American institution and inspiring influence that it continues to be.

Perhaps, as never before, the values of Western civilization and our Nation are challenged and beset by many difficult problems. Whatever the future may bring, we may be confident, and we may have justifiable and firm faith, that this outstanding lodge will continue its commendable work for truth, for charity, for justice, and for the perpetuation, growth, and advancement of the greatest and best free government that the world has ever known.

Let us resolve here tonight with our great distinguished jurist and leader, Judge Fenton, our beloved and talented charter member, George Connors, our other distinguished guests and all our officers, brothers, and sisters of this magnificent branch of illustrious Elkdom, that we will remain stanch, loyal, and strong in our loyalty to this honored, esteemed lodge and the high purposes to which we are pledged as Elks and Americans.

Let us continue to carry out this great work with supreme confidence in ourselves and in the future, and with the help of Divine Providence, reaffirming our ideals and our fidelity, go forward together in friendship and brotherhood to promote all the great spiritual and patriotic causes to which we are committed. In this way, we can best strive for a stronger and greater Elkdom, a better and more prosperous community, a greater America, and a peaceful world.

Long live our lodge, our order, and our country.

OPENING REMARKS OF MR. HENRY T. FLAHERTY, PAST EXALTED RULER AND PAST DISTRICT DEPUTY

Monsignor Gannon, distinguished guests at our head table, officers and members of Clinton Lodge of Elks, ladies and gentlemen, my brothers; 50 years ago tonight, a group of men were gathered in Pierce Hall in Clinton. The occasion for that meeting was to celebrate the institution of the "Baby Lodge of Elkdom"—Clinton Lodge No. 1306. These men were the leading citizens in our community and it was their hope that Clinton Lodge of Elks would become the outstanding fraternal organization in our town and their ambition that Elkdom would grow and prosper in the town of Clinton.

Things were a lot different, that night 50 years ago. The J. H. Martin Co., located in the Fitch Building, was selling sirloin steak at 25 cents a pound, lamb chops were 18 cents and you could buy a pound of butter for 30 cents. The Boston Branch was selling coffee for 20 cents a pound and the leading drygoods store, W. L. Hubbard Co., was advertising ladies gingham dresses for 59 cents. Hamilton & Butterfield advertised ladies shoes at $1.69 and our brother, Anton Schlickman was selling mens shoes, $2 to $4.50. Boyles Cafe was advertising whisky at 10 cents a shot and the Morgan House listed their rates at 50 cents a night for lodging and 25 cents for meals. You could buy a new Glenwood kitchen stove from David Dias for $23.

Joe Paine was selling the latest model Ford, black, of course, for $690 and the police department reported that there were 100 automobiles in the town of Clinton. Three of our brothers owned cars. Ev King had a Regal, Perley Hamilton a Hupmobile, and our leading knight, Dr. Bastian owned a Chalmers.

But, some things were normal—the Red Sox were in fifth place. They beat the Giants in the World Series the previous year when Fred Snodgrass muffed a fly ball in centerfield. And so, in spite of the great changes in the economy of our country, despite two World Wars and all other changes, the "Baby Lodge of Elkdom," Clinton Lodge, has grown and prospered. Tonight we are not only celebrating the 50th anniversary of our lodge, we are also honoring the memory of these men who brought Elkdom to Clinton.

This evening I heard someone say, "A lot of water has gone over the dam since Clinton Lodge was instituted." More appropriately it should be said that a lot of charitable work has been done, quietly, by the Order of Elks and by the members of Clinton Lodge since that night 50 years ago.

Among the honored guests were: Joseph A. Morano, selectman, town of Clinton; Thomas Kerrigan, exalted ruler, Hudson Lodge No. 959; George Connors, PER, PDD, only living charter member; Michael E. Kelly, chief, Clinton Police Department; John J. Harty, member, Grand Lodge Committee on Credentials; Msgr. John R. Gannon, P.A., V.G., pastor, St. John's Church; Judge John E. Fenton, past grand exalted ruler; Henry T. Flaherty, PER, PDD, toastmaster; Hon. Philip J. Philbin, Congressman, Third Congressional District; Thomas J. Dowd, president, Massachusetts Elks Association; Domenic P. Dululio, district deputy, West Central District; Walter F. Belaska, exalted ruler, Clinton Lodge No. 1306; Thomas Moore, chief, Clinton Fire Department; Alfred J. Mattei, secretary, Massachusetts Elks Association.

The committee in charge was headed by my valued friends, Mr. David B. Reisner, prominent Clinton businessman, and Mr. Enoch L. Jones, high official of the Colonial Press, who did a truly fine job in setting up the arrangements, Mr. Reisner concentrating on general matters and Mr. Jones handling the very beautiful memorial program for the occasion.

HOUSE OF REPRESENTATIVES

WEDNESDAY, SEPTEMBER 18, 1963

The House met at 12 o'clock noon.

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

Psalm 121: 2: *My help comes from the Lord.*

O Thou whose resources of grace are inexhaustible and abundantly adequate, we humbly acknowledge that we greatly need Thy divine guidance to carry on victoriously in the many strange and various events and experiences of each new day.

Hitherto Thou hast blessed us and we are commending and committing ourselves to Thy care and keeping as we face a future which we cannot foresee or foretell.

Grant that through the old and familiar way of prayer we may receive wisdom and strength to accept the challenge of every difficult task and every noble adventure.

Give us a clear and commanding vision of the glory and splendor of a social order dedicated and devoted to the principles of the Fatherhood of God and the brotherhood of man.

Hear us in the name of our blessed Lord. Amen.

THE JOURNAL

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

THE GESELL REPORT

Mr. FUQUA. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. FUQUA. Mr. Speaker, yesterday the distinguished Congressman from Georgia [Mr. VINSON] introduced a bill which, if enacted into law, would nullify the directive issued by the Department of Defense on July 26, 1963, that seeks to implement major portions of the Gesell report.

As we are well aware, this report has not been widely publicized as it should have been, and, in my opinion, its implementation could be one of the most dangerous steps this Nation has ever taken with regard to the military.

I do not speak about integration or segregation, I speak as forcefully as I may about the proper role of the military, and that role is to defend this Nation, under the control of its civilian officials.

I agree entirely with the gentleman from Georgia [Mr. VINSON] that it would be a serious mistake for the armed services to be forced into becoming active exponents of social reform.

The implementation of the Gesell report would accomplish little, in my opinion, and its dangers are many. It would almost force members of our Armed Forces into local politics, State politics, and Federal politics—it would place politics into the promotion of our officers, rather than on the basis of their ability to defend this Nation and command its armed services.

The bill of the gentleman from Georgia [Mr. VINSON] seeks to keep the military in the business of defending this Nation. That is their proper role, it has been their role, and should continue to be their role; and, no matter how anyone may feel, the military should not be made the vehicle for social action.

The Gesell report is a dangerous document. It is a new and unwarranted intrusion for the military into the civilian life, and I would warn this Nation that this is dangerous.

The recommendations of the Gesell Committee would subordinate the defense of this Nation to a social program, for the military to actively interfere with the social life of this Nation in the guise of social reform, it would have officers graded on the basis of their ability to bring about such social changes on and off base rather than on their ability and courage and leadership in defending this Nation.

There are other phases of this report which I feel all Americans should be warned about, it is a dangerous philosophy. I commend the distinguished gentleman from Georgia in having introduced this bill which would nullify the directive of the Department of Defense and thereby prevent our military

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from embarking on an unwise, unsound, and dangerous course of action. I urge its passage. Let the military retain its proper role, that of defending this Nation.

FEDERAL TAX REDUCTION AND REFORM BILL

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

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

There was no objection.

Mr. ROUSH. Mr. Speaker, next week I shall vote for the tax bill.

Mr. Speaker, I wish to call the attention of my colleagues to what can be referred to as a "fringe benefit" contained in the tax reduction and reform bill we shall be considering within another week.

The stimulus to the economy on the national level will have its counterpart on the State and local governmental levels as well. It is now estimated tax revenue in this sector of government will be increased 7 percent if the proposed Federal tax bill is enacted.

In my State of Indiana this can be estimated to be in excess of $64 million with a breakdown showing State government can expect a boost in revenue by $29 million and local governments can benefit by some $35 million. A sizable portion of State revenue is reallocated to local units which should further ease a property tax burden that is approaching the confiscatory level in some cases.

It is a "fringe benefit" which can further stimulate the economy in the areas of immediate concern to all Members of this House.

SECTION 301 OF THE TRADE EXPANSION ACT

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. MONAGAN. Mr. Speaker, with the passage of time, we have been able to see in specific form the defects that some of us pointed out in the Trade Expansion Act of 1962 at the time of its passage.

At that time, I indicated the radical change that was projected in the then existing procedure for obtaining redress by industries affected by tariff cuts and resulting imports.

The legislation set up a new philosophy whereby industries were no longer protected against the flow of imports, but were to be allowed to suffer and decline with the novel provision, however, that nationally financed assistance should be forthcoming to the industries and workers who suffered through the expanded volume of imports.

Even under the new philosophy of trade introduced by the 1962 legislation, the provisions of the act have proven to be too restrictive. While I should have preferred to retain the old escape clause philosophy, nevertheless, given the new law, I can see the necessity of the "adjustment assistance" provisions of section 301 of that act.

Unfortunately, experience shows that the law is so rigid that the Tariff Commission has been unable to apply it.

According to a recent report, the Commission has completed 11 investigations under section 301. In all cases, the Commission unanimously found no basis for qualifying the petitioner for assistance under the act.

The principal reason for this Commission finding has been the requirement of the law that the Commission determine that increased imports shall be a major cause of injury or threat of injury to the petitioner.

This requirement contrasts with the requirement under a comparable section of the old law, which permitted the Commission to make a finding of injury when increased imports contributed substantially to causing or threatening serious injury to a petitioning industry.

I feel that neither the sponsors of the bill, nor Congress, intended to provide a requirement which would be as exclusionary as section 301 has proved to be. In my judgment, it does not meet the objectives of the legislation. Accordingly, I have prepared and filed a bill to amend section 301 of the Trade Expansion Act to substitute for major cause the phrase "substantial factor in causing." This will permit action by the Commission in its discretion where imports have been a substantial cause of injury, but will not make it mandatory that the Commission find such injury only when at least 51 percent of the cause shall have been the imports.

If some such reasonable standard is not provided, the remedial sections of the new law will never be made effective and there will be no remedy for the inevitable loss from increased imports.

DEPLORABLE PHILOSOPHY OF THE NEWS MEDIA

Mr. BECKER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. BECKER. Mr. Speaker, it has depressed me to read in recent days the headlines in our news media speculating on the possible death of a former Member of this House and a beloved friend of mine and I know of every Member of this House when he served in this body. I am referring to our former colleague, CLAIR ENGLE, of California. CLAIR ENGLE and I became very fast friends when I came to Congress in 1952. It would seem to me that the years he served in this House and in the other body would impel the press of this country and the other news media to ask our people to pray for his speedy recovery rather than writing headlines and news columns in speculation on who might take his place in the event of his death.

Mr. Speaker, I deplore this, and I should hope there will be a change in the philosophy of the news media, so that they will think more about the recovery of this very fine person, a respected friend and former colleague of ours, than to speculate about his possible death.

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

Mr. BECKER. I am glad to yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I desire to associate myself with the remarks the gentleman is making. I think they are very timely under the circumstances.

Mr. BECKER. Mr. Speaker, I appreciate the approval of the distinguished majority leader. I hope that this change will be brought about all over this Nation. I think what has been done is deplorable. I do not think any Member of this House approves it. I do not believe that any politician in the country likes this type of newspaper speculation while a man has any hope of recovery. I pray and shall pray every day for his recovery.

PRAYERS IN SCHOOL

Mr. DEVINE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. DEVINE. Mr. Speaker, the gentleman who preceded me has been a dedicated crusader as a result of the prayer decision of the Supreme Court of the United States. In connection with that crusade I received a letter in the mail this morning that I think is meaningful and quite moving. I shall not reveal the names of the authors other than to say that they are three young school-age ladies. I read this letter for the benefit of the House. It is dated September 14, 1963, from Hilliard, Ohio. It says:

> Dear CONGRESSMAN: We are writing for our family and friends. We feel that the Supreme Court should rule in prayers because our country is based on religion and the freedom of speech.
>
> Some schools are still having prayers, but our school isn't. What do you think we should do? If our school voted democratically on having prayers, and we voted in the affirmative, could we have the right?
>
> We sincerely hope this letter can help you in fighting for our rights, and we would really appreciate an answer.

Mr. Speaker, I think we have come to a sorry pass when the youngsters of our country have to write to their Congressmen and ask if they could democratically vote to save prayers in the schools.

RESIDUAL OIL—THE COAL LOBBY STEPS BACKWARD AGAIN

Mr. BATTIN. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CLEVELAND. Mr. Speaker, yesterday I received a lengthy communication from Mr. Joseph Moody, president of the National Coal Policy Conference. The conference, as many of us know, is the well-financed, well-organized lobby of the domestic coal industry. As many of us in New England know all too well, the conference has spearheaded the drive to continue the rigid, costly, and discriminatory quotas on imports of residual oil which put our economy at a grossly unfair competitive disadvantage.

Mr. Moody's latest appeal urges the Congress to eliminate the Atomic Energy Commission's development program designed to stimulate the nuclear powered utility industry. The Federal Government, Mr. Moody complains, is "developing nuclear power to compete with coal." Mr. Moody asks us to "oppose any further appropriations to provide subsidies for the nuclear reactor development program." He also invites comment and I am glad to comply with this request.

COAL OPPOSES PROGRESS

There are Members of Congress better qualified than I to discuss the merits of the Atomic Energy Commission's nuclear power development program and who can speak to the overall wisdom of Mr. Moody's criticisms. However, I have always looked upon the development of atomic energy as a promising national venture. I look forward to the day when nuclear energy may realize its full potential and may be harnessed for peaceful purposes to dramatically improve the living standards of our people and, indeed, all the world. The atoms for peace program advanced by former President Eisenhower holds great promise of progress for all mankind.

But, regrettably, once again, Mr. Moody seeks to turn back the clock. Wholly apart from any consideration of the merits of Mr. Moody's observations on the development of atomic power, I am struck by the fact that the coal industry, as Mr. Moody puts it, is now unalterably opposed to Government subsidies to a competitive source of energy which may, he fears, discriminate against the coal industry. Mr. Moody, it seems to me, has picked a rather unusual occasion to bring out his newest crying towel. We in New England view the oncoming winter season with much apprehension. We are informed that the quotas on residual fuel which we are to be allowed to burn in our schools, hospitals, powerplants, apartments, and industrial buildings are inadequate to carry us through the winter.

BAD WINTER—BAD NEWS

In fact, if we have a particularly severe winter, as we did last winter, we will face a severe shortage. We realize that through Mr. Moody's very effective lobbying, the lifeblood of our economy is threatened. We know that, at best, even if the Department of Interior—in another magnanimous gesture—gives us a slight increase in our quotas, we will still—once again thanks to Mr. Moody's efforts—have to pay a substantial price premium for the fuel that we burn. Secretary Udall, of course, is familiar with our problem. When he dusted off Passamaquoddy a while ago, he mentioned New England's high electric rates, which the oil quotas help keep up. High rates, high quotas, and high mountains—Mr. Udall has an affinity for all.

NEW ENGLAND PAYS COAL SUBSIDY

Possibly it has not occurred to Mr. Moody that residual oil quotas are a form of Government subsidy. There is no difference between a Government quota system which raises the price of a vitally needed commodity and a system by which the Federal Government fosters the growth of the atomic power industry with development funds. When New Englanders pay $30 million a year in increased prices for residual fuel, it is a subsidy to the coal industry—no matter what you call it, it is still a subsidy.

I am forced to conclude, Mr. Speaker, that Mr. Moody is well aware of the fact that his industry is being subsidized by the Federal Government by the inequitable means of residual oil quotas. Perhaps it is time we reminded Mr. Moody of the ancient truism that "what is sauce for the goose is sauce for the gander." It is difficult for me to understand how Mr. Moody can plead for subsidies for his industry in the form of residual oil quotas and at the same time decry subsidies for the development of nuclear power.

I hope, Mr. Speaker, that we have not reached the point wherein the self-interest of one fuel producing industry can block or even retard the genuine progress which our country may experience in exploring the vast and yet unknown potentials of nuclear energy, a potential which can so dramatically benefit all of mankind. I hope also, Mr. Speaker, that we have not reached the point where the self-interest of one fuel producing industry can bring about Government policies which discriminate against and oppress a vital region of our country. The rather shameless display of hypocrisy on the part of the National Coal Policy Conference as evidenced by this appeal, Mr. Speaker, underlines more vividly than ever the need for removal of residual oil quotas.

STEEL CAPACITY OF THE NATION

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

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

There was no objection.

Mr. BOW. Mr. Speaker, time and time again during the last presidential campaign Candidate Kennedy deplored the fact that the steel capacity of the Nation was not operating at a higher rate.

Although domestic output has seen a slight uptrend over the last 4 weeks, it still remains under 60 percent of industry capacity. Meantime, foreign steel moving into the country hit a record high of 600,000 tons in July, surpassing May's previous mark of 516,000 tons.

It becomes apparent that the trade policies of this administration continue to prevent a higher rate of capacity in steel and, also, contributes to high unemployment.

In this regard, may I point out that in my hometown of Canton and elsewhere in the Nation during that campaign Candidate Kennedy said:

> We are going to have to find 25,000 jobs a week for the next 10 years if we are going to find jobs for your children who are coming into the labor market—25,000 jobs a week, 52 weeks a year for 10 years, if we are going to maintain full employment in the United States, and it is going to be a matter that is going to be of concern to us all, Canton, Ohio, and the United States. We want to make sure that any American who seeks a job, who honestly wants to work will have a chance to work. That is our objective.

Glowing promise, but where are the jobs?

I think it is well to ask, Mr. Speaker, when will we have the capacity in steel production that will put our steelworkers back to work? I wonder if the candidate of 1960 who is obviously preparing his campaign for 1964 will have an answer to these questions?

SYMPATHY FOR BIRMINGHAM, ALA.

Mr. EVERETT. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. GALLAGHER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. GALLAGHER. Mr. Speaker, our Nation is in mourning for the four young people of Birmingham, Ala., who fell victims of an act that must be recorded in history as one of the most dastardly and barbarian of our time.

Our sympathy goes out to the parents, relatives, and friends of these young people who are, without question, martyrs in a just cause.

But sympathy is not enough. We must assure that these young people did not die useless deaths.

I am confident our Government will leave nothing unturned in its efforts to place the blame, to cause the person or persons who committed this beastly act to be brought before a court of law and there to answer for their horrible misdeed.

But blame and punishment are not enough. It is a question of responsibility. It is a question of the moral obligation that failed to protect the lives of these young citizens. If it is beyond the capability of the officials of Alabama to protect its citizens and to guarantee their constitutionally given rights, then I feel, the Negro population has the right to expect the protection of the Federal Government.

We must act to protect our citizens, in the South and elsewhere, to guard against further violence in a State where today fear prevails.

How many children must die? How many families must be grieved before we

take the actions necessary to assure that all men may enjoy the full rights of citizenship and live in peace, free from threats and bodily harm.

Sympathy, blame and punishment are not enough, for if we do not act with utmost speed to bring full rights of citizenship to all Americans and to secure domestic peace, the beasts will continue to ravage the just and the lawful, and surely those young Americans will have died in vain.

The Congress has before it legislation that will so guarantee and I urge that we now give highest priority for action to this critical measure.

Again, as we did on August 28, we are witnessing a tremendous demonstration of civic responsibility and good citizenship as the Negro leaders of Alabama and throughout the Nation plead with their justly outraged people to follow the path of law to justice.

It is our hope that all men, in Alabama and elsewhere, will heed that plea.

And as we pray for the souls of the children who lost their lives let us pray also that in the days ahead right and justice will prevail and that all Americans can work and worship in safety and with dignity.

A SOUTHERN PRECEDENT

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

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

There was no objection.

Mr. GONZALEZ. Mr. Speaker, I have previously pointed out the odd and ambivalent attitude of many backers of the bracero law, because they willingly support the antidiscrimination clauses of that law, but do not support similar measures now sponsored by the administration. Today's Washington Post points out this dichotomy:

A SOUTHERN PRECEDENT

Of all the southern objections to the civil rights bill, one of the weakest is that the public accommodations provisions involve a wholly novel Federal infringement on property rights. It is pertinent to point out that southern legislators themselves have supported a public law that embodies the very philosophy that underlies the public accommodation section of the civil rights bill.

This little-noticed precedent exists in Public Law 78, which governs the importation of Mexican labor for harvest work. Article 8 of the law contains a strong prohibition against discrimination, and empowers the Secretary of Labor to prohibit use of braceros in any community where Mexicans are subjected to discriminatory practices.

The Labor Department has used this power to act on a number of complaints. In Stamford, Tex., barber shops and beauty parlors were charged with denying service to persons of Mexican ancestry. The complaint was resolved when the mayor agreed to take steps to remedy the problem. In Levelland, Tex., a movie theater refused to admit Mexicans, but the owner changed his policy when he was informed of the sanctions that could be applied under Article 8. In Slaton, Tex., similar intervention by the Department of Labor led to the admission of Mexicans to a hitherto "white only" city swimming pool.

Yet the record does not disclose any outpouring of southern Democratic indignation over alleged infringements of property rights under Public Law 78. On the contrary. Southern legislators have been among the strongest proponents of this measure to provide low-cost labor in rural areas. Are we to conclude that it is perfectly proper to use Federal power to protect the civil rights of foreign nationals—but that it is somehow un-American to protect the rights of citizens of the United States?

PROPOSED TEST BAN TREATY

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

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

There was no objection.

Mr. GONZALEZ. Mr. Speaker, the lengthy hearings and the extended debates over the proposed nuclear test ban treaty have clearly demonstrated the wisdom of the administration for having negotiated it.

Certainly, reasonable men can disagree, and those opposed to the treaty are not to be castigated simply because they are opposed. But in this case the opposition has resorted to one weightless argument after another. For example, some critics have argued that the Soviet Union has surpassed the United States in the area of high yield nuclear explosives and that since the treaty prohibits atmospheric testing we can never catch up. Yet Dr. Teller himself has rejected this argument and has testified that he does not regard the high yield weapons that the Russians have developed as particularly significant, and that they do not bear importantly upon security considerations.

They have argued that the treaty was written in the Soviet Union and that it is being dictated to us. But the truth is that it is almost the same treaty that we have been urging for years and that we wrote the draft of the treaty.

They have argued that this treaty is an act of unilateral disarmament. How a bilateral agreement can be construed as a unilateral act of any nature is concept beyond my understanding. It is a contradiction. In fact President Eisenhower said on August 22, 1958:

As the United States has frequently made clear, the suspension of testing of atomic and hydrogen weapons is not, in itself, a measure of disarmament or a limitation of armament. An agreement in this respect is significant if it leads to other and more substantial agreements relating to limitations and reduction of fissionable material for weapons and to other essential phases of disarmament. It is in this hope that the United States makes this proposal.

Perhaps the most dangerous of the arguments presented is the insincere one whereby an amendment relating to Cuba would be tacked on to the treaty in the Senate. The proponent of this amendment admits that it involves a side issue not contemplated by the treaty. Further, he admits that even if the amendment were adopted, the treaty would still not be acceptable to him. This is hypocrisy and I submit not worthy of being presented in such an august and deliberative body as the U.S. Senate.

The critics have also argued that we need more time within which to bargain with the Soviet Union. But time is of the essence. It is short. It is the stuff that is running out on the radioactive clocks of the world. Time should be utilized for constructive purposes, not wasted.

The purpose of the treaty is to stop the testing of nuclear explosives so as to put a halt to the further contamination of the atmosphere with radioactivity. The babies of the world, living and unborn, cannot afford to absorb any more radioactivity. The level of strontium 90 has already reached frightening proportions in certain parts of our country.

The President has said that the treaty represents a small step toward world peace. How, in good conscience, can any reasonable person refuse to take it?

U.S. STUDENTS WHO TRAVELED TO CUBA, AFTER CAUSING NEAR RIOTS ON CAPITOL HILL, PRACTICE OPPRESSION

Mr. CRAMER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CRAMER. Mr. Speaker, I attended and was shocked over the well-planned efforts to create havoc and, hopefully, thus to downgrade the Congress by the U.S. students who traveled to Cuba which occurred in Washington last week at the time of the House Un-American Activities Committee hearings.

These outbreaks, in direct violation of committee rules, and exhibiting no respect whatsoever for Government, were done in the name of so-called freedoms which the students were asserting, including the claimed right to violate any laws with which they disagreed.

It is interesting to note how this obviously Communist inspired and well-indoctrinated group, which aided the Communist efforts by visiting Cuba in violation of U.S. laws, have carried out the Communist design while in Washington and are continuing to carry out that design in New York at their meeting to protest the travel ban to Cuba by completely reversing their position—a trick not uncommon to the Communist strategy—and practicing most oppressive actions which violated the rights of all those who protested this meeting.

The actions were directed toward two anti-Castro groups who oppose Castro and who are in favor of retaining the travel ban. Such oppressive measures invoked by these U.S. student travelers to Cuba and their sponsoring organizations included:

First. Inspection and frisking of all persons attending.

Second. Demanding that all anti-Castro sympathizers leave despite the

fact that they had paid for admission to what was advertised as a public meeting.

Third. Physical expulsion of anti-Castro sympathizers even though they had caused no disturbance.

Fourth. Actual physical violence and physical force used to kick out anti-Castro sympathizers, resulting in personal injury and the letting of blood.

Fifth. Refusal to let any opponents of the pro-Castro rally to speak or be heard.

This action by the pro-Castro student group puts in proper focus and makes a mockery out of their protests over being denied what they claimed were their rights before the House Un-American Activities Committee and indicates they believe they have a right to demonstrate, even before a duly constituted congressional committee, but that people who oppose their views have no right to even attend a meeting or to be heard at a meeting sponsored by their group and, further, that actual force to remove any such persons is justified.

This is typical of the Communist conspiracy philosophy which is—demand all sorts of rights and privileges in order to accomplish the Communist objective and deny all such rights to those who oppose you.

I wish to insert in the RECORD at this point, for my colleagues' attention, an article on this matter which appeared in the New York Times of September 16. The article follows:

THOUSANDS OF EXILES MASS NEAR TOWN HALL TO ASSAIL GROUP PROTESTING TRAVEL BAN TO CUBA—FIVE ARE ARRESTED

(By Peter Kihss)

Thousands of anti-Castro demonstrators swarmed in and around the Times Square area yesterday protesting a Town Hall rally by American students who had traveled to Cuba.

The rally, from which two groups of anti-Castro demonstrators were forcibly ejected, wound up with the police escorting 1,400 participants in the meeting along 43d Street to the Times Square subway station.

One anti-Castro Cuban was cut above the eye; five persons were arrested in scuffles waged at various points in the area; a police inspector and a newspaper reporter were hit by an egg, and a police horse was gashed when thrust against a car.

But the meeting went off as scheduled from 2:15 to 4:45 p.m. Phillip Abbott Luce, one of the leaders, said the Student Committee for Travel to Cuba would sponsor another trip to Cuba—perhaps next January or June—to uphold its claim to freedom of travel, despite a State Department ban.

REPRESSION CHARGED

At the rally, Conrad J. Lynn, panel moderator, asserted that "we are making a demonstration here this afternoon not so much for Cuba as for America."

"There will be no peaceful solution to American problems if we are going to have repression of expression," he said.

The Times Square area has been ruled out for mass demonstrations by an order of Police Commissioner Michael J. Murphy since last October 24. The ban is from 40th to 59th Street between 5th and 9th Avenues.

But before yesterday's gathering at Town Hall, 113 West 43d Street, between the Avenue of the Americas and 7th Avenue, Cuban exile groups opposed to Premier Fidel Castro had been calling their forces from as far away as Miami and Washington to protest. The American students, the Cuban exiles had heard, planned to make favorable reports on the Castro revolution.

TURNOUT ESTIMATED AT 3,000

Alfred Estrada, assistant secretary general of the exiles' Cuban Workers Democratic Revolutionary Front, estimated that up to 3,000 anti-Castro adherents from many groups had turned out.

They ran into a reminder by Assistant Chief Inspector Anthony S. O'Connell, of the anti-picketing ban. But the police official said he would allow 25 pickets on West 43d Street across Town Hall. He suggested the others might disperse to demonstrate at such areas as the United Nations.

Chief O'Connell reported he had more than 100 policemen on hand by 1 p.m. They included mounted policemen wearing World War I helmets. The police screened pedestrians to make sure they had tickets to the rally or business in the block.

By 1:30 p.m. motor traffic was being turned away by police barricades. Fifty pickets—double the authorized number—were marching across from Town Hall between the Hotel Diplomat and Henry Miller's Theater. Some of their signs said, "America Do Not Believe the Red Liars" and "Dismantle Castro."

The student group was also screening everyone entering Town Hall with its own security force, led by Jacob Rosen, 24 years old, of 636 West 174th Street, who said he has been assisting racial integration efforts in Monroe, N.C.

Mr. Rosen said he had 150 men and women committee members at the doors and in the audience. They inspected pocketbooks and ran their hands over the pockets of those entering to make sure no "Molotov cocktails, stink bombs, or weapons of any kind" were being brought in.

Just before the meeting started, Mr. Rosen said he spotted about 30 anti-Castro sympathizers sitting in the back rows of the orchestra section. He said he asked them to leave and offered to refund their money. (Tickets had sold for $1 and $2.50 apiece.)

When the anti-Castro group protested, Mr. Rosen's committee members began hauling them out. In a melee, Rafael Alvarez, 28, of 168 State Street, Brooklyn, a member of the anti-Castro revolutionary recovery movement, was struck above the right eye. Blood streamed over his face, and four stitches were taken later at St. Clare's Hospital to close the wound.

BALCONY GROUP OUSTED

A few minutes later, Mr. Rosen's forces sought to eject from the balcony a group of members of the anti-Castro Cuban student directorate. Jose Antonio Lanuza, Miami chief of information for the group, asserted that 80 members had bought tickets at $1 apiece but intended no disturbance.

"I'll give you 3 minutes to get out," Mr. Rosen said later he had told them, when the group became boisterous. The anti-Castro students started singing the Cuban national anthem and then poured down the stairs and out into the street, with their secretary general, Luis Fernandez Rocha, instructing his members to refrain from any disorder.

Corliss Lamont, writer and lecturer, served as chairman of the meeting after Carleton Beals, another writer, had asserted that announcements that he would take part were unauthorized. Mr. Lynn, a lawyer, acted as panel moderator after I. F. Stone, another writer, had withdrawn from the program.

Student speakers in a panel session included Mr. Luce, assistant editor of a monthly put out by the Emergency Civil Liberties Committee; Levi Laub and Steve Martinot, organizers of a Progressive Labor Movement club at Columbia University last year; Albert L. Maher, bearded former Harvard student and cowboy, whose father, John F. Maher is a wealthy Houston industrialist; John Wayne Thomas of Oakland, Calif., and Martin A. Nicolaus, of Fontana, Wis.

Other speakers included James Higgins, assistant editor of the York (Pa.) Gazette and Daily, who helped take a collection for the students' legal defense, future trips and the family of one traveler who died in Cuba. Others were Maxwell Geismar and Truman Nelson, authors.

Mr. Lamont announced that the traveling students were accepting the challenge of the Cuban Student Directorate to a debate "on the proper occasion." He expressed the hope that Madison Square Garden might be the locale for the debate.

Mr. Luce declared that "we have broken no law, because there is no law" against travel to Cuba—only public regulations and notices.

Mr. Thomas said Premier Castro had ruled that "anyone who discriminates against any man is a counterrevolutionary and can be shot."

Mr. Laub said Cuba had "wonderfully honest leadership" but a "serious problem of bureaucracy." Mr. Martinot described Cuba's single-party system as "eliminating egotism which arises from the competitive system." Mr. Nicolaus asserted "the vast majority of the Cuban people backed Fidel Castro and the Socialist revolution."

While Mr. Maher was talking about folk culture in Cuba, a man dashed up on the stage to demand, "What about freedom to go out of the country?" Two guards hustled him away. Mr. Maher replied that "on the plane to Madrid a number of Cubans were leaving" and that when transportation became available, he was sure anybody who wished to leave could.

A heckler shouted from the balcony in Spanish and was also hastily ejected.

The rally was to end at 4:45 p.m., with the last part of the program consisting of written questions from the audience. But Mr. Rosen and other group leaders became worried about the departure of the throng, and, after vainly trying to charter a fleet of buses or taxis, arranged with the police for a guarded exodus to the subway.

At 4:23 p.m. Mr. Lamont interrupted to announce this move to the crowd. Ten minutes later, Mr. Rosen went to the stage to appeal to everyone to file out together, promising police and security guard protection.

Outside, mounted policemen and more than 100 dismounted but blue-helmeted policemen formed in rows to guard the crowd. Chief O'Connell said later he had sent for 75 extra motorcycle men at 2:45 p.m.

ANTI-CASTROITES SEALED OFF

By the hundreds, anti-Castro demonstrators were being walled off by the police at 44th Street, across the traffic island at Broadway and 43d Street, and south of 42d Street, with two blocks of Broadway barred to traffic.

Amid denunciations from the anti-Castro protestors, the Town Hall spectators made their way down a narrow stairway next to the New York City Information Center to the IRT and BMT subway lines. Only one woman change-collector was on hand to sell tokens; a police sergeant pitched in to help her until another collector arrived.

George Calvo, a 19-year-old Sunnyside, Queens, member of the Cuban Student Directorate, perched on shoulders of other anti-Castro demonstrators and through a microphone shouted to the police:

"American people, especially New York police, we think you have a right to tell your Government what you think. * * * We would like to see the day you Americans and we the Cubans are fighting shoulder to shoulder against the Communist enemy * * *. We don't want to fight you, your horses, the American people."

On 42d Street, individual Cubans implored policemen, "let's just get one or two beards." Patrolman William T. Walsh, 25, of the tactical patrol force, reported two anti-Castro demonstrators swung at him and injured his finger at Broadway and 42d Street.

The two were arrested and booked as Andre Mondros, 22, a painter, of 600 West 140th Street, and Roberto Villate, 29, a busboy, of 322 West 89th Street. They were charged with felonious assault, disorderly conduct and resisting arrest.

Earlier, the police had arrested Fred Jerome of 69 East Seventh Street, editor of the monthly periodical of the Progressive Labor Movement, on a charge of felonious assault in the injury to Mr. Alvarez. Two anti-Castro demonstrators charged they had seen Mr. Jerome hit Mr. Alvarez as he was being ejected from Town Hall. Mr. Jerome insisted he was a block away at the time.

Two other anti-Castro demonstrators were arrested on simple assault charges filed by two men after altercations at 43d Street and the Avenue of the Americas. They were booked as Osmundo Rodriquez, 32, of 561 West 143d Street, and Bernard Leon, 49, of 11-31 79th Street, Long Island City, Queens.

Nevertheless the 1,400 Town Hall participants made their way without incident aboard subway trains from the Times Square station, and by 5 p.m. the station was back to its normal air. On the street, policemen began dispersing the last anti-Castro demonstrators. The Paramount Theater movie marquee might have made a fitting caption. It read: "A Ticklish Affair."

STUDENTS WHO TRAVELED TO CUBA ILLEGALLY MADE ANTI-AMERICAN REMARKS IN CUBA—TRANSLATIONS FROM CUBAN NEWSPAPERS

Mr. CRAMER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CRAMER. Mr. Speaker, upon my request of some weeks ago, the State Department sent me the translations of newspaper accounts, appearing in Cuban newspapers, of the 59 American beatniks who ventured to Cuba and of some of their anti-American, pro-Castro statements. Because of the timeliness of this subject, and the recent reprehensible conduct of many of these people and their followers during the hearings of the House Committee on Un-American Activities, I am asking that these reports be placed in the RECORD.

I am also renewing my request that the cell leaders of this unrepresentative group of American young people be prosecuted to the fullest extent of the law. Failure to do so will merely encourage further disrespect for U.S. laws and further undermining of our anti-Communist efforts in this hemisphere.

The translations, which speak for themselves, follow:

DEPARTMENT OF STATE,
DIVISION OF LANGUAGE SERVICES.

(Source: Hoy, July 3, 1963, p. 1)

"Fidel met with the students from the United States at Varadero. He chatted at length and played ping-pong with them. Fidel made a great impression on all the students."

VARADERO, July 2 (by Reinaldo Pefialver Moral, of Prensa Latina).—The Prime Minister, Maj. Fidel Castro, chatted at length today in this summer resort with the group of American students who traveled to Cuba in order "to get to know the Cuban situation at close range."

The young students—totaling 59—are lodged at the Hotel International at this beach, where they have been enjoying a rest since their arrival in Cuba 3 days ago, defying the threats and obstacles placed in their way by the U.S. Department of State in order to prevent the trip.

The supreme leader of the Cuban revolution, who unexpectedly arrived at the hotel, had a pleasant chat with the visitors and later engaged in interesting games of ping-pong with them, four of whom he defeated.

Before leaving, Fidel Castro suggested to the American students that they should tour the interior of the country extensively and promised to meet them again in order to converse and exchange views.

He also congratulated them on the firm decision to which they held when they received the call from the Yankee NBC broadcasting station.

VARADERO (by Benito, special correspondent).—With regard to the news that reached Havana about the threat by the U.S. authorities to cancel the passports of the 59 students and to take other coercive measures, Levi Loud, an American student who heads the large group, stated that such threats did not worry them and they would continue on their "historic trip through the island of Cuba."

Furthermore, in connection with the visit paid by the Prime Minister to the Hotel International at Varadero, the leader of the American group stated that "Fidel is an extraordinary man, completely different from the way the press depicts him."

The Minister of Economy, Regino Boti, and the Director of INDER José Llanusa, spent all of yesterday afternoon and evening with the 59 American students who are lodged at the Hotel International at Varadero, and answered many questions on certain aspects of the revolution formulated by the American students.

Likewise, José Rebellón, Joaquin Más, Maximino González, and Daniel Inclán, the leaders of the Federation of University Students, accompanied by Captain Fernando Ravelo, a member of the National Committee of the UJC, were exchanging views with the American students.

