, Newburg, Wis., in place of M. A. Reichl, retired.

## CONFIRMATIONS

Executive nominations confirmed by the Senate August 7, 1963:

## DEPARTMENT OF JUSTICE

John H. Phillips, of Mississippi, to be U.S. marshal for the northern district of Mississippi for the term of 4 years.

## U.S. NAVY

## To be admirals

Vice Adm. Ulysses S. G. Sharp, Jr., U.S. Navy, having been designated, under the provisions of title 10, United States Code, section 5231, for commands and other duties determined by the President to be within the

contemplation of said section, for appointment to the grade indicated while so serving.  
Adm. John H. Sides, U.S. Navy, to be placed on the retired list in the grade indicated, under the provisions of title 10, United States Code, section 5233.

## To be vice admiral

Rear Adm. Robert J. Stroh, U.S. Navy, having been designated, under the provisions of title 10, United States Code, section 5231, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade indicated while so serving.

Capt. Fred G. Bennett, U.S. Navy, to be Director of Budget and Reports in the Department of the Navy for a term of 3 years with the rank of rear admiral.

## To be vice admirals

Rear Adm. Glynn R. Donaho, U.S. Navy, having been designated, under the provisions of title 10, United States Code, section 5231, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade indicated while so serving.

Rear Adm. John S. McCain, Jr., U.S. Navy, having been designated, under the provisions of title 10, United States Code, section 5231, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade indicated while so serving.  
Vice Adm. William F. Raborn, Jr., U.S. Navy, to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 5233.

The following-named officers of the line and staff corps of the Navy for temporary promotion to the grade indicated, subject to qualification therefor as provided by law:

## LINE

## To be rear admirals

Edward E. Grimm	Fred G. Bennett
John D. Bulkeley	David C. Richardson
Rufus L. Taylor	Richard R. Pratt
Jackson D. Arnold	Norman C. Gillette, Jr.
Ben W. Sarver	William P. Mack
Don W. Wulzen	Paul E. Hartmann
Frederick J. Harfinger	Donald Gay, Jr.
II	Charles S. Minter, Jr.
Dennis C. Lyndon	John K. Leydon
James H. Mini	Eugene P. Wilkinson
Joseph E. Rice	

## MEDICAL CORPS

## To be rear admiral

Walter Welham

## SUPPLY CORPS

## To be rear admirals

Robert H. Northwood  
Ira F. Haddock

## CIVIL ENGINEER CORPS

## To be rear admiral

Harry N. Wallin

The following-named officers of the line and staff corps of the Navy for permanent promotion to the grade indicated, subject to qualification therefor as provided by law:

## LINE

## To be rear admirals

William E. Sweeney  
John J. Fee

## MEDICAL CORPS

## To be rear admirals

Martin T. Macklin  
William N. New

## DENTAL CORPS

## To be rear admiral

Edward C. Raffetto

## U.S. ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by

the President, under subsection (a) of section 3066, in the grade indicated:

## To be lieutenant general

Maj. Gen. William Jonas Ely, [XXXXXX], U.S. Army.

The following-named officers for appointment in the Regular Army of the United States, to the grades indicated, under the provisions of title 10, United States Code, sections 3284, 3306, and 3307:

## To be major generals

Maj. Gen. William Winston Lapsley, [XXXXXX], Army of the United States (brigadier general, U.S. Army).

Maj. Gen. John Lathrop Throckmorton, [XXXXXX], Army of the United States (brigadier general, U.S. Army).

Maj. Gen. James Dyce Alger, [XXXXXX], Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Ralph Edwards Haines, Jr., [XXXXXX], Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Vernon Price Mock, [XXXXXX], Army of the United States (brigadier general, U.S. Army).

## To be brigadier generals

Brig. Gen. William Carl Garrison, [XXXXXX], Army of the United States (colonel, U.S. Army).

Maj. Gen. Chester Victor Clifton, Jr., [XXXXXX], Army of the United States (colonel, U.S. Army).

Brig. Gen. William Charles Haneke, [XXXXXX], Army of the United States (colonel, U.S. Army).

Brig. Gen. George Paul Sampson, [XXXXXX], Army of the United States (colonel, U.S. Army).

Maj. Gen. Jackson Graham, [XXXXXX], Army of the United States (colonel, U.S. Army).