[Caption under the picture: "Fidel plays ping-pong with a young American."]

DEPARTMENT OF STATE,
DIVISION OF LANGUAGE SERVICES.

(Source: Hoy, Habana, July 3, 1963, p. 8)

NEW YORK TIMES ADVOCATES TEARING DOWN THE WALL ERECTED AGAINST CUBA

"Although the imperialist newspaper condemns the trip of the students, it says that it is a mistake to prevent trips to the island."

NEW YORK, July 2.—The New York Times comes out today in favor of having the United States tear down the wall prohibiting American citizens from traveling freely to Cuba.

The editorial, however, comments adversely on the decision of 59 students from American universities to travel to Cuba in spite of the threats of the Department of State.

The New York Times states that the 59 students "broke a Government regulation" and that "they will have no right to complain" when they are condemned upon their return to the country, but it points out that the prohibition against visiting Habana is "a mistake."

Then it rejects the two so-called official arguments for preventing Americans from traveling to Habana:

(1) That there is no U.S. Embassy in Cuba; and (2) that after visiting Habana Americans "lend themselves to Cuban propaganda."

The editorial defends the theory that the United States ought to be better informed about Cuba. "If travel to Cuba were open to all Americans," it emphasizes, "the picture the United States would get * * * would be varied, rounded, and honest."

The New York Times also asks: "If the Castro revolution is mostly bad, as most of us believe, why not trust intelligent adults to find this out for themselves?"

Lastly, in connection with the prohibition against the trips, the American newspaper suggests a criticism of President John F. Kennedy by recalling that on June 25 in West Berlin he stated that "we have never had to put up a wall to keep our people in, to prevent them from leaving us."

NEW YORK, July 2.—Rose S. Rosenberg, a Los Angeles lawyer, today ironically asked the members of the Committee on Un-American Activities of the House of Representatives to devote themselves to investigating "what is happening in the South" instead of engaging in "witch hunts."

Dr. Rosenberg was the first person who appeared before the House committee which today began hearings on trips to Cuba.

While the session was being held in the Federal building at the civic center about a hundred persons were displaying signs in the adjoining streets reading "Get Rid of the Witch Hunters."

Dr. Rosenberg was interrogated for an hour but she took refuge behind the 1st, 5th, 9th, and 10th amendments of the U.S. Constitution.

Rose S. Rosenberg traveled to Cuba in the spring of last year and, it was said, negotiated in Los Angeles to have medicines sent to Cuba.

[From Revolución, July 1, 1963]

(First part of article, on p. 1 of the paper, missing; this is the continuation, on p. 4 of the paper.)

(Headline: "Arrival of a group of * * *.)

To Revolución by Levi Laub, a young student at Columbia University, New York, on arriving in Havana yesterday, heading the American student delegation that is visiting our country at the invitation of the FEU (University Students Federation).

As is already known, a group of 59 students and graduates of various universities of the United States was invited by the University Students Federation to visit Cuba last December, but they were unable to come because of the pressure of the Yankee Department of State, which not only threatened them with 5 years in jail or fines of $5,000, or both, if they made the trip, but also indirectly blocked the possibility of the group's being able to travel by way of Canada.

Steadfast in their idea of getting face to face with the truth about Cuba, and resisting all threats, these young people of both sexes and extremely varied racial origin—Negroes, Jews, Puerto Ricans, white Americans—and of different political persuasions, left New York on June 25 last for Paris, the first stop on their trip to Cuba.

"In Amsterdam and Prague," José María Lima, a Puerto Rican who has just been graduated with a degree in mathematics from the University of California, told us, "we were approached by officials of the American Embassies in the Netherlands and Czechoslovakia, who in solemn official language warned us of the grave penalties to which we would be liable if we continued with our project. I am a Socialist by conviction. In my country I have fought in the ranks of those who want independence, because I believe that independence from the Yankee yoke is the only path open to Puerto Rico. A month ago I learned about the trip to Cuba that was being organized by the Permanent Students Committee on Trips to Cuba, and I gave notice of my intention to participate in the excursion. And here I am, anxious to submerge myself in the Cuban revolution."

The group includes students and graduates of the Universities of Columbia, Harvard, Wesleyan, Indiana, Michigan, North Carolina, California, San Francisco, New York City College, Oakland City College, and other lesser schools in the United States.

They were met at the José Martí Airport by representatives of the foreign affairs section of the FEU and the Cuban Institute of Friendship Among Peoples.

Levi Laub, leader of the delegation, told the reporter about all the inconveniences that had preceded their arrival in Havana:

"We left New York on Tuesday, June 25," he said, "bound for Paris, and we made stops in London and Amsterdam. As if it were an order from our Department of State, we were threatened in the three places by consular officials of the United States."

"Our passports were withdrawn for a number of hours," continued Laub, "and finally a long list was read to us, stating our supposed violations of the law by visiting Cuba. In Prague the same thing happened. The consul received us at the airport and gave us the familiar warning: 'This is going to cost you a jail sentence.'"

Levi did not look tired despite the long journey. His companions also appeared smiling and animated. The newspaper interview continued for more than half an hour through the immigation and customs sections of the airport. Our colleague, Tomás Toledo, who had accompanied them aboard the Britannia on the flight from Prague, putting together his impressions, which we print here, was surprised at the group's perfect cohesion, despite the fact that the majority of them had become personally acquainted with each other only when they assembled in New York on the 25th.

"We are not a political group; we are students, of various beliefs, and each of us is going to draw his own conclusions from this visit," Laub added. "As our fellow citizen, Stanton Evans, wrote in his book, "Revuelta en el Recinto Universitario" ["Revolt in the University Precincts"], 'We are not sponges absorbing ideological juices.' We simply aspire to be molders of opinion."

Levi further commented that they were certain that they were going to like Cuba and that they hoped to interview Fidel Castro and other leaders of the revolution, as well as the American Negro leader, Robert Williams, an exile in Cuba, a refugee from the racial terror of his own country.

There are 10 Negroes in the group; this is particularly important to the United States because of the fact that these students are visiting Cuba, where the revolution has eradicated odious racial discrimination.

"I FEEL HAPPY IN CUBA"

Philip Abbot Luce is another one of the students who are visiting us. Furthermore, he works for the National Guardian, a weekly publication, and the daily York Pennsylvanian.

"After having wanted to come for a long time, at last I am in Cuba," he exclaimed. "As for the threats that hang over us on our return to the United States, I say simply that they do not frighten me."

"THE FUTURE LIES IN SOCIALISM"

John Milton has firm convictions:

"I believe that this journey will serve to confirm my conviction that the future lies in socialism," stated the young student from the University of San Francisco. "One can see a new spirit in the Socialist countries. Men are looked upon as men, not as things."

Marcus Gordon is studying painting in New York. "This trip is something I have long dreamed of and desired, and now I am here," he said to Revolución. "This makes me very happy. Aside from the program that we have laid out in order to see as much as we possibly can of Cuba, I am especially interested in getting in touch with Cuban painters."

"FIDEL IS WONDERFUL"

Richard Thorne is a robust Negro student from the University of California.

"Even without having visited Cuba," he said, "I had a very friendly feeling toward you. Fidel has accomplished something marvelous, not only in the elimination of the remains of racial discrimination but in the fact that with a small country he has the moral force, that is missing in the Government of the United States. Thus he can denounce the ruling classes of my country without fear. He represents the power of the people."

Referring to the racial crisis in the United States, he said:

"The leaders of this crusade, Wyatt Walker, Martin Luther King, and Ralph Abernathy, are very fearless, valiant men, and so are the people who participate every day in the street demonstrations. The Negro student leaders have also been characterized by their courage and bravery in this campaign, which has inspired solidarity among the people."

"But we must recognize," he concluded, "that they do have the weakness of fearing that they may offend the group from whom they are demanding the freedom that is denied to them in the United States."

"They have no right to prohibit us from traveling."

Marcia Glenn, a graduate of the University of Indiana, who specialized in Latin American civilization, was trenchant in her comments: "I am not in the least concerned about what the Government of the United States may do to me. They have no right whatever to keep me from coming to Cuba. I consider myself very fortunate to have this opportunity to learn about this country and its revolution. I am very excited about the trip."

A FIRM ATTITUDE

We noted an air of determination in all the members of the delegation.

To sum up their firm attitude in the face of the campaign of intimidation by the State Department, it is sufficient to quote a paragraph from the official statement prepared by the group:

"We are traveling to Cuba despite the press communiques of the State Department attempting to limit the travel of American citizens, because we believe that it is our right to travel where we wish and when we wish."

RECENTLY SIGNED WHEAT AGREEMENT BETWEEN CANADA AND RUSSIA EVIDENCES THAT THE ADMINISTRATION IS ASLEEP AT THE SWITCH IN COMBATING CASTRO'S COMMUNISM

Mr. CRAMER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. CRAMER. Mr. Speaker, another example of the Kennedy administration being asleep at the switch with respect to the Communist challenge in this hemisphere is best evidenced by the failure of the administration to protest the recent $500 million wheat agreement between Canada and Russia, $33 million of which will be shipped directly from Canada to Communist Cuba.

Recent press reports indicate that the Government of Canada itself stated that the U.S. Government had been informed of these negotiations and that the Canadian Government had received no protest.

Mr. Speaker, the administration should register a formal protest and should have done it a long time ago. It is time for this Government to call for a halt to the trade agreements which will help sustain the Castro government.

It is about time this administration started exerting some leadership in this area. It is about time that the nebulous New Frontier withdrew its head from the clouds and took a good, hard look at the results of its anemic policies on Cuba.

While we are asking Latin American nations to stop trading with Cuba, it makes little sense to them—and also our other allies—to, at the same time, timidly acquiesce to trade being carried on between Cuba and our so-called allies to the north.

This double standard makes us look weak and foolish to those Latin nations that have joined us in this economic embargo of Cuba. It raises serious questions as to our sincerity in trying to rid this hemisphere of communism.

Mr. Speaker, this fiasco indicates further that there is little chance for any meaningful action in combating Castro communism in this hemisphere by this administration, and this includes the President's refusal to use his discretionary authority to withhold aid to nations who are trading with Cuba, recently rewritten into the foreign aid authorization bill on the floor of the House.

The manner in which this discretion is not being exercised relating this wheat deal proves again the necessity of Congress approving my amendment removing such discretion in cases of withholding aid to countries trading with Castro as I offered to the AID authorization bill.

CAB PETITIONED FOR RECONSIDERATION OF AUGUST 15 DECISION

The SPEAKER. Under previous order of the House, the gentleman from Massachusetts [Mr. MACDONALD] is recognized for 15 minutes.

Mr. MACDONALD. Mr. Speaker, the majority membership of the Civil Aeronautics Board once again has acted in the pattern that has been made clear in their Northeast Airlines New York-Florida decision; that is, one of harsh and preconceived judgment.

On Thursday of last week the Department of Justice filed with the Civil Aeronautics Board a petition for leave to intervene in the New York-Florida renewal case which involves the application of Northeast Airlines for permanent certification of its routes south of New York. At the same time, the Justice Department filed a petition for reconsideration by the Board of its August 15, 1963, decision. The Justice Department's brief was well documented, thoughtful, and presented to the Civil Aeronautics Board the public interest point of view, which by congressional mandate is the Civil Aeronautics Board's function to protect. The thrust of the Justice Department's argument for reconsideration was that the Civil Aeronautics Board has disregarded long-established policy with respect to competition in major traffic markets and the Board's holding that only two carriers were needed in the New England-Florida market was contrary to the clear intent of Congress in the language of the Federal Aviation Act and established antitrust principles.

The brief of the Justice Department noted that the increase in the east coast-Florida traffic since the Civil Aeronautics Board allowed Northeast to participate therein was greater than the total traffic in which three carriers share in the Chicago-Miami market. It pointed out that the share of the Boston-Miami run carried by Northeast Airlines in 1962, almost 98 million passenger miles, was greater than that shared by three airlines between Chicago-Tampa, Chicago-Atlanta, and New York-Birmingham. After setting forth comparative statistics of passenger traffic between various cities in the United States, the Justice Department concluded that it was clear on economic grounds alone that "if the New York-Miami pair does not require at least three carriers, there is not a market in the country that does."

I wish to call to the attention of my colleagues the clear and compelling reasons, listed in the Justice Department's brief, for reconsideration and argument of the New York-Florida renewal case:

> The traffic statistics, the decisions of the clear intent of Congress, the firm policy of the Federal Aviation Act, all clearly demonstrate that the east coast-Florida market, one of the richest in terms of profits and the largest in terms of passengers, must be serviced by at least three carriers.
>
> The Board's decision is based on a finding that Eastern and National can meet the present needs of the market. Using such a finding as a rationale for its decision is contrary to its enunciated policies of more than 20 years.

On Monday, the first business day after it had read the Justice Department brief, the Civil Aeronautics Board, in a curt one-paragraph order denied the Justice Department the right to intervene. The Board said, in essence, that the Department of Justice was late in seeking to intervene and had not shown good cause which would justify late intervention.

It would seem to me that the Civil Aeronautics Board acted with tremendous and unnecessary rapidity in handing out its decision in this matter. As we all know, the Justice Department is charged with the duty of preventing monopoly in trade and commerce within the United States and the 16-page brief that was filed with the CAB by the Justice Department could not have been digested and disposed of in a reasonable manner with the time allotted to it, which amounted to just 1 working day. I would hope that one agency of the Government should feel incumbent to give serious weight to the indictment of its reasoning by a fellow agency, which is charged with the duty of protecting the public interest. In addition to being an affront to the Department of Justice, the CAB's action in giving a cursory brushoff to the Justice Department's brief is completely unsound from both a legal and a policy standpoint.

The Attorney General and Assistant Attorney General William H. Orrick, Jr., of the Justice Department are to be congratulated for their forthright action in this matter, and I would hope that their attention will continue to be riveted on this situation which seems to tend toward the growth of monopolistic service to the air traveling public of Massachusetts, New England, and the entire eastern seaboard.

MEXICAN BRACEROS

The SPEAKER. Under previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise again in connection with the proposal that Public Law 78, known as the bracero law, be extended. Dramatically, though tragically, last night in California 28 braceros died as a sort of underline or emphasis of some of the things that we have for years been trying to bring to the attention of the American conscience.

I was recently assailed by a Mexico City newspaper that quoted an anonymous official of the Mexican Ministry of Foreign Affairs who was quoted anonymously for he did not have the courage, the honesty or forthrightness to identify himself. He attacked me in the newspaper by describing me as having made a demagogic expression concerning this law. I called Public Law 78 a slave labor law, and I reiterate that statement today.

It is a pathetic thing when the officials of a government do not have the courage nor the ability to defend even their own citizens and it is more pathetic when we in a free country do likewise for less reason. By the enactment of the revived type of indenture servitude which had been proscribed by the Congress in 1885, we have gone on record as saying that we will enter into Government agreements to protect this kind of servitude and guarantee certain things that we deny to our own native labor.

So the newspapers last night said "Twenty-six Mexicans Die as Train Hits Bus."

Let us look to see what is behind this story. Was it a bus? I have investigated, and I have found that this accident took place in the very county in California that has proclaimed the loudest indignation and protestation that these imported workers were being cared for, that they had all kinds of protection, that they had legal protection and sanctions as to safety in transportation, work hygiene, sanitary conditions, labor standards, and so forth.

Let us see about that. We checked and found the accident involved a truckload of braceros, not a busload, but a truckload.

What was this truck? It was a flatbed truck with four rows of benches, with a capacity of 69 passengers. This truck was hit by a train and wholly demolished. Twenty-eight are dead up to this point; 13 are critically injured, some of whom may be expected to die; yet that truck met the legal standards.

How many braceros have been killed like this? What are the full statistical facts, even as poorly garnered as they have been? In 1959 we know 16 were killed in Arizona in a bus crash; in 1960, throughout the United States, 52; 1961, 129 were killed; in 1962, 76 were killed; and in 1963, so far, 43, or a total of 316 are dead from all causes in the last 5 years.

These statistics are not exactly complete or completely accurate because these are those things that prompt the attention of people only through accidents such as the one reported in the newspapers last night and this morning.

I say that my witnesses have not been my own remarks uttered here on the floor. My witnesses are the 28 known dead and the many more who are maimed. This testimonial is more eloquent, I am sure, for men of conscience, that is. My reply to the newspaper reports that this Mexican Government official had criticized me for utterances I had made in the American Congress against Public Law 78 is, I just wonder what would be the expressions of the gentlemen who have been so adamant in their public expressions here if some American newspapers had criticized a Mexican congressman for utterances he had made on the failure of the Mexican Congress.

So my reply to those newspapers in Mexico City and my reply to that unknown, anonymous Mexican Foreign Minister, and my reply to my own native colleagues here, is the tragic death of 28 men whose only protection is the luck of destiny and fate that may dictate that when they have been used and worked they will be returned summarily to where they came from, unless they jump the contract, which about 10 percent do, and then it is up to the Immigration and Naturalization officials to try to locate them.

This is something that I have not heard as a third witness or from a third party. I have been from one end of Texas, where this labor has been used for 10 years, to the other. The facts have confirmed, not disaffirmed, what some of us have said.

In my State last year the Labor Department changed the minimum wage for braceros from 50 to 70 cents. The use of the braceros dropped 76 percent. These are the same people who were saying they had to have this labor, but they dropped 76 percent in its use. Where did they get the labor they said they had to have? Naturally, even at this wage they found they could get domestics.

I have testimonials and letters from the growers in the valley of Texas. I have visited them in the valley. I have letters and telegrams and statements in which they say, "We have a surplus of domestic labor. We do not need the bracero. We used to use the braceros but we do not need them any longer."

I have been accused of attacking Public Law 78 merely from the selfish standpoint of protecting the domestic migratory worker, but may I say once again that this is one of the principal reasons but it is not the main and only and exclusive reason. My main reason is that we have sowed the wind and we are going to reap the whirlwind with this type of practice that crystallizes and encases and embalms this indentured labor practice.

I have talked to Mexican officials who work for the Mexican consulate in the United States and privately and personally and off the record, they tell me, "What can we do? Your Government

controls Mexico. You say you need it. Our Government officials cooperate. We succumb to pressure. There is not much we can do. If you really want to put a stop to it and if you put a stop to the bracero law, then make sure that you enforce the law preventing illegal entry into the United States. But you do not do it and you never have."

What do we do? Mexico is close to the United States. One of them even made the remark, "This has been the bad luck of Mexico, that it has been so far from God and so close to the United States." These are the sentiments that you do not hear publicly. These are the utterances that you do not hear quoted. But a human being can tell the difference between being treated justly and being treated unjustly. Even a dog can differentiate between being kicked and being stumbled over. These people may be ignorant—and the overwhelming masses of the braceros are. They cannot speak English. They cannot read or write, but they are human beings and they can tell the difference.

I agree that even at 50 cents or 60 cents, if that amount were paid, in most instances even that agreement was not kept. And we cannot mollify our consciences and say that we have enforced this—yes, you have some who will and some who will not—but I am talking about the cases in which it is not enforced—and if you have these situations, these things are bound to come back to haunt us. And that tells us better than anything that I can say or argue back and forth—and the stark realities and the occurrences that we are confronted with daily tell us the facts better than anything I can say. So the bracero who comes here and earns even 50 cents or 60 cents is earning more than he can earn in the place that he comes from. But nobody argues that. That is not the point. But, oh, the men who say they love this laborer and who say that they really want to help him are the very ones that will not help him to come here in freedom. They do not want immigration. If we need the Mexican laborer, why not let him come here in freedom as our parents did and as a freeman make a free contract for his labor and his work.

THE FEDERAL TAX BILL

The SPEAKER pro tempore (Mr. HALEY). Under previous order of the House, the gentleman from Missouri [Mr. CURTIS] is recognized for 10 minutes.

Mr. TEAGUE of California. Mr. Speaker, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman.

Mr. TEAGUE of California. Mr. Speaker, I merely wish to state that full and complete answers will be made to the allegations made a few moments ago by the gentleman from Texas after there has been opportunity to investigate the facts about this tragic accident and not to rely just on newspapers.

Mr. CURTIS. Mr. Speaker, this morning the Committee on Rules began hearing the Committee on Ways and Means' request for a closed rule on the proposed tax bill of 1963. The chairman of the committee, the gentleman from Arkansas, Congressman MILLS, in his usual able fashion, presented the case for this tax bill. I think it is worth paying attention to the basis upon which he premised his case. It is that there will be expenditure reforms. The difference between the gentleman from Arkansas, Congressman MILLS' position and that of those of us on the minority side and, I am happy to say, many Democrats, is the question of whether you can rely on words in the light of the context of deeds that are the opposite. Or whether indeed we do not have to rely on actual performance at this time on the part of the executive department in the area of expenditure reform. The fact remains that the President's budget, which he presented to us, requesting an additional obligational authority of $108 billion still remains unchanged. His expenditure rate for fiscal 1964 in that budget of $98.8 billion still remains unchanged. The fact remains that every single one of these programs calling for increased expenditures still has the heat of Executive pressures behind them. Just a few weeks ago we witnessed what I regard as very intemperate remarks of the President when the House in its judgment cut the foreign aid bill down to $3.6 billion, leaving it $200 million more than the Clay Committee recommended that we cut it to. We have the Presidential pressures on next week to take another crack at the area redevelopment bill which this House in its judgment turned down previously. However, the issue here and the point that I am driving at today is the premise upon which the chairman of the Committee on Ways and Means and now the President in his statements are pushing the tax bill. The premise is that there will be expenditure reform. As a matter of fact, the premise is not justified by the cold facts. This original tax-cut proposal was made by the President in consultation with his Council of Economic Advisers. It is best expressed by the statements of Chairman Heller wherein he said that expenditures cannot be cut. If you cut expenditures you cut back on the economic incentive that is hoped to be gained from this tax cutting. Let us have some debate on this novel theory instead of running away from it as the President is now doing.

I know there are people who sincerely believe in that theory of deficit financing. These are the modern Keynesians who actually believe that in order to have our society move forward economically we have to have more Government spending, not less. These are sincere men, and Dr. Heller is one who leads them. There are many economists who believe in this but there are many who disagree with them. I certainly disagree with it. But let us have it out in the open. Has the President really abandoned the advice of his Council of Economic Advisers and those who say that you cannot cut expenditures with this tax cut if you really hope to achieve this end result?

The immediate motivation for my taking the floor was that I saw in the Washington Post this morning an editorial headlined "The GOP and the Tax Cut." Usually I do not bother about an editorial in a particular paper. However, it just so happens that the Washington Post is a sort of bellwether for the thinking of the New Frontier or at least the Keynesian economists. This particular editorial is so illustrative of the smear technique used by New Frontiersmen to combat the arguments of those who disagree with them and is such a timely example of what I regard as disgraceful misrepresentation of what the other side has said that I want to put it in the RECORD along with a few comments. I might say that the only reason why an editorial like this, which so misrepresents the position of the other side, can be printed with any semblance of credibility is because in the news columns of this same newspaper they have not been reporting what the viewpoints of the Republicans are, and I might say that of many good Democrats on this great issue, as we have expressed them and as I myself have expressed them beginning 14 months ago when this economic theory of deficit financing was first proposed by the administration in its spokesmen's testimony before the Joint Economic Committee.

The editorial professes that "the Republican will assume the role of prophets of fiscal doom and defenders of fiscal morality in an effort to engender fears of budgetary deficits."

We are not trying to engender fears of budgetary deficits. We are trying to point to budgetary deficits of the past and into the foreseeable future and we are trying to point out our theory of what are the economic consequences of these deficits. These economic consequences are dire and should be feared. The debate should center around the reasons why we feel these consequences would come about. The editorial goes on to say:

> The minority report is among other things an anthology of fallacies and misapprehensions about the purposes and consequences of tax reduction.

This is false. The Republicans—and I am among them—have been arguing that we need tax reduction for a long time. We were arguing that long before President Kennedy ever advocated such a thing. The Baker-Herlong bill, for example, preceded the Kennedy administration. Many of us have been arguing for many years that our taxes at the Federal level are so great that they are undermining our economy. The editorial goes on:

> According to its authors, tax reduction without offsetting reductions in Federal expenditures would lead to bigger deficits, price inflation, a worsening of our balance of payments, and moral delinquency.

This is a false statement, because our position has never been one of offsetting reductions. We think there must be expenditure reduction and expenditure control, but the amount of the cut is a matter of considerable judgment and one control should cover more than 1 year. I had something to do with writing the minority views of the Joint Economic Committee on the President's Economic Report in 1963. We suggested holding expenditures at the 1963 level

for 3 years. We were not talking about offsetting reductions. But we are talking about reduction while the President in his budget is presenting increases. The Washington Post editor, whoever wrote this, knows that or should know it. This is dishonest, to present it in this way. There are those who do argue—I happen to disagree with them, although I can sympathize with them—who think you do have actually to have offsetting reductions, and indeed you should have balanced budgets before you move forward with tax cuts. I do not adhere to this theory. The Republican position has not been that by those of us on the Joint Economic Committee or on the Committee on Ways and Means. Then this editorial goes on to say:

Its shrill tone of indignation—

Referring to the minority views and the tax bill—

makes one wonder how so unmitigated an evil as tax reduction can be acceptable to Republicans under any circumstances.

This is gutter politics. I know no other word to describe it. The Washington Post and the people who follow this philosophy of the neo-Keynesians apparently do not have the decency to argue against the real point of view that we have been trying to express. They have to misrepresent. The editorial goes on:

If one pursues the Republican minority's line of reasoning to its logical conclusion—a conclusion rejected by an important segment of the business community—taxes would never be reduced.

This is false. It is part of a false campaign that the administration has been trying to conduct to create the impression that a big segment of the business community, headed up by Henry Ford and this business advisory group is for a tax cut without expenditure reform. The committee has been very careful, every time they have issued anything, to say, "and expenditure reform." And I might say that the news media of this country, beginning right here in the Washington, D.C., news media, consistently over the period of the past 12 to 14 months when this debate was shaping up, have ignored what we have been harping on; that tax cutting hinges on expenditure reform. This point is well brought out just this morning by the chairman of the Committee on Ways and Means. The difference between his view and the Republicans and some members of his own party is he is willing to take the word of the President even though the facts reveal them to be hollow words. We insist that there be some performance.

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to proceed 5 additional minutes.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. DENT] has a special order to follow immediately. Does the gentleman from Pennsylvania object to the request of the gentleman from Missouri?

Mr. DENT. I have no objection, Mr. Speaker.

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

There was no objection.

Mr. CURTIS. Mr. Speaker, going on, the editorial says:

In their zeal to defeat the administration's bill, the minority were willing to press their case far beyond the breaking point.

And, then, they point out:

They disingenuously accuse the majority of "giving a gratuitous handout of billions to big business by doubling the benefit of the investment credit."

We did not point that out in our zeal to defeat this bill because there are many reforms in this bill that are very good and let me say this: If we could get on top of the expenditure reforms, there are many Republicans who would vote for this bill, even though it has certain bad features in it. Of course, it has a lot of good features. But this business of "giving a gratuitous handout of billions to big business by doubling the benefit of the investment credit" is really true. It is a repeal of the Long amendment which was offered in the other body by the Senator from Louisiana and which became part of last year's law. And, this is a handout.

They go on to say:

But they are curiously silent about their own role in defeating proposals which would have closed tax loopholes.

This is untrue. There are many comments in our report in regard to certain things which we thought should have been closed and improvements made.

The major issue of closing an alleged loophole happened to be whether or not there should be reforms on oil depletion, and I was the one who raised the question about the committee banning consideration of that. The decision to abandon any consideration was done by the majority side without even discussion. Oil depletion has almost become the symbol of a tax loophole.

Mr. Speaker, the editorial goes on to say: "so blinded by the fear of fiscal deficits that they will reject a fiscal policy which holds forth the promise of greater economic growth and more jobs."

And, this is the key. What is this fiscal policy, because the President has now abandoned it? It used to be the Neo Keynesian's philosophy that Dr. Heller offered. It says that you cannot cut expenditures at the same time you cut taxes, or you will remove the stimulative effect of the tax cut.

Mr. Speaker, I think this debate—and I know it will—when it takes place on the floor of the House on next Tuesday and Wednesday is going to be on a much higher plane than that exemplified in this shameful editorial of the Washington Post and, regrettably, as exemplified by the general run of the reporting of this great issue over the period of the past months to the people of this country.

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

Mr. CURTIS. I yield to the gentleman.

Mr. SPRINGER. May I congratulate the gentleman upon his statement. I think what the gentleman has said here is true both as representing the position and the philosophy of the Republican Party.

I read the same editorial upon which the gentleman comments. I read it this morning and I admit I was shocked by the mistakes that appeared in that editorial.

Mr. CURTIS. I thank the gentleman.

Mr. Speaker, I ask unanimous consent to include that editorial at this point.

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

There was no objection.

The editorial referred to follows:

[From the Washington Post, Sept. 18, 1963]

THE GOP AND TAX CUT

If the minority report of the House Ways and Means Committee is a harbinger of things to come, the battle over tax reduction will be fought along strict party lines. The Republicans will assume the role of prophets of fiscal doom and defenders of fiscal morality in an effort to engender fears of budgetary deficits.

The minority report is among other things an anthology of fallacies and misapprehensions about the purposes and consequences of tax reduction. According to its authors tax reduction without offsetting reductions in Federal expenditures would lead to bigger deficits, price inflation, a worsening of our balance of payments and moral delinquency. Its shrill tone of indignation makes one wonder how so unmitigated an evil as tax reduction can be acceptable to Republicans under any circumstances. Even if the second stage of the tax cut were made contingent on a freeze of Federal expenditures, as Representative JOHN W. BYRNES and his colleagues demand, they would still incur the risk of large deficits in the event that a recession caused tax revenues to decline.

If one pursues the Republican minority's line of reasoning to its logical conclusion—a conclusion rejected by an important segment of the business community—taxes would never be reduced.

In their zeal to defeat the administration's bill, the minority were willing to press their case far beyond the breaking point. They disingenuously accuse the majority of "giving a gratuitous handout of billions to big business by doubling the benefit of the investment credit." But they are curiously silent about their own role in defeating proposals which would have closed tax loopholes.

Representative BYRNES and his Republicans are apparently proceeding on the assumption that the majority of the American people are so blinded by the fear of fiscal deficits that they will reject a fiscal policy which holds forth the promise of greater economic growth and more jobs. On what other grounds can the following passage be explained?

"For the average wage earner, the bill results in a tax reduction of between $1.50 and $2 per week. Are these taxpayers willing to have the Government go into debt at the rate of $10 billion per year for the foreseeable future to give them the equivalent of 'cigarette money'?"

Business Week, a publication which is widely read in managerial circles, warned that if the Republicans allow themselves to be maneuvered into a position of blind and unreasoning opposition to the tax cut, "President Kennedy will get the credit for any tax reduction bill that is finally passed—and that they will get the blame if the bill fails." And the editors concluded that: "There may be more effective ways of committing political suicide. But believing * * * in two-party

government, we hope that no one in the GOP high command thinks of them."

One segment of the GOP is already committed to self-destruction, but we hope that the impulse is not contagious.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield further?

Mr. CURTIS. Yes; I yield further to the gentleman.

Mr. SPRINGER. Mr. Speaker, under unanimous consent, I insert at this point in the RECORD an article from the Washington Post of September 17, 1963, concerning the intervention of the Justice Department in a pending case before the Civil Aeronautics Board:

CAB BARS JUSTICE DEPARTMENT ROLE IN FLORIDA AIR ROUTE CASE

(By John P. MacKenzie)

The Civil Aeronautics Board said yesterday that it did not need the help of the Department of Justice to decide whether to stand by the decision to strip Northeast Airlines of its Florida routes.

By the same 3-to-2 vote that decided the Northeast case August 15, the CAB dismissed the Justice Department's petition to intervene and help reargue the case.

The Department had been asked to look into the decision's impact on airline competition by Massachusetts Senator EDWARD M. KENNEDY, Democrat, and LEVERETT SALTONSTALL, Republican, who have led a bipartisan band of New England legislators in attacking the decision.

PETITION ACCUSES CAB

Antitrust attorneys applied for intervention Thursday, disavowing any interest in the Boston-based Northeast. The petition accused the CAB of failing to maintain healthy competition and added the charge that the CAB had favored strong Eastern Air Lines over weak Northeast.

Technically, the Department had no absolute right to enter the case 2 years after it had started, and that is what the CAB told the Department yesterday.

Over the dissents of Board members Robert T. Murphy and G. Joseph Minetti, the CAB ruled that the Department had offered no new arguments and had failed to show legal cause for failing to participate since 1961, when Northeast's temporary certificate came up for renewal.

Chairman Alan S. Boyd, who cast the deciding vote and has been the focus of attack, used less judicial language on the same subject last night in a radio interview.

"I must confess I'm surprised that the Justice Department just found out about the case," said Boyd on a program heard in six eastern cities over the Westinghouse Broadcasting Co. network.

BLASTS AT CHARGE

Boyd called the favoritism charge very irresponsible. He is on record as saying his vote would change only if some important new evidence should come to light. Northeast has until Thursday to seek reconsideration by the CAB and may appeal to the courts after that.

Asked why American taxpayers should subsidize Northeast by $3.7 million a year because of the loss of its profitable Florida runs, Boyd replied, "One of the premises, I would say, of the Board's decision is that the airline has no possibility for continued existence."

Boyd, a Democrat, was appointed to the CAB in 1959 by former President Eisenhower and was elevated to the chairmanship by President Kennedy in 1961. Republicans Whitney Gillilland and Chan Gurney joined Boyd to make the three-man majority in the Northeast case.

Mr. Speaker, it is well known that Members of Congress are being importuned to intervene in the decision of the CAB which took the Florida run from Northeast Airlines. Here apparently now is an attempt of the Justice Department to pressure an independent agency which has already made a decision to reverse itself.

We cannot hope to have independent agencies decide a case on its merits with such a situation existing. I know nothing about the merits of this case but the reality of the situation is that CAB has made a decision and it ought to be respected.

The Oversight Committee investigated many "pressures on agencies" in 1958. The Special Investigations Committee of the Committee on Interstate and Foreign Commerce is the successor to the Oversight Committee. Here is a case wherein I think the Special Investigations Subcommittee could do a good job.

If our investigation reveals no undue pressure on the CAB no damage has been done to anyone. If it reveals there has been pressures brought against the CAB we will have contributed to the welfare of all independent agencies. We should serve notice now that Congress will not allow outside pressures on its creatures—agencies created as an arm of the Congress to administer fairly to all parties who may appear before them. Failure to take action now will only announce to the world that the Congress does not intend to protect the integrity of the independent agencies.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

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

There was no objection.

MINE SAFETY LEGISLATION

The SPEAKER pro tempore (Mr. HALEY). Under previous order of the House, the gentleman from Pennsylvania [Mr. DENT] is recognized for 60 minutes.

Mr. DENT. Mr. Speaker, I take the floor today in an attempt to gain support for the passage of a new Federal Coal Mine Safety Act. Back in 1952 the Congress, after 10 years of operating on a voluntary basis in the matter of coal mine safety regulation and inspection, passed a Federal mandatory act.

The Congress at that time in its wisdom and deliberations decided that all mines employing 14 or less employees would not be covered by the mandatory law. In 1952 after many major disasters in the coal mines of the Nation, which shocked and alerted the Congress, urging passage of a strong Federal mandatory safety inspection law, Congress passed this act. The mines of the United States were divided into two categories: Title I mines, with 14 or less employees, and those with over 14 employees.

As this act became operable there was a notable reduction in the number of major coal mine disasters. There was one in 1953, there was one in 1954, none at all in 1955 and 1956. We thought that this was really paying off.

Then a laxity crept into the mine operations regarding safety features and in 1957 the number of coal mine disasters began creeping upwards again. It took two recent large coal mine disasters to bring this situation before the public in a dramatic and appalling way. This, of course, called to the attention of the Congress and the people the inherent dangers that always obtain to coal mines. However, these disasters were in the large mines covered by the act. It is assumed they might have been averted by a closer inspection on the part of Federal and State officials. However, the Nation was shocked recently by a disaster that occurred without the benefit of any kind of inspection.

The only inspections made in the No. 1 mines of the United States, the small mines, by the Federal Government, is in reality not an inspection but an observation. They go into a mine about twice a year. Then they notify the mine operator and the miners, if there are any representatives of the miners who have that duty, of the conditions they find; but they have no jurisdiction or authority to enforce any of the safety features of the Coal Mine Safety Act of the United States.

There has been a terrific increase in the number of so-called small mines. It is becoming apparent there is an advantage to operating without the so-called restriction covenants of the mine safety law. Therefore in many areas there has been a great increase in the number of mines that are exempted because of their size.

I think this latest disaster up in the hard coal regions of Pennsylvania, the Sheppton mine disaster, has called to the attention of the people again that whether it is 1 life lost or 150 lives lost, the loss is just as tragic and, therefore, we have a duty, I believe, as Members of this Congress, to put whatever blanket coverage of protection we can around all mine operations in the United States.

In the Sheppton case, for instance, the Federal mine inspector made an inspection but only as a matter of routine, and here is his official report. His findings and the language he uses in making the report available to the mine operator and also to the State of Pennsylvania clearly show the need for Federal legislation. I quote from the official report of the Oneida No. 2 slope mine known as the Fellon Mining Co. up in Schuylkill County at the town of Sheppton. I quote from the report:

> The partial and continuing collapse of the main slope pillars presents imminent hazards in this mine. Therefore persons other than those necessary to correct this hazardous condition should not enter the mine.

If that mine was under Federal inspection, the word "should" would have been "must." It would not have said "should not enter the mine" but "must not enter the mine." In all probability Lou Bova's life might have been saved.

Last year through the efforts of the Committee on Education and Labor a bill I sponsored was presented to the

Committee on Rules. One simple feature of this bill might have averted this loss of life and a tremendous outpouring of time, money, and effort to save two men whose lives under any other circumstances in the mining industry would have been lost.

It would have been demanded and provided that in any mine operation, regardless of the number of men employed in that mine, there would have to be two entries, one known as the escape-hatch entry. Every mine in the United States employing 15 or more men must have two entries, two holes down into the ground in order that there is an opportunity to escape in case of an explosion or fire or inundation or collapse of the roof structure. Somehow or other we have come to believe that it is perfectly all right to allow men unfortunate enough to have to dig coal for a living in a small mine to work in a hazardous condition but that it is our duty to protect those who work in large mines. To me it has no sense, and it lacks the human element of concern for our fellow men.

It is a well-known fact that no one works in a coal mine unless he has to. I ought to know. I was born in a coal-mining town.

Recently the President took cognizance of this fact after the Robena disaster and the situation that developed up in the anthracite region.

This was in a news dispatch carried in all the large papers in the United States.

He ordered an intensive review of mine safety practices today in an attempt to prevent mishaps such as the recent two that cost the lives of 59 coal miners. He sent the order to Secretary of the Interior Stewart Udall.

I also request your views promptly—

The President said:

on the need for further or improved legislation which would enable us to prevent such accidents in the future.

Just this morning we started holding hearings on the new mine safety proposal sponsored by the Department of the Interior at the request of the President. This proposal would include mines of the category of title I. But it goes further and attempts to prevent by future safeguards some types of disaster accidents that occur because of an insufficiency of fresh air entering the mine.

Now I believe that first things must come first. I admit, and I have sponsored this bill to show I admit the need for further refinements in mine safety law. But I say that at this time the first duty of this Congress is to cover title I mines under the present law otherwise we will enter into a situation where the opponents of safety laws for title I mines, all the small mines, will receive the help of the opponents of reform in the title II mine law.

I believe that many lives can be saved in the mining industry by at this time—forthwith—passing legislation to put the No. 1 mines under the same act as the No. 2 mines; and then work toward a reform in the total mine safety law.

Mining is a peculiar industry. It has had many ups and downs. In the early days when I was a young man the mining industry was one of the major employers in the United States, but of recent years the mining industry has, because of the competition from cheap imported fuel, because of the cheapness of natural gas and the convenience of natural gas, because of the very serious matter of the proportionate labor cost to a ton of coal—there has been a great mechanization taking place in the coal mines and so although we are still producing a sizable tonnage of coal in the United States, we are employing far less men. The automated concept of production has reached its highest form in the production of coal. Now, because of the nature of coal mining and because of the hazardous occupation that it is, the largest organization representing miners, the United Mine Workers of America, accepted automation—accepted mechanization—knowing full well that that meant less men in the mines but that it also meant less men exposed to the hazards of mining coal. But when the big mines, and they had to be big mines in order to mechanize and have sufficient capacity to produce under this new method of mining—when they left and abandoned large areas of coal holdings, a new concept of mining came into being and we are in a situation where we have hundreds of coal mines in the United States employing 2 men, 1 man, 5 men, 7 men—but mostly under 14 men.

Now, this new process of mining coal or, rather, this new innovation in the industry has brought on with it the added catastrophes and fatalities that have made mining again a very serious hazard in the United States.

The aim of House bill 23 which I have had the privilege of sponsoring is to remove as much of the element of risk as we can from mining in these particular types of mines. For instance I have here a list of cataloged coal mines in the anthracite region of Pennsylvania, in the area where the Fellin mine is situated. There are 207 single, separate mine operations that have only 1 hole for entry. There is no escape whatsoever if the situation which occurred in the Fellin mine recurs in any of these 207 mines. Under this bill, the first and primary purpose is to force the construction or the excavation of another escape way. There is no question but that if the Committee on Rules in its deliberations and in its wisdom would have seen fit to have given us an opportunity to vote last year on this bill, the situation in the Fellin mine might not have ended in disaster, because these operators go in and they are shoestring operators in the main. It is an economic situation which motivates it. This area has been underemployed since 1927. The anthracite region, composed of five counties in the heart of Pennsylvania, has been a depressed area longer than any other State, or other section of the State, or community within a section in the entire United States. The influx of oil from the South American countries and the Asiatic oil-producing nations hit the eastern seaboard and the great market for anthracite which was the New England manufacturers and utilities. Of course, they went to oil because of the price structure. The anthracite industry practically died there back in the early thirties. It has been revived mainly because these small operators are able to go in and mine coal economically because they have absolutely no restrictions on how and what they mine. In the Fellin disaster, for instance, Mr. Fellin himself was the only miner in the mine. Mr. Throne and Mr. Bova are known as laborers. Here you have an operation with only three men in it producing something like 40 to 60 tons a day. They cannot produce that much coal except—except by going into this mine, which was an old working abandoned years ago, and taking out of that mine the pillar structures that were left in there for safety purposes. When that mine was a title II mine, why, the mine inspectors made sure they left the pillars to protect the overburden and the roof. By going into the mine and stealing out the pillars, they caused the disaster which occurred.

Now, we understand the problem in the anthracite region. Nobody wants to destroy the opportunity for these men to make a living. No one wants to destroy them economically. However, in this day and age we cannot any longer allow conditions such as these to exist in this industry. I believe many Members of this Congress who have had experience in the areas that mine coal have long ago recognized the necessity for legislation to cover all of the coal mines in the Nation and to break away from the idea in law that lives are worth more if there are more of them and that lives are worth nothing if there are less of them. In that concept of government I refuse to participate.

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

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

Mr. MORGAN. Mr. Speaker, I am pleased to join with my other colleagues who have indicated their support of legislation to amend the Mine Safety Act. I want to congratulate the gentleman from Pennsylvania for reserving this time to discuss this very important subject.

I have cosponsored this legislation every Congress beginning with the 85th Congress. My bill is identified as H.R. 1666. It amends Public Law 552, 82d Congress, known as the mine safety bill. The purpose of the bill is to remove the present exemption in section 201(b) for coal mines in which no more than 14 men are regularly employed underground.

My reason for introducing this bill is very simple. I feel that every man who goes down into the bowels of the earth to mine coal is entitled to equal and every possible protection that can be provided through the practice of modern safety precautions.

I have never regretted my activity in support of the present safety laws. It is a matter of public record that the coal industry in the days before enactment of effective mine safety legislation counted its injuries in 5 figures and its fatalities at more than 2,500 in a single

year. By the year 1959, however, the fatalities had dropped to less than 300, or to be exact to 251; 274 in 1960, 256 in 1961, and 243 in 1962. This is indeed an improvement of which the 82d Congress can be proud. It is my hope that the 88th Congress will give the figures a further reduction by amending Public Law 552, to make every mine in America subject to the penalties prescribed by Public Law 552 for title II mines.

As you know, mines employing less than 15 men underground are known as title I mines. Title II mines are those which employ more than 15 men underground.

Recent statistics indicate that since 1952 the number of title I underground mines increased from 5,281 to 6,879 whereas the number of title II underground mines decreased from 2,233 to 1,045.

It is evident from these figures that limiting the enforcement powers of the act has resulted in an increase in hazardous conditions in hundreds of mines since many coal operators have slipped behind the "14 men curtain" by maintaining their work force under 15 persons. By this means they avoid the mandatory provisions of title II.

More alarming is the information that many new mines are being opened and operated as title I mines. The act should not provide such an inviting loophole to escape compliance with reasonable safety precautions.

My own State of Pennsylvania ranks second in the number of title I mines—a total of 1,635.

I hope the Congress will support the provisions of my bill H.R. 1666 or similar proposed legislation without any crippling amendments. I want the safety provisions of Public Law 552 to apply to every coal mine in this country. The Federal Bureau of Mines should have the authority to close down any mine in America where they find dangerous, uncorrected condition to exist. This means equal protection to every coal miner regardless of whether he is employed in a title I or title II mine. Each miner has a right to this protection. Life is just as dear to a title I miner and his dependents as is the life of any miner employed in a title II mine. I believe that any man who mines coal for a living should be protected to the fullest extent that practice of modern safety precautions can provide.

The entombment of three miners last month in a coal mine near Hazleton, Pa., points up the urgent need for strengthening the provisions of the Mine Safety Act. The need for immediate legislative action is well emphasized in an editorial which was carried in the Pittsburgh Post Gazette of Monday of last week. Because this editorial is so timely, I am going to read it as part of my remarks. It is headed, "A Close Look at Mines" and says:

State Mines Secretary H. B. Charmbury has ordered three mine inspectors to make an exhaustive investigation of the recent cave-in that trapped two men and apparently took the life of another at a coal mine near Hazleton, Pa.

This investigation should do more than just determine the cause of this particular accident. It should also focus public and legislative attention upon the need to strengthen State and Federal mine safety laws.

Pennsylvania law presently calls for safety inspections of mines employing five or more workers and automatic closing of a dangerous mine. The Federal Coal Mine Safety Law of 1952 empowers Federal inspectors to close mines if they find immediate danger. But mines employing no more than 14 persons underground, and all strip mines, are exempted from the safety requirements.

The "doghole" in which the three men were working near Hazleton had only four employees and thus was not protected by either State or Federal safety measures. There are 756 anthracite mines in this State employing fewer than five persons each. Mr. Charmbury has ordered each of them investigated. He wants to determine, in particular, if these mines provide second openings or plan to do so. The Hazleton mine did not have a second opening.

We realize the problems involved in imposing rigid safety standards upon marginal coal mine operations. Costly safety precautions could make them uneconomical. But in that event it seems to us that they ought to be shut down. Other jobs, perhaps through retraining, ought to be opened up to men working in these marginal mines so that they do not have to work under dangerous conditions.

How many more mine disasters must we have before the Federal and State authorities take the stringent measures required?

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

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

There was no objection.

Mr. DENT. Mr. Speaker, I thank the gentleman for his participation.

Mr. OLSEN of Montana. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Montana.

Mr. OLSEN of Montana. Mr. Speaker, I wish to subscribe to the remarks of the gentleman from Pennsylvania [Mr. DENT] and state for the record that I, too, have introduced legislation which would amend the coal mine safety law to eliminate the exemption of those coal mines employing 14 or fewer miners, and for substantially the same reasons expressed by the gentleman from Pennsylvania.

Let me say that coal mine safety rules, or any mine safety rules, must be uniform throughout the economy. We have got to have a standard of safety that provides the same standard of expense throughout the industry and throughout the economy. Otherwise there would be unfair competition in those places, those States, where lower standards were permitted.

I had the experience in Montana of noting some terrible mine disasters, some in the more recent years. One in the coal industry was the catalyst to bring about the Coal Mine Safety Act in our State.

I might say that the now great president of the United Mine Workers, Mr. Tony Boyle, was the gentleman who came to our legislature and to our State capital and spearheaded the drive for a new Coal Mine Safety Act in Montana. Our industry is not large now. Our coal mining industry is suffering from the same effects described by the gentleman from Pennsylvania. But in the event that coal mining should again flourish I think that the lives of men must be protected and these uniform coal mine safety laws must be enforced uniformly in all of the mines.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

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

There was no objection.

Mr. OLSEN of Montana. Mr. Speaker, under leave to extend, I insert the following column:

WHY DO MINERS WORK IN "DOGHOLES"?

(By Ralph McGill)

Now and then the news moves a reporter's memory to recollection—providing a sort of text. It was many a year ago at a pit entrance at Rockwood, Tenn. A sudden explosion deep in the mine had trapped a dozen men. At about dawn on the third morning the first of the dead was brought out and a woman's scream filled the air and tore at the ears and heart as his name was made known. And again, there were the long, frozen nights and days when workers sunk a shaft to reach Floyd Collins, not knowing that even then he was days dead in the cold earth of February in Kentucky.

Two men caught in what coal miners call a "doghole" mine a few days ago were pulled from the darkness of symbolic death. Mankind always is fascinated, and held, by the Prometheuslike plight of man bound by fate in the stygian inkiness of a cave, of an excavation, or of an old well left uncovered and camouflaged by grass and weeds.

BREED OF FATALISTS

Enthralled by the drama of men escaping the clutch of death in Pennsylvania, few noted that a third man, equally trapped, had died alone, hearing in his last hours the sounds of drills moving toward others and knowing that he, because of the peculiar quirks of whatever destiny or geologic forces had caused a fall of rock and earth to trap him alone, was alien to aid. A choice had been made. He was outside it. So, he died in darkness. It is likely he passed without bitterness, perhaps even with resignation. Men who dig coal are fatalists.

These were the stories that held the attention of most of the Nation for about 2 weeks.

There was—and is—a greater story. It is a part of the vast and mighty economic force we call change. Nowhere has it been more calamitous than in the coalfields. Greed is in it. And automation. So are misery, poverty, illiteracy, and bitterness of spirit.

Why do miners work in "dogholes"?

Why are the small mines excluded from the Federal laws about inspection of mines? How many readers noted the angry exchange at Sheppton, Pa., between the United Mine Workers' representative and that of the Independent Miners Union, the former charging that only the UMW forced a rescue effort, that the Independent Union had agreed to writing the men off as dead? The Independents denied this heatedly. But that this exchange should have taken place is revealing.

The story is one of change. The working miner today, with a UMW contract, makes about $24 per day. But thousands of men have been, in effect, forced out of the union because of all that is wrapped up in those six letters that spell "change."

Trouble—economic trouble—began after the huge coal boom that peaked in 1948. The industry had been overexpanded, in part

because of war, and could produce twice as much coal as industry could consume. Truck mining and mechanization multiplied. John L. Lewis took the position that machines would be run by his men and that those displaced by them would find employment elsewhere. Human nature worked against this conclusion. The mountain men don't move easily from their coves and valleys. Coal mining was all they knew. Secondly, their educational levels were low and they were not trained to take other jobs.

Clandestine wage cuts, agreed to by jobless miners, provided work in the small mines, later to be tagged as "dogholes" by the beleaguered UMW. The coal strikes of 1959 were an outgrowth of cumulated bitterness and poverty. They failed. Hundreds of men never went back to the union.

LEWIS WON SAFETY CODE

Today's consensus is that no American worker is as helpless and unprotected as these men who dig coal in the small, unprotected pits.

One of John L. Lewis' major achievements was the Federal Mine Safety Code. But Congress, with one ear tuned to the interests working smaller mines, restricted the act's application to diggings working 15 or more men.

These small mines account, according to available statistics, for about 12 percent of the Appalachian coal output, but for a shocking 33⅓ percent of its killed and injured miners. Hunger and misery lie heavily on the region. Those who work in the really small mines cannot live without surplus relief food. Nowhere has change hit so hard—and created so desperate a human condition—as in the coal fields.

Mr. DENT. Mr. Speaker, I thank the gentleman. It may be of interest to the Congress to know that the gentleman from Montana [Mr. OLSEN] was distric attorney of his State at the time that the big fight was on for the passage of the mine safety law. He is known throughout the West as the man who brought mine safety to the western part of the United States. I think he is to be commended on his stand over the years. I certainly appreciate his coming to our assistance today and helping to bring this problem before the Congress and the people of the United States.

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

Mr. DENT. I yield to the gentleman.

Mr. BRAY. Mr. Speaker, I want to thank the gentleman from Pennsylvania for again bringing this important matter to our attention. Through my years in the Congress I have had an abiding interest in coal mine safety. When I first came to this body in 1951 this was one of the first legislative topics to occupy my interest.

I was glad to support and work for the passage of the Coal Mine Safety Act in the 82d Congress. At that time we would liked to have included the smaller mines, too; but in the interest of getting the major part of the legislation approved, we accepted the exclusion of the smaller mines.

The basic legislation has worked well. No one can say how much loss of life and limb it has prevented, but we know it has made a significant reduction in mine accidents and casualties.

We have realized that the smaller mines should be made subject to this act as well as the larger mines. We repeatedly have tried to knock out section 301(b) of the act so as to eliminate the exclusion. We realize this need especially since it seems that the accidents which do occur happen most often at those mines outside the coverage of the act.

I have introduced a bill similar to the bill introduced by the gentleman from Pennsylvania.

The recent tragedy at the Fellin Mine near Hazelton, Pa., directed the attention of the entire Nation again to the hazards of coal mining. The rugged, brave men who work in the mines know that theirs is a dangerous occupation. They do not expect that all danger will be removed. They do not ask that it be made as safe as sitting behind a desk or standing behind a counter. They do ask that all reasonable precautions for their safety be taken. They do expect that their Government shall see that standards are established and maintained to reduce the possibility of mishaps to a minimum.

The Committee on Education and Labor has before it several bills which would accomplish the purpose referred to above—eliminate the present exclusion of the smaller mines. The Committee has held some hearings on this legislation and has others scheduled for this week. I do want to take this opportunity to remind the Members of the House of this important area of legislation, and hope that we will have their attention and support when refinements are brought before the House.

Mr. DENT. I appreciate the support of the gentleman from Indiana [Mr. BRAY], because it is an indication that the safety of the miners and the regard for human life is a nonpartisan venture and takes in both Republicans and Democrats in their regard for the lives and the welfare of the people of the United States, no matter what type of industry they may be employed in.

Mr. Speaker, the gentleman from Montana [Mr. OLSEN] mentioned the fact that the present international president of the United Mine Workers, Anthony Boyle, was very, very active and instrumental in the passage of legislation in the State of Montana and in other Western States, where he hails from.

Mr. Speaker, in his testimony before the committee he said something significant and I think the gentleman from Montana mentioned it a minute ago and which I think ought to be repeated. He said:

The United Mine Workers of America has never opposed modernization and mechanization of the mining industry. The industry has received our cooperation and the membership has adhered to this policy down through the years. We are still of the opinion that by increased productivity per manday the mineworkers will receive a larger participation and improve their standard of living in this economy. However, it was never intended that the eagerness of management for production should be permitted to outweigh the industry's protection of the precious human lives in its custody. The Robena disaster confirmed the belief that I have held for some time—that we may be mechanizing the coal industry past the point of safety.

The U.S. Bureau of Mines can now take measures to protect the lives of individuals in a mine employing 15 men or more, but such protection is denied others unfortunate enough to be forced to labor in a mine employing less than 15 men.

During previous hearings before committees of other Congresses, opponents of this legislation appeared to protest the need for such legislation. I assume we may expect them to appear again decrying the need for any legislation whatever and asserting that they alone are qualified to determine whether or not employes who work in these small mines will live or die. The United Mine Workers, representing the bulk of the men in the mines, vigorously oppose this position, and claim the right to expect the Federal Government to afford equal protection to the thousands of there membership who are presently employed in so-called title I mines.

Opponents of this legislation have also previously appeared and took the position that compliance with provisions of the Federal Coal Mine Safety Act would force them out of business. This position, of course, has been completely disproven by testimony of responsible representatives of the U.S. Government, the United Mine Workers, and others.

The witnesses in the past have appeared from Kentucky, Tennessee, Virginia, West Virginia, Pennsylvania, and other States. I say to this committee that if these people are complying with the laws in their States, there will be no additional cost to them under Federal legislation, because these laws are similar in their main context and, in some cases, go far beyond conditions covered in Federal legislation.

The witnesses have said that ventilation requirements of the Federal Coal Mine Safety Act are excessive and, if complied with, would create an enormous economic burden. The facts are to the contrary.

Mr. Speaker, the Robena disaster which occurred not more than 15 miles from my own home confirmed the belief that I have held for some time that we may be mechanizing the coal industry past the point of safety because of the vast number of men working in the mines. There has been a distinct laxity in the application of mine safety laws, although they are inadequate at this time. We have been lax in enforcing the very laws we now have on the statute books. Of the deaths in the bituminous and lignite coal mines, 225 occurred underground, 20 on the surface, and 17 in strip mining operations, falls of roofs and rib structure accounted for 105 of the underground fatalities which amounted to 47 percent of the total disasters.

Mr. Speaker, if we take the mine safety law and apply it to these small mines we could then determine the type of roof structure which they would have to put in, the size of the timbering that had to go in and the type of rib structures that had to be maintained in order to protect the lives of the men working in the mines.

Mr. Speaker, the major cause of disaster in the coal mine is improper timbering, improper ventilation, improper protection against inundation by flash floods through hitting underground pools

of water, or just plain drainage accumulation in the mine. These are various things that can be corrected by simple procedures without too much expense attached to it.

Mr. Speaker, I have a deaf ear any more to the appeals of those who come before us who say it is going to cost $200 or $300 in order to make this mine safe for human entrance and human labor.

I believe that the time has come when we cannot measure—we cannot measure—the sum that must be spent or the time which must be spent if we want men to work in these mines.

Mr. Speaker, how many of us, in good conscience, can say that we would, because of the dollar sign placed upon this safety measure, condemn a man to work in these conditions? Furthermore, how many of us would work under the same conditions? It is only by the grace of God and the faith that we find ourselves here instead of there. It is only the question of a little decision made at one time, probably more through accident than anything else, that I ended up a Member of Congress rather than in a coal mine somewhere in Pennsylvania. It is a question of my regard and your regard for the human element that must always be considered in legislation when we as a body of men meet to legislate for the welfare of the citizens of our Nation.

Mr. Speaker, to those who come before us with the argument that this is an invasion into the realm of the rights of the States, let me say clearly that it is my concept of government that this means to do for people and the States that which they cannot do for themselves, or in the interest of human welfare will not do for themselves.

If the States have been lax in their approach to this problem, then the time has come when the Federal Government must in good conscience step into the picture to do that which we can do in order to maybe not eliminate but at least reduce the opportunities that are now present for disaster in the coal mining areas of the United States.

In conclusion, I can only say that unless Congress remedies this situation by passing the requested amendment to the act, more men will die unnecessarily, more wives and children will be deprived of their loved ones, and in that event, Congress will have to assume this responsibility. This legislation is of such vital importance that the only consideration given to it should be that of the human element, which should be noncontroversial, and any man of moral responsibilities should be for it.

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

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

There was no objection.

Mr. FLOOD. Mr. Speaker, I would like to add my support to certain aspects of the bill—H.R. 8351—to amend the Federal Coal Mine Safety Act.

The first amendment proposed by this bill is to repeal subsection (b) of section 201 of the Federal Coal Mine Safety Act, which states:

> This title (title II of the act) shall not apply to any mine in which no more than 14 individuals are regularly employed underground.

There is no rhyme or reason why a mine employing 15 or more men should come under title II of the act and a mine with less than 15 men employed should not. The legislative history of the present Federal Coal Mine Safety Act discloses that there was a wide divergence of opinion as to whether any exemption or what exemption should have been allowed to permit a "meeting of minds" on the then pending legislation. It was purely happenstance that no one raised any objection to the number 15 whereas there were objections raised to other exemption numbers ranging from 1 to 20. And so the number 14 was agreed upon to permit the subcommittee in charge of the then pending legislation to get on with the business assigned to it. The exemption number—14 men—does not represent logic nor does it merit scientific or statistical support. It was purely chance, about as scientific as if this number came up on the spin of a raffle wheel.

Time and experience have shown the fallacy of putting such an exemption number into title II of the present Federal Coal Mine Safety Act. And it further points up that this is really discriminatory legislation. It has discriminated against the employees of so-called small mines. In many instances these small mines are owned by companies or individuals of limited resources and the safety features that they provide are "bare bones." Therefore the employees should have the maximum protection that can be provided by outside sources such as the Federal inspection service so that they—the employees—will get basic protection against serious hazards or the mine will be shut down. In many instances, the mine workman cannot force a "showdown" with his employer, even in the face of known danger, because he is torn between two forces—the economic necessity of earning a living for his family or "going on relief." Therefore the discrimination against the small mine employee should be ended by repealing the exemption to the mandatory provisions of the Federal Coal Mine Safety Act of mines employing less than 15 men underground.

Another aspect of the proposed legislation that I heartily endorse is the elimination of the "grandfather" clauses which were included in title II of the Federal Coal Mine Safety Act to allow the operators of gassy mines to comply eventually with the provisions of the act. Well, this latitude has been construed by some operators as license to continue operating unsafe nonpermissible equipment indefinitely. If on the effective date of the Federal Coal Mine Safety Act—July 16, 1952—the operator of a gassy mine or a mine classed as gassy after the act became effective, owned nonpermissible face equipment, or owned the right to use it, or had ordered such equipment, he can continue to use it until it is replaced. Well, there is no time limit placed on the use. It can be repaired and repaired until it is virtually entirely rebuilt with perhaps nothing remaining of the original equipment except the frame. Now 11 years have passed since the act became law and much of this unsafe equipment remains in operation in gassy coal mines. I think that time has long ago run out and there should be a definite time limit established—as the amendment proposes—for the elimination of the unsafe electrical equipment that is operated legally in gassy coal mines.

The Bureau of Mines has published time and time again reports on mine explosions that were caused by gas—methane—ignited by unsafe electrical equipment. Certainly a giant safety step would be taken if legislation is enacted to get rid of the "grandfather" clauses which have long outlived their usefulness and which today serve to defeat one of the main purposes of title II of the Federal Coal Mine Safety Act.

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

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

There was no objection.

Mr. DENTON. Mr. Speaker, I have introduced H.R. 3497 which is a companion bill to H.R. 8351 which was introduced by the gentleman from Pennsylvania [Mr. DENT]. Both bills seek to repeal section 201–B of the Mine Safety Act of 1952.

This section provides that the act does not apply to mines with less than 14 workers regularly employed underground.

I believe that it is unnecessary to say that the workers in mines with less than 14 underground employees deserve the same protection as workers in the larger mines. Yet the act, as passed, says they are not entitled to it. Therefore I feel that this section should be repealed.

I ask unanimous consent to include an article from the Black Diamond, dated September 7, 1963, in the CONGRESSIONAL RECORD.

AN OUNCE OF PREVENTION

The Pennsylvania Department of Mines and Mineral Industries is to be congratulated with the efficiency shown in effecting the rescue of miners David Fellin and Henry Throne from the Sheppton Coal Mine after 14 days of effort; the men merit admiration for their courage and good sense during their ordeals. Anyone who has the slightest reverence for life rejoices in the successful undertaking.

All this being true, the achievement would seem to underscore the application of the adage that "an ounce of prevention is worth a pound of cure." If the laws regarding mine safety and mine inspection applied to the Sheppton mine as they do to Pennsylvania mines employing 15 or more miners the chances are that the men would not have had their harrowing experience; that the Commonwealth would have been saved the heavy expense involved in the rescue; that the public would not, as it doubtless has, obtained a false impression of the hazardness of coal mining.

There are said to be more than 700 such mines operating in the anthracite region which employ less than 15 men and whose workers are not covered by the inspection provisions of the law. Yet the life of a man working in these small mines is as worthy of protection as that of a man working in the largest mine in the State. If the cost of carrying out reasonable protective measures places such operations beyond competition, as has been suggested, then it will be demonstrated that such mines are uneconomic and should be closed.

At best, coal mining is hazardous, and the safety and inspection laws are a just discharge of the State's responsibility to the men that work in the industry, to the coal producers, and to the public. They must not only reduce the number of accidents and lives lost in the industry, but also lower the cost to the industry and the State. Isn't it time that the State apply these laws on the basis of the value of human life, whether that life is employed in a mine hiring 3, 5, or 500 men?

THE LATE CARL ATWOOD HATCH

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent that the gentleman from New Mexico [Mr. MONTOYA] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. MONTOYA. Mr. Speaker, today, I would like to raise my voice in gratitude. This week the Hand of Heaven has taken from us former U.S. Senator Carl Atwood Hatch. For this I have only deep sorrow. However, I do not wish to dwell upon his passing, but upon his life—a rich and full life for which we may all be grateful.

He contributed much, but for himself he took little. Perhaps in justice, we may now give to his family some of the honor and comfort which were his, but to this day remain unclaimed.

In speaking of a truly great man—and Carl Hatch was among the greatest of men—we must ask not only who he was, but more importantly, what he was, what he did, and what he held dear.

To many questions we might ask about his life, the answers are many—for he was not a simple man, only a humble one.

He was a man who loved his fellowman and shared with many both their triumphs and their failures. This love was his to give for he received it from others in abundance.

His interests were broad, and his accomplishments were myriad. Student, lawyer, judge, these were Carl Hatch. Now, he has breathed his last, but a cold world was warmed by his breath.

In describing him, perhaps we could term him as a principled man. As a statesman, he could compromise on an issue, but never on a principle. This was the key to his success. It was for this very reason that he played a major role in so many projects—whether it be clean government through the Hatch Act, or international peace through the United Nations, "Smiling Carl" was in the forefront.

His people were all people and his constituency was the world. The citizens of New Mexico knew this, and drew great pride from it. Any State and any people would have been proud to have such a man serve them. In fact he had close ties with many different regions of our country. He was born in Kansas, studied there and in Oklahoma, as well as in Tennessee. His greatest desire was to know this country and its people. Truly we can say that he knew them as few men have ever known them.

In truth and justice we may call him the only thing that he ever desired to be called—Carl Atwood Hatch was an American.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MACDONALD (at the request of Mr. EVERETT), for 15 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. CURTIS, for 10 minutes, today.

Mr. TALCOTT (at the request of Mr. BATTIN), for 20 minutes, on September 19.

Mr. ELLSWORTH (at the request of Mr. BATTIN), for 60 minutes, on September 23.

Mr. WELTNER (at the request of Mr. LIBONATI), for 60 minutes, on September 26.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

(The following Member (at the request of Mr. BATTIN) and to include extraneous matter:)

Mr. CAHILL.

(The following Members (at the request of Mr. EVERETT) and to include extraneous matter:)

Mr. TEAGUE of Texas.

Mr. CELLER.

(The following Member (at the request of Mr. LIBONATI) and to include extraneous matter:)

Mr. HANNA.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1952. An act to extend and broaden the authority to insure mortgages under sections 809 and 810 of the National Housing Act.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on September 17, 1963, present to the President, for his approval, bills of the House of the following titles:

H.R. 12. An act to increase the opportunities for training of physicians, dentists, and professional public health personnel, and for other purposes;

H.R. 5081. An act to authorize the Commissioners of the District of Columbia to sell a right-of-way across a portion of the District Training School grounds at Laurel, Md., and for other purposes;

H.R. 5623. An act to amend the provisions of title 14, United States Code, relating to the appointment, promotion, separation, and retirement of officers of the Coast Guard, and for other purposes;

H.R. 5781. An act to amend the act of August 1, 1939, to provide that professional nurses shall be registered as staff officers in the U.S. merchant marine, and for other purposes; and

H.R. 6012. An act to authorize the President to proclaim regulations for preventing collisions at sea.

ADJOURNMENT

Mr. LIBONATI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 18 minutes p.m.) the House adjourned until tomorrow, Thursday, September 19, 1963, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1213. A letter from the Comptroller General of the United States relative to a letter dated May 29, 1963, relating to a report on the ineffective programing, delivery, and utilization of aircraft and related equipment furnished to the Portuguese Air Force under the military assistance program, which report was referred to the House Committee on Government Operations on May 31, 1963, and recorded as Executive Communication No. 874; to the Committee on Government Operations.

1214. A letter from the Assistant Secretary of the Interior, transmitting a report relative to stating that an adequate soil survey and land classification of the lands in the Fryingpan-Arkansas project, Colorado, has been completed as a part of a plan for project development, pursuant to Public Law 172, 83d Congress; to the Committee on Appropriations.

1215. A letter from the Director, U.S. Information Agency, transmitting a draft of a proposed bill to provide certain basic authority for the U.S. Information Agency; to the Committee on Foreign Affairs.

1216. A letter from the Comptroller General of the United States, transmitting the report on our review of the economic aspects of a loan by the Development Loan Fund (succeeded by the Agency for International Development, Department of State) for construction of a river water supply system in Saigon, Vietnam; to the Committee on Government Operations.

1217. A letter from the Acting Administrator, General Services Administration, transmitting a report which provides information on contracts negotiated for experimental, development, or research work or for the manufacture or furnishing of property for this purpose during the 6-month period ending June 30, 1963, pursuant to 63 Stat. 377, as amended (5 U.S.C. 630); to the Committee on Government Operations.

1218. A letter from the Assistant Secretary of the Interior, transmitting a draft of a proposed bill to provide for the establishment and operation of an analytical research experiment station at Frederick, Md.; to the Committee on Interior and Insular Affairs.

1219. A letter from the Chief Commissioner, Indian Claims Commission, relative

to reporting that proceedings have been finally concluded with respect to the *Claim of Certain Indian Tribes and Bands, petitioners, v. The United States of America, defendant,* docket No. 240, pursuant to 60 Stat. 1055; 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABBITT:

H.R. 8484. A bill to authorize the sale at current support prices of agricultural commodities owned by the Commodity Credit Corporation to provide feed for poultry and swine in areas determined to be emergency areas; to the Committee on Agriculture.

H.R. 8485. A bill to make feed available at reduced prices for flocks of poultry and foundation herds of hogs in disaster areas; to the Committee on Agriculture.

By Mr. FOUNTAIN:

H.R. 8486. A bill to authorize the sale at current support prices of agricultural commodities owned by the Commodity Credit Corporation to provide feed for poultry and swine in areas determined to be emergency areas; to the Committee on Agriculture.

H.R. 8487. A bill to make feed available at reduced prices for flocks of poultry and foundation herds of hogs in disaster areas; to the Committee on Agriculture.

By Mr. FUQUA:

H.R. 8488. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus personal property to State agencies for use by volunteer firefighting organizations; to the Committee on Government Operations.

By Mr. JOHNSON of California:

H.R. 8489. A bill to establish the Whiskeytown-Shasta-Trinity National Recreation Area in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MONAGAN:

H.R. 8490. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. TUTEN:

H.R. 8491. A bill to amend the St. Lawrence Seaway Act to provide that the St. Lawrence Seaway Development Corporation shall not engage in publicity or promotional activities such as free or paid advertising; solicitation of cargoes; publication of ocean, rail, port, or motor carrier rate or service comparisons; or other activities that are actually or potentially disruptive to the flow of waterborne trade among ports in the United States; to the Committee on Public Works.

By Mr. HARVEY of Indiana:

H.R. 8492. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to consolidate in a separate section provisions assuring the safety and effectiveness of new animal drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HUDDLESTON:

H.R. 8493. A bill to amend the Uniform Code of Military Justice, and for other purposes; to the Committee on Armed Services.

By Mr. FUQUA:

H.J. Res. 743. Joint resolution to authorize the President to issue annually a proclamation designating the first week in March of each year as "Save Your Vision Week"; to the Committee on the Judiciary.

By Mr. ANDERSON:

H.J. Res. 744. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. OSTERTAG:

H. Con. Res. 216. Concurrent resolution expressing the sense of Congress with respect to the withdrawal of Soviet troops from, and the conduct of free elections in, the Baltic States; to the Committee on Foreign Affairs.

By Mr. GILBERT:

H. Res. 522. Resolution to authorize the Committee on Interstate and Foreign Commerce to conduct an investigation and study of the accuracy of odometers on certain leased motor vehicles; to the Committee on Rules.

By Mr. ELLIOTT:

H. Res. 523. Resolution to provide funds for the investigation authorized by House Resolution 504; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ANDERSON:

H.R. 8494. A bill to provide for the free entry of one set of musical handbells for use of Tabor Lutheran Church, of Rockford, Ill.; to the Committee on Ways and Means.

By Mr. FARBSTEIN:

H.R. 8495. A bill for the relief of Hicri Gunduz; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 8496. A bill for the relief of Paula Fekete; to the Committee on the Judiciary.

By Mr. KILBURN:

H.R. 8497. A bill for the relief of Claude Mirsamadzadeh; to the Committee on the Judiciary.

By Mr. TUTEN:

H.R. 8498. A bill for the relief of Mrs. Josette Augustine Ingram; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

304. The SPEAKER presented a petition of Sam C. Hanna, Rochester, N.Y., relative to his notice of appeal in civil action 9922, U.S. District Court for Western New York State, together with accompanying papers; to the Committee on the Judiciary.

SENATE

WEDNESDAY, SEPTEMBER 18, 1963

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

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

Our Father, God, we would that this quiet moment of prayer will be an open gateway to the boundless resources of Thy renewing grace by which our jaded souls may be restored.

Grant us courage. Give us wisdom for the living of these days of momentous decision.

Measure us, we beseech Thee, with the challenge of our times, and make us worthy of those who in the dangerous yesterdays were strong and unafraid as they dared the scorn and wrath of evil men.

We lift to Thee our gratitude for the safe return to the homeland, and to his post of strategic leadership, of the honored and dedicated President of this body, so vital in the life of the Republic. We rejoice in the opportunity which was his, and which he seized so effectively, to assure independent nations across the seas with whom we have close and friendly relations, and who with us are facing the complex problems of a swiftly changing world, that America cherishes nothing but good will for all mankind and the lifting of the levels of human betterment everywhere, and to march with them in a crusade for a just, world-wide peace among all men of good will.

May the deliberations and decisions registered in this historic Chamber be the channels of Thy eternal purpose as it is wrought out upon the earth.

We ask it in the spirit and the name of Him who is the Way and the Truth. Amen.

TRANSACTION OF ROUTINE LEGISLATIVE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, as in legislative session, there be a morning hour, and that statements in that connection be limited to 3 minutes.

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

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, September 17, 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. Ratchford, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

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

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

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Subcommittee on Housing, of the Committee on Banking and Currency, was authorized to meet during the session of the Senate today.

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON TRANSFER OF FUNDS

A letter from the Deputy Administrator, National Aeronautics and Space Administra-

tion, Washington, D.C., reporting, pursuant to law, on the transfer of $1 million of the fiscal year 1963 research, development, and operation funds to the fiscal year 1963 construction of facilities appropriation; to the Committee on Aeronautical and Space Sciences.

AMENDMENT OF TITLE 37, UNITED STATES CODE, RELATING TO PAY AND ALLOWANCES OF A CERTAIN OFFICER

A letter from the Secretary of Defense, transmitting a draft of proposed legislation to amend title 37, United States Code, to prescribe the basic pay and allowances of an officer who is serving as Supreme Allied Commander, Europe (with an accompanying paper); to the Committee on Armed Services.

REPORT ON PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Assistant Secretary of Defense, Installations and Logistics, transmitting, pursuant to law, a report on Department of Defense procurement from small and other business firms, during fiscal year 1963 (with an accompanying report); to the Committee on Banking and Currency.

REPORT ON CONTRACTS FOR MILITARY CONSTRUCTION AWARDED WITHOUT FORMAL ADVERTISEMENT

A letter from the Secretary of the Army, transmitting, pursuant to law, a report on contracts for military construction awarded without formal advertisement, for the 6-month period ended June 30, 1963 (with an accompanying report); to the Committee on Armed Services.