Maj. Gen. Edwin Hess Burba, [XXXXXX], Army of the United States (colonel, U.S. Army).

Maj. Gen. Arthur William Oberbeck, [XXXXXX], Army of the United States (colonel, U.S. Army).

Maj. Gen. Douglass Phillip Quandt, [XXXXXX], Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Francis Seedlock, [XXXXXX], Army of the United States (colonel, U.S. Army).

Maj. Gen. Alexander Day Surlis, Jr., [XXXXXX], Army of the United States (colonel, U.S. Army).

Brig. Gen. John Graham Zierdt, [XXXXXX], Army of the United States (colonel, U.S. Army).

Brig. Gen. George Vernon Underwood, Jr., [XXXXXX], Army of the United States (colonel, U.S. Army).

Brig. Gen. Albert Ollie Connor, [XXXXXX], Army of the United States (colonel, U.S. Army).

Brig. Gen. Woodrow Wilson Stromberg, [XXXXXX], Army of the United States (colonel, U.S. Army).

Maj. Gen. Ferdinand Thomas Unger, [XXXXXX], Army of the United States (colonel, U.S. Army).

Maj. Gen. Benjamin Franklin Taylor, [XXXXXX], Army of the United States (colonel, U.S. Army).

Maj. Gen. James Howard Skeldon, [XXXXXX], Army of the United States (colonel, U.S. Army).

Maj. Gen. Joe Stallings Lawrie, [XXXXXX], Army of the United States (colonel, U.S. Army).

## U.S. AIR FORCE

The following-named officers for temporary appointment in the U.S. Air Force, under the provisions of chapter 839, title 10, of the United States Code:

## To be major generals

Brig. Gen. John W. White, [XXXX], Regular Air Force.

Brig. Gen. Robert H. Curtin, [XXXX], Regular Air Force.

Brig. Gen. Abe J. Beck, [XXXX] Regular Air Force.

Brig. Gen. William S. Steele, [XXXX] (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Bertram C. Harrison, [XXXX] (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Henry C. Huglin, [XXXX] (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Joseph T. Kingsley, Jr., [XXXX] (colonel, Regular Air Force), U.S. Air Force.

*To be brigadier generals*

Col. Thomas P. Corwin, [XXXX] Air Force Reserve.

Col. James H. Isbell, [XXXX] Regular Air Force.

Col. Stebbins W. Griffith, [XXXX] Regular Air Force.

Col. William L. Mitchell, Jr., [XXXX] Regular Air Force.

Col. Luther H. Richmond, [XXXX] Regular Air Force.

Col. Robert W. Paulson, [XXXX] Regular Air Force.

Col. William T. Daly, [XXXX] Regular Air Force.

Col. Robert H. McCutcheon, [XXXX] Regular Air Force.

Col. William J. Meng, [XXXX] Regular Air Force.

Col. George S. Boylan, Jr., [XXXX] Regular Air Force.

Col. Oris B. Johnson, [XXXX] Regular Air Force.

Col. Howard J. Withycombe, [XXXX] Regular Air Force.

Col. William C. Bacon, [XXXX] Regular Air Force.

Col. Fred J. Higgins, [XXXX] Regular Air Force.

Col. Ernest C. Hardin, Jr., [XXXX] Regular Air Force.

Col. Royal B. Allison, [XXXX] Regular Air Force.

Col. James T. Stewart, [XXXX] Regular Air Force.

Col. Andrew S. Low, Jr., [XXXX] Regular Air Force.

Col. Russell E. Dougherty, [XXXX] Regular Air Force.

*IN THE NAVY AND MARINE CORPS*

The nominations beginning Franklin A. Hart, Jr., to be captain in the Marine Corps, and ending Marilyn J. Walker, to be lieutenant in the Navy, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on July 15, 1963.

*IN THE AIR FORCE*

The nominations beginning Francis J. Bartos, to be captain, and ending Ronald J. Zwolinski, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on July 29, 1963.

## EXTENSIONS OF REMARKS

### NASA Authorization Bill

#### EXTENSION OF REMARKS OF

**HON. JOHN W. WYDLER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 7, 1963*

Mr. WYDLER. Mr. Speaker, the bill before the House is, on balance, a good bill and deserves support.