REPORTS ON OFFICERS ON DUTY WITH HEADQUARTERS, DEPARTMENT OF THE ARMY AND ARMY GENERAL STAFF

A letter from the Acting Secretary of the Army, transmitting, pursuant to law, reports on the number of officers on duty with Headquarters, Department of the Army and the Army General Staff, as of June 30, 1963 (with accompanying reports); to the Committee on Armed Services.

AMENDMENT OF FEDERAL CREDIT UNION ACT

A letter from the Assistant Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Federal Credit Union Act to allow Federal credit unions greater flexibility in their organization and operations (with an accompanying paper); to the Committee on Banking and Currency.

SALES IN INTERSTATE COMMERCE OF NATURAL GAS FOR INDUSTRIAL USE

A letter from the Chairman, Federal Power Commission, Washington, D.C., relating to the bill (S. 1734) to vest jurisdiction in the Federal Power Commission over the sales in interstate commerce of natural gas for industrial use, and informing the Senate that a majority of the present Commission favors its enactment, but that Commissioners O'Connor and Woodward do not; to the Committee on Commerce.

REPORT ON BACKLOG OF PENDING APPLICATIONS AND HEARING CASES IN FEDERAL COMMUNICATIONS COMMISSION

A letter from the Chairman, Federal Communications Commission, Washington, D.C., transmitting, pursuant to law, a report on backlog of pending applications and hearing cases in that Commission, as of July 31, 1963 (with an accompanying report); to the Committee on Commerce.

PARTICIPATION OF THE UNITED STATES IN AN INCREASE IN RESOURCES OF INTERNATIONAL DEVELOPMENT ASSOCIATION

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the International Development Association Act to authorize the United States to participate in an increase in the resources of the International Development Association (with accompanying papers); to the Committee on Foreign Relations.

REPORT ON INCREASED COSTS RESULTING FROM FAILURE TO PROCURE SHIPS SPARE PARTS COMPETITIVELY OR DIRECTLY FROM THE MANUFACTURER

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the increased costs resulting from failure to procure ships spare parts competitively or directly from the manufacturer, Department of the Navy, dated September 1963 (with an accompanying report); to the Committee on Government Operations.

PROPOSED CONCESSION CONTRACT WITHIN MESA VERDE NATIONAL PARK

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract with the Mesa Verde Co. for services to the public within Mesa Verde National Park (with accompanying papers); to the Committee on Interior and Insular Affairs.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

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

WARREN A. JEFFERS AND FRANCIS H. LEIK

A letter from the Administrator, Federal Aviation Agency, Washington, D.C., transmitting a draft of proposed legislation for the relief of Warren A. Jeffers and Francis H. Leik (with accompanying papers); to the Committee on the Judiciary.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. JOHNSTON and Mr. CARLSON members of the committee on the part of the Senate.

PETITION

The VICE PRESIDENT laid before the Senate a resolution adopted by the Mariana Islands District Legislature, which was ordered to lie on the table, as follows:

RESOLUTION 12–1963

A resolution extending thanks and appreciation to the U.S. Government and the American Red Cross for the aid rendered to the people of the Mariana Islands District after Typhoon Olive

Whereas many of the inhabitants of the Mariana Islands District experienced great suffering and damage during Typhoon Olive, on April 29 and 30, 1963; and

Whereas the President of the United States, through the Office of Emergency Planning, sympathetically and promptly made assistance available to the typhoon-stricken people; and

Whereas the American Red Cross also generously assisted the people with food and other essential commodities; and

Whereas such aid has enabled the inhabitants of the Mariana Islands District to hasten their rehabilitation program: Now, therefore, be it

Resolved by the Mariana Island District Legislature, That it extends, on behalf of the people of the Mariana Islands, its thanks and appreciation to the U.S. Government and to the American Red Cross for the generous assistance rendered to the inhabitants of the Mariana Islands District after the disaster of Typhoon Olive; and be it further

Resolved, That the president certify to and the legislative secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the United States, president of the American Red Cross, Secretary of the U.S. Department of Agriculture, Office of Emergency Planning, Speaker of the House of Representatives and the President of the Senate, Secretary of the Department of Interior, the High Commissioner of the Trust Territory of the Pacific Islands, District Administrator of the Marianas, mayor, Municipality of Saipan, mayor, Municipality of Tinian, and chief commissioner, Municipality of Rota.

Passed by the Mariana Islands District Legislature, August 9, 1963.

VINCENT Y. SANTOS,
President.
LUMON E. GUERRERO,
Secretary.

RESOLUTIONS OF MASSACHUSETTS SENATE

Mr. SALTONSTALL. Mr. President, on behalf of myself, and the junior Senator from Massachusetts [Mr. KENNEDY], I present resolutions adopted by the Senate of the Commonwealth of Massachusetts, relating to an offshore limit for taking fish off the New England coast by fishing vessels of foreign countries. I ask unanimous consent that the resolutions be printed in the RECORD and appropriately referred.

There being no objection, the resolutions were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION PROVIDING FOR A 200-MILE, OFFSHORE LIMIT FOR TAKING FISH OFF THE NEW ENGLAND COAST BY FISHING VESSELS OF FOREIGN COUNTRIES

Whereas the taking of fish by certain foreign countries off the shores of New England constitutes a serious economic threat to the fishing industry of the Commonwealth, an industry which has been the traditional life blood of our State's economy; and

Whereas the present territorial limitation as to fishing off the coast of the United States is totally inadequate to protect the fishing fleets of the Commonwealth from such irreparable loss, a situation which can be remedied by appropriate legislative enactment: Therefore be it

Resolved, That the Massachusetts Senate respectfully urges the Congress of the United States to enact legislation providing for a 200-hundred-mile offshore limit for taking fish off the New England coast by fishing vessels of foreign countries; and be it further

Resolved, That a copy of this resolution be transmitted forthwith by the State secretary to the President of the United States, to the Presiding Officer of each branch of

Congress, and to the Members thereof from the Commonwealth.

Adopted by the senate September 5, 1963.

THOMAS A. CHADWICK,
Clerk.

Attest:

KEVIN H. WHITE,
Secretary of the Commonwealth.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. JOHNSTON, from the Committee on Agriculture and Forestry, without amendment:

H.J. Res. 192. Joint resolution relating to the validity of certain rice acreage allotments for 1962 and prior crop years (Rept. No. 503).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. ELLENDER, from the Committee on Agriculture and Forestry:

George L. Mehren, of California, to be a member of the Board of Directors of the Commodity Credit Corporation.

BILLS INTRODUCED

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

By Mr. DIRKSEN:

S. 2151. A bill authorizing the Secretary of the Army to participate in the construction of a highway bridge across Carlyle Reservoir, Kaskaskia River, Ill.; to the Committee on Public Works.

By Mr. SMATHERS:

S. 2152. A bill to amend the Interstate Commerce Act, as amended, so as to strengthen and improve the national transportation system, and for other purposes; to the Committee on Commerce.

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

By Mr. CARLSON:

S. 2153. A bill for the relief of the Campbell Oil Co.; to the Committee on the Judiciary.

By Mr. LONG of Louisiana:

S. 2154. A bill to amend the Internal Revenue Code of 1954 to permit small mutual insurance companies and life insurance companies to be taxed on bond discount like other taxpayers; to the Committee on Finance.

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

PROPOSED LEGISLATION DESIGNED TO PREVENT ILLEGAL ACTIVITIES IN THE OPERATIONS OF MOTOR CARRIERS

Mr. SMATHERS. Mr. President, on September 15, 1961, at the time when I was chairman of the Surface Transportation Subcommittee, I introduced a bill designed to foster and encourage activity against illegal activities in the operations of motor carriers.

Introduction of the measure followed extensive hearings in that year which demonstrated that unlawful trucking had put great pressure on all modes of regulated common carriage and seriously threatened to undermine the ability of these carriers to serve the public.

The measure, S. 2560, 87th Congress, which became known as the "gray area bill," passed the Senate without dissent in the summer of 1962 but not the House.

Since that time, private industry and the Interstate Commerce Commission have vastly stepped up efforts to control and eliminate the trucker operating outside the law.

Two conferences of the American Trucking Associations, along with the Motor Freight Traffic Association, have established the Committee on Transportation Practices—COTP—to fight illegal transportation. By mid-August of this year, COTP was responsible for 33 formal complaints involving more than 1,000 individuals and business firms and more than a score of shipper associations. All have been charged with violations of the Interstate Commerce Act.

At another level, that of education, the Committee Against Unauthorized Transportation—CAUT—has underway a program to advise shippers and truckers of the legal responsibilities in this field. The program was recently characterized as "so successful that nobody reasonably can plead ignorance of the law to mitigate a violation." Furthermore, other trade associations are cooperating. The Manufacturing Chemists Association has published a brochure for its members—mostly shippers—entitled "Digest of Federal Laws and Regulations Governing Private Carriage in Interstate Commerce of Interest to the Chemical Industry."

In the foreword, the associations say illegal for-hire transportation has "mushroomed at an appalling rate in the last 10 years."

The Interstate Commerce Commission has similarly not been idle. In Traffic World, August 17, 1963, issue, we find the following:

In the 12-month period ended April 30, 1963, the ICC successfully concluded a total of 1,045 enforcement cases against motor carriers, including 895 court cases and 150 proceedings before the Commission. The 895 court proceedings represented an increase of 246 cases over the previous 12 months. In the fiscal year 1956, such cases totaled 312. The 895 court cases in the 12 months ended with April included 451 actions against gray area operations (resulting in a total of $359,000 in fines) in these categories: undisguised illegal transportation, 258; leasing subterfuge to create appearance of private carriage, 152; buy-and-sell operations to create appearance of private carriage, 9; subterfuge arrangements by shipper associations and alleged agricultural cooperatives, 10; and concession and rebate cases, 22.

Impressive as these efforts are, there is much more to be done. An assault is not a victory; and intensified enforcement activities and public education will only be the beginning of a never-ending battle unless there is also a sharpening and modernizing of the tools to be used.

Though no longer a member of the Commerce Committee, I have never lost my interest in transportation or in this vital aspect of our common carrier systems. I am, therefore, introducing for appropriate reference, a bill very similar to that which passed the Senate last year. The only change is in the first section of the bill and was submitted to the Congress in a letter from the Chairman of the Interstate Commerce Commission. I quote from that letter:

As you know, the Commission greatly appreciated the passage of S. 2560 by the Senate during the 87th Congress and the sincere efforts of your committee to improve generally our enforcement capabilities. As you know, however, the House counterpart of S. 2560 did not clear the Committee on Interstate and Foreign Commerce and it has been our understanding that the principal obstacle there was an objection which developed on the part of certain State officials to section 1 designed to attain uniform registration requirements of ICC certificates within the several States. The argument was advanced that this constituted Federal usurpation of power and derogation of States rights.

I thought it would be of interest to you and your committee to know that shortly after adjournment of the 87th Congress some of the more responsible State officials, led by Commissioner Walter McDonald of Georgia, prevailed upon the National Association of Railroad and Utilities Commissioners (NARUC) to designate an ad hoc committee of five State Commissioners with power to act and bind the States by redraft of the old section 1 of S. 2560 in order that it would not be opposed if further considered by the Congress. At this point early last fall, the TAA under the capable leadership of Harold Hammond as its president, offered to work with the States and the ICC in an effort to work out a section palatable to the States and not objectionable to any responsible interest. ATA was cooperative in this effort also. As a result, after a number of meetings and much friendly give and take, we were able to come up with something which at the request of Chairman HARRIS we recently transmitted to his committee.

In view of your interest in the general subject of better enforcement and uniformity, I felt we should report this development to you, and for that purpose enclose a copy of this redrafted section.

The other provisions are unchanged from the Senate-enacted bill. I ask unanimous consent that the section-by-section analysis from the report on S. 2560—Report No. 1588, 87th Congress, 1st session—covering the other four sections be printed at this point in my remarks.

There being no objection, the section-by-section analysis was ordered to be printed in the RECORD, as follows:

B. SECTION 2

Section 2 of S. 2560 would amend section 222(b) of the Interstate Commerce Act which provides for civil relief against any motor carrier or broker operating in violation of the provisions of part II of the Interstate Commerce Act. The first paragraph of the amended language would expand the existing section 222(h) which gives the Interstate Commerce Commission the authority to obtain the enforcement of its lawful rules, regulations, requirements, or orders, or the terms or conditions of any certificate or permit issued by it. The new language would authorize the inclusion as a party in any such action of any person or persons acting in concert or participating with any carrier or broker who is violating the law. Process is authorized to be served upon the violating motor carrier or broker or upon any person or persons acting with them without regard to the territorial limits of the district or of the State in which the proceeding is instituted.

The Interstate Commerce Commission has long requested the amendment of this sec-

tion to provide for such nationwide service of process. It is often necessary for the Commission to join as parties defendant shippers who use the services of motor carriers or brokers without authority under the law. Because of the territorial limitations on service of process in some cases the Commission has been unable to obtain service upon both the carrier and the shipper.

Paragraph 2 of this section is entirely new language which would enable any injured party to restrain any person unlawfully operating without a certificate, permit, or grant of temporary authority. The language of this section would limit the jurisdiction of the court to enforcement of the law in those cases in which the violation complained of was a "clear and patent" violation of any of the provisions of section 203(c), 206, 209, or 211 of part II of the Interstate Commerce Act, or any rule, regulation, requirement, or order thereunder. The words "clear and patent" are intended not as a measure of the burden of proof required, but rather as a standard of jurisdiction. No district court is to entertain any action except where the act complained of is openly and obviously for-hire motor carriage without authority under the sections enumerated above.

In order to insure that action is not brought prematurely, or that the court will be requested to rule in an area where applicability of the law is not clear, and to protect the responsibility and authority of the Commission as the primary agent for enforcing and carrying out the Motor Carrier Act, the language of this section would require that a copy of any application for relief by a private party shall be served upon the Commission and that the Commission may appear as of right and, if it deems necessary, it may request a dismissal of the action. Such dismissal if granted could be done without prejudice to any of the parties involved or to the Commission.

As a further protection and as a bar to harassing lawsuits, this measure also includes a provision for the posting of a bond and the recovery of reasonable attorney's fees where the action brought is not warranted by the facts and circumstances.

This section is intended to enable persons being injured by illegal operations to protect themselves against those who operate without any color of authority and who are outside of the exemptions provided for in the law. The language of the section is designed to make it clear that the courts would entertain only those suits which involve obvious attempts to circumvent operating regulation. All questions involving interpretation of the law would remain under the Commission's primary jurisdiction.

Injured persons may now seek injunctive relief under parts I, III, and IV of the Interstate Commerce Act, the Federal Aviation Act of 1958 (49 U.S.C.A., sec. 1487(a)), and the Communications Act of 1934 (47 U.S.C.A., sec. 401(b)). Thus the general form of direct relief which would be afforded by the proposed language is not new.

Your committee believes this language will provide an avenue by which many instances of flagrant violations could be halted promptly through an injunctive process instituted by the person being hurt. It will relieve the already overburdened personnel of the Commission of the necessity to handle obviously routine enforcement problems. It is looked at by the committee as an adjunct to the Commission's investigative and enforcement activities, as a supplement to the Commission's efforts, and not as a substitute for them.

C. SECTION 3

Section 3 of S. 2560 would amend section 222(h) of the Interstate Commerce Act, as amended, by including under the civil forfeiture provision any failure or refusal to comply with section 203(c), 206(a)(1), or 209(a)(1) relating to the need for certificates or permits to operate in the for-hire motor transportation business in interstate or foreign commerce, and any failure or refusal to comply with the safety regulations promulgated by the Commission. At the present time the forfeiture provision relates only to the failure or refusal to make reports, keep records, and the like.

The new language would increase the forfeiture provided for from $100 for each offense to not to exceed $200 for each offense, and in the case of a continuing violation from $50 for each offense, to not to exceed $100 for each offense after notice. The provision would also change the existing section by enabling the Commission to proceed on its own in the Federal courts rather than require the Commission to request action through the Department of Justice.

The language of this section was requested by the Interstate Commerce Commission for the purpose of increasing its ability to contain illegal operations being conducted by either regulated or unregulated carriers. This principle was also recommended in the President's transportation message. The Commission testified that such an amendment would be helpful in its efforts to eliminate unlawful and questionable leasing arrangements.

The inclusion under the civil forfeiture provision of this new material would enable the Commission to more directly attack those who operate without regard to the requirements of the law. It will relieve them of the necessity for preparing and prosecuting difficult criminal actions, and it should speed the process of bringing illegal operators to account.

The Commission is admonished, in view of the strong concern of the regulated motor carrier industry and the representatives of the legitimate exempt and bona fide private operations, not to direct its main efforts under the forfeiture provision as it relates to safety violations against those who in the normal course of their activities are in substantial compliance with the law or whose violation is of an unintended and minor nature. The language relating to safety violations is viewed as a necessary tool for the Commission's use in its war on illegal and unlawful operations.

The Commission in its own testimony on a number of occasions has brought out the good safety compliance record of those carriers who operate within the law. In the normal course of their activities and relations with these carriers the Commission already has sufficient authority to bring about compliance with the safety regulations.

Safety regulation compliance has been a problem with respect to those who do not otherwise comply with the law, and it is with a view to these operators that the language relating to the failure or refusal to comply with the rules promulgated by the Commission pursuant to section 204(a) (1), (2), (3), and (3a) is included in this section. In addition, your committee believes that the forfeiture provisions relating to continuing violations should not apply except in those cases where adequate notice has been given after the initial offense is discovered.

D. SECTION 4

Section 4 of the bill would remove the exemption of "used household goods" from the provisions of section 402(b) of the Interstate Commerce Act. In consequence of the removal of this exemption, the provisions of part IV of the Interstate Commerce Act become applicable to freight forwarders of used household goods, except as otherwise provided by section 4 of the bill.

The transportation by motor vehicle of used household goods in interstate commerce has been regulated since 1935. When the Freight Forwarder Act was passed in 1942, the preponderance of household goods shipments moved by motor common carrier. The volume of household goods forwarding at that time was too inconsequential to warrant legislation. In recent years, the development of containerization and its application to the transportation of used household goods has had a vast impact upon both the manner of shipment and competitive relationships within the industry. Today, a substantial volume of household goods shipments are handled by forwarders in so-called door-to-door container service. Instead of loading individual articles of furniture into a motorvan, transporting the shipment by motorvan to destination (or to a port in the case of an oversea shipment where the goods are packed into a sea van for water transportation) household goods shipments moving by this mode are packed or consolidated in a container in the home, forwarded by rail, motor, or water carrier to destination, then unpacked from the same container at destination. Use of the container mode has grown to the point where the preponderance of oversea shipments of used household goods are handled in this manner. Witnesses who supported this bill indicated that the container mode will be used with increasing frequency for purely domestic shipments as well.

With the advent of containerization, there has developed an industry of freight forwarders of used household goods who specialize in this mode and who have been successful in diverting considerable traffic from certificated motor common carriers of household goods. Such forwarders employ the services of regulated rail, motor, and water carriers and compete with motor common carriers of household goods with respect to rates and service. Regulation of this activity is, therefore, needed in the public interest.

In addition, persons who engage exclusively in forwarding of used household goods also function as forwarders of such shipments. Some carriers have initiated door-to-door container service as an adjunct to their carrier operations. Because the development of new techniques is changing the complexion of the household goods moving and forwarding industry, it is believed that the scheme of regulation to be imposed, particularly as regards entry into business, should not impede its natural growth and development. Witnesses representing all factions agreed that regulation of this activity should take account of the special nature of household goods forwarding and should be sufficiently flexible in respect of entry controls to assure that existing competitive relationships will not be disturbed.

Section 4(b) of the bill would amend section 406(g) of the Interstate Commerce Act to direct the Commission in prescribing regulations and practices of household goods forwarders to consider the similarities of service provided by motor carriers of household goods. This direction recognizes the close relationship between these two activities.

Section 4(c) of the bill would amend section 410 of the act to provide for the issuance of a permit to operate as a freight forwarder of used household goods to any person found by the Commission to be fit, willing, and able properly to perform the service proposed. Permits are to be of 1-year duration and renewable annually. Both original and renewal applications must be accompanied by a fee of $50. Neither a "grandfather" clause nor a finding of public need is deemed necessary for the effective regulation of this activity. Indeed, more stringent entry control would tend only to prefer those who have initiated token operations. Many persons have operated as freight forwarders of used household goods only sporadically, but unless they are allowed to qualify for a permit upon a showing of fitness, they will lose business to competitors and be unable to

serve their customers as they have in the past. Such a loss or redistribution of business is not intended.

Section 4(d) of the bill would amend section 410(c) of the act to enable a motor common carrier of household goods to qualify as a freight forwarder of used household goods. Since many such carriers are now functioning as forwarders, this provision is required to enable them to perform the same service they have in the past.

Section 4(e) of the bill would amend section 410(e) of the act to make the provisions of that section inapplicable to freight forwarders of used household goods. In order to afford forwarders of used household goods the flexibility which their operations require, permits to be issued should contain no territorial restrictions. This provision is intended to effectuate this objective.

Section 4(f) of the bill would amend section 411(c) of the Interstate Commerce Act to enable a motor common carrier or a director, officer, employee, or agent of such carrier to control, acquire control, or hold stock in a freight forwarder of used household goods. Again, this provision is needed to protect the position of carriers or carrier personnel who have acquired a stock interest in a freight forwarder of used household goods.

Section 4(g) of the bill would amend section 417(b) of the act to accomplish the same objectives as those outlined in the discussion of section 2 relating to the amendment of section 222(b) of the act.

E. SECTION 5

Section 5, recommended in the President's transportation message, would authorize the Interstate Commerce Commission to make agreements with States to cooperate in the enforcement of the economic or safety laws and regulations of the various States or of the Federal Government with respect to highway transportation. Of this provision the message stated:

"This law would be consistent with collateral efforts to develop and adopt uniform State registration laws for motor carriers operating within States but handling interstate commerce. The purpose of both of these efforts is to help eliminate unlawful trucking operations which abound because of diverse, ambiguous laws and practical limitations in enforcement."

Mr. SMATHERS. Mr. President, I fully appreciate and recognize that the Commerce Committee has had a busy session. I hope, however, that it will have a chance to give this important measure expeditious and favorable consideration.

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

The bill (S. 2152) to amend the Interstate Commerce Act, as amended, so as to strengthen and improve the National Transportation System, and for other purposes, was received, read twice by its title, and referred to the Committee on Commerce.

TAXATION OF SMALL MUTUAL AND LIFE INSURANCE COMPANIES ON BOND DISCOUNT

Mr. LONG of Louisiana. Mr. President, I introduce, for appropriate reference, a bill to amend the Internal Revenue Code of 1954 to permit small mutual insurance companies and life insurance companies to be taxed on bond discount like other taxpayers. I ask unanimous consent that an explanation of the bill, prepared by me, be printed in the RECORD.

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

The bill (S. 2154) to amend the Internal Revenue Code of 1954 to permit small mutual insurance companies and life insurance companies to be taxed on bond discount like other taxpayers, introduced by Mr. LONG of Louisiana, was received, read twice by its title, and referred to the Committee on Finance.

The explanation presented by Mr. LONG of Louisiana is as follows:

EXPLANATION OF AMENDMENT PROVIDING CAPITAL GAINS TREATMENT ON MARKET PROFITS REALIZED BY LIFE INSURANCE COMPANIES AND SMALL MUTUAL FIRE AND CASUALTY INSURANCE COMPANIES FROM THE PURCHASE OF BONDS AT LESS THAN PAR VALUE

Under present law, life insurance companies, and small mutual fire and casualty insurance companies are the only taxpayers denied capital gains treatment on market profits realized from bonds purchased at less than par value. This results because these taxpayers are required to accrue annually a pro-rata part of the difference between the par or face value of the bond and its lower purchase price. All other taxpayers report bond discount as capital gains when the bond is sold or redeemed. Until last year, medium, and large mutual fire and casualty insurance companies were also required to accrue bond discount, but this was changed by the Revenue Act of 1962.

On March 15 of this year, I introduced S. 1104 which eliminated the requirement for accruing discount on tax-exempt bonds only. S. 1104 was restricted to discount on municipal bonds so as to eliminate the necessity of litigating the question of whether amounts of accrued discount on tax-exempt bonds were to be treated as tax-exempt interest or fully taxable interest. This is an issue recently raised by an Internal Revenue ruling (Rev. Ruling 60–210), and should be resolved by legislation and not left for the courts to decide.

The litigation of this recently created issue would be expensive both to taxpayers and to the Government and involves only years after 1960, even though the statute requiring accrual of discount has been in existence since 1942. Prior to 1961, mutual fire and casualty insurance companies and life insurance companies consistently and uniformly treated the accrued discount on municipal bonds as tax-exempt interest.

S. 1104, by allowing capital gains treatment on municipal bond discount, would avoid this litigation by giving life insurance companies and small mutual fire and casualty insurance companies the same relief from Revenue Ruling 60–210 that was accorded to medium and large mutual fire and casualty insurance companies last year by the Revenue Act of 1962. Thus, all taxpayers to which Revenue Ruling 60–210 applied would be treated alike.

Since the introduction of S. 1104, I have had inquiries suggesting that I expand my proposal to also eliminate the requirement of accruing market discount on taxable bonds. It was pointed out to me that the original purpose of the provision requiring life insurance companies to accrue discount on bonds at the time it was first enacted in the Revenue Act of 1942 was to provide a means of taxing this type of capital gains since life insurance companies were not taxed on capital gains at that time.

This purpose is recognized in the Conference Committee Report of the Revenue Act of 1942 (77th Cong., 2d sess., H. Rept. 2586) where at page 53 the elimination by the Senate of the House provisions including capital gains and losses from income and deductions and the Senate addition of the provisions relating to amortization of bond premium and discount provisions were explained as follows: "Amendment No. 206. * * * Capital gains are excluded in the tax base, and amortization of bond premiums and accrual of bond discount is provided for."

Since the Life Insurance Company Income Tax Act of 1959, however, life insurance companies have been subjected to tax on their capital gains. Therefore, the original reason for requiring the accrual of discount on all bonds by life insurance companies no longer exists.

This bill, by eliminating the required accrual of market discount for all bonds, will correct a matter which was overlooked when the Life Insurance Company Income Tax Act of 1959 was enacted. Also, by providing similar treatment for small mutual fire and casualty insurance companies, it will correct an oversight in the Revenue Act of 1962 when the required accrual of bond discount was eliminated for medium and large mutual fire and casualty insurance companies but not for the smaller companies.

The bill applies to tax years beginning after December 31, 1962, the same effective date as is applied to medium and large mutual fire and casualty insurance companies by the Revenue Act of 1962.

I am informed that the annual revenue loss caused by the enactment of this bill will be less than $1 million, after taking into account the capital gains taxes that are ultimately due.

NUCLEAR TEST BAN TREATY—RESERVATIONS AND AMENDMENT

Mr. LONG of Louisiana. Mr. President, I submit a reservation, intended to be proposed by me, to the resolution of ratification of the treaty banning nuclear weapon tests in the atmosphere, in outer space, and underwater, and ask that it be printed. The reservation would assure that this Nation, under the treaty, would be permitted the use of atomic weapons in the event of warfare.

The VICE PRESIDENT. The reservation will be received, printed, and will lie on the table, as requested by the Senator from Louisiana.

Mr. MILLER. Mr. President, with respect to the pending resolution of ratification, I send to the desk an amendment and also a reservation, and ask that they be printed, and also that they be printed in the RECORD.

The PRESIDING OFFICER. The amendment and reservation will be received, printed, and will lie on the table, and, without objection, will be printed in the RECORD.

The amendment and reservation are as follows:

AMENDMENT

At the end of the resolution of ratification add the following new paragraph:

"Following ratification of the treaty by the Praesidium of the Supreme Soviet, the Secretary of the Senate is hereby instructed to return this Resolution to the President of the United States for appropriate action."

RESERVATION

Before the period at the end of the resolution of ratification insert a comma and the following: "subject to the reservation, which is hereby made a part and condition of the resolution of ratification, that the instrument of ratification of the treaty by the United States shall not be deposited as provided by paragraph 3 of article III thereof until the Union of Soviet Socialist Republics has paid all of its delinquent assessments to the United Nations".

NOTICE OF MOTION TO SUSPEND THE RULE—AMENDMENT OF DEPARTMENT OF AGRICULTURE AND RELATED AGENCIES APPROPRIATION BILL, 1964

Mr. LAUSCHE submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 6754) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1964, and for other purposes, the following amendment; namely:

On page 38, between lines 5 and 6, insert a new section as follows:

"SEC. 608. (a) The second sentence of section 4 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 904), is amended by striking out "and shall bear interest at the rate of 2 per centum per annum; interest rates on the unmatured and unpaid balance of any loans made pursuant to this section prior to the effective date of this amendment shall be adjusted to 2 per centum per annum, and the maturity date of any such loans may be readjusted to occur at a date not beyond thirty-five years from the date of such loan:", and inserting in lieu thereof the following: "and shall bear interest at a rate equal to the average rate of interest payable by the United States of America on its marketable obligations, having maturities of ten or more years, issued during the last preceding fiscal year in which any such obligations were issued and adjusted to the nearest one-eighth of one per centum:".

"(b) The third sentence of section 5 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 905), is amended by striking out "and shall be at a rate of interest of 2 per centum per annum; interest rates on the unmatured and unpaid balance of any loans made pursuant to this section prior to the effective date of this amendment shall be adjusted to 2 per centum per annum", and inserting in lieu thereof "and shall bear interest at a rate equal to the average rate of interest payable by the United States of America on its marketable obligations, having maturities of ten or more years, issued during the last preceding fiscal year in which any such obligations were issued and adjusted to the nearest one-eighth of one per centum".

"(c) The amendments made by this section shall be effective with respect to all loans made on and after the date of enactment of this Act."

Mr. LAUSCHE also submitted an amendment, intended to be proposed by him, to House bill 6754, making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1964, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

ADDITIONAL COSPONSORS OF BILLS

Mr. BOGGS. Mr. President, I ask unanimous consent that at the next printing of the bill (S. 108) making Columbus Day a legal holiday, the name of Mr. WILLIAMS of New Jersey be included as a cosponsor.

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

Mr. BOGGS. Mr. President, I also ask unanimous consent that at the next printing of the bill (S. 2115) to improve the balance-of-payments position of the United States by permitting the use of reserved foreign currencies in lieu of dollars for current expenditures, the name of Mr. DOMINICK be included as a cosponsor.

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

AID TO VIETNAM—ADDITIONAL COSPONSORS OF RESOLUTION

Mr. CHURCH. Mr. President, last Thursday I submitted a resolution (S. Res. 196) which provides that unless the Government of South Vietnam abandons policies of repression against its own people and makes a determined and effective effort to regain their support, military, and economic assistance to that Government should not be continued. I left the resolution on the table for a week until noon, Thursday, September 19, so that other Senators could join in cosponsorship. The latest Senators asking to cosponsor the resolution are the senior Senator from New Mexico [Mr. ANDERSON], the junior Senator from Maryland [Mr. BREWSTER], the junior Senator from New Hampshire [Mr. MCINTYRE], and the junior Senator from Tennessee [Mr. WALTERS].

I ask unanimous consent for their names to be added. This brings to 30 the number of Senators now sponsoring the resolution.

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

Mr. CHURCH. Mr. President, Arthur Krock of the New York Times is one of the most knowledgeable analysts of political affairs in Washington. In the New York Times of Tuesday, September 17, Mr. Krock has published a lucid article dealing with this resolution. In this excellent article, Mr. Krock calls for an open inquiry into the confusion surrounding the situation in South Vietnam, and concludes: "It is a high function of Congress to try to penetrate such confusions by objective and responsible inquiry."

Mr. President, I ask unanimous consent to have Mr. Krock's article printed at this point in the RECORD.

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

SOME MOVE AWAY FROM THE CONFUSION OVER VIETNAM

(By Arthur Krock)

WASHINGTON, September 16.—The strategic value of Senator CHURCH'S resolution to the administration's effort to get closer coordination from the Diem government of Vietnam is plain enough. The proposal by Senator CHURCH and 25 other Senators to cut off economic and military aid until or unless Diem promptly abandons certain practices and policies of which they adjudge him to be guilty can be impressively cited by President Kennedy as proof of great danger that Congress will do just that.

But the resolution also opens the way to a thorough appraisal of the conflicting reports from Saigon and the shifting acts and policies of Washington from which a firm public opinion and policy will emerge. For the resolution is pertinent to the Senate committee hearings which will influence the decision Congress soon will make as to the amounts and allocations of the funds it will appropriate for foreign aid.

BASIS FOR PROBE

The Senate Committee on Foreign Relations, though actual appropriation and distribution of money is the function of another committee, has jurisdiction over such proposals as the Church resolution. Senator KEATING, who has proposed a Senate inquiry into the true situation in Vietnam, would, he explained today, have the inquiry conducted by this committee in connection with the upcoming legislation of funds for foreign aid. Since the Church resolution is pertinent to the legislation, it could provide a specific basis for the inquiry when it is referred to Foreign Relations. This, by automatic procedure, will be one week after its introduction last Thursday.

Meanwhile, the resolution is serving as a psychological experiment. And, according to Senator CHURCH today, that is going well. He told the Senate the weekend had brought "the first encouraging reports to come out of Vietnam in many weeks," citing the lifting of the press censorship and martial law in Saigon, the rescheduling of legislative elections and the release of imprisoned Buddhist priests.

But, since even these actions are being disputed as mere superficial and transient tokens of reforms by the Diem regime, the thorough inquiry proposed by Senator KEATING is still highly desirable. And the Foreign Relations Committee again demonstrated, in its hearings on the test ban treaty, the objectivity which an evaluation of the situation in Vietnam requires. In at least the preliminary stages of such an inquiry, executive sessions are indicated. That is not only because of the variance of press dispatches and official statements, touching the same incidents on the same day in Vietnam and in Washington, but because of the factors of national security and conflicting official jurisdictions that would be involved.

Congress, for example, has the constitutional right and duty of thorough inquiry. But the Executive has frequently and successfully asserted to power to forbid testimony sought by Congress on the ground that it would infringe essentially confidential intra-Executive relations. In an open inquiry into the situation in Vietnam this restriction would properly have to be invoked to the full.

THE CLOUDED SITUATION

But in closed session, with the Executive support it merits, the Foreign Relations Committee could clarify the origins and facts of certain disputed acts and policies at issue between Saigon and Washington in the war against the Vietcong, and in Diem's internal programs. This clarification could then be generalized as a guide to legislation, and to an informed public judgment which is now impossible to reach.

The murk of controversy conceals materials for sound congressional and public judgment on such disputed matters as these: the timing of the replacement of Ambassador Nolting, and the consequent gap in U.S. intelligence of which one illustration was the unanticipated Diem attack on the Buddhist pagodas; the military value of the strategic hamlets system; the actual prospect of winning or losing the war; the true extent to which the activities of the small Buddhist central committee and the immolations reflect the state of the Buddhist population as a whole under Diem.

It is a high function of Congress to try to penetrate such confusions by objective and responsible inquiry.

LET US HAVE THE FACTS ON SOUTH VIETNAM

Mr. KEATING. Mr. President, as has been indicated by the distinguished Senator from Idaho who preceded me, for some months the American people have been asking with increasing frequency "What is going on in South Vietnam?"

The answers have been coming in too, with increasing frequency, from Washington, from Saigon, from the United Nations. even from Paris, from military men, from civilians, from intelligence information, and foreign aid specialists. The only trouble is the answers are all different.

Now the Senate is to be faced with a resolution, which perhaps has the behind-the-scenes blessing of the State Department, favoring, though not requiring, the discontinuance of aid until the Government abandons its policies of repression. What the resolution amounts to is a warning to the present regime, which we have been warning for the last 10 years, that it had better do a more successful job of winning the loyalty of its own people before it tries to count on the support of others.

But the real question in South Vietnam—the question which has been evaded, not only by this administration, but also by previous ones—is this: Is the Diem government, or perhaps it should be called the Nhu government, the only alternative to communism in South Vietnam? I do not know myself, and I seriously doubt whether there is any other Member of the Senate who has today sufficient information to make a responsible judgment on that question.

For the last year we have heard the most optimistic reports from Government officials: "We are defeating the guerrillas, by our strategic hamlet policy, by our aid program, by strengthening the South Vietnamese Army, by training special forces." Yet now we learn that whole provinces of South Vietnam are so infiltrated with Communists that our forces end up baby sitting with Communist guerrilla families while they are out terrorizing other villages. Now we learn that whole cities can be easily overrun by these guerrilla forces. Now we learn that the special forces are being used to silence internal opposition, whether political or religious, and not to fight the Viet Cong at all. Now we learn that modern effective weapons are flowing to the guerrillas. Now, all of a sudden, the situation is turned upside down and voices are warning that the war will be lost in 2 years unless the present regime is replaced.

What is the truth of the matter? And how can the Senate act responsibly on any amendment to the foreign aid bill without adequate information? What is needed is not an amendment tacitly backed by the executive branch that can win majority support without discussion, but rather a full fledged study both in executive and perhaps in open hearings, so that the Members of the Senate and the rest of the country will have some way of finding out what is going on and what our policy is.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. KEATING. Mr. President, I ask for 2 additional minutes.

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

Mr. KEATING. Mr. President, I sincerely hope this amendment will not become a smokescreen to prevent full information and disclosure on the South Vietnamese situation, but rather will be the occasion and opportunity for an objective and responsible inquiry.

The Senator from Idaho has asked and received unanimous consent to have printed in the RECORD the recent column by Journalist Arthur Krock. It had been my intention to do so, but that will not be necessary since it will appear immediately preceding my remarks. But, as Mr. Krock said:

> The murk of controversy conceals materials for sound congressional and public judgment.

It is to be hoped that the resolution which the Senator from Idaho has offered with the backing of a large number of Senators will lead to such an inquiry rather than forestall it. The Senate and the country will welcome a chance to learn the facts.

AWARDS BY AMERICAN POLITICAL SCIENCE ASSOCIATION TO TWO SENATORS AND TWO REPRESENTATIVES

Mr. MANSFIELD. Mr. President, this Congress, like the many which have preceded it, has not lacked its critics. No matter how hard or long its Members work, their public rewards are more often than not brickbats, rather than praise. So, naturally, all of us view with pleasure any statements of appreciation for the service and devotion to duty of our colleagues. One such occasion came the other night in New York City, when four Members were awarded by the American Political Science Association the Congressional Distinguished Service Awards for 1963.

Each year these bipartisan awards are given to two outstanding Members of both Houses. I am especially pleased to inform my colleagues that this year's winners included the Senator from New Mexico [Mr. ANDERSON] and the Senator from Massachusetts [Mr. SALTONSTALL]. I know of no Members of this body who are more deserving of this high honor, and I am sure I speak for all Senators when I extend to them our sincere congratulations.

Likewise, Mr. President, I commend the association's choice of its House winners—Representatives GEORGE H. MAHON, of Texas, and THOMAS B. CURTIS, of Missouri.

Let me quote briefly from the awards given to the two Senators.

The citation awarded Senator ANDERSON reads in part as follows:

> CLINTON ANDERSON consistently looks beyond the immediate necessities of policy, considering foremost the prospects for future generations. Pursuing a wide range of legislative interests, he has demonstrated a deep reverence for life and an abiding faith in the American system.

An excerpt from the citation awarded Senator SALTONSTALL reads as follows:

> Extremely successful in finding common ground on which advocates of divergent viewpoints can stand, LEVERETT SALTONSTALL is particularly effective in conference committee and executive committee sessions. Unpretentious, moderate, and reasonable in approach, he is respected by his colleagues in both parties. A committee man rather than an orator, he disdains publicity in favor of quiet service to his State and Nation.

Mr. President, I applaud this effort by the American Political Science Association to call to the attention of political scientists and the public at large the outstanding contributions made by these men to public service. This is the third time the association has presented the awards, which were established by former Senator William Benton, of Connecticut. Prior awards in 1959 and 1961 went to Senator HUMPHREY—who, incidentally, gave the principal speech at the award dinner—Senator AIKEN, Senator DOUGLAS, and Senator JOHN WILLIAMS.

I ask unanimous consent, Mr. President, that copies of several documents pertaining to the award ceremonies—including an editorial published in the Washington Evening Star of September 13—be printed in the RECORD.

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

TWO SENATORS, TWO REPRESENTATIVES HONORED FOR DISTINGUISHED CONGRESSIONAL SERVICE

NEW YORK.—A Republican and a Democrat from each House of the U.S. Congress tonight were named recipients of the American Political Science Association's 1963 Congressional Distinguished Service Awards.

The winners, honored for service during the 87th Congress (1961–62) are: Senators CLINTON P. ANDERSON, Democrat, of New Mexico, and LEVERETT SALTONSTALL, Republican, of Massachusetts, and Representatives THOMAS B. CURTIS, Republican, of Missouri, and GEORGE H. MAHON, Democrat, of Texas.

Presentation of the awards was a highlight of the association's 59th annual meeting, which opened here September 3 and closes September 8. Their purpose is to call attention to effective legislative service which might otherwise go unnoticed, thus dramatizing the role of free elections in bringing into public life individuals of high abilities and varied talents.

The speaker for the awards ceremony was Senator HUBERT H. HUMPHREY, Democrat, of Minnesota, a previous winner. Other recipients have been Senators GEORGE AIKEN, Republican, of Vermont, PAUL DOUGLAS, Democrat, of Illinois, and JOHN WILLIAMS, Republican, of Delaware, and Representatives CARL VINSON, Democrat, of Georgia, KENNETH KEATING, now a Senator, Republican, of New York, RICHARD BOLLING, Democrat, of Missouri, and GERALD R. FORD, JR., Republican, of Michigan.

The awards are made possible by a grant from the William Benton Foundation. This year's selection committee was made up of Dr. Max Kampelman, association treasurer; Prof. Harold D. Lasswell, Yale Law School; President John W. Lederle, University of Massachusetts; President James W. Miller, Western Michigan University; President John D. Millett, Miami University, Oxford, Ohio, and President Harold W. Stoke, Queens College, Flushing, N.Y.

CONGRESSIONAL DISTINGUISHED SERVICE, 1963, AWARD OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION—SENATOR CLINTON P. ANDERSON

Resolute and effective in advancing causes in which he believes deeply, CLINTON P. ANDERSON consistently looks beyond the immediate necessities of policy, considering foremost the prospects for future generations.

Pursuing a wide range of legislative interests, he has demonstrated a deep reverence for life and an abiding faith in the American system. He is an eloquent and

persuasive leader in the struggle for conservation—wise use, not misuse—of the Nation's resources. Intimately involved in the complex and increasingly important relationship between Government and science, he plays a leading role in the careful development of atomic energy and in the advancement of knowledge about space. Without regard for his own health, he champions vigorously the cause of medical care for the Nation's aged.

The American Political Science Association takes great pleasure in presenting this Congressional Distinguished Service Award to CLINTON P. ANDERSON, Democrat of New Mexico—versatile of intellect, progressive committee chairman, and a dedicated public servant who for more than a quarter of a century has been building for those who will follow.

THE 1963 CONGRESSIONAL DISTINGUISHED SERVICE AWARD OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION—SENATOR LEVERETT SALTONSTALL

Extremely successful in finding common ground on which advocates of divergent viewpoints can stand, LEVERETT SALTONSTALL is particularly effectively in conference committee and executive committee sessions.

Unpretentious, moderate, and reasonable in approach, he is respected by his colleagues in both parties. A committee man rather than an orator, he disdains publicity in favor of quiet service to his State and Nation. He is cautious about extending Federal authority at the expense of the States and is a jealous defender of individual freedom and initiative. A party leader, he nonetheless has achieved a reputation for placing the national interest above partisan considerations, serving as an influential symbol of bipartisan cooperation in foreign affairs.

The American Political Science Association takes great pleasure in presenting this Congressional Distinguished Service Award to LEVERETT SALTONSTALL, Republican, of Massachusetts—party leader, successful mediator, and legislator, whose conscientious committee work has contributed significantly to the Nation's welfare.

CONGRESSIONAL DISTINGUISHED SERVICE, 1963, AWARD OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION—REPRESENTATIVE GEORGE H. MAHON

Discharging with quiet distinction one of the Congress' most difficult and important tasks, GEORGE H. MAHON exemplifies the best traditions of legislative service.

Under his guidance, $1 billion a week flows from the Capitol to the Pentagon. His zealous concern for the national defense is tempered by concern for the Nation's economy. His respect and friendship for the Military Establishment is tempered by a commitment to civilian control. Sympathetic to every proof that more money is needed for military security, his questions and relentless demands for facts are quieted only by proof. An acknowledged expert in his field, he commands the attention and respect of all his colleagues.

The American Political Science Association takes great pleasure in presenting this Congressional Distinguished Service Award to GEORGE H. MAHON, Democrat of Texas—soft-spoken, hard working, and with a soundness of judgment and steadiness of purpose that have made his legislative career an outstanding example of dedicated public service.

CONGRESSIONAL DISTINGUISHED SERVICE, 1963, AWARD OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION—REPRESENTATIVE THOMAS B. CURTIS

With selfless tenacity, with a love of hearty debate, and with an honesty and sincerity that have won him the respect of his colleagues, THOMAS B. CURTIS seeks to maintain the vitality of the Congress and of his party.

By articulating and advancing policy alternatives, he has elevated the discussion of economic issues in the Congress and elsewhere. Joining in a bipartisan effort, he worked energetically for enactment of trade legislation consistent with this Nation's role in international affairs. He speaks with a compelling voice in the development of his party's approach to the problem of full employment in a rapidly automating economy. A student of Congress, he is in the forefront among his colleagues in working for alteration of rules and procedures to meet the needs of a changing society in a changing world.

The American Political Science Association takes great pleasure in presenting this Congressional Distinguished Service Award to THOMAS B. CURTIS, Republican of Missouri—respected advocate, courageous individualist, and diligent legislator whose service is in the finest tradition of constructive conservatism.

SPEECH OF JOHN D. MILLETT, PRESIDENT OF MIAMI UNIVERSITY, OXFORD, OHIO, AND CHAIRMAN OF CONGRESSIONAL DISTINGUISHED SERVICE AWARD COMMITTEE, AT PRESENTATION CEREMONY, FRIDAY, SEPTEMBER 6

In 1955 former Senator William Benton of Connecticut proposed that the American Political Science Association, as an organization of scholars interested in government from an objective, nonpartisan point of view, undertake to select certain individuals who deserved special recognition for distinguished service in the Congress of the United States. After some consideration, the officials of the association decided to accept this challenge and to undertake to select and present an appropriate award for outstanding congressional service.

The first Congressional Distinguished Service Awards were presented to four Members of the Congress at the annual meeting of this association in 1959. The second presentation was made at the annual meeting of 1961. This is the third time when the American Political Science Association has undertaken to present Congressional Distinguished Service Awards.

The purpose of these awards is to call attention in a dramatic way to the vital importance of the Legislature as an institution of American Government. More and more, over the years, political leadership in American political life has fallen upon the Executive. Yet in the process of an emerging Executive leadership, the Legislature in our system of government retains its position of power. In America it may be that it is the Executive who proposes, but it is the Legislature which disposes of legislation in the public interest. The role of the Legislature is crucial in maintaining the values and the processes of a free society.

Through these awards our association honors legislators for service competently, carefully, faithfully, and responsibly performed. Service of distinction in the Congress may be performed in many ways. Some legislators may command headlines and television appearances, receiving popular acclaim. On other occasions the service of a legislator may attract little public attention and yet be of inestimable worth to the Nation. It is the hope of our association that these awards will stimulate a broader public appreciation of the high talents and varied abilities which Members of the Congress bring to their deliberations. The Congress of the United States offers a wider scope to the capacities of its Members than any other legislative body in the world.

In choosing recipients for these awards, the selection committee has been aware especially of four criteria:

(1) Devotion to the public welfare combined with a fine grasp of the skills required of the legislator;

(2) High competence measured in terms of effectiveness and concrete accomplishment;

(3) Constructive imagination, hardheaded acumen, and a capacity to formulate and advance objectives of national policy while remaining mindful of the constituents back home;

(4) The respect of colleagues based upon day-to-day contacts that reveal the true worth of the individual.

The Congressional Distinguished Service Awards by the American Political Science Association are made possible by a gift from the William Benton Foundation. In accordance with the terms of the gift and the traditions of this association, the awards are made to four persons, two Senators and two Members of the House of Representatives, two members of the Democratic Party and two members of the Republican Party. Let me add the observation that the association can take pride in the selections of the past two occasions, and we believe equal pride may result from these selections announced tonight. The process of selection is not a simple one. There are many Members of the Congress who render distinguished service. This fact, although embarrassing to the selection committee, should be a cause of rejoicing for our Republic.

The award itself is a desk set of bronze, mounted on a marble base, created by one of our members, Pendleton Herring, and executed by a well-known New York sculptor, Ralph Menconi. The design consists of an open book upon which is inscribed the closing words of Lincoln's Gettysburg Address: "That government of the people, by the people, and for the people shall not perish from the earth." The open book is imprinted. In a free society lawmaking is performed as the responsible expression of the popular will open to the public view. This open book rests upon a legal roll symbolic of the Bill of Rights. The three sides of the book present a voting box, legislative debate, and appeal to the voters who elect our legislators.

The red marble base is intended to memorialize the blood of patriots, and a tree rising from the base is the tree of liberty nourished by such blood. Finally, there is an elephant on one side and a donkey on the other, representing the two parties of which the recipients are members and reminding all of us of the bipartisan nature of the recognition here afforded. If the donkey and the elephant seem to be lying down, it is purely for the moment only and for the occasion of this award.

The awards this evening are made to four Members of the Congress of the United States primarily for service rendered in the biennium 1961–62, the 87th Congress. On behalf of the selection committee and in the name of the American Political Science Association, it gives me great pleasure to present these four Congressional Distinguished Service Awards of 1963. In alphabetical order, the recipients are: Senator CLINTON P. ANDERSON, Representative THOMAS B. CURTIS, Representative GEORGE H. MAHON, and Senator LEVERETT SALTONSTALL.

THE CONGRESSIONAL DISTINGUISHED SERVICE AWARDS

The Congressional Distinguished Service Awards of the American Political Science Association are presented at the annual meeting of the association in each odd numbered year: one to a Democrat and one to a Republican in each House. They are made possible by a grant from the William Benton Foundation.

The purpose of the awards is to honor legislators for distinguished congressional service and to dramatize the crucial role of

a freely elected legislative body in maintaining the values and processes of our democratic society.

Service of distinction in the Congress can be performed in many ways: some services win popular acclaim; other duties are fulfilled which attract little recognition on the part of the general public but may be of even greater value to the Nation.

It is the hope of the association that these awards for distinguished congressional service will stimulate a keener public appreciation that our free elective system produces in Congress Members of high abilities and varied talents. Moreover, Congress offers a wider scope to the capacities of its Members than any other lawmaking body in the world. Therein lies the source of its strength and character.

In making the awards, factors that weigh heavily are:

1. Devotion to the public welfare joined with a firm grasp of the skills required of a lawmaker;

2. High competence measured in terms of effectiveness and concrete accomplishment;

3. Constructive imagination, hardheaded acumen and a capacity to formulate and advance objectives of national policy and yet be mindful of the welfare of constituents back home, and finally;

4. The respect of colleagues based on the day-to-day contacts that reveal the true worth of the individual.

Both Houses of Congress have many Members who meet these qualifications. It is hoped that the awards presented every 2 years will call attention to the important and dedicated service rendered not only by those to whom these awards are given but also to the many Members of Congress who share the qualities for which the awards are made.

[From the Washington Evening Star, Sept. 13, 1963]

CONGRESSIONAL HONORS

Kicking Congress around is an old American sport and one which has reached new popularity this year. The humorists and the reformers have all been working over their favorite targets on Capitol Hill.

It is refreshing—and genuinely useful—for the American Political Science Association to break into this chorus of catcalls and jeers to honor several Members of Congress with Distinguished Service Awards.

The biennial honors were presented last Friday to Senator CLINTON P. ANDERSON, Democrat of New Mexico, Senator LEVERETT SALTONSTALL, Republican of Massachusetts, Representative GEORGE H. MAHON, Democrat of Texas, and Representative THOMAS B. CURTIS, Republican of Missouri.

We join the political scientists in saluting them. The variety of their political views and their styles of operation bear out one theme of the awards: That Congress offers scope to men of many talents. Senator ANDERSON has been as aggressive in pushing the causes in which he believes as Senator SALTONSTALL has been skillful in contriving the compromises that permit leigslation to go forward. Representative MAHON, the chairman of the Defense Appropriations Subcommittee, is a symbol of dogged, effective committee work. Representative CURTIS has become perhaps the leading champion of effective floor debate.

The Congressional Distinguished Service Awards were suggested by former Senator William Benton of Connecticut, not just to honor individual lawmakers but to dramatize the crucial role of a freely elected legislative body in maintaining the values and processes of our democratic society.

We share with Mr. Benton and the American Political Science Association the view that recognition, not ridicule, is more likely to inspire Members of Congress to fulfill the responsibility the Founding Fathers laid upon them.

ADDRESS BY SENATOR HUMPHREY BEFORE AMERICAN POLITICAL SCIENCE ASSOCIATION

Mr. MANSFIELD. Mr. President, I call attention to another speech delivered at the American Political Science Association convention; I refer to the principal address, given by the distinguished deputy majority leader of the Senate, the Senator from Minnesota, Mr. HUMPHREY.

In his speech entitled "The Role of Congress in the American Political System," Senator HUMPHREY made an illuminating comparison between the challenges which beset the 63d Congress of 1913–1915 and those which confront us today. The earlier Congress, after months of public criticism of dawdling and equivocating, passed such historic legislative landmarks as the Underwood Tariff Act, the Federal Reserve Act, the Clayton Antitrust Act, and the Federal Trade Commission Act. The senior Senator from Minnesota then expressed the conviction that the 88th Congress, in spite of similar criticism, will meet the historic challenges facing it, by enacting legislation of equally far-reaching importance.

Mr. President, I ask unanimous consent that Senator HUMPHREY's speech be printed at this point in the RECORD.

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

THE ROLE OF CONGRESS IN THE AMERICAN POLITICAL SYSTEM

(Remarks by Senator HUBERT H. HUMPHREY before the 59th annual meeting of the American Political Science Association, September 6, 1963, New York City)

Mr. Chairman, my good friend and advisor, Max Kampelman, President Friedrich, President-elect Pritchett, and my good friend and fellow Minnesotan, Evron Kirkpatrick, my colleagues from Capitol Hill, and fellow members of the American Political Science Association. It is indeed an honor, privilege, and, I might add, a surprise to participate in this ceremony to announce the four recipients of the Congressional Distinguished Service Awards for the 87th Congress. I say "surprise" because, as some of you may recall, I was also scheduled to perform a similar function 2 years ago in St. Louis when the awards for the 86th Congress were presented.

At the last moment my bill to establish the Arms Control and Disarmament Agency was called up for action and I had to send my regrets and Max Kampelman. But Max Kampelman performed what had already become for him a most accustomed role—namely, filling in for HUBERT HUMPHREY. Reports have it that he delivered a magnificent address on the role of Congress in the American political system—remarks which I take credit for because I taught him his politics.

I noticed in the press that Governor Rockefeller addressed your annual meeting. I also recognized it to be a rather partisan address. Now, as a member of the association, I realize that this occasion should be nonpartisan and I shall abide by the ground rules, at least to a degree.

Having professed my innocence, let me now proceed with a partisan comment. Governor Rockefeller and Senator HUMPHREY have something in common. Neither of us got to be President in 1960 and neither of us will be elected President in 1964. It is this sort of bipartisan understanding that makes American politics so interesting, and, at times, so sad.

I am particularly pleased to participate in this biannual ceremony when the congressional distinguished service awards are presented to the four outstanding House and Senate Members. Our former colleague from Connecticut—the Honorable William Benton—has graciously and generously provided the association with the resources and imagination which make these awards possible. Bill Benton took the initiative, a well-known characteristic of this outstanding American, because he believed, as I believe, that Congress has a vital role to play in the governing of this Nation. He believed, as I believe that outstanding service in our national legislature should not go unrewarded and unrecognized. He believed, as I believe, that while the role of Congress has undergone profound transformations since the Founding Fathers drafted article I of the Constitution in the spring and summer of 1787, the fate of the Nation is as much dependent upon the decision of Congress today as it was then. In fact, as the problems and responsibilities of government have grown, the duties assigned to the Congress have steadily expanded.

Certain sophisticates make a profession of scoffing at the notion of the separated powers, implying that Congress has been left behind by the sweep of present-day events and challenges. Speaking as one who has frequently criticized many aspects of congressional organization and procedures, I nevertheless must also stand up and be counted as one who sees the legislative process as embodying the heart and soul of American politics.

Democratic government has never been easy. This is why so few nations have been successful at it for any sustained period of time. It is, so to speak, "a glorious misery." I believe it was Winston Churchill who said, "Democracy is the worst possible form of government except all others." It is the system which is always supposed to be on the verge of failing, always there with too little, too late. The same is said of Congress. And yet, at least in this Nation, the "glorious misery" is still with us. So is Congress.

Certainly we do not lack for critics. Several months ago a well known speaker, writer, and religious leader, Dr. Norman Vincent Peale, had a grand time taking politicians to task, particularly those elected to Congress. Let me quote several of his remarks, as reported by the Associated Press:

"If in the future I get within gunshot of a politician, it'll be because I don't know it," this religious leader announced.

He continued: "Taking them (politicians) by and large as a breed, they leave me cold. You wonder how the country survives with these men.

"The fact that God watches over us saves us from most of these fellows. I used to think a Governor or a Senator was a great man, but I long since got over it. He's just cleverer than the next guy, that's all," he concluded.

Now, as a politician, my hide is pretty tough, hardened as it were to the slings and arrows launched for the most part, it seems to me, by the outraged fortunate. But frankly, I would hope that all American political and spiritual spokesmen would also acknowledge the critical role which elected representatives perform in our system of government. In a democracy such as ours the elected representatives, "the politician," has the heavy responsibility of making the decisions which determine how this country will function from day-to-day and from year-to-year.

To the ancient Greeks, "politics" meant "the science and art of government." A politician was, therefore, a scientist, an artist, in government, in the affairs of the

state, in meeting human needs, in providing order and continuity for his people. The state, of course, is not self-operating. No matter how satisfactory our Constitution is, no matter how advanced our computers become, human beings are and will be required to practice the art of government. Heaven knows some of the practitioners leave something to be desired; but most of them I know spend their time honestly and faithfully trying to make right decisions in a world whose complexity seems more profound every morning.

This is a difficult and demanding task. The character of the persons selected to make these decisions reflect, in large measure, the character of the people they represent.

Is "politician" such a nasty word in our vocabulary? Thomas Jefferson was a politician, so was Andrew Jackson, Abraham Lincoln, Grover Cleveland, Teddy Roosevelt, Woodrow Wilson, Calvin Coolidge, Herbert Hoover, Franklin Roosevelt, Harry Truman, Dwight Eisenhower, and John Kennedy. Must we always reserve the appellation of "statesman" for the politicians of whom we approve, never to admit the simple truth that most statesmen are also politicians?

Fellow political scientists, I am sure you will be interested in several excerpts from a letter which the president of this association, Prof. Carl Friedrich, wrote in response to the attack on politicians which I have just quoted.

To quote from Dr. Friedrich's letter: "It is, of course, a conventional pastime of the 'man in the street' to work off his frustrations by such abuse. But in these times when constitutional democracy in general, and our American Republic in particular, are confronted with the totalitarian challenge to representative government, such reckless misrepresentation of the plain facts ought not to go unanswered.

"Let me then stand up and be counted as one who believes that the large majority of the men serving in the Senate and House of Representatives are dedicated public servants. It has been my privilege as a lifelong student of politics to be personally acquainted with quite a few of these men. I have no hesitation in saying that I have found them men of intelligence, courage, and integrity, and what is perhaps even more important: very hard working."

Speaking for all politicians everywhere, we rise up and thank President Friedrich for this unsolicited endorsement. There is nothing quite like flattery to restore and revive the tired politician. And tonight I feel great.

But we all know the allegation that Congress never gets anything done. Let me quote several news dispatches from the pages of the New York Times.

An outraged member of the Republican Party was quoted as saying, "I will further add that I think it is rather a spectacle, after Congress has been kept in session late in the summer during the past 5 or 6 years, when everybody is tired out, and a great many Senators are absent and more will be absent, for the purposes of considering a measure which I think I am safe in saying no considerable portion of the Senate believes will be enacted into law at this session of Congress."

A related story in the Times noted that, "The President had his jaw set hard today when he let it be known that there was no truth in reports that he had decided to abandon his legislative program. On the contrary, said the President, he intended to push the legislation despite the determined opposition in Congress."

During July the Times printed a dispatch which read, "The Senate has settled down to the serious task of passing the bill as soon as possible and then adjourning. But by August, the tune had already changed." The Times reported, "Congress intends to adjourn October 15 if conditions justify it." The Senate whip, himself, was quoted as saying, "I have to get a general idea of what the Members think on certain subjects. Sometimes I miss the mark a little. This time I know what I am talking about. There will be a recess after the vote on October 16 or 17."

With these news reports the New York Times described the trials and agonies of not the 88th Congress but the 63d Congress as it struggled to enact the historic legislative program proposed by a former president of this association and then President of the United States, Woodrow Wilson.

As scholars and political scientists, we now look back to the 63d Congress of 1913–15 as the golden age of congressional responsibility and accomplishment. Here one Congress recorded such historic legislative achievements as the Underwood tariff, the Federal Reserve Act, the Clayton Antitrust Act, and the Federal Trade Commission Act. Such radical devices of party responsibility as the binding caucus were used by the Democrats in both Houses. President Wilson literally carried his program to Capitol Hill by reviving the long abandoned and almost forgotten practice of delivering the State of the Union address in person.

"A speech from the throne," muttered incensed lawmakers on both sides of the aisle. However, the speech was so successful that President Wilson, while driving back to the White House after addressing the packed joint session, gleefully exclaimed: "I'll bet T.R. wishes he had thought of this."

Yet, if one looks at the day-to-day events which produced the grand accomplishments of the 63d Congress, one is startled to find the similarity with conditions we associate with our present situation; namely, stalemate, frustration, revolt, and turmoil. But in discovering these similarities we also begin to appreciate the realities of the legislative process.

As assistant majority leader I can also appreciate the plaintive words of the Senate majority leader in the 63d Congress, Senator John Worth Kern, of Indiana, as he surveyed an almost empty Senate Chamber:

"At this time there is not a quorum in the city. There may be a quorum on Monday * * * but at this time there is no use in going through the idle ceremony of meeting here when there is not a quorum in attendance." Senator Henry Ashurst, of Arizona, his antagonist in this colloquy, snarled in reply: "I join with those who say we ought not to pingpong about from Thursday to Monday, then from Monday to Thursday. Let us diligently take up subjects of legislation and treat them as they should be treated, or have the nerve and pluck to adjourn."

If Senator Kern had the nerve and pluck as Senator Ashurst described, the magnificent record of the 63d Congress would never have been compiled. The Nation would never have reaped the abundant harvest of the new freedom. Senator Kern didn't adjourn; he stayed.

I cite these anecdotes about the 63d Congress to suggest that legislating has never been an easy, orderly task, and never will be. As the four recipients of the congressional Distinguished Service Award know so well, the legislative process is a tedious, demanding, frustrating, and harsh taskmaster.

If you want to wear yourself out, just run for Congress and win.

As the crises of our time accelerate the tendency toward decisionmaking solely by the executive branch of the Government, it becomes increasingly important, in my opinion, for Congress to participate more actively in these decisions. The Congress is the public forum. It is the voice of the people.

Like it or not, there are 190 million persons represented on Capitol Hill. Who is so brash and foolish to claim the total omnipotence of one group or section of these people over another?

For our democratic system to remain healthy and vital in the demanding years ahead, we must reach decisions that reflect the entire Nation. Congress must provide itself with the institutional tools to become more of a participant and less of an observer in the formulation of long-term foreign and domestic policy. I have proposed the creation of joint committees in the area of national security policy and international trade which would permit precisely such congressional participation. There are other areas, such as appropriations, which should be reexamined for possible procedural reform.

In the final analysis, the fundamental criterion by which to judge the operations of Congress is, in my opinion, whether or not Congress is seeking to resolve the truly critical issues of the day. To illustrate, let me return briefly to the 63d Congress. Why did this Congress, as opposed to the 60th, 61st, or 62d, go down in history as one of this Nation's greatest? The answer is clear: the 63d Congress hammered out solutions to the truly critical problems which gripped the Nation, the problems of business responsibility in the 20th century, the problem of trade with foreign nations, and the problem of a banking system designed to meet the needs of an industrialized society. Nothing was of greater importance in those years. Nothing could have warranted higher priority on the congressional agenda.

The responsible Members of the 63d Congress understood that their task must be the passage of effective legislation in these areas. Not every Member of Congress understood this, some were openly hostile, some criticized without offering constructive alternatives, some derided the President because all was not accomplished immediately. But these critics only displayed their own lack of appreciation for the magnitude of the task at hand. In the end, Congress met its responsibilities fully. The new freedom silenced the critics forever.

I predict that the 88th Congress will assume a comparable place in history. Why do I make this prediction?

For this fundamental reason: As in the days of Woodrow Wilson, the Congress is now engaged in matters of historic dimension, issues which will shape the nature of American society and the world for years to come.

What are these critical issues? I would list three. First, do we possess the courage and determination to preserve our Nation and the rest of mankind from nuclear annihilation while simultaneously defending freedom and democracy? Second, are we sufficiently committed to the ideals of American democracy that we will banish racial prejudice and discrimination from these shores forever? Third, do we possess the wisdom and commonsense to capitalize fully on our free enterprise system, to achieve its full measure of economic growth and to eliminate unemployment?

These are the critical issues before the United States. And it is no accident that the top priority items on the agenda of the 1st session of the 88th Congress are the test ban treaty, the civil rights bills and the tax cut. Congress must learn and act on a new "three R's"—ratification, racial equality, and revenues.

Just as the 63d Congress found the path of achievement to be long indeed—President Wilson held the 63d Congress in session for almost 24 consecutive months—the 88th Congress will be one of almost continuous labor.

This week I alerted my colleagues that I expect Congress to remain in session until Christmas. We expect to ratify the nuclear test ban and complete action on the civil rights and tax bills before this first session

adjourns. We will pass a variety of education bills as well. There will be no wavering or turning back from these paramount objectives. There will be no "equivocation or tokenism," as certain critics of the administration have charged. There will be nothing but resolute determination that each of these matters must be completed. And they must be completed in this Congress. We will accept nothing less.

We begin floor debate on the limited test ban treaty on Monday. Seldom have I participated in a more thorough and comprehensive examination of a foreign policy proposal. It is now clear that Congress will ratify by an overwhelming majority this extremely significant advance in the process of peace. We are not overly sanguine on the impact of this treaty on the future of the world. But we cannot afford not to take this step, for here, in 1963, mankind has the opportunity to step back from the abyss of nuclear annihilation and say, "It shall never come to pass."

On civil rights the President and his congressional leaders have pledged that a truly effective bill will pass this session. We have served notice on all who oppose the President's bill that we are prepared to fight until a significant victory has been achieved. If the bill is filibustered in the Senate, we will break the filibuster. I have spent my entire Senate career working for such legislation. We will not turn back now.

Let those who question the sincerity of President Kennedy and his supporters in Congress be prepared to stand with us in this coming struggle. I deeply regret that certain persons have felt it necessary to use the question of human freedom as a vehicle for personal political advancement. Nevertheless, let us now mutually vow to remove this question from the partisan political arena altogether and seek to banish the stain of racial injustice from our soil forever. We intend to win this fight and we will.

Let the word go out—test ban treaty, civil rights, and tax cut; these will guarantee the 88th Congress a proud place in the history of America.

While decisions of this magnitude cannot be taken easily, quickly or superficially, they will be done in 1963. They will testify that Congress still is a principal contributor to the "glorious misery" of our democratic system.

We are told today, as Woodrow Wilson, the political scientist, asserted years ago, that Congress is archaic, illogical and inoperable. Yet this Senator says the system has worked and it will continue to work as long as this Nation is blessed by public servants such as those who are honored here this evening. It is my great privilege to serve with these distinguished Members of Congress and I am personally honored to have been given the opportunity to participate in this awards ceremony.

DEATH OF JUDGE CHARLES N. PRAY

Mr. MANSFIELD. Mr. President, I am sorry to announce to the Senate the passing of Judge Charles N. Pray, of Great Falls, Mont., a former Member of the House of Representatives, and the father of Glacier National Park. He made many contributions to the development of the great State of Montana and the Nation.

Out of respect to this great man, I ask unanimous consent to have printed in the RECORD various newspaper articles and editorials relative to Judge Pray's manifold accomplishments.

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

[From the Great Falls (Mont.) Tribune, Friday, Sept. 13, 1963]

FATHER OF GLACIER PARK, RETIRED JUDGE PRAY, 95, DIES

Charles N. Pray, 95, retired Federal judge and dean of U.S. district court judges, respected throughout the West for his distinguished service as a jurist, died at his home, 1401 Fourth Avenue North, Thursday afternoon.

Respected throughout the Nation for his ability and devotion to the public good, Judge Pray retired from the Federal bench in 1957 when he was 88, after more than 33 years as Federal judge. He was appointed by President Calvin Coolidge, January 21, 1924.

In the years between his retirement and his death, Judge Pray was honored many times for his long and active career. He was a guest speaker at the 1960 Governor's Convention in Glacier Park, and earlier in the year was guest of honor at a Kalispell dinner celebrating the park's 50th anniversary. He was unable to attend a legal conference at Glacier Park this summer.

In addition to his activities while a Federal judge, Pray was known as the "Father of Glacier Park" for his efforts toward establishment of the 1-million acre park while he was a Member of the U.S. House of Representatives from 1907 to 1913.

MANY TRIBUTES

Upon his retirement announced January 17, 1957, by President Eisenhower, Judge Pray was accorded tribute by the President, Members of both Houses of Congress, fellow lawmen and newspapermen throughout the State.

Men of legal stature added to tributes paid the distinguished jurist. Judge William J. Jameson, former American Bar Association president, appointed by President Eisenhower to succeed Pray, said in part: "Throughout his distinguished career as a jurist, Judge Pray has exhibited those qualities which make a great judge—humility, a sound and proper sense of values, unquestioned integrity and intellectual honesty. He has been a diligent worker. He has tempered firmness with kindness, justice with mercy."

At its 58th annual commencement in 1955, Montana State University conferred an honorary doctor of laws degree on Judge Pray as a distinguished jurist and for his service to both State and Nation.

BORN IN NEW YORK

Judge Pray was born in Potsdam, N.Y., April 6, 1868. He grew up in Middlebury, Vt., where he very nearly attended one of the service academies rather than taking up a law career.

He received an appointment from Representative James F. Stewart but at the last minute found there were no vacancies and was advised by Stewart to wait another year when the appointment would be made good.

Instead, he attended Middlebury College, taking a Latin, science curriculum. At the end of the school year he talked with a friend who had just graduated from West Point and received such a dismal report he abandoned the service school idea.

In his sophomore year at Middlebury, he left during February and went to Chicago, where a friend had obtained for him a job as reporter for the Morning Record, forerunner of the Daily News.

TRIED ACTING

As a reporter, he covered three theaters and made friends with actors and playwrights. He succumbed to that lure temporarily and for 6 months was a member of a stock company touring the Midwest.

During that time, the leading man was stricken just as the play was to go on, before a packed house. The director wanted to cancel the performance and refund the audience's money, but Pray offered to take the role and finally convinced the director.

Later he went to another company and, although still quite young, took over the lead in that company's play. He held the job for 5 months until a job opened in the Chicago courthouse which would permit him to study law at night.

After 2 years, he received a bachelor of law degree from the Chicago College of Law and practiced in that city from 1893 to 1895.

In 1896 he came to Montana, settling first in Fort Benton where he became associated with John Donnelly, who was a Civil War veteran and had headed a raid into Canada when the Fenian Movement tried to annex all of Canada to the United States against the wishes of the United States.

WED IN FORT BENTON

He married Edith C. Wackerlin June 20, 1901, in Fort Benton. She preceded him in death here May 28, 1951.

From 1899 until 1906 he served as prosecuting attorney at Fort Benton. Pray was elected to the U.S. House of Representatives in 1906, when Montana elected only one person to serve as Representative at Large, and served until 1912 in the 60th through 62d Congresses.

His election in 1906 as a Republican was achieved over another famous Montanan. His Democratic opponent for Representative was the late Thomas J. Walsh, who later was elected U.S. Senator, lost the election to Pray by more than 23,000 votes.

While in Congress he served on the House Committee on Alcoholic Liquor Traffic, Mines and Mining, and Public Lands.

These committees passed the 3-Year Homestead Act and established the Bureau of Mines. One of them assisted in passage of the "20 million certificate bill," which furthered irrigation projects in the Western States. Pray also had a strong interest in establishment of the postal savings system.

Many of Pray's congressional speeches, and the subject of many bills he introduced, had to do with questions of the public lands. He was author of various resolutions regarding entry on homestead lands and authorizing land surveys in Montana.

AUTHORED REPORTS

In the congressional sessions of 1909 and 1910 he was author of reports by the Committee of Public Lands recommending establishment of Glacier National Park, and in the 62d Congress he authored H.R. 1679, authorizing the Government to accept the cession of lands constituting the present million-acre park.

He was defeated in quest of reelection in 1912 by the late John M. Evans by a margin of 995 votes. His margins in the 1908 and 1910 elections had been equal to that of 1906.

Upon leaving Congress, Pray returned to the practice of law in Montana, as a member of the firm of Pray, Callaway, and Toole at Great Falls, where he has lived since.

In 1916, he received the Republican nomination for U.S. Senator but was defeated by the incumbent, Henry Lee Myers.

He remained in private practice until he was appointed District Judge for Montana by President Coolidge January 21, 1924. When he retired 33 years later, at the age of 88, he was the dean of U.S. District Court judges.

Among honors extended the veteran jurist and attorney were his election as president of the Ninth Circuit District Judges Conference in 1952, 1953, 1954, 1955, and 1956.

Although he officially had retired in 1957, Judge Pray, as provided for by law, carried on judicial work here. Federal law states a Federal judge never completely retires as he shall continue to serve in cases he is willing to undertake.

There are no close relatives. Funeral arrangements are pending from George Co. Chapel and will be announced.

[From the Great Falls (Mont.) Tribune, Sept. 13, 1963]

OFFICIALS EXTOLL PRAY: OUTSTANDING AMERICAN

HELENA.—The Governor and Montana's Supreme Court justices joined Thursday in issuing statements of regret over the death of retired U.S. District Judge Charles N. Pray, of Great Falls.

Gov. Tim Babcock called Pray one of the outstanding Americans of the century.

The State's highest judges described him as a man of unyielding principles.

In a statement released through his office, Babcock said:

"In the passing of Judge Pray, Montana has lost one of her most venerable and beloved citizens, a nationally respected judge, and one of the outstanding Americans of this century.

"Judge Pray was one whose achievements and whose contributions to his fellow man will long survive him. His inspirational influence will be felt for many generations to come.

"It is fitting that Glacier National Park should stand as a living memorial to Judge Pray, who was instrumental in that beautifully scenic region being set aside for people from all the world to enjoy.

"No greater memorial to any man could exist."

The supreme court justices said, in part:

"With sincere and deep regret, the justices of the Montana Supreme Court learned of the passing of the Honorable Charles N. Pray. * * *

"He trained his mind to a severe and impartial discipline. As a judge, he presented his views to his fellow men such as not to offend them. Yet with all, he was firm in his convictions and when any of his high principles were in jeopardy, he was unyielding. He loved justice, a real justice that was tolerant and humane. Montana has lost, in the passing of Judge Pray one of its finest citizens. We shall miss him."

[From the Great Falls (Mont.) Tribune, Sept. 14, 1963]

MONTANA MOURNS THE PASSING OF TRULY GREAT U.S. JURIST

In the death of U.S. District Judge Charles N. Pray, Montana has lost one of its finest and most distinguished citizens. Through his long career as a Federal judge he was accorded many well-deserved National, regional, and State honors. Upon his retirement in 1957, high tribute was paid him by President Eisenhower, Members of both Houses of Congress, fellow lawmen, and by Montana newspapers.