I am, as a new Member of Congress, proud to be associated with the Science and Astronautics Committee. Its work has been impressive and its deliberations studious and exhaustive.

Although I was sharp in my questioning of the NASA witnesses who appeared before us, I can say they were an outstanding group of men in whom America can take great pride. The job they have done is first rate.

I believe it is the task of Congress to be critical and, wherever possible, constructive. I believe that our committee has done both soundly and well and that the program is a better one as a result.

The program has three levels—inner and outer space and here on earth. The need to control inner space is of military importance and this year our committee stressed the importance of "one team" spirit with our military to protect the security of our Nation. The distinction between "military" and "civilian" in the field is rather the expression of a hope for the future than of a real difference.

In outer space, with certain exceptions, our program is sound and has been successful. I doubt there is a single official at NASA who would trade it even for what the Russians have. We have made remarkable progress. No other nation on earth could have done it.

Although we heard the expected statements that the program could not be "cut," it was obviously watered for just such a purpose. All pruning was done most carefully and is justified. If need for additional funds should arise, the Congress would appropriate it in a supplemental request. In the early stages of a new program such requests should be expected.

Some money has been saved as a result of elimination of duplication with the military. This kind of economy can only result in a better coordinated program. It appears that a joint committee made up of members of the Science and Astronautics Committee and the Armed Services Committee should be set up to foster cooperation.

Most of my criticism of the current program is based on that phase taking place on earth.

I personally believe that NASA is tending to spread itself into too many fields for which it has not been given responsibility. I speak of moneys contracted for studies of public relations, sociology, water pollution, regional development, transportation, and school construction. These matters should not be allowed to detract from NASA's responsibility to keep America first in space. When the hardware is developed there will be time to consider these matters of lower priority.

I realize that much of the research done by NASA must be of the basic type. However, this should not become a habit. I believe that there should be an expanded program of practical research looking for a current solution to the development of proper noise suppressors for jet engines. The present program, though extensive, is directed toward the noise control of sonic boom. I do not believe it is wise to solve problems yet to come before those that already exist.

America is now first in the space race. Our present team is well equipped to keep us there.

### Civil Rights

#### EXTENSION OF REMARKS OF

**HON. JACOB H. GILBERT**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 7, 1963*

Mr. GILBERT. Mr. Speaker, I am including in the CONGRESSIONAL RECORD my supplemental statement to the Commit-

tee on the Judiciary, of which I am a member, on the vitally important subject of civil rights. My statement follows:

Mr. Chairman and members of the Committee on the Judiciary, in May of this year, when hearings were begun on civil rights bills before our committee, I made a comprehensive statement covering the numerous bills on civil rights which I had introduced, and I pointed out the great necessity for approving and passing strong, effective, civil rights legislation.

Thereafter, I introduced bills to reduce the congressional representation of States which deny the vote to Negroes. Congress has an obligation to enforce section 2 of the 14th amendment. If effective action is taken by the Congress in this regard, it would correct the injustice against Negroes who are now prevented from voting; absurd residence requirements and complicated literacy tests would disappear.

The social revolution now progressing at full speed throughout our country has intensified. Negroes and members of other minority groups are not to be denied their just rights; they will not be content with empty promises; they are demanding equality now. They are casting off the yoke of second-class citizenship. Because of recent events, I feel it necessary to make a supplemental statement.

The President, on June 19, 1963, sent his message on civil rights and job opportunities to the Congress. He was eloquent in his appeal to the conscience of the American people and called upon us to meet the growing moral crisis in American race relations. Thereafter, Mr. Chairman, you introduced H.R. 7152, which embodies the President's program. On June 24, 1963, I introduced H.R. 7223, which is identical with your bill, to show my strong support, as I wished to lose no opportunity to work for this important legislation. The bill is the most comprehensive civil rights bill ever to receive serious consideration from the Congress. There are titles relating to voting rights, public accommodations, school desegregation, community relations service, Civil Rights Commission, nondiscrimination in Federal programs, Commission on Equal Employment Opportunity, and other provisions.

Discrimination against human beings because of their color, race, religion, national origin or ancestry in any phase of our American life is morally wrong. The conscience of the American people has been aroused. Every right-thinking American wishes to help those who suffer the indignities of