In addition to his reputation as a jurist, he was known as the "Father of Glacier Park." Serving in Congress prior to his judicial appointment, he championed and authored the House bill which established this million-acre national park.

He was a truly great judge—one who exemplified the highest standards of judicial performance. He was humane in the administration of justice, yet firm in his principles and convictions.

His illustrious example will remain an inspiration and guiding light for American jurists at all levels.

MONTANA'S ELITE CORPS—THE MONTANA SMOKEJUMPERS

Mr. MANSFIELD. Mr. President, Missoula, Mont., boasts of being the largest smokejumping center in the Nation. It is one of eight such facilities operated by the U.S. Forest Service.

The elite corps of 175 are on standby throughout the summer, ready to combat the most devastating of all threats to our national forests, the uncontrolled forest fire. The chosen few are physically fit and experienced, and willingly submit to the rigors of the smokejumpers school and the hazards of fighting timber fires.

A recent issue of the Christian Science Monitor contains an excellent feature on the Montana smokejumpers, and 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:

[From the Christian Science Monitor, Sept. 7, 1963]

SMOKEJUMPERS' AIM HIGH

MISSOULA, MONT.—A smokejumper is somewhat like a submarine skipper attacking a battleship.

He faces a larger and stronger foe. But he knows that one swift, precise blow—if timed and placed correctly—can defeat his opponent.

An elite corps of 175 men, on standby at Missoula throughout the summer, can be ready in minutes to fly to any area in the Nation. Actually, most jumps occur in the Pacific Northwest, principally Montana and Idaho. But Missoula-based men also parachute into fires in Alaska and New Mexico.

The Missoula smokejumper center, largest of eight such U.S. Forest Service facilities in the country, spreads over several acres adjacent to the Missoula County airport, on the fringe of some of the world's most dense timberland.

STANDARDS HIGH

Dedicated in 1954 by President Eisenhower, the center was officially dubbed the Missoula Aerial Fire Depot. The site includes a sizable training area that looks much like an Army paratrooper school.

"We take considerable pride in our training program," says Henry J. Viche, the husky air-operations officer. "We've made 55,000 jumps since 1940 without a fatality caused during the descent or landing.

"About 1,000 young men apply for smokejumper duty at Missoula each summer. We take about 60 of them. We're choosy and we keep our standards high."

An applicant is rejected if he hasn't worked one summer on a regular fire-suppression crew.

"Our typical smokejumper," says Mr. Viche, "is a college student about 24. He must meet demanding physical requirements but there are no limitations on academic background. We get them from all fields—we often get applications from divinity students."

FIRST JUMP

Mr. Viche, born in Missoula, has been with the Forest Service 34 years.

Among his chief assistants is Earl Cooley, soft-spoken veteran superintendent of the parachute project and the second man to drop from an airplane into a fire area.

That was on July 12, 1940, when Mr. Cooley and Forester Rufas Robinson jumped from an old Ford trimotor into the Martin Creek fire in Idaho's Nez Perce National Forest. The plane still is used by smokejumpers at Grangeville, Idaho.

Mr. Viche directs all aerial operations in region 1—33 million acres that includes all of Montana and parts of Idaho, Washington, and North Dakota.

A smokejumper looks like a low-level astronaut. He wears a white nylon suit, heavy gloves and shoes, crash helmet, wire mask, two orange and white parachutes and other equipment to aid him in any emergency.

If he lands in a giant Douglas fir, the smokejumper hooks a special rope to his chute, then slides down.

FIREPROOF TEPEE

He carries in a 3-pound cylindrical belt kit a protective fire shelter that looks like a baby tepee. If trapped by a blaze, he huddles inside the recently developed aluminized cone capable of withstanding temperatures of 750 degrees.

"It's kind of a last resort," Mr. Viche says. "It has great potential in saving lives."

Once on the ground, the smokejumper cuts a trench ahead of an advancing fire. Eventually, he encircles the flames with a wide path, utilizing heavier equipment such as power saws dropped separately.

Earlier this month, Missoula smokejumpers had made 412 drops on 119 fires in region 1, 84 in New Mexico, and 99 in Alaska. During a busy day, more than 100 jumpers may fight more than 30 fires.

LONG WALK BACK

The only hit-or-miss phase of the operation is the return trek to the Missoula headquarters. It usually involves hiking, hitchhiking, trains, or buses.

Foresters say the secret of the smokejumpers' success is speed. "The sooner we get to a fire, the better the chance of controlling it," says Mr. Viche. "Once a fire spreads over thousands of acres, we have to work on several fronts.

"Eighty percent of the fires still are small when we get to them. We're able to confine them quickly."

First-year men are paid $2.20 an hour—a rate that also applies for overtime.

MONTANA STUDENT NOW CHIEF RESIDENT AT VENTURA GENERAL HOSPITAL

Mr. MANSFIELD. Mr. President, the patronage program on Capitol Hill provides the means, through employment, for many a college education. These jobs bring young people from their home States to the Washington, D.C., area, where they can obtain additional education at some very fine institutions of higher learning. During the time that I have been in the Senate, many young Montanans have enrolled, obtained degrees, and gone on to great things.

Unfortunately, many times these college graduates succumb to job opportunities far from Montana. That is entirely understandable, but results in difficulties for a State such as Montana, which needs to depend so strongly on its young people for future leaders in development and progress.

Recently, a feature story from a California newspaper was brought to my attention. It tells of the sacrifice and dedication of a hospital's new resident doctor and his family. The subject of the story is Dr. James Mason, formerly of Lavina, a thriving community of 200 residents. Jim operated an elevator here in the Senate while he completed his medical education at George Washington University.

I am exceedingly pleased to know that Jim and his family are doing so well, and wish to take this means of offering my congratulations and to wish him success in the medical profession. Mr. President, I ask unanimous consent to have printed in the RECORD a feature story appearing in the August 14, 1963, issue of the Ventura County (Calif.) Star-Free Press.

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

[From the Ventura (Calif.) Star-Free Press, Aug. 14, 1963]

LOCAL DOCTOR'S CAREER IS HARD WORK, NOT SUSPENSE-FILLED TV DRAMA

(By Pamela Hallan)

The life of a doctor at Ventura General Hospital is not one of finding drama in every corner of the corridor as portrayed by television's "brooding young men."

But it is filled with self-sacrifice and dedication—not only for the doctor—but for his family.

"One's first impressions of medicine are not the real ones," said Dr. James Mason, chief resident at Ventura General Hospital.

"Everyone has his own impression of what a medical career will be like, and they are usually right," he said.

"You find the appealing things later on," he added. And the doctor's family finds medicine more appealing later on, too.

"It was hard to be a premed student's wife while he was in school," said Eva Mason, the prettier half of the Masons.

"I can remember him reading, eating, and drinking medicine," said Eva. "And that was his schedule."

"This year it's much nicer. We have more family life because he has time," smiled the mother of two, Kent, 6, and Rennae, 5.

This year and last year Dr. James Mason has been a resident at Ventura General where he is learning how to handle a general practice.

"Ventura is supposed to have one of the finest training programs for doctors wanting to go into general practice careers," said the graduate of the University of Montana and George Washington University Medical School.

"The Ventura hospital has no interns, only first- and second-year residents. We live on the hospital grounds and are employed by the county," he explained.

"As general practice trainees, we are schooled in all areas of family medicine including children's diseases, surgical procedures, and all common, less complicated diseases.

"This year my schedule consists of surgery from 7 a.m. to about noon, then rounds visiting post- or pre-operative patients, then teaching conferences, and if I'm lucky—then I go home," said Dr. Mason, whose two brothers are also physicians. Dr. J. K. Mason is a first-year resident at Ventura General and Dr. Lymon Mason, practicing medicine in Washington.

Being able to go home is a rather new occurrence, according to the doctor's spouse.

"While he was in medical school in Washington, he also had a job after hours," said Eva, who helped feed mouths by being employed in the Federal Reserve Building in Washington.

"He was elevator operator for Senator MIKE MANSFIELD of Montana, working 5 hours a night," she remarked.

"I even had a desk and lamp off the elevator in the basement so I could study," said Dr. Mason.

"All the elevator operators were medical students and all the security guards were law students," he added.

Maybe television's medical men could pick up that information and film a series in Washington.

"We watch both the Casey and Kildare series once in a while," said the doctor.

"Casey is technically accurate but Kildare reaches pretty far," he commented.

"Hospital life isn't quite so openly dramatic. We have our drama but it's more subtle and we certainly don't have so many romances between the young doctors and the young nurses—not in Ventura," he grinned.

"Our residents have almost all served their internship. Their role here is more subservient as they are putting into practice what they want to do in the future. They've very conscientious and are not specializing," he explained.

"There are the Casey types in medicine with their yelling and brooding, but they're more likely to be found in places like Los Angeles County Hospital. That's where the Casey material originates. I interned there and it's really a grind," he continued.

"We don't feel the influence of the television doctors too much except for an occasional 'say Doc, this is just like Ben Casey' as we wheel someone into surgery," he laughed.

But Dr. Mason doesn't want to stay in the hospital for the remainder of his career.

"Eva and I would like to go north to a small town of 3,000 or 5,000 residents to set up practice," said the physician, a Montana boy hailing from Lavina, a town of 200 residents.

"There I could put into practice what I I've been trained to do as a family doctor," he said.

"But it will still be hard to be the family doctor's wife," said Eva, "especially when it comes to normal routine things, like planning a dinner party. I never know if he'll be in or out," she laughed.

Which just proves that however dedicated the men in white may be * * * there's someone more dedicated in the kitchen ironing that white uniform.

TRIBUTE TO SENATOR RUSSELL

Mr. MANSFIELD. Mr. President, I had hoped to make a few remarks during the course of the speech being made yesterday by the distinguished Senator from Georgia [Mr. RUSSELL], but because so many Senators were participating in debate in the Chamber I found it impossible. I was called from the Chamber briefly, and when I returned it was too late.

I commend the distinguished Senator for the breadth he has shown. He indicated—if I have interpreted his speech correctly—that so far as the positions of the Joint Chiefs of Staff were concerned, they were not motivated by the military aspect of the treaty only, but looked at it from a broad point of view which considered its political implications as well. I know that the Senator from Georgia has been personally perturbed and disturbed over what his stand should be on the treaty. I commend him for his integrity and for his fairness and understanding. I am sorry he is not on the other side, but I look upon him as a responsible and dedicated Senator, and I respect his integrity.

Mr. RUSSELL. Mr. President, I wish to express my appreciation to the distinguished majority leader. He does me more honor than I deserve.

His very kind words will prove a salve to the wounds I know I shall bear when the Senate emerges from final consideration of the treaty.

CRITICISMS OF CONGRESS

Mr. RUSSELL. Mr. President, of late I have been greatly concerned by the constant criticisms of Congress from so many sources.

Congress is not a perfect institution. It is composed of human beings, and generally the Members reflect very well the progress and the competency of those who send them here.

Many persons feel that one who is elected to Congress is thereby endowed with some supernatural quality. However, all who occupy seats in this body know that is not the case. We are still human beings, although as Members of Congress we have greater responsibilities than we had theretofore, and we are compelled to struggle with them. But certainly no particularly increased competency is bestowed upon us by virtue of the mere fact of our election to Congress, to represent our constituents.

One reason for my concern about this matter arises from the fact that the criticisms seem to be based on a belief that a Congress that does not wheel out the bills as fast as they are introduced, and does not pass a great many laws, is a very poor Congress. In my judgment, sometimes a Congress can better be judged by the standard of the bills it rejects and the measures it does not help enact, rather than by the bills which are enacted.

Recently, I happened to read an article entitled "Congress Delenda Est," written by Mr. Ralph Bradford, and published in a periodical entitled "Christian Economics." I do not know Mr. Bradford, and this is the first time I have seen this periodical. However, inasmuch as the article presents some enlightening information in regard to the attacks on Congress, I ask unanimous consent that it be printed in the RECORD.

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

CONGRESS DELENDA EST

(By Ralph Bradford)

The word has gone out among the left-liberals: Congress delenda est. They don't use that phrase, of course. They are not so frank as Cato was about Carthage; but their frustration and sense of betrayal lead to the same angry purpose, and they are equally implacable.

For they consider that they have a mission. Quite simply, it is to determine what is best for the country, and then to compel the country to accept the medicine they have prescribed. Any reluctance to do so is evidence to them of ignorance or worse. They are frustrated when their Messianic role is not acknowledged; they feel betrayed when their plans are not accepted.

Just now they seem to have decided that the big bar to progress (as they define the term) is not in such theaters of action as Cuba or Laos. The big problem is right here at home. The real enemy is within—and they are taking steps.

Congress delenda est.

The campaign was heralded on last December 30 when liberal Prof. James MacGregor Burns appeared on "Meet the Press." He said: "The basic thing wrong with our political system is that our Government was set up to be a divided government, with internal checks."

Note, please, the clever semantics of that attack. "Divided" is semantically a "bad" word. It carries the connotation of weakness and dissention. Of course, none of the Founders ever thought of it as a divided government. It was and is simply a government of coordinate and equal branches. But Professor Burns now puts out the line that it is "divided."

And he went on: "Today it is imperative that we have a strong national government,

but we still have the old constitutional checks. This is the basic problem, but it is greatly intensified by the fact that Congress, and especially the House of Representatives, has become the least representative agency of the National Government."

A panel member reminded Burns that this Congress was elected since the medicare and educational aid bills were defeated. The Congressmen had been home, had heard from their constituents, and many had been reelected. Did this not prove that Congressmen are closer to the voters on these issues than Burns believed?

The professor shifted ground by insisting that Congress now overrepresents rural, conservative areas. Finally, on being asked bluntly if he wanted to give all power to the President, he replied that he wanted to improve the Congress (note again the clever semantics: "improve" is a good word) so that Congress could have what he called "an affirmative role to protect the general interest."

AN AFFIRMATIVE ROLE

In other words, Congress shouldn't say "No," it should say "Yes." It should not be coordinate and equal, it should be subordinate and amenable. The President, surrounded by a coterie of liberal intellectuals, should decide what is good, and Congress should go along. If it fails to do so, then Congress delenda est.

Another blow was struck on March 3 by Howard K. Smith, a devoted left-liberal. He opened with an indictment of Congress in which he referred to its "increasingly negative mood," and quoted Chief Justice Warren as saying that if the Bill of Rights were introduced as new legislation today, Congress would not pass it.

He then ran through a list of evils, such as slums, unemployment, the crime rate, cost of education, and lowered industrial production—all of which he termed "a wastage of human resources that no other nation, free, or Communist, is permitting itself."

Now, I would have assumed that the liquidation of some 15 million Russian peasants, and of a still greater number of small landowners in China, offered fairly grisly examples of the wastage of human resources. When I compare our worst conditions with those I have seen in Calcutta or in the slums of Rio or Lima, or in the back streets of Naples, I would not have thought that we Americans are ahead of all others in the wastage of human resources.

But Mr. Smith is not blinded by any such national prejudice. He says we are the world's worst; and he asserts that with respect to all such bad conditions "our representatives have turned deaf and blind." This of course made Congress look very bad—which is the apparent object of the left-liberal campaign. For remember: Congress delenda est.

A third salvo was fired the same date on "Open End." Mr. David Susskind has, of course, often demonstrated his devotion to the left-liberal cause. On this program he had as guests old New Dealers Thomas Corcoran, Benjamin Cohen, and Roxford G. Tugwell. As an ideologic link of their time with the present, another guest was Arthur Schlesinger, Jr.

In the reminiscent talk of New Deal days, Mr. Susskind tried to reemphasize the old liberal legend that in 1933 the country was on the verge of a bloody revolution. To his apparent disappointment, his guests seemed reluctant to support that bloody-revolution myth.

Having failed on that gambit, Mr. Susskind brought the talk around to Congress. Transcripts of the program are not available, so direct quotes cannot be made; but the substance of what followed was that Congress was unresponsive to the crying needs of the present day. At any rate, the left-liberal end was served. Another blow had been struck. Congress delenda est.

We should be alert to these attacks. They will no doubt be repeated many times. Having agreed upon a program of inflationary spending and bureaucratic expansion as the sure and only salvation for this country, the left-liberals are outraged that the support they expected from the country is not forthcoming.

Characteristically, they conclude that those who oppose their plans are unenlightened reactionaries. But they have no way of attacking such people effectively. Congress, however, as the immediate and visible obstacle to their schemes, is another matter. Since Congress will not go all the way with their program, Congress must be at fault. Certainly it would never occur to a left-liberal that he could be wrong.

So the thing to do is to attack the Congress; make it appear weak, futile, reluctant, negative; demand that its constituencies be redistricted, that it be reorganized, that its committees be packed and reconstituted, that its rules be changed.

All this, of course, not to the end of really improving Congress, but of compelling it to abdicate its responsibilities and accept the big-spend, big-debt program which the left-liberals are determined to force through. Watch for it. The word has gone out:

Congress delenda est.

REFORM IN THE FEDERAL BUDGET

Mr. PROXMIRE. Mr. President, recently there was published in the Journal of Commerce a very thoughtful editorial on a report by the Statistics Subcommittee—of which I am chairman—of the Joint Economic Committee. The report deals with reform in the Federal budget. I believe the editorial is an excellent assessment of the recommendations made in that report. I also feel that the editorial is indicative of a general feeling, both among the press and among citizens generally, concerning the present usefulness of the Federal budget. I was impressed by the fact that the Journal editorial indicates that they had "mulled over this subcommittee report in spare time for several days."

I think there is general concern about the nature and the usefulness of our budget materials. This editorial is a good explanation of that concern.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

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

[From the New York (N.Y.) Journal of Commerce, Aug. 16, 1963]

WHAT WENT DOWN WHICH DRAIN?

The budget of the United States is much more than an imperfect document or even guideline; it has become so complex that not even Congressmen who have to vote for or against appropriations have any intelligent guide as to what has been previously appropriated and for how many Government agencies. Reform has been loudly called for and for many years.

Now a Subcommittee of the Joint Economic Committee headed by Senator WILLIAM PROXMIRE has come up with a blueprint for reform, and the report is largely the work of the committee's economist, Roy E. Moor, who has lived with this thing for a long time. Some of the recommendations have merit. Others will vastly increase the detailed documentation, and greatly to the work of the Bureau of the Budget and make jobs for more statisticians and clerks, and more work for the Government Printing Office.

The committee thinks this additional expense will be worth the money, the traditional attitude of all congressional committees. We have our doubts.

A key recommendation is that the Federal budget be presented on a program basis and not on a basis of expenditures by Government agencies, one by one. For legislative purposes the agency-by-agency system could still be retained (with extra work for the Budget Bureau) but Congressmen at least would have a global picture of the whole thing and therefore could vote more intelligently by relating each individual part to the whole.

The dilemma of a Member of Congress on these things is illustrated by a citation from testimony at a subcommittee hearing which tells of how one Congressman postponed an appropriation for education purposes in 1961 because he had discovered that educational activities involving expenditure were scattered through 9 different Government departments and were also in 23 programs in 11 other agencies.

No one in the Government really knew what the total figure was, what overlapped what and what, if any, the overall end result or accomplishment had been.

Congress is entitled to know, but usually does not, what may be expected from a grant of expenditure authority, to what use the funds will be put, what previous expenditures have accomplished and how much is left for future outlays. Do the Government agencies really know what they are doing? If they do they should be able to provide the Budget Bureau with more intelligent guidelines for Congress. If they don't know, and we suspect many do not, then it is high time for them to learn.

There is also a good point made by this Proxmire committee in saying there is no reason why, as in any private business, budget estimates of both receipts and expenditures could not be frequently revised and continually made available to Congress. Projection could be made as far as 5 years ahead; variables could be kept under control by frequent revisions.

What stands out, in our opinion (and we have mulled over this subcommittee report in spare time for several days), is that four times in its text it cites with approval what the Defense Department has been doing in close control of its own expenditures and projections.

It is hardly surprising that former big businessman Robert S. McNamara should have a better grasp of budget matters than some other bureaucrats and can do just as well with his past results and future projections as can, for example, the pad-and-pencil-carrying expert, Douglas Dillon, the Secretary of the Treasury—who has to cash the checks.

Mr. McNamara has already developed the program approach. It has established budgetary forecasts on a 5-year basis, updated monthly. It requires regular reporting from all who do business with it on work in process and costs, with the costs broken down.

The report of the Proxmire subcommittee is worth study, especially since it has been reviewed by such eminent Senators as PAUL H. DOUGLAS, of Illinois, J. W. FULBRIGHT, of Arkansas, and THOMAS B. CURTIS, of Missouri. The committee expressly states that its report is not to be a 1-day wonder, but will be followed by more, hewing to the same line and making plenty of chips fly.

Getting back to where we started, it is absurd, and an undoubted source of waste and red ink, for Congressmen to vote money without knowing what has previously been appropriated for the same or related projects, how much was previously put down what drain, and how much has been obligated for

the same things for future years. It is comforting to see even Congressmen getting more worried about it.

THE BIRMINGHAM BOMBING

Mr. PROXMIRE. Mr. President, yesterday a letter written by Harry Kingman—a distinguished gentleman and outstanding resident of the city of Washington, who comes from California—was published in the Washington Post. In the letter, he refers to the very sad and tragic bombing, last Sunday of a Birmingham church, and the resultant death of four children.

The letter is sensitive, thoughtful, and concise. I ask unanimous consent that it be printed at this point in the RECORD.

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

RACIAL SICKNESS

As I read of the bombing to death of Sunday School children in a Birmingham church it was almost impossible not to weep. My own winsome grandchildren were in a similar school at the same hour, also learning about Jesus' teachings such as "love your neighbor as yourself," and "suffer little children to come unto me, for of such is the Kingdom of Heaven." The fearsome loss could have been to those nearest and dearest to me, or to anyone.

My chief immediate reaction is, I think, that I and all Americans are challenged anew to enlist with men of good will, of any race, to think and struggle harder and more effectively to cure a horrible racial sickness which has been tolerated for so long that it now threatens the basic fabrics of our fair land.

To replace hatred with love constitutes a mammoth task, but to work hard at it might truly help restore the moral and spiritual health of many individuals and institutions.

HARRY L. KINGMAN.

WASHINGTON.

ALLIANCE FOR PROGRESS — AN ADEQUATE ALTERNATIVE TO CASTROISM

Mr. CHURCH. Mr. President, on several occasions I have indicated my displeasure with certain facets of our foreign aid program. One's attention certainly tends to be drawn to those aspects of any legislative program which do not appeal, and we tend to take for granted those portions which do.

Certainly, the Alliance for Progress is one which, in its conception and in the context of the obstacles which it faces, has, in less than 2 years of actual operation, accomplished much which entitles it to our continued support.

An article appearing in the September 20 issue of Time magazine points out the accomplishments of the Alliance for Progress, and the necessity for full support for the battle against communism which we are waging in this hemisphere. An adequate alternative to Castroism is offered through the Alliance for Progress, and the progress that we have made cannot be lost at this critical juncture.

Mr. President, I ask unanimous consent that the article entitled "The Alianza—Cut When It Hurts" be printed at this point in the RECORD.

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

THE ALIANZA—CUT WHEN IT HURTS

On the first anniversary of the Alliance for Progress last year, Coordinator Teodoro Moscoso fired off a blunt message to his staff. There was, he said, "nothing to celebrate." Last month, when it came time for a second anniversary, Puerto Rico's Moscoso found signs of progress in the 10-year program for social reform and economic development in Latin America. As "brick and mortar" evidence, he noted that U.S. Alliance funds, amounting to $1.5 billion in the past 2 years, have helped build 140,000 homes, 8,000 classrooms, 1,500 water systems and 900 hospitals and clinics; 11 nations have made modest starts on tax reform, 12 others on land reform. But Moscoso still feels glum. "We were just beginning to make real progress," he says, bitterly, "and now Congress has clobbered us."

EQUAL TO CUBA

Like all foreign aid, the Alliance was hard hit when the House of Representatives recently chopped nearly $1 billion from President Kennedy's original $4.5 billion request for fiscal 1964. Despite earlier congressional authorization of $600 million a year over a 4-year period, the House was now willing to allow only $450 million for the Alliance. If the cut stands, says Moscoso, the U.S. Government investment in all of Latin America next year will amount to little more than what Russia is pumping into Communist Cuba alone.

For many Latin Americans, the House action was interpreted as a vote of no confidence in the Alliance. Stanch supporters of the program felt abandoned, complained that the United States had not kept its word. Predictably, Fidel Castro's Havana radio gloated over the doomed Alliance. To make matters a little worse, the aid cut came just when, according to Moscoso, the "objectives and principles of the Alliance are beginning to make an impact on the thinking of Latin Americans." Says Moscoso: "I've tried to explain it to them, but I'm afraid that disenchantment with the Alliance has already set in. We've made commitments, and now we're going to have great difficulty in meeting them."

HOUSES AND MEDICINE

By scraping up money from such sources as the Export-Import Bank and the Peace Corps, Moscoso hopes to stretch out his budget for a while. But Alliance economists are busy figuring out scaled-down programs, even though there is a possibility that the Senate might reverse the House action. A $150 million cutback could mean abandoning plans next year to build 10,000 classrooms and low-cost housing for some 175,000 people; it would cancel low-interest loans to 10,000 farmers for plows, seed, and fertilizer to escape subsistence-level farming, wipe out a plan for loans to 6,000 small businessmen to stimulate grassroots private enterprise, and force withdrawal of U.S. support for 60 mobile medical units which provide treatment for 2 million people in 600 Central American villages. And finally, it would prevent the U.S. food for peace program from expanding its operations to help feed some 6 million children throughout Latin America.

In the light of the Alliance's slow start and the widespread criticism of it, congressional impatience is understandable. But the danger is that a sharp cut in the aid funds might well, as Moscoso warns, cause the United States to "lose the tenuous but specific initiative we have gained in Latin America during the last 2 years."

THE BIRMINGHAM CHURCH BOMBING

Mr. WALTERS. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial entitled "The Devil's Inning: Infamy Stalks When Hate, Encouraged, Runs Amuck," published in the Nashville Banner, issue of September 16, relating to the events that occurred in Birmingham.

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

THE DEVIL'S INNING: INFAMY STALKS WHEN HATE, ENCOURAGED, RUNS AMUCK

The devil had his inning yesterday at Birmingham—his cup of hate running over; spilling innocent blood, and marking with inconceivable infamy the Lord's Day.

God help a nation and its people subjected thus to the ravages of either individual or mass insanity.

The horrifying details of this atrocity do more than wring the heart. They shock and consternate; but they also awaken society to the deadly peril of malice gone completely berserk, and all humanity cries out in the voice of conscience to bring these culprits—as agents of the Devil—to justice.

The intent of those who bombed a church, occupied by 400 Negro worshippers, could only have been wholesale murder. That it was for purposes of inciting terror—and visiting malevolence anew on a city otherwise slowly recovering from circumstances of racial turmoil—are facts adding sedition to the premeditated central crime.

The hand not only of that stricken city and State, but of every man, surely, is raised against the arch conspirator—or conspirators—known for the moment but to themselves and God. Justice cannot rest until they are identified, apprehended, tried, convicted, and punished to the full extent of the law.

Heaven help a land that is the prey to insensate antagonisms, and marauders—irrespective of creed or color—boiling fevers of hate into explosions and carnage. As the consummation of that handiwork, the tragedy at Birmingham is exhibit A. And gazing at it, as the forerunner of more—if intelligence doesn't halt where it is the flame of a broadening catastrophe—public conscience stands appalled.

It is time that the citizens of this country realize that whites or others participating in the fringes of controversy, by whatever motivation, do nothing but provoke incidents of this sort.

It behooves every citizen, as well as those responsible for law enforcement as such in all its categories, to put a stop to everything that can inflame it; to cease playing to either side of it, and unite on the central purpose of Americanism, righteously conceived as the instrument of justice and public safety, under law and order.

Decent people know that hellraising speeches, demonstrations, etc., are not going to bring solution to the problems of the Negro; as this newspapers repeatedly has said, as an individual and minority race, used all too long as the pawn of white politicians and his own demagogic leadership.

The solution and changes sought can come only two ways: (1) By education; and (2) by changes in the hearts of the people.

Infuriating on the part of both races, politicians playing to present differences only add fuel to the flames that will consume more and more—including the innocents—unless reason acts to extinguish the sparks.

The message of the ever-present danger could not be clearer than Birmingham's tragedy of yesterday made it.

TEST BAN TREATY STIRS TALK TO REDUCE DEFENSE OUTLAYS

Mr. MILLER. Mr. President, in yesterday's edition of the Wall Street Journal appears an excellent article entitled "Test Ban Tangent," by Jerry Landauer. It is a timely commentary, and one which I believe merits the attention of all those who are concerned about the test ban agreement and its following implications. I ask unanimous consent that the article be printed at this point in the RECORD.

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

[From the Wall Street Journal, Sept. 17, 1963]

TEST BAN TANGENT: CASE FOR TREATY STIRS TALK TO REDUCE DEFENSE OUTLAYS

(By Jerry Landauer)

WASHINGTON.—The Kennedy administration's strong sales pitch for the nuclear test ban treaty is having an unintended effect in Congress: It is fueling the belief, still feeble but gaining, that defense spending can soon be reduced with safety.

To overwhelm Senate resistance to the treaty, administration spokesmen proclaim America's manifestly superior military strength and they vow to increase it in the years ahead. Even after absorbing a surprise first blow, they assert, the United States unquestionably can annihilate an aggressor.

All this has been said before, though perhaps not so categorically. What is new is the Defense Department's specific comparisons of United States and Soviet might. The idea is to convince the public and Congress that the United States is so far ahead in nuclear weaponry that it can prudently relinquish the legal right to test nuclear devices in the atmosphere, in space, and underwater. As this conviction grows, receptivity to reducing defense outlays grows with it.

THEORY OF OVERKILL

To Members of Congress who want to save defense dollars or divert them to domestic welfare programs, Defense Secretary McNamara's assurance of growing U.S. superiority in arms dovetails with the newly current theory of overkill—the proposition that the United States, if provoked, already has the firepower to destroy Russia many times over.

Chairman RUSSELL, Democrat, of Georgia, of the Senate Armed Services Committee thinks believers in overkill are gaining adherents in Congress and in the country. When the $49 billion Defense Department budget reaches the Senate floor late this week or early next, Mr. RUSSELL expects a flanking operation intended to slash perhaps $6 billion from defense appropriations.

Spending cuts of the magnitude mentioned by Mr. RUSSELL are inconceivable so long as he and other Members of Congress own defense establishment, senior members of the Armed Services and Appropriations Committees, continue backing the Pentagon. It's noteworthy, nevertheless, that for the first time Congress is seriously questioning in a coherent way the assumptions underlying defense spending.

This year, for the first time also, Congress has stopped pressing on an unwilling Defense Department more money for such programs as the RS–70 supersonic bomber.

INITIAL IMPACT

Though the test ban treaty may well fortify the budget-cutters in the long run, the immediate impact surely will expand rather than shrink defense spending. To overcome uncertainties about the blast resistance of U.S. missile sites (that might be resolved in part by atmospheric testing), sites may be more widely dispersed and more may be dug. Stepped-up underground testing (the Atomic Energy Commission budget assumed fewer tests this year) and more elaborate preparations to detect and diagnose Soviet tests in prohibited environments certainly will add to costs, too.

Other factors, too, help assure upward pressure on arms outlays. The military pay bill alone will require $300 million more next year. The new TFX fighter-bomber will be costly. So will additional missiles already planned. And the Pentagon has been pumping much of its increased spending into conventional forces, a buildup not challenged by the overkill ardents. Nevertheless, the current congressional mood makes it clear that, assuming no real change in the international situation, Mr. McNamara in the future will find it increasingly difficult to ward off attacks by budget-cutters.

For the time being, the Defense Secretary is treading a careful path. Warning against "euphoria," Mr. McNamara argues that it's much too early to think about reversing the upward spiral of defense spending, though he agrees that a leveling-off point lies ahead.

Sheer numbers of city-busting atomic and hydrogen bombs are not strictly relevant, of course, to the nuclear test ban treaty. As military spokesmen are quick to note, it is more relevant to consider nuclear knowledge—the yield-to-weight ratio of warheads and the data gleaned from earlier testing about the effect of nuclear blasts on missile sites, on defensive communications, on incoming warheads.

But laymen in Congress know little about these esoteric matters. Far more impressive to them is the number and variety of weapons in stock. According to Mr. McNamara, the U.S. stockpile includes tens of thousands of nuclear weapons. There are more than 500 ready-to-fire Titan, Atlas, Minuteman, and Polaris missiles, he says, and in 3 years the missile inventory will grow to more than 1,700; by contrast, the Soviet arsenal contains a mere fraction of the U.S. total.

Among those most impressed by this comparison is freshman Senator MCGOVERN, Democrat, of South Dakota, who launched the budget debate last month in a speech that has become among the most widely read documents in official Washington.

Senator MCGOVERN suggested that the U.S. nuclear inventory exceeds any conceivable need. He thinks it's senseless to keep adding to the inventory because (1) as Mr. McNamara himself contends, the United States already has sufficient striking power to annihilate Russia even after absorbing a sneak first strike; and (2) because piling up more nuclear firepower won't contribute substantially to security.

Needlessly high military spending, Mr. MCGOVERN argues, distorts the economy, squanders research talent and money, and endangers American leadership by robbing industry of its ability to compete successfully in world trade. He has drafted an amendment to shear some $4 billion from the pending Defense Department budget.

Probably a dozen Senators, chiefly liberal Democrats, will vote with him if he decides that the Chamber's temper is ripe for a rollcall. Mr. MCGOVERN knows he can't win. He's more interested in generating a lively debate about military expenditures and probably in readying a more determined budget-combing campaign next year.

A VOTE TRADITION

The Senate tradition against voting in opposition to the Appropriations Committee's recommendations works against the budget-cutters. Deputy Democratic Leader HUMPHREY of Minnesota, and Chairman FULBRIGHT, Democrat of Arkansas, of the Foreign Relations Committee are inclined to agree that Senator MCGOVERN is right. But these two influential leaders are practically bound to support committee decisions.

Overkill and its implications are being debated within administration councils, too. A joint report by the Defense Department and the Atomic Energy Commission projecting long-range requirements for nuclear warheads is due to reach the President's desk shortly. AEC Chairman Seaborg won't predict the report's recommendations but he does point to a growing realization that perhaps too much fissionable material for warheads has been acquired.

In part, the restiveness in Congress can be traced to the zealous lobbying for the overkill thesis by Seymour Melman, professor of industrial engineering at Columbia University. He and six other academicians are being financed in part by a New York businessman, who wishes to remain anonymous. Mr. Melman has received respectful hearings in some 40 congressional offices.

Working from data compiled by the Institute for Strategic Studies in London, Mr. Melman says the United States has sufficient nuclear power packed in 3,400 delivery vehicles to destroy 500 times all 370 industrial centers and cities containing more than 100,000 people in Russia and China.

If just 10 percent of the American bomber fleet got through, and if only 25 percent of the Polaris and Minuteman missiles hit target, he calculates, the United States still could devastate an enemy with 440 delivery vehicles packing 2,310 million tons of TNT. This is more than 200 times enough to destroy Communist society, and it doesn't take into account the destructive power of fighter aircraft, short-range missiles, torpedoes, mines, and tactical nuclear warheads.

In Mr. Melman's view the progressive hardening of Soviet missile sites and the emplacement of missiles aboard submarines relegates Mr. McNamara's counterforce strategy to the scrap heap.

Counterforce means responding to a Soviet first strike with a counterblow against Soviet military targets to blunt a second attacking salvo. But Mr. McNamara himself acknowledges that a U.S. counterstrike can't destroy "any very large portion" of fully hardened Soviet sites, Mr. Melman notes. And because the Soviets are inferior to the United States in offensive capability, they would in logic fire most of their missiles in a first strike; to invoke counterforce would mean striking at empty holes in the ground.

THE DEPARTMENT'S REBUTTAL

At bottom, the Defense Department's rejoinder to the theory of surplus destruction rests on the assumption that the United States can launch its missiles faster than the Soviets can. Contrary to Mr. Melman's exercise in logic, Pentagon strategists assert, Moscow can't get off its full striking power in a single salvo.

Defense strategists think a second fundamental fallacy of the overkill theory is its assumption that most of the weapons being added to the inventory represent additions of firepower. In fact, they say, most of the acquisitions merely replace poorly protected, vulnerable weapons, i.e., Minutemen for B–47's.

If nothing else, the overkill debate, accentuated by the administration's test ban rationale, is crystallizing the hitherto vague belief on Capitol Hill that Congress often in the past has merely rubberstamped the defense budget. This seems less likely in the future.

UDALL AND HIS NUMEROUS COMMITMENTS

Mr. SIMPSON. Mr. President, recently I came across a story datelined

Dar-es-Salaam, Tanganyika, September 11, which was buried deeply in the dark recesses of a Washington newspaper.

It headlined in quite large letters, "U.S. Plan To Aid Parks in Africa Revealed by Udall." The Associated Press dispatch itself was a study in brevity. Its scant 50 words said:

Secretary of the Interior Udall said yesterday U.S. aid is slated for a new national park in the Kilimanjaro region and for two major natural resources development programs. Mr. Udall, who plans to climb Mount Kilimanjaro during his stay here, announced the aid plans at a news conference.

It seems strange to this Senator, who comes from a State which still recognizes fiscal integrity and a balanced budget, to hear such talk coming from an executive officer who is apparently predicting the allocation of funds for this project of questionable benefit to American interests.

I am sure the Secretary, once he returns from his sojourn in the cool crisp air of Kilimanjaro, will be at his loquacious best in justifying the expenditure of inordinate sums of our national treasure for this African adventure.

This Senator would simply like to comment that it would be pleasing to find the Secretary as interested in pledging funds to be applied against the national debt as he is in pledging American taxpayers' dollars in frivolous projects in the far-off land of Tanganyika. It looks like more U.S. "snow on Kilimanjaro."

NEW YORK STATE FALSE ADVERTISING LAW

Mrs. NEUBERGER. Mr. President, yesterday in two different New York newspapers two items attracted my attention. One was published in the New York Times, under the headline "Advertising Law in State Praised." It referred to a new false advertising law, for which I commend the State of New York. Mr. Lefkowitz, the attorney general of New York, in describing the law, said that it was to cover advertising and labeling which is misleading in a material respect.

I moved on to the Wall Street Journal, where I found an advertisement. I shall read a portion of it. The headline is:

Only for Women Who Want * * * Financial Independence, Earn $25,000 to $50,000 and More!

The advertisement describes rather vaguely an opportunity to move into this high salary class. It turns out that by selling a brand of dinnerware one should be able to move into a salary bracket which very few women in professional life attain.

This interested me, since New York has a new advertising law to control false advertising. I thought perhaps the advertisement in the Wall Street Journal should be looked into. In that relationship I have written to the editor of the Wall Street Journal and to the company which has a blind advertisement in the Journal.

I ask unanimous consent that the article, advertisement, and letters may be printed in the RECORD.

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

[From the New York (N.Y.) Times, Sept. 17, 1963]

ADVERTISING LAW IN STATE PRAISED—FTC AID SAYS NEW CURB ON FRAUD "FILLS NEED"

New York State's new false advertising law "fills a need we are most conscious of," a Federal Trade Commission official said yesterday.

Albert G. Seidman, attorney in charge of the New York office of the Commission, congratulated Attorney General Louis J. Lefkowitz and the State for being the first to enact such a law; it went into effect September 1.

Mr. Seidman appeared at the meeting called by Mr. Lefkowitz at the State Office Building, 80 Centre Street, to explain the law to more than 100 business and trade association leaders.

Mr. Seidman said that many large stores engaging in interstate commerce here were put under restraint by the FTC while their smaller cash and carry competitors who belonged to the fringe element castigated by Mr. Lefkowitz were free from the Commission's control.

The Federal official said the new law could also be applied to service industries that were "generally not subject to the FTC."

Arthur Startz, a vice president of the Better Business Bureau of Metropolitan New York, pledged "complete cooperation." When the bureau fails to get voluntary compliance, he said, "we will present our findings" to the attorney general's consumer frauds bureau.

Mr. Startz drew attention to the fact that the statute applied to advertising inside as well as outside stores, such as price lists used to suggest special bargains. Particularly with the World's Fair opening next year, he said, there could be "more vigorous" action against "so-called gift shops, especially in the Times Square area," that have been known to exploit visitors from out of town and overseas.

FALSE ADVERTISING DEFINED

Mr. Lefkowitz said sales advertising was defined in the new law as "advertising, including labeling, which is misleading in a material respect." He noted that this means not only false representations but failure to reveal material facts, which, he said, "become as important as the use of outright falsehood or deception."

[From the Wall Street Journal, Sept. 17, 1963]

ONLY FOR WOMEN WHO WANT FINANCIAL INDEPENDENCE—EARN $25,000 TO $50,000 AND MORE

Your own business * * * a salary in the high five figures * * * plus unusually high profits on investment. This is what a long established company of exclusive, nationally advertised dinnerware and related products is now offering to women with experience in sales, management, and administration.

Parent company gives you unlimited assistance and field training, an unlimited market, a proven product with a 25-year free replacement guarantee, a complete, integrated sales program, and a protected franchise.

You own and operate this business, no experience in dinnerware line necessary, no franchise fees; $5,000 to $10,000 inventory investment, depending on area.

Write: Box S-966, the Wall Street Journal, New York.

U.S. SENATE,
Washington, D.C., September 17, 1963.

EDITOR, THE WALL STREET JOURNAL,
44 Broad Street,
New York, N.Y.

DEAR SIR: Because of the wide influence of the Wall Street Journal, I probably should not question the reliability of an advertisement which appeared in today's Journal. However, on the face of it I am concerned. This is the advertisement which carries no complete name and is only identified by, "Write Box S-966, the Wall Street Journal, New York, N.Y."

Its attention-calling headline says, "Only for women who want financial independence. Earn $25,000 to $50,000 and more." Further reading of the advertisement indicates that this is an "opportunity" to invest $5,000 to $10,000 in a moneymaking scheme having to do with dinnerware.

I recall the financial difficulties encountered by many credulous souls who answered the same kind of advertisements having to do with establishing your own automatic drycleaning business, or setting yourself up in a laundromat enterprise, until finally the FTC had to step in. Could there be an analogy here?

Not just because I am interested in the status of women, but more generally interested in control of all advertisements to see that they are not misleading I call this to your attention.

Sincerely yours,

MAURINE B. NEUBERGER,
U.S. Senator.

U.S. SENATE,
Washington, D.C., September 17, 1963.

THE WALL STREET JOURNAL,
44 Broad Street, New York, N.Y.

DEAR SIR: Since I serve on President Kennedy's Commission on the Status of Women, I am particularly sensitive to advertisements such as yours which appeared in the Wall Street Journal, directed toward women.

This kind of blind ad is suspect from the beginning, but since very few women—even authors, teachers, scientists with Ph. D.'s—earn as much as $25,000 to $50,000—and more, I am curious as to the reliability of your prediction. Please send me your brochure, contract, and guarantees as indicated in the advertisement.

Sincerely yours,

MAURINE B. NEUBERGER,
U.S. Senator.

THE UNIVERSAL GUILT OF BIRMINGHAM

Mrs. NEUBERGER. Mr. President, yesterday, while his fellow citizens searched for the bomb thrower, a young Birmingham lawyer, Charles Morgan, Jr., looked inward in his own anguished search for the source and meaning of the terrible events of the preceding day—inward to his own conscience and to the collective conscience of his community and his country.

What he found there was a universal guilt which transcended both the bombing of a single church and the geographical confines of Birmingham.

Out of his search grew a heavy indictment; an indictment which did not spare the hatemongers, and the morally corrupt politicians, as well as the "demented fool who threw that bomb;" an indictment which in truth spared no one, including himself.

You know the "who" of "Who did it?" is really rather simple. The "who" is every little individual who talks about the "niggers" and spreads the seeds of his hate to his neighbor and his son. The jokester, the crude oaf whose racial jokes rock the party with laughter. The "who" is every Governor who ever shouted for lawlessness and became a law violator.

"It" is every Senator and every Representative who, in the Halls of Congress, stands and with mock humility tells the world that things back home aren't really like they are. It is courts that move ever so slowly and newspapers that timorously defend the law. It is all of the Christians and all their ministers who spoke too late in anguished cries against the violence. It is the coward in each of us who clucks admonition.

None in Birmingham escaped the finger of guilt—not the ministers "who have done so little for Christianity," not the business community which "shrugs its shoulders and looks to the police or perhaps somewhere else for leadership," not the "Southern Liberals," nor the "good people whose ready answer is for those right-wing extremists to shut up."

We are indebted to this morning's Washington Post for printing Mr. Morgan's words in full, but the Post erred in its subheading, "All in Birmingham at Fault." Morgan's guilty are not encompassed by the Birmingham city limits nor even the South, but can be found in every State, including my own.

Who is really guilty? Each of us. Each citizen who has not consciously attempted to bring about peaceful compliance with the decisions of the Supreme Court of the United States; each citizen who has ever said, "They ought to kill that nigger"; every citizen who votes for the candidate with the bloody flag; every citizen and every school board member and schoolteacher and principal and businessman and judge and lawyer who has corrupted the minds of our youth; every person in this community who has, in any way, contributed during the past several years to the popularity of hatred is at least as guilty, or more so, than the demented fool who threw that bomb.

Charles Morgan reminds us painfully of the fearful silence of the liberals. Thus he echoes the words of Rabbi Joachim Prinz who had been the chief rabbi of Berlin under Hitler. In addressing the participants in the August 28 march on Washington, Rabbi Prinz had reminded us all that the greatest crime of the German people was silence.

THE CIVIL RIGHTS COMMISSION

Mr. SALTONSTALL. Mr. President, I am the chief sponsor of a bill to extend the life of the Civil Rights Commission, which will expire September 30 of this year, which was introduced in behalf of a number of Senators.

Obviously an all-inclusive civil rights bill will not be before the Senate by that time.

I believe the Commission has done valuable work, and that it is necessary that its life be extended.

I have been informed that it is the intention of the majority party to attach the extension of the Civil Rights Commission to the appropriation bill for the Departments of State, Justice, and Commerce. As the senior member of the Appropriations Committee on the Republican side and as a member of that particular subcommittee, I do not believe it is possible for the committee to make a report; for the Senate to act upon the bill; to have a conference with the House—since there are a number of items as to which there are differences—and for the bill to be passed before September 30. I call this situation to the attention of the Senate at this time, and particularly to the attention of the majority leader, in the hope that the majority will find another bill to which the extension of the Commission can be attached, so that the date of September 30 will not be passed without an extension of this very helpful Commission, which deals with a difficult subject.

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

Mr. SALTONSTALL. I yield to the Senator from New York.

Mr. KEATING. I am glad the distinguished Senator from Massachusetts has called attention to this problem again. I stated that I would seek to attach an amendment to the medical education bill which was before the Senate, and I was dissuaded from doing so by representations—I am sure made in the utmost of good faith—to the effect that an opportunity would be given in connection with some other bill to extend the Civil Rights Commission.

I am distressed to hear from the Senator from Massachusetts that it is not likely that the Senate can consider the appropriation bill for the Departments of State, Justice, and Commerce in time for the bill to get through the legislative process by the end of the month. Like the Senator from Massachusetts, I had understood that to be the bill to which it was intended to attach the extension of the Civil Rights Commission.

Within a few days the Senate will very likely consider the Defense Department appropriation bill. I hope that an effort will be made to attach the extension of the Civil Rights Commission to that bill.

I noticed that there was included a permanent extension of the Civil Rights Commission in the bill under consideration in the committee of the other body—which, by the way, was the bill of the distinguished Senator from Massachusetts, joined in by other Senators. It will not be helpful to the civil rights problem as a whole to allow the Commission to die, and then try in some way to revive it, because in the meantime the good people certainly cannot stay together unless they are assured of the extension of the life of the Commission.

I again appeal to the majority leader and to other Senators to take steps, either in connection with the Defense Department appropriation bill or otherwise, prior to September 30, to extend the life of this badly needed Commission, which has done outstanding work.

The Senator from Massachusetts has performed a service by again calling attention to this problem. I again serve notice that I shall consider it my duty to take positive steps to see that this is done, if it cannot be done by negotiation or otherwise, which would, of course, be a better way to do it.

I feel that we cannot allow the Commission to expire and go out of business and then try, by some "hocus pocus" or "Houdini" method to get it back into operation.

Mr. SALTONSTALL. Mr. President, I thank the Senator from New York for his contribution. The majority leader, for whose conscientiousness and for his leadership I have the utmost respect, is in the Chamber. I hope he will consider a vehicle by which the Commission can be extended without having it cease to exist and then seeking to reestablish it, with all the problems which that course would entail.

S. 1219 is the bill that I and a number of other Senators sponsored.

(At this point Mr. MCINTYRE took the chair as Presiding Officer.)

Mr. MANSFIELD. Mr. President, I have indicated to the Senator from New York [Mr. KEATING] on several occasions that I shall do my very best. I say this not as an alibi or in defense, but I would hope that if because circumstances do not develop as anticipated, it proves to be impossible by September 30 to extend the Civil Rights Commission, the Civil Rights Commission will not automatically, because of that, close down everything connected with it, but will allow us a little leeway, if needed.

Mr. SALTONSTALL. I hope so. Perhaps it can be a continuing resolution for a very short period of time, if we did so.

JUSTICE DEPARTMENT INTERVENTION IN NORTHEAST AIRLINES CASE

Mr. WILLIAMS of Delaware. Mr. President, in yesterday's issue of the Wall Street Journal there was an article which dealt with the Civil Aeronautics Board's curt dismissal of the Justice Department's stinging attack on the Board's decision to strip Northeast Airlines of its routes south of New York.

I happen to be one who regretted that the agency had made this decision. On the other hand, this Board is an independent Board, and I think it is highly improper that the Department of Justice should try to use its influence to bring pressure on this independent agency, unless it wished to bring a charge that some law was being violated.

In the preceding administration there was considerable criticism of a White House aide for his attempted intervention with the decisions of an independent agency.

It is equally wrong for the Attorney General to use his political influence in an attempt to change the decisions of any independent agency.

I ask unanimous consent that the article appear at this point in the RECORD.

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

[From the Wall Street Journal, Sept. 17, 1963]

CAB REJECTS JUSTICE DEPARTMENT'S PLEA TO INTERVENE IN NORTHEAST AIRLINES CASE

The Civil Aeronautics Board curtly dismissed the Justice Department's stinging attack on the board's decision to strip Northeast Airlines of its routes south of New York.

The Board told the Department, in effect, that hearings and arguments on the case began 2 years ago and, because the Department had nothing to say all that time, it shouldn't start complaining now.

The Board's action, taken on a 3 to 2 split vote in Washington, appears to close one avenue in the drive Massachusetts Senators KENNEDY and SALTONSTALL began in August

to upset the CAB decision. They asked the Justice Department to investigate any antitrust ramifications; the Department's response was the attack on the decision and the request to intervene.

The two Senators and other members of Congress from New England, where Northeast has its headquarters, also introduced a bill to overturn the CAB decision. The bill hasn't made much progress, although its backers probably will seize on the CAB's brisk dismissal of the Justice Department petition as new evidence of the need for their measure.

NO COMMENT FROM NORTHEAST

A Northeast Airlines spokesman said, in Boston the company had no comment on the latest CAB decision.

The spokesman said, however, that Northeast still plans to file with the CAB a petition for reconsideration of its decision. Thursday is the deadline for filing.

Northeast said it will again adjourn its annual meeting scheduled today, this time until November 13. The meeting was first adjourned July 30 until August 12.

The Justice Department last week asked permission to intervene in the Northeast case—meaning to state its position for the record—and at the same time filed a "petition for reconsideration" urging the Board to reverse its finding that three airlines aren't needed on the east coast-Florida routes and that Northeast must get off. It was in the petition that the Justice Department attacked the decision, claiming it has a "monopolistic value" for the two remaining lines, Eastern Air Lines and National Airlines.

NO OFFICIAL STANDING TECHNICALLY

Technically, the petition had no official standing until the Board ruled on the Department's request to intervene. In dissenting from that ruling yesterday, CAB members Robert Murphy and G. Joseph Minetti, who also has dissented from the decision to strip Northeast of its Florida routes, said they would have allowed the Department to intervene "under the circumstances of this case."

Any new Justice Department move would have to be in the courts, a spokesman said, but it's uncertain what it would be. It would depend on the outcome of Northeast's motion for the CAB to reconsider its decision. Should the Board agree to reconsider, it probably also would stay the date, set now for October 14, when Northeast must quit flying south of New York.

If the Board reaffirms its decision, or if it refuses to reconsider, Northeast could take the case to a U.S. court of appeals. The Justice Department then probably would file a friend-of-the-court brief supporting Northeast. However, a Department official said if Northeast doesn't appeal the Department probably would not, on its own, take the CAB to court.

FOREIGN DEBTS OWED THE U.S. GOVERNMENT

Mr. WILLIAMS of Delaware. Mr. President, several weeks ago I called to the attention of the Foreign Relations Committee the fact that we have no central point for the Congress or the agencies themselves to determine how many outstanding loans the U.S. Government has in each of the respective countries throughout the world.

Upon discovering that no such information was readily available I introduced an amendment to the pending foreign aid bill which would provide that unless such information had been submitted to the Congress prior to the end of this month, September 30, no further loans would be negotiated.

The Department is trying, in compliance with that amendment, to assemble that information. In that connection, I received a letter from the agency under date of September 7, 1963, stating that while it may take them a little while longer to get that information it will be submitted and that once it is submitted this information will list all the loans to each of the respective countries, along with the rates of interest, the status of the loans, the terms of the loans, the manner in which they are to be repaid; that is in dollars or foreign currencies; the outstanding balance; and so forth. It will be recommended that this information be put in a permanent document and kept currently up to date at regular intervals and submitted to the Congress.

This procedure should have been adopted long ago. I cannot understand why such information has not been kept current.

I ask unanimous consent that the letter be printed in the RECORD as a part of my remarks.

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

DEPARTMENT OF STATE, AGENCY FOR INTERNATIONAL DEVELOPMENT,
Washington, D.C., September 7, 1963.

Hon. JOHN J. WILLIAMS,
U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: Thank you for your letter of August 7, with further reference to your request for information on all foreign debts owed the U.S. Government. We have made substantial progress in compiling the information we had originally understood you wished to have.

However, your letter of August 7 makes it plain that you wish also to have us include in our compilation debts owed to international agencies such as the World Bank which are financed in part by the U.S. Government. We will proceed to add this information to the compilation we are preparing.

In order that there be no misunderstanding, let me restate what it is we are now preparing for you: a single list by country, in a standardized format similar to our "Report on Country Loans", of all foreign loan obligations to the U.S. Government or its agencies and to international lending agencies in which the U.S. Government participates. The list will be all-inclusive, containing loans to foreign governments, to subsidiaries of foreign governments, to mixed private-public undertakings, and to private concerns with or without government guarantee of the obligation.

As you know, the compilation of this material from the various documents in which it is now published is a rather massive clerical and typing job. I expect when we have completed this compilation, to suggest to the Director of the Bureau of the Budget that he consider whether some agency of the Government—perhaps the Treasury or Commerce Department—should not be assigned the task of keeping such a compilation currently up to date, and publishing it at regular intervals perhaps yearly. Meantime, we hope to have our special compilation completed in the next few weeks.

Sincerely yours,

DAVID E. BELL.

Mr. WILLIAMS of Delaware. I am concerned that no one in the Department had seen fit to recognize the importance of having this information available prior to being required by the Congress to assemble it. I do not see how in the past the Department could have intelligently passed upon the application for a loan by any country when it admits now that it did not have readily available information as to the status of its outstanding loans or how much that country already owed the Government.

NASA GIVES TAXPAYERS NEW HOPE

Mr. PROXMIRE. Mr. President, this is a happy day for the taxpayers if what the Wall Street Journal has reported can be accepted as true. It reports that NASA plans a fiscal 1965 budget request on a level with or even below this year's.

The space agency has been the most rapidly rising, expensive agency in Government, and it was anticipated that its budget would go up $2 billion next year.

One of the interesting reasons why the space agency does not plan for bigger budgets is that it does not find its need as great as was anticipated and a reduction in the requested budget is possible.

I have insisted that this is the most pampered and favored agency, in our Government, including Defense. I hope that this year Congress will take a careful look at the space appropriation, which has not yet come before the Congress, and seriously consider cutting back some of the requests which are excessive. This is the only nondefense agency which is not required to have separate Budget Bureau approval of its request before it comes to Congress.

For that reason alone Congress should give its request the most careful consideration.

I ask unanimous consent that the article from the Wall Street Journal to which I referred earlier be printed in the RECORD at this point.

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

NASA PLANS A FISCAL 1965 BUDGET REQUEST ON LEVEL WITH, OR EVEN BELOW, THIS YEAR'S

(By Jonathan Spivak)

WASHINGTON.—The National Aeronautics and Space Administration, for the first time in 6 years, plans to hold the line or even trim its budget request for new funds.

For the fiscal year starting next July 1, space officials, for political and technical reasons, have decided to keep their budget at, or more likely below, the agency's current year request of $5.7 billion. The precise amount will be determined by final congressional action on this fiscal year's budget and also, of course, on the attitudes of the White House and Budget Bureau.

But, officials say, the agency is considering an appropriations ceiling of $5.5 billion, although figures as low as $5 billion have been discussed.

NASA's current budget authorization was cut $350 million to $5.4 billion by Congress and the agency anticipates some further reduction in actual appropriations. In previous years, NASA's budget went through Congress almost unchanged with appropriations rising, for example, from $1 billion in fiscal 1961 to $3.8 billion in the year to last June 30.

NASA officials, concerned with congressional budget-cutting this year, want to present a lower budget than fiscal 1964's for psychological reasons. But beyond this,

forecasts of the actual needs of existing NASA programs have convinced the agency some reduction in appropriations requests is possible.

SPENDING WILL CONTINUE TO RISE

Because of the lag of expenditures behind appropriations, however, space spending will continue to rise. Expenditures are estimated at $4.4 billion in the current fiscal year and, depending on fiscal 1965 appropriations, they could climb to about $5.3 billion. The agency estimates it will spend $2.5 billion of previously authorized funds in fiscal 1965 plus about half of the new appropriations.

The agency's 1965 budget won't initiate any major new programs. NASA's top echelon is hesitant about assuming any major new undertaking with the Apollo manned lunar landing program making heavy demands on personnel and facilities. It's clear the White House wouldn't endorse any big new project because of its overall impact on the budget.

Earlier this year, there had been some consideration given to beginning the first actual procurement of hardware in fiscal 1965 for either an orbiting manned space station or what the agency calls a lunar logistics vehicle, a spacecraft to transport supplies and equipment to the moon. Space experts believe there are compelling technical reasons for undertaking both projects without much delay because of the probably prolonged research and development required.

But the decision to proceed with either a space station or a lunar logistics vehicle has been deferred to fiscal 1966 at the earliest.

PRIME CONTRACTOR DECISION

As yet, NASA and the Defense Department haven't agreed on any agency to be given prime management responsibility for the manned space station. Until this is resolved, and it's likely to include a White House decision to do it, there will be only relatively minor expenditures made for study of the space station.

NASA favors the space station as its next major program and may seek to include in its budget $8 to $10 million for detailed design study of its characteristics. The Air Force also has been spending lesser sums for study of a military-oriented space station.

Both military and civilian space leaders agree the orbiting space station should be able to house about four to eight men. It would be designed to remain in space for 1 year or more to determine the prolonged effects of weightlessness on men and material and permit other prolonged space operations. Crew members would be rotated by a smaller spacecraft launched at intervals of 2 months or so from earth. The total development costs are estimated at $2 to $3 billion and annual operation costs would add several hundred million dollars.

The lunar logistics vehicle and other projects associated with a manned base on the moon will continue to be studied in fiscal 1965 by NASA, probably requiring outlays of about $2 million to $3 million. The logistics vehicle would transport a payload ranging from 1,500 pounds to 20,000 pounds in supplies and equipment to the moon in support of astronauts.

While Project Apollo managers believe the logistics vehicle is necessary to insure safe and expeditious accomplishment of the lunar landing program itself, top space agency planners are unpersuaded. The agency's leadership is convinced the logistics system, because of its high development and operating cost, should be undertaken only if the administration makes a broader decision to follow up the initial landing of men on the moon with development of the manned lunar base.

A lunar logistics vehicle, designed to be launched by the Saturn V rocket, being developed for the Apollo program, probably would cost $2 billion to $3 billion to develop and close to $1 billion a year to operate.

"In our estimation the manned space station is the first thing that should be done. It will contribute more to space technology," asserts a NASA official.

Without the initiation of major programs, NASA's planning experts argue, the agency already has passed the peak of its need for new appropriations in some areas. It's estimated, for example, that the fiscal 1965 request for funds for facility construction will be substantially below this year's. New construction money of about $600 million may be sought, compared with a fiscal 1964 request of $800 million and congressional authorization of $713 million. Even so, because of the slow pace of obligation of construction funds, actual expenditures for constructing new facilities will continue to rise from this fiscal year's $582 million.

FURTHER PERSONNEL INCREASES

The agency hasn't yet determined at what point its manpower requirements will level off, and further increases in personnel probably will be asked for fiscal 1965. The agency's work force stood at 29,000 on July 1 and probably will rise to about 32,000 by next June 30. Even without additional staff, appropriations and expenditures for personnel and operations probably will rise about 10 percent in fiscal 1965. The fiscal 1964 request was $552 million and Congress authorized $518 million.

The major factor in the agency's apparent ability to hold the line on its fiscal 1965 appropriations is a leveling off in the demands of its manned space flight program, accounting for about 70 percent of the agency's total budget. Planners calculate fiscal 1964 will represent the peak appropriations requirements for some segments of the manned space flight effort.

It isn't anticipated, for example, that appropriations requirements for the two-man Gemini spacecraft, under prime contract to McDonnell Aircraft Corp., will be as high as this fiscal year's $306 million. It's also estimated that appropriations requirements for Project Apollo have reached or are nearing their peak. Prime contractors for Apollo are North American Aviation, Inc., and Grumman Aircraft Engineering Corp.

MASSIVE CANADIAN WHEAT DEAL WITH U.S.S.R. HURTS CAUSE OF FREE WORLD

Mr. PROXMIRE. Mr. President, yesterday the newspapers disclosed that Canada had just closed the biggest wheat deal in history with the Soviet Union in an agreement to sell the Soviet Union $500 million worth of wheat. Frankly, I was shocked and surprised by this agreement. The Soviet Union does not need additional wheat for its own consumption. It produces more than it needs. It has been in the past a wheat exporter, and it is still an exporter of wheat.

The Soviet Union will use this wheat to continue to have economic influence and domination over its satellites by using such wheat for export.

Thirty-three million dollars worth of that wheat—and this is firmly in the agreement—will go to Cuba; and the Soviet Union will be saved a great deal of freight cost by shipping it from Canada to Cuba instead of from Black Sea ports to Cuba.

From any standpoint, it seems to me, this is not good for the free world or the United States.

There is another article in the New York Times, on the following page, under the heading, "U.S. Hopes To Gain From Wheat Sale." It is true that we gain indirectly in our balance-of-payments situation, because the wheat was sold for gold. It is true that Canada is our best customer. It is true that there may be some benefit in opening up markets—the wish is there expressed—for our wheat in future years.

But it must be realized that whatever surcease from a hot war we may be able to achieve through the test ban treaty—and we all hope and pray to achieve it—we are in stern and strict economic competition with the Soviet Union. Khrushchev has said he intends to bury us, and he intends to do it.

This wheat deal is bound to help the economy of the Soviet Union as almost no other kind of assistance could.

The Soviet Union is suffering primarily because she has an inefficient farm economy. Almost half of her people work on the farm. This means that those people cannot be taken off the farms and put into factories. This wheat deal will be of great benefit to the Soviet economy. It will have a similar favorable effect on Castro's economy.

I hope this kind of agreement, which was reportedly not objected to in Washington, will be given far greater consideration, in all its implications, before this kind of an agreement is approved in the future.

I ask unanimous consent to have printed at this point in the RECORD the following articles which were published in the New York Times of Tuesday: "Huge Wheat Sale Closed in Canada"; "U.S. Hopes To Gain From Wheat Sale"; "Soviet Crop Loss Estimated at 10 Percent," which appeared in today's New York Times; and "Khrushchev Calls Farms Wasteful."

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

[From the New York Times, Sept. 17, 1963]

HUGE WHEAT SALE CLOSED IN CANADA

(By Raymond Daniell)

OTTAWA, September 16.—Canada closed an agreement today to sell the Soviet Union nearly $500 million worth of wheat, the largest sale of grain for delivery in 1 year ever transacted.

Cuba was a direct beneficiary. Of the total 198 million bushels in the agreement, 16.5 million bushels of wheat and flour worth $33 million are for delivery by the Soviet Union to Cuba.

The only transaction comparable in size is a $580 million foreign-aid sale of U.S. wheat to India. That agreement, to expire June 30, 1964, covered a 3-year period.

The agreement, the third between the two countries, calls for deliveries five times as large as those provided for under any previous agreement with the Soviet Union. The Soviet purchase is also larger by about 40 million bushels than the recent long-term purchase by Communist China of 187 million bushels.

UNITED STATES INFORMED

Mitchell Sharp, Minister of Trade and Commerce, who negotiated the agreement for Canada, said the United States had been informed that part of the wheat was to be delivered to Cuba and had offered no objections. The Soviet Union will be responsible for transporting the wheat, he said.

Recently, the Ontario Wheat-Marketing Board, acting on its own, sold 1.8 million bushels of wheat to a foreign buyer and it

was reported that it was destined for Cuba. Canada has been selling skimmed milk powder to Cuba directly for some time.

Under the terms of the agreement signed today, Canada will deliver at its ports 5.3 million long tons or 198 million bushels of wheat and 575 million long tons or 29.5 million bushels of wheat flour by July 1964. From the ports, the Soviet Union has the responsibility of transporting the grain.

The agreement was signed by Mr. Sharp, and S. A. Borisov, Soviet First Deputy Minister of Foreign Trade, who has been here as head of a Soviet trade delegation for the last 2 weeks to negotiate the purchase.

The agreement provides for short-term, Government-guaranteed credit through July 1964. The Soviet Union has agreed to buy 500,000 long tons or 18.7 million bushels more wheat or flour in 1965. This would be worth about $36 million, a relatively small amount, which it was said might be increased if the Soviet Union needs to supplement its own crop further.

It is understood that the Soviet Union is acting as an intermediary for Cuba because Havana lacks the dollars to buy wheat directly. The Soviet Union is understood to have accrued the necessary dollars through recent gold sales. Mr. Sharp noted that Canada insists on payment in dollars.

VOLUME SURPRISING

What is most surprising about the agreement is the volume of deliveries. Fulfillment of the commitment within a year will pose serious logistical problems, tax the capacity of Canadian flour mills and lower the reserve in Canadian granaries to about the safety level or less than 500,000 bushels.

Mr. Sharp said at a news conference that the agreement, coming after Canada's sale this summer of 187 million bushels of wheat to Communist China over a 3-year period, would not interfere with commitments to supply major markets in Britain, Europe, Japan, Asia, and elsewhere under the International Wheat Agreement.

It might, however, prevent Canada from carrying out her planned expansion of foreign aid to underdeveloped countries in the form of gifts of grain.

Canada, Mr. Sharp said, will not try to sell any more wheat this year. However, it is reported that a Polish delegation is coming to try to make additional purchase. Poland has bought Canadian wheat for several years.

Mr. Sharp said the Soviet delegation had made no secret of its intention to distribute some of the huge grain purchase among its satellites in Eastern Europe as well as in Cuba.

Mr. Borisov said in a statement, read in Russian and translated, that weather in the Soviet Union had adversely affected the Soviet wheat crop, forcing his country to buy from other countries. The Soviet Government has also bought substantial quantities of wheat from Australia.

Future purchases of wheat from Canada for delivery to Soviet ports near Canada could be "economically justified and proper," Mr. Borisov said. He declared that this would "depend on how much Canada is able to enlarge its purchases of Soviet goods." Because the economies of Canada and the Soviet Union are somewhat similar, any great expansion of Russian exports to this country is regarded as unlikely.

The wheat sale was made possible by the Export Credit Insurance Corporation, a Government body, which agreed to provide guarantees to a maximum of $200 million at any one time. The sale was for 25 percent cash for each shipment, with one-third of the balance payable after 6, 12, and 18 months from the date of shipment.

The agreement is expected to set a record for wheat export in a single year. The Canadian Wheat Board, whose chairman, W. C. McNamara, took part in the negotiations, estimated that total exports this year would amount to 550 million bushels, against 386 million bushels in 1952–53, the best postwar year. Sales of 550 million bushels would represent foreign-exchange earnings of more than $1 billion.

Wheat sales to Communist China and the Soviet Union will go a long way toward enabling Canada to cover its chronic imbalance of trade with the United States, running at the rate of about $1 billion a year.

The wheat and flour purchased by the Soviet Union for delivery this year, including purchases outside the agreement, amount to 239 million bushels.

Because of the immense volume of grain movements to the ports in so short a time, N. R. Crump and Donald Gordon, presidents of the Canadian Pacific and the Canadian National Railways, were consulted on the ability of their lines to handle the traffic. They expressed confidence that they could do so, although it would mean doubling the traffic.

Arrangements have been made, Mr. Sharp said, to speed the movement of grain carriers through the St. Lawrence Seaway for the time left in the ice-free season and from the time it reopens next spring.

Even if Canada is able to get the required amount of grain from the prairies to the ports on her east and west coasts, it was suggested that the Soviet Union might find trouble in getting ships to carry the cargoes to its own ports.

[From the New York Times, Sept. 17, 1963]

UNITED STATES HOPES TO GAIN FROM WHEAT SALE

WASHINGTON, September 16.—U.S. agricultural officials speculated cautiously today that Canada's $500 million sale of wheat to the Soviet Union might benefit American producers.

Any benefit, it was said, would come from Canada's leaving open some world markets and from the United States filling demands with dollar sales. Some officials said the United States could increase its wheat sales by more than 200 million bushels in the next year as a replacement for Canadian wheat. This could raise U.S. wheat exports to a record.

While farm officials speculated on possible benefits, officials at the State Department said the Soviet plan to send Canadian wheat to Cuba posed no issue between the United States and Canada.

The State Department officials said that wheat was in the category of food and that Washington had never prohibited the shipment of food and drugs to Cuba under Premier Fidel Castro. Traditionally, they said, the United States has acted on humanitarian grounds—even toward Communist China.

POLICY UNDER STUDY

Washington also wonders whether the Soviet purchase will spur the United States to open its surplus agricultural products to the Soviet Union and to other Communist countries.

There is no legal prohibition of government-to-government sales with the Soviet Union, provided that commercial exporters obtain export licenses from the Department of Commerce. The policy, however, has been to rule out trade in farm products with Communist countries other than Poland and Yugoslavia.

This issue has agitated Congress for several years. Congress has prohibited aid to any country known to be dominated by communism or Marxism. But it has permitted sales and gifts of surplus farm products where the President finds them in the national interest.

Senator HUBERT H. HUMPHREY, of Minnesota, the Democratic whip, asserted today that the United States must change its outdated export policies if it was to share in world markets.

Wheat is not a war material, he told the Senate in commenting on the Canadian-Russian agreement. Canada, he said, is getting dollars for its wheat at a time when the United States needs gold to help its dollar balance.

HODGES FAVORS EXPANSION

There was no official indication that the Soviet purchase had stimulated a re-examination of the U.S. policy. Earlier today Secretary of Commerce, Luther H. Hodges said he had planned to suggest to President Kennedy that the United States might expand trade with Communist countries in the wake of the easing of tensions and the treaty for a limited ban on nuclear tests.

Mr. Hodges spoke on the television program "Today" over the National Broadcasting Co. network before Canada announced the Soviet agreement. He did not specifically include farm products. The Secretary said, "We ought to follow somewhat more what our allies have been for the last several years—namely, to sell goods."

The Department of Commerce will hold a White House conference tomorrow on promoting exports. President Kennedy will speak, and Mr. Hodges said he planned to carry his plea to the President then.

Analysts of Soviet agriculture and the Department of Agriculture commented that the Canadian sale might indicate that the Russian grain shortage was worse than had been believed. But they had no definite word.

Agriculture officials indicated that if the United States could add to its exports, wheat prices would generally be strengthened. But, they pointed out, this applied to the current wheat crop and would have no affect on the 1964 crop.

PRICE DROP EXPECTED

Official predictions are that wheat prices will drop sharply next year. This is based on producers' rejection of the administration's tough new wheat-output control proposal earlier this year. That program would have guaranteed producers $2 a bushel, compared with the predicted 1964 price of about $1.30.

One cause of worry, officials said, is that with the Canadian sale opening sales for U.S. wheat, and with a resultant stiffening of prices, producers may be induced to plant more. Winter wheat, the bulk of the U.S. crop, is going into the ground now for harvest next year.

One reason for caution by farm officials is that Canada has had two successive bumper wheat crops. The 1962 production was 550 million bushels; this year's yield, estimated at 706 million could amount to 750 million.

Canada could easily handle the 550 million bushels for domestic and export needs, the officials said, but this year's crop provided her with a 200-million bushel surplus to be drained off by the Soviet Union. At the same time, they noted, Canada has notified some customers that she cannot fulfill all her commitments.

[From the New York Times, Sept. 17, 1963]

SOVIET CROP LOSS ESTIMATED AT 10 PERCENT

(By Tad Szulc)

WASHINGTON, September 17.—U.S. specialists on Soviet agriculture and trade today ascribed Moscow's purchase of Canadian wheat to a drop of perhaps 10 percent in the Soviet crop.

A contract for the Russian purchase of more than 6 million metric tons of wheat and wheat flour was signed in Ottawa yesterday.

The purchase was necessary, the U.S. specialists said, because even in past years the Soviet crop has provided only slightly more than enough to meet consumer demands.

This year's drop, combined with the new needs of Cuba and Eastern Europe, left the Soviet Union with a substantial deficit.

Weather conditions were believed to be the main cause for the decrease in output.

The estimate here was that the Canadian purchase was the equivalent of about 1 month of Soviet domestic consumption. Officials warned that precise figures were not possible because Soviet export commitments are not fully known.

DEMANDS ON CROP SHOWN

The demands on the Soviet wheat crop, both domestic and international, were illustrated by Soviet insistence that the entire agreement be conditioned on Canada's acceptance of the shipment to Cuba of 465,000 metric tons of wheat and flour from the purchase.

Canada advised the United States of this condition when the State Department asked whether the deliveries to Cuba were an essential part of the transaction.

Figures for Soviet wheat and flour exports to Cuba indicated today that Moscow had decided to meet its pledges of wheat to Cuba through purchases of Canadian wheat.

This, experts here stressed, showed that the Soviet Union would rather pay in dollars for supplying Cuba with wheat and flour, now among the essential staples consumed on the island than take them out of her own supplies.

The Cuban wheat and flour needs grew from 292,000 metric tons in 1961 to the 465,000 tons this year, largely to make up for a drastic decrease in Cuban food production including rice, black beans, and malanga, a turnip-type edible root.

MOSCOW WILL SAVE

In overall terms, however, the Soviet Government is making a saving in buying the wheat for Cuba from Canada, because freight costs from Canada to Cuba are only a fraction of what Moscow pays for shipments from Black Sea ports.

ALLIES IN BLOC MAKE DEMANDS

In addition to the rising Cuban needs, the Soviet Union is known to be under pressure to provide wheat and grain in considerable quantities to its Eastern European allies, notably Poland and East Germany, because of their own crop failures, also caused by poor weather.

Even before the Soviet harvest shortages became known, Poland indicated her eagerness to obtain additional U.S. wheat on loan under the commodity surplus program and to purchase a sizable amount of wheat in Canada.

She had been receiving U.S. wheat and other farm commodities under the surplus program for the last 5 years, but she is reported to be having difficulty in opening negotiations with Washington.

Cuba, which ran out of foreign exchange in 1961, has been depending exclusively on Soviet shipments financed by credit arrangement. In an article in the June issue of U.R.S.S., a Soviet magazine in Spanish, a Soviet trade representative, P. Sakun, wrote that "the supply of bread to the Cuban population is carried out completely through the supply of Soviet wheat and flour."

What now appears to have been one of the first signs of Soviet difficulty in delivering wheat and flour to allies came in a broadcast by the Havana radio last month. The radio announced that the production of crackers and noodles would have to be curtailed temporarily.

U.S. specialists say that while the Soviet Union reported a wheat production of 70 million metric tons last year, the figure was probably closer to 55 million tons.

The size of the Canadian purchase indicates that the 1963 production will be less than 50 million tons.

[From the New York Times, Sept. 18, 1963]

KHRUSHCHEV CALLS FARMS WASTEFUL

Moscow, September 17.—Premier Khrushchev has demanded an all-out effort to "improve the management of Soviet agriculture."

Speaking in Volgograd yesterday to regional officials responsible for state farms and irrigation projects, the Premier chided "people who cling to their old habits and who cannot get rid of the bureaucratic style of management."

The speech was printed tonight in Izvestia, the government newspaper. It occupied the greater part of the paper's front page and almost an entire inside page.

The Premier stressed the questions of fertilizer and irrigation, both long of special interest to him.

He disclosed that the central committee of the Communist Party, after prolonged debate, had decided recently to create a new administration exclusively responsible for the construction and operation of all irrigation works in the country.

OUTPUT TO BE INCREASED

Mr. Khrushchev also said the central committee had concluded that it was of prime national importance to increase the production of mineral fertilizer and to insure that existing stocks of fertilizer were being used effectively.

"We must spare no effort to increase the production of fertilizer," Mr. Khrushchev added.

He said that present plans called for an increase of fertilizer production from 20 million tons this year to 29 million tons next year and to 35 million tons in 1965. The goal of 35 million tons is equal to the 1962 fertilizer output of the United States, Mr. Khrushchev noted.

The Premier cited the care with which American farmers protected their fertilizer in plastic bags in contrast with the neglectful practices in the Soviet Union, where, he said, piles of fertilizer were allowed to freeze for children to sledge down on.

Mr. Khrushchev also criticized the cost of vegetables, declaring that it was "a shame" that Soviet agriculture with its modern machinery had allowed the price of vegetables to rise so high.

Mr. Khrushchev said he was "not pleased" with what he had seen and heard in the newly irrigated Volga-Don region, which he inspected yesterday and where he made his speech.

"If you continue to work like this, then the bread received from such irrigated lands will become bitter because you spend a lot to produce it," he cautioned.

YUGOSLAV FARMS PRAISED

Mr. Khrushchev said that during his recent visit to Yugoslavia he had been impressed by the high yields obtained on state farms there and by the effective use made of fertilizer.

Although state farms make up only 20 percent of the Yugoslav agricultural area, he said they produce 60 percent of the country's bread grain.

Mr. Khrushchev hinted that instead of extending the acreage under cultivation as in the past under his virgin lands plan, the Soviet Union would in the future concentrate on intensifying production on existing acreage, mostly through the wider use of fertilizer.

The Soviet leader said that on the average the Soviet Union was using 154 pounds of mineral fertilizer a hectare (2.47 acres) of arable land compared with 499 pounds in the United States, 1,115 in France, 1,685 in Britain, and more than 2,200 in West Germany.

"Comrade leaders," the Premier said, "it is necessary now to improve the management of agriculture in the most resolute way."

Mr. KEATING subsequently said: Mr. President, supplementing the remarks of the distinguished Senator from Wisconsin regarding the sale of $500 million worth of wheat to the Soviet Union, it seems to me we must view it with mixed emotions.

So far as the Soviet Union is concerned, it conclusively proves the failure of the Communist agricultural programs and demonstrates to the world what a poor farmer the Communist bloc is. As far as Canada is concerned, the sale is undoubtedly a good bargain and economically useful.

But insofar as this deal specifically includes, as the Senator from Wisconsin pointed out, $33 million worth of grain for Cuba, it involves a very serious breach in U.S. efforts for economic and political isolation of the Castro regime.

Canada has always refused to join the Organization of American States and participate in hemispheric planning efforts, but this move goes a step further than that. It is a direct repudiation of the efforts of the OAS to isolate Castro. It will invite leftists throughout the hemisphere to press for renewed ties with Castro and may open the way for an even greater flood of Communist influence into Latin America.

Furthermore, reports indicate that the Canadians have also been selling skim milk powder to Cuba for some time.

It is ironic that for some time the United States has tried to move carefully and restrict its Public Law 480 sales of grain, which represent a substantial and effective part of our foreign aid program in order not to offend nations like Canada. Our aid to underdeveloped countries, in other words, has been deliberately held down to please Canadian grain sellers. Yet, Canada has one of the smallest foreign-aid programs in the entire free world. Proportionate to Canada's gross national product, the country supplies only one-fifth as much aid to poorer nations as the United States does and ranks practically at the bottom in free world aid programs.

Increased international trade is all very well and dollars are important to every nation. But I think it is extremely unfortunate that the Canadian Government, in its pursuit for profit, should deliberately flout the mutual interest of the entire hemisphere in encouraging a Soviet withdrawal from Cuba. In fact, what the Canadians have done is to strengthen the Soviet position in Cuba, by allowing the Soviets to take the credit for alleviating the food shortage.

This action, although on a larger scale dollarwise, is comparable to the intention of a French firm in Paris to sell Castro equipment to build a sugar-waste processing plant, by which waste sugar cane may be chemically processed into yeast. This undertaking, on which I have just received what I consider positive confirmation from Paris, will, like the grain sale, tighten the Communist grip on Cuba.

It is regrettable, and a sign of the half-hearted manner in which our own shipping and other restrictions have been applied, that there has been not

one single word of protest or condemnation by our Government on these moves.

I did not know until the Senator from Wisconsin spoke that our State Department had actually approved of this sale. At least I know that there has been no protest or condemnation of it. I hope it is not indicative that there is no real will in Washington to enforce a strong boycott against Cuba, and that our Government is content to drift with the tide and roll with the punches that come, not only from the Communist bloc, but, alas, in increasing number from our allies.

I am greatly distressed by this transaction insofar as it represents a sale to Cuba, indirectly, and I share the concern of the distinguished Senator from Wisconsin.

Mr. MANSFIELD. Mr. President, I should like to make a brief statement.

I have been following with considerable interest the statements being made on the wheat deal between Canada and the Soviet Union, with some of the wheat being shipped to Cuba.

It is a little surprising to me to hear a Member of the Senate state on the floor that this was done with the approval of the administration in Washington. I was always under the impression that Canada, being a sovereign nation, does what it does in its own best interest, as we do also.

While I certainly have my doubts and do not approve of the action with regard to Cuba, I point out that this matter is Canada's business, and Canada's business alone.

I would also point out, on the subject of wheat, that we have shipped a good deal of wheat to our friends in Western Europe, and that certain allegations have been made on the floor of the Senate, and certain proofs have been forthcoming, to the effect that some of the wheat which we shipped to our friends in Western Europe has, at times, has been milled and shipped behind the Iron Curtain.

Therefore I would suggest that we look at this matter with a little understanding. I do not approve of what Canada has done, but Canada, being a sovereign country, does what it desires, and what it does is not dependent upon approval in Washington. To the best of my knowledge there has been no approval in Washington of what Canada has done in connection with this wheat deal.

Mr. AIKEN. The colloquy we have been hearing in connection with the sale of Canadian wheat to Russia has been quite interesting. It is significant that, as the need for wheat in Communist China increased, our own exports increased materially. There is no use trying to fool ourselves. If any of the countries behind the Iron Curtain want American goods, they can get them, although they must go through a third country, which skims off the cream.

Mr. MANSFIELD. Usually they are our allies.

Mr. AIKEN. Yes; our own allies. They are doing a land office business. I do not want to add to anyone's discontent, but I have just read that the Australians have sold $100 million worth of wheat to Russia.

What is the solution? Shall we sever relations with Australia and Canada?

Instead of constantly complaining, we should make some suggestions about what to do about the situation. So far as I know, the only thing we can do is to break off diplomatic relations with Australia and Canada, and perhaps also with Germany, France, Belgium, Holland, and Italy, and all our other good friends.

I am satisfied that our friends are doing a land office business with Communist countries and taking a very substantial profit on the materials and production which we sell to them.

If Cuba wants to get powdered milk or flour from American wheat, it can get it; so can Hungary and Rumania and Russia. To get it, of course, it must go through a third party.

Therefore, we ought to hear some recommendations as to what to do about the situation.

Certainly the U.S. Government does not have to approve Canadian transactions or Australian transactions with any other country. The only recourse would be retaliation. What form that retaliation should take, I do not know. The fact remains that our best friends are cleaning up on us, and we are taking it out on complaints.

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

Mr. AIKEN. I yield.

Mr. PROXMIRE. The article published in the New York Times, which I read, states:

> Mitchell Sharp, Minister of Trade and Commerce, who negotiated the agreement for Canada, said the United States had been informed that part of the wheat was to be delivered to Cuba and had offered no objections.

Another article published in yesterday's New York Times states:

> While farm officials speculated on possible benefits, officials at the State Department said the Soviet plan to send Canadian wheat to Cuba posed no issue between the United States and Canada.

At least no objection was made by the U.S. Government, and certainly no reluctance was shown on our part toward having the deal go through. There was no protest. No reservation was expressed with regard to it.

Mr. MANSFIELD. The Senator from Wisconsin ought to be fair. I know he wants to be fair. So far as the State Department is concerned, it has not been asked, and it should not be asked by the Canadians as to what they should or should not do. After all, Canada is a sovereign nation, as I have tried to indicate. What the Senator says does not indicate that the State Department had approved the wheat deal.

Mr. PROXMIRE. I read again from yesterday's New York Times:

> Mitchell Sharp, Minister of Trade and Commerce, who negotiated the agreement for Canada, said the United States had been informed that part of the wheat was to be delivered to Cuba, and had offered no objections.

Mr. MANSFIELD. What good would it have done?

Mr. PROXMIRE. We could at least have disagreed with it. We could have said we do not like it. We could at least have stated our position.

Mr. MANSFIELD. Suppose they told us they did not like what we were doing.

Mr. PROXMIRE. So long as they informed us, it seems to me that if the State Department did not like it, it could have said so. It is possible Canada might not proceed against our expressed opposition. If she did proceed, it would be possible for this country to consider steps that might discourage such action in the future.

Mr. MANSFIELD. That is Canada's business. That is the answer.

Mr. AIKEN. If the Canadians ship wheat from Canada to Cuba, it is less expensive than shipping it from Russia. Last year our exports of wheat to Western Europe increased tremendously, going above 7 million bushels. No doubt some of that was shipped to Red China.

It is cheaper to ship Canadian wheat to Cuba than to have it reshipped, and the same is true with respect to wheat shipped to Red China, or to any other part of the world.

Mr. PROXMIRE. The point I wish to make is that we should try to make it as expensive, difficult, and onerous for the Communist nations as possible, not as easy and convenient as we can make it.

Mr. AIKEN. Does the Senator from Wisconsin recommend that the United States sever diplomatic relations with Canada, Australia, France, West Germany, and Belgium?

Mr. PROXMIRE. Certainly not; I say we should have protested and made our position clear.

Mr. AIKEN. Does the Senator think we should tell Canada, Australia, New Zealand, and other nations how to conduct their business?

Mr. PROXMIRE. I say that when Canada informs us that she plans to sell to Russia wheat that Russia will send to Cuba, we should say we oppose that action because it is a bad thing to do. Our allies can do it; they are sovereign nations. But we should at least make our position clear to them; that is all I ask.

Mr. AIKEN. They will go ahead and ship it anyway.

Mr. PROXMIRE. Why assume this great nation is so impotent? This way they do it with our tacit approval.

Mr. AIKEN. Even if we should say, "No," very few countries would do what we ask. Even Vietnam would not do what we want it to do.

Mr. PROXMIRE. We can hardly blame or criticize our allies for assisting the Communist bloc if our State Department, which is informed of these actions, does not at least go on record disapproving them. If Canada takes such action, as it has done, without notifying our Government, or does it over the protest of our Government, we should criticize Canada. But when Canada informs us, and our State Department indicates no objection, the criticism and it should be emphatic should be lodged with the State Department, not with Canada.

A FLOWER FOR THEIR GRAVES

Mr. GRUENING. Mr. President, last night's Washington Evening Star con-

tained three interrelated items on the disgraceful and loathsome happenings in Birmingham, Ala., where repeated bombings and now the killings of innocent children while attending Sunday School in their church have put the spotlight on the too-long delayed struggle for equal rights for all the people of the United States regardless of the color of their skin.

The first article, written by columnist David Lawrence, urges the Negro to go slow—not to push things too fast. It occurs to me that Mr. Lawrence should ask himself whether if he were born a Negro he would consider it pushing too fast if, 100 years after he had been promised equality and was still being denied equal educational opportunities, equal employment opportunities, equal accommodations, he too would think it was pushing things too far to want these constitutionally guaranteed rights—now.

The second item is an editorial in the same issue of the Star disagreeing with Mr. Lawrence. I agree with that editorial. I agree with its view that Mr. Lawrence's comments are "tasteless and absurd." In the light of what has been happening in Birmingham, as the Star says editorially "this is a time for shame, not for self-righteousness."

Finally, a column from the Atlanta Constitution, written by its editor, Eugene Patterson, a native Georgian, entitled "A Flower for the Graves," tells eloquently what should be in the hearts of all of us.

I ask unanimous consent that these three items be printed at the conclusion of my remarks.

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

[From the Washington Evening Star, Sept. 17, 1963]

ANSWERING BIRMINGHAM BOMBERS—ALL SIDES URGED TO WORK OUT REFORMS AND PUT THEM INTO CITY ORDINANCES

(By David Lawrence)

The tragedy of Birmingham reflects the conflicts of angry men. It emphasizes a defeat for the rule of reason and a triumph for the spirit of mobocracy.

To preach nonviolence, yet to sanction street demonstrations which incite to violence, is to stir up the deepest emotions. Under such circumstances, men on both sides tend to feel rather than to think.

Responsibility for the recent outbreaks of violence will be attributed by each side to the other in the integration controversy. It will be said that, if the churches themselves had not become active participants in the public demonstrations, there would have been less resentment in the communities. It will be argued in reply that there was no other way to dramatize what was felt to be an innate injustice, both in law and morality.

There is no question about the fact that the bitterness of those who have been discriminated against because of race or color produces an anger that often brushes aside pleas for a rule of reason and for the operation of a system of law. Not so many years ago, the anger of the mob caused the lynching of many an innocent man. The mob always felt sure that the suspect was guilty and cried out: "Why wait for the courts—he's guilty." The cry today is: "Why wait for the process of law—it's too slow."

The air is filled with threats. It is being said that, unless this or that reform is immediately granted, there will be race violence. No constructive purpose is served by such threats and, when uttered by clergymen, they are even more discouraging. For what is lacking in the controversies today is the restraint that comes from a true religious spirit. Saint Thomas Aquinas in his famous book said:

"The angry man is energetic in the pursuit of justice. But anger can destroy the reasonableness and prudence of our actions. Frequently angry men exact a greater vengeance than the injury done to them merits."

This applies particularly to the men who bombed the Negro church in Birmingham. They do not represent or reflect a majority sentiment in the community. They gave vent only to their own passions of anger, and their evil deed will bring about an adverse reaction to whatever cause they had in mind.

Who committed the crime—tossing a bomb that killed four young girls in a church during Sunday school services? Could this possibly have been the premeditated plot of any organized movement? Could it have been—as some observers are beginning to suspect—the work of that small but dangerous clique inside this country who capitalize on every public controversy? They provoke friction and violence because these will injure the image of America throughout the world—an objective sought by Communist subversives who even employ some Fascists for the purpose in order to conceal the true origin of the drive.

It will be of little avail to accuse any one in public office—or the people of Birmingham—of responsibility for last Sunday's crime. This will tend only to increase bitterness all around. Maybe the perpetrators of the bombing will never be caught. Whether in the North or South, most bombings in recent years have gone unsolved because the bombs can be tossed from a speeding automobile which then vanishes, or they can be planted clandestinely during the night.

The answer to the country's race problem will not come from bombings any more than it will come from demonstrations, however orderly they may appear to be. The right of petition under the Constitution can be effectively exercised in less spectacular ways.

Whatever Congress may do at this session will be regarded as inadequate by angry men anxious to accomplish overnight what must take a long time to achieve. For, as past experience indicates, customs and ways of life are not surrendered under threat or in an atmosphere of passion.

This country has prided itself on its constitutional system—a government of written laws. Unjust laws are not repealed by mob violence but by steady and persistent pleas in the court of public opinion. The means of communication are numerous today and are available to proponents or opponents of any legislation.

The theory that demonstrations are essential to the winning of public opinion fails to take into account that, in an atmosphere of anger and bitter resentment, there is no human progress if laws are passed before the electorate has really been persuaded of their justness through application of the rule of reason. Violence begets more violence. It doesn't vanish when provocative speeches are made in the name of nonviolence. It is a time for self-examination by all sides of the current controversy. There surely are in every community men of all races who can sit down together to work out needed reforms and gradually put them into effect through city ordinances. They can also bring about the passage of the necessary State or Federal laws to deal with particular barriers to the better understanding which should prevail among all races.

Even this process, however, takes time for education of the citizens and a legal determination of where private rights end and public rights begin. Time and reason can solve any difficulty, but the passions of anger will solve nothing—not even in the relations of governments or nations, as the wars of the past have tragically proved.

[From the Washington Star, Sept. 17, 1963]

MR. LAWRENCE'S THESIS

On the page opposite this one, David Lawrence today advances the thesis that the death of four Negro children attending Sunday school in Birmingham is a somewhat logical result of the active efforts of Negroes to secure their civil rights as Americans.

We print the column as part of a continuing effort to present a variety of views on controversial issues. But, speaking for ourselves, we reject Mr. Lawrence's comments on this subject as tasteless and absurd.

It hardly behooves a member of the white majority in this country to make the death of these innocent victims of bigotry an occasion for a lecture to the Negro community on the need for additional restraint. This is a time for shame, not for self-righteousness. The column by Eugene Patterson of Atlanta, reprinted elsewhere in today's paper, would seem to represent a more appropriate reaction.

[From the Washington Star, Sept. 17, 1963]

A SOUTHERNER SPEAKS—A FLOWER FOR THE GRAVES

(The Atlanta Constitution, one of the South's leading newspapers, placed the responsibility for the bombing of the Birmingham church Sunday morning on the entire white South in the column printed below, entitled "A Flower for the Graves." It was written by Eugene Patterson, a native Georgian and editor of the Constitution since 1960.)

A Negro mother wept in the street Sunday morning in front of a Baptist church in Birmingham. In her hand she held a shoe, one shoe, from the foot of her dead child. We hold that shoe with her.

Every one of us in the white South holds that small shoe in his hand.

It is too late to blame the sick criminals who handled the dynamite. The FBI and the police can deal with that kind. The charge against them is simple. They killed four children.

Only we can trace the truth, Southerner—you and I. We broke those children's bodies.

We watched the stage set without staying it. We listened to the prologue unbestirred. We saw the curtain opening with disinterest. We have heard the play.

We—who go on electing politicians who heat the kettles of hate.

We—who raise no hand to silence the mean and little men who have their nigger jokes.

We—who stand aside in imagined rectitude and let the mad dogs that run in every society slide their leashes from our hand, and spring.

We—the heirs of a proud South, who protest its worth and demand its recognition, are the ones who have ducked the difficult, skirted the uncomfortable, caviled at the challenge, resented the necessary, rationalized the unacceptable, and created the day surely when these children would die.

This is no time to load our anguish onto the murderous scapegoat who set the cap in dynamite of our own manufacture.

He didn't know any better.

Somewhere in the dim and fevered recess of an evil mind he feels right now that he has been a hero. He is only guilty of murder. He thinks he has pleased us.

We of the white South who know better are the ones who must take a harsher judgment.

We, who know better, created a climate for child killing by those who don't.

We hold that shoe in our hand, Southerner. Let us see it straight, and look at the blood on it. Let us compare it with the unworthy speeches of southern public men who have traduced the Negro; match it with the spectacle of shrilling children whose parents and teachers turned them free to spit epithets at small huddles of Negro schoolchildren for a week before this Sunday in Birmingham; hold up the shoe and look beyond it to the statehouse in Montgomery, where official attitudes of Alabama have been spoken in heat and anger.

Let us not lay the blame on some brutal fool who didn't know any better.

We know better. We created the day. We bear the judgment. May God have mercy on the poor South that has been so led. May what has happened hasten the day when the good South, which does live and have great being, will rise to this challenge of racial understanding and common humanity, in the full power of its unasserted courage, assert itself.

The Sunday school play at Birmingham is ended. With a weeping Negro mother, we stand in the bitter smoke and hold a shoe. If our South is ever to be what we wish it to be, we will plant a flower of nobler resolve for the South now upon these four small graves that we dug.

JURY TRIALS FOR STATE OFFICIALS CHARGED WITH CRIMINAL CONTEMPT OF COURT IN VOTING CASES

Mr. MORSE. Mr. President, in 1957, I was the only Senator outside the South to vote against the Civil Rights Act. A major reason why I did so was the inclusion of a provision for jury trials for State officials who are charged with criminal contempt of court in voting cases. I made the case then that the right to trial by jury did not and should not enter into cases of criminal contempt.

The St. Louis Post Dispatch of September 13, 1963, published an editorial commenting on this issue with respect to the case of Gov. Ross Barnett, of Mississippi. I ask unanimous consent that it be printed at this point in the RECORD.

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

BY JURY OR JUDGE?

The American Civil Liberties Union has gone to the Supreme Court on the side of Gov. Ross Barnett of Mississippi, who seeks a jury trial of criminal contempt charges. Since the ACLU strongly opposes the antilibertarian activities of Governor Barnett, it deserves great credit for siding with him on principle. Nevertheless, the issue is not a simple one.

What is the principle? As stated by the ACLU, it is that the constitutional guarantee of jury trial should extend to criminal contempt cases.

A distinction must be made between civil and criminal contempt. A man may purge himself of civil contempt of court by obeying the court; "he carries the keys of his prison in his own pocket," as one Justice said. But in criminal contempt cases, a defendant is being punished by the court for his past defiance of it, and if convicted cannot absolve himself of punishment.

The ACLU says lack of any specific right to a jury trial in criminal contempt cases goes back to errors in English law, and allows the judge to act as prosecutor, witness, jury and judge in vindicating his authority. This is indeed true. There also are incidents of judges who abused this authority.

Yet the argument for jury trial must be measured against the historic reasons for allowing the court itself to punish for contempt. That reason is to preserve the integrity of the court and of the law, including other rights as significant as that of jury trial. And history shows that even the great jury system is not always certain protection of justice.

Two safeguards exist for those facing criminal contempt charges. One is that courts may appoint independent masters to conduct hearings and report findings for a decision as to guilt. The more basic safeguard is the right of appeal, always open to a defendant who feels unfairly accused or punished.

This problem was debated thoroughly in Congress in 1957. Southerners wanted to amend the Civil Rights Act to require jury trials for those charged with denying Negroes the right to vote. To make this seem less parochial, they proposed jury trials in all Federal criminal contempt cases. The Eisenhower administration resisted. The result was an unsatisfactory compromise limited to voting cases, and requiring judges to grant jury trials for anyone fined more than $300 or sentenced to more than 45 days.

Governor Barnett has already been found guilty by a court of civil contempt in trying to keep James Meredith out of the University of Mississippi. Who would predict that a Mississippi jury would find him guilty of criminal contempt on the same grounds?

The ACLU rightly contends that how a jury might dispose of the case is irrelevant to Governor Barnett's right to a jury trial. Yet the issue is larger than that. If jury trial in criminal contempt cases means that the courts will lose their authority to enforce the law and require compliance with their orders, then jury trial is not serving justice but obstructing it. So long as other safeguards of individual rights exist—notably the right of appeal to a different court—the cause of justice may be set back by unduly circumscribing the courts in contempt matters.

Mr. MORSE. Mr. President, as I pointed out in 1957, the history of jury trial does not extend to the inherent right of a court to preserve itself. I am willing to take judicial notice that in most southern jurisdictions today there is little hope of preserving the judicial process in criminal contempt cases in civil rights actions if the cases are to be turned over to juries. That happens to be one of the sad and ugly realities of the critical times in which we live.

I stand on every argument I made in 1957, and shall continue to protect the inherent right of the American court system to preserve itself from prejudiced areas that would seek to destroy the power of the court in civil rights cases involving southern officials.

ADMINISTRATIVE PROCEEDINGS: THEIR TIME AND COST CAN BE CUT DOWN

Mr. MANSFIELD. Mr. President, in the September 1963 edition of the American Bar Association Journal is an article concerning the delay and cost that all too often are involved in administrative proceedings before governmental agencies, written by our colleague, the Senator from Missouri [Mr. LONG]. The article graphically illustrates how this fact of governmental life is acting to hurt the economy in general, and small business in particular. The Senator is, of course, the chairman of the Judiciary Subcommittee on Administrative Practice and Procedure, and has become well acquainted with this problem and the needs for reform. I am sure that the Senate will be interested in this well-written article and will agree with Senator LONG that something has to be done in this area.

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

ADMINISTRATIVE PROCEEDINGS: THEIR TIME AND COST CAN BE CUT DOWN

(By Senator EDWARD V. LONG of Missouri)

The basic reason for the establishment of a multitude of Federal administrative agencies has been the general belief that the matters coming within their jurisdiction could be dealt with more expeditiously by administrative than by legislative and judicial procedures. Developments of the last few years, however, have cast some doubt on this basic premise, which underlies the administrative process as a whole. Administrative procedures have become tremendously complicated, often very lengthy, and usually terribly expensive.

If, within the bounds of due process, administrative proceedings cannot be made less complicated, less lengthy and less costly, the whole fabric of the administrative process may begin to unravel. Warnings of this are contained in the report of former Civil Aeronautics Board member Louis Hector to President Eisenhower in 1959 and in the report of former Federal Communications Commission Chairman Newton N. Minow to President Kennedy of May 3, 1963.

A good example of the ridiculous lengths to which administrative proceedings can go is the case of *Federal Trade Commission* v. *Evis Manufacturing Company*, 287 F. 2d 831 (9th Cir. 1961). When the Supreme Court refused certiorari in that case (368 U.S. 824), the defendant should have had cause for rejoicing. By refusing certiorari, the Court declared Evis the winner of a 6-year legal battle with the Federal Trade Commission. But there was no rejoicing in the Evis Manufacturing Co. at the announcement of their legal victory. In fact, there was no Evis Manufacturing Co. As a result of the interminable proceedings, the company had folded its tent and evaporated in a plume of blue smoke.

What was the case all about?

Evis had been charged with false advertising of a water-conditioning device. After receiving elaborate and costly evidence, the Commission hearing examiner refused to issue a cease and desist order. The examiner was reversed by the Commission twice after hearings in 11 cities, with 124 witnesses, 4,000 pages of transcript, and 4 years' time. The Court of Appeals for the Ninth Circuit reversed the Commission in its issuance of a cease-and-desist order, and the Supreme Court refused certiorari. After 6 years, Evis had won.

Why had it gone out of business? Its litigation expenses were $285,000. Worse yet, its sales dropped quickly and radically. The company literally fell apart.

WHY SUCH LENGTHY ADMINISTRATIVE PROCEEDINGS?

Is the Evis case an extreme one?

Yes, admittedly so. However, there are a great number of cases which are almost as shocking and in which the results have been equally disastrous to the litigants.

One could compile a "chamber of horrors" of examples of lengthy and costly administrative proceedings. However, in my view, the unsatisfactory length of time for the average case in some of our administrative agencies is both more important and more

shocking. The conditions of undue delay and of untoward expense appear to be symptomatic of agency proceedings. Again, admittedly, the situation is much worse in some agencies than others.

In September of 1960, the Federal Power Commission said that it would take 13 years for its present staff to clear up its pending 2,313 producer rate cases; further, with the filing of 6,500 new cases during that 13 years, it would take until the year 2043 to clean up the docket even if its staff were tripled. This is ridiculous.

The Federal Power Commission, however, is not a great deal worse than some of the other agencies. For example, in formal proceedings before the Civil Aeronautics Board in 1960, the average docket was closed after 32 months. Interstate Commerce Commission contested proceedings consume from 2 to 3 years.

Some agencies have made strenuous efforts to reduce the time and cost of proceedings. It has been recently announced that the Federal Power Commission has "cleared away much of its backlog." After considerable effort the Interstate Commerce Commission has reduced somewhat the length of time it takes to decide a case and, consequently, it has reduced somewhat the backlog of cases on its docket. For example, between October 31, 1959, and December 31, 1962, the backlog of cases was reduced from a high of 5,978 cases to a low of 4,711 cases.

The ICC and other agencies are certainly to be congratulated for their efforts. But the backlog is still much too large. In fact, for reasons too complicated to be explained here, the ICC backlog had skyrocketed to 7,500 cases by March 31, 1963.

And certainly the length of time required for vaguely complicated cases is much too long. As recently as March 1963, the ICC handed down its decision in *Akron, Canton Railroad* v. *Atchison, Topeka & Santa Fe Railway*, Docket No. 31503, after 10 years of proceedings. The record consisted of a fantastic 11,250 pages of testimony, 834 exhibits, and 1,150 printed pages of briefs, plus voluminous appendices. Admittedly, this was a difficult and important case, involving the division of approximately $1.5 billion annually among various railroads—but, 10 years!

As ponderous as the procedures of the Senate may be, they are streamlined compared to this. For example, the Appropriations Committee and the Senate will pass on the merits of all items in a defense budget of roughly $50 billion before the session of Congress ends.

HOW ABOUT THE COSTS OF THESE PROCEEDINGS?

Strange as it may seem, there have been no accurate studies as to the costs involved in different types of administrative proceedings. Yet, there are certain ways of estimating the direct-dollar costs of certain proceedings. For example, the mere acquisition of the hearing record in a case involving 10,000 pages of testimony will be approximately $10,000. Estimates can also be made of lawyers' fees, preparation of exhibits, employment of experts, travel, etc. James M. Landis has estimated that in the Phillips Petroleum rate case before the Federal Power Commission "the total cost must have run into the millions."

If there were some way to estimate them, the indirect costs due to complex procedures and delay would probably be more staggering than the direct costs.

Some of these indirect costs must be borne directly by the participants in the administrative proceeding. Take the case of an applicant for a Federal Power Commission certificate to build a new pipeline. Frequently, the grant or denial of the certificate is delayed for years. Not only does the applicant lose the profits which might be made during the time of delay, but the cost of construction may also be greatly increased by delay.

More important is the effect which the delay may have on the economy as a whole. In the pipeline case a prompt decision by the regulatory agency might result in a shot in the arm to the steel industry during a period of low productivity, or a reduction in unemployment at a time when this would be particularly helpful.

The delay in any one administrative proceeding would not normally have any significant effect on the economy as a whole. However, when literally thousands of these proceedings are subject to long and unnecessary delays, the effect on the national economy may be extremely serious.

It seems clear that the unsatisfactory economic growth rate of our economy today is due at least in part to the delays in administrative proceedings. Exactly what part these delays play cannot be demonstrated, but it may well be a much more important part than one imagines at first blush.

The excessive length and cost of so many administrative proceedings go right to the heart of business initiative; they stifle the very initiative on which economic growth depends. Year by year, more and more business decisions are subject to administrative approval or review. Year by year, administrative proceedings take longer and cost more.

EFFECT ON SMALL BUSINESS PARTICULARLY ADVERSE

It is most important to note that the length and cost of present-day administrative procedures are particularly devastating on small businesses.

For a number of years, small businesses have found it increasingly difficult to survive. Certainly, one reason is that small businesses do not have the resources to carry through with the growing number of lengthy and costly administrative proceedings. To quote Dean Landis again: "The result is that in many situations the small businessman is practically excluded from an opportunity to compete."

In all probability the primary cause of delay is the growing business before the regulatory agencies. Put in its simplest terms, the caseload of the agencies is constantly increasing, and their resources for handling this increasing load are not keeping pace. They need more money and bigger and better staffs.

Another primary reason for delay is the lack of decision on major policies. For example, the FCC has failed to make up its mind with respect to the effective use of ultra-high frequencies; there have been many investigations but very few decisions.

It must be realized that in many circumstances the inability or failure of decisionmaking at the agency level results from a like failure at the executive and congressional level. As a case in point, neither the executive nor the legislative branch has set forth any rational transportation policy for the Nation that could be intelligently translated into action by the regulatory agencies. The failure here, and the resulting delays, must be placed at the door of the White House and the Congress rather than at the doors of the ICC and the CAB.

It is not the purpose of this article to discuss the reforms needed to correct delays due to the increased caseload or failure of policymaking. But there is a third primary cause of delay—the need for procedural reform.

PROCEDURAL REFORMS ARE NEEDED NOW

The Administrative Procedure Act was passed in 1946. It represented a considerable legislative achievement at that time. In the intervening years, some of the procedures under the act have proved to be very burdensome. Yet the agencies are bound by law to follow them.

During these same years, the courts have developed and widely employed new techniques which have not been applied to administrative proceedings. The American Bar Association and many State and local bar associations have been in the vanguard of those proposing administrative reforms. They have focused attention on the many problems and have made a number of very helpful, practical suggestions.

A Senate subcommittee has been established specifically to see if methods can be devised to modernize administrative practices and procedures. This is the Judiciary Subcommittee on Administrative Practice and Procedure, of which I have the honor to be chairman, and which consists of Senators EVERETT M. DIRKSEN, of Illinois, PHILIP A. HART of Michigan, EDWARD M. KENNEDY of Massachusetts, and BIRCH BAYH, of Indiana.

What is this subcommittee doing toward this specific goal? We are tackling the basic problem from three completely different angles.

The first bill upon which hearings were held this year by the subcommittee was S. 1466. This bill, which has long been sought by the American Bar Association, is designed to get rid of the special admissions requirements for legal practice that are perpetuated by some Federal agencies, such as the Treasury Department, the Patent Office, and others. S. 1466 would require all Federal agencies to permit practice by attorneys who are in good standing before the highest court in their State, without further ado. It would eliminate the waste of time and money in special admissions procedures.

We have recommended the establishment of a permanent Administrative Conference of the United States. In many ways it is modeled on the highly successful Judicial Conference, and it would stand in a similar relationship to the administrative agencies that the Judicial Conference stands in relation to the Federal courts.

The proposal for the Administrative Conference is contained in S. 1664, which was drafted by the Bureau of the Budget and has wide support among the agencies, the bar, and the public. It would consist of a full-time Chairman, a Council of 12, and an Assembly of approximately 75, including heads and counsels of agencies, members of the bar, administrative law scholars, etc.

Much of the enthusiasm for the establishment of a permanent Administrative Conference stems from the success of a temporary conference established by an Executive order in 1961. This temporary Conference, which automatically ended on the last day of 1962, made a number of recommendations for procedural reforms that would cut down on administrative delays. Several of these reforms have been put into effect by some of the agencies.

It is believed that a permanent Conference, composed of outstanding governmental and nongovernmental personnel, will be able continually, to develop recommendations to reduce the length and cost of administrative proceedings.

ADMINISTRATIVE PROCEDURE ACT REVISION IS THIRD PROPOSAL

In addition to what can be done by the agencies through voluntary reforms, it is recognized that many reforms can be achieved only through changes in the Administrative Procedure Act itself.

Most of the major legislative proposals for reform have been incorporated in an omnibus bill, S. 1663, which was introduced by Senator DIRKSEN on June 4, 1963. I had the honor to cosponsor this completely bipartisan attempt to review the entire Administrative Procedure Act. Neither of us is necessarily committed to all of the reforms proposed in the act. Yet, they represent most of the serious proposals for change that have been made in the past few years. It is our intention to see that they are thoroughly considered by the subcommittee as quickly as possible.

Many of the changes proposed in S. 1663 are designed specifically to reduce the length and cost of administrative proceedings. One such reform is contained in the proposal for prehearing conferences, which have been so successful in judicial proceedings. It is difficult to see how we are ever going to reduce the size of the tremendous records in these agency matters unless we find a way to get parties and their representatives to sit down with the agency and the presiding officer in advance of the hearing and make a determined effort to reduce the number of issues and questions in dispute. When this has been done in court cases, it has been most beneficial. Why should it not be helpful in administrative proceedings?

There should also be a great time economy for both the agency and the members of the public by more use of informal procedures, and the draft bill so provides.

One of the basic justifications for deciding things in an administrative agency instead of in court is supposed to be the fact that an agency can move in an informal and expeditious manner while court proceedings are often lengthly and cumbersome. It seems, however, that this is no longer true because agency proceedings are often longer and more cumbersome than those of the courts. Therefore, if we are going to find a valid purpose for administrative proceedings, we must place more emphasis on some form of informal procedure.

Yet, at the same time, we do not want to take away the statutory right which anyone has to a decision on the record after a formal hearing. This right is preserved in the bill by the provision that any party who is dissatisfied with the decision reached in the informal proceeding may file specific objections to it, and these objections will be determined on the record in a formal proceeding.

There is still another provision in S. 1663 which is worthy of careful consideration. That is the provision for discovery. There is probably no faster way of getting to a decision in a matter than getting at the facts before the actual hearing when the time of everyone is not taken up with endless cross-examination, which may in the long run be unnecessary. And the more facts that are found before the hearing begins, the shorter the hearing itself will be.

CONSOLIDATION AND SETTLEMENT ARE PROPOSED

The proposed revision also contains provisions on consolidation and settlement, and I feel that they emphasize the plain and simple fact that we must take account of all the necessary factors if we are to get on with an administrative proceeding and reach an acceptable result.

In looking over the statistics which have been prepared on the length of time it takes an administrative matter to get from the initial decision by the presiding officer to the final agency decision, I do not believe anyone can fail to appreciate that something must be done in this area. There is considerable agreement that much greater emphasis must be given to the decision of the presiding officer. S. 1663 follows the recommendation of the Administrative Conference that his decision shall be subject only to specific exceptions showing where it is in error.

Thus, in one stroke there would be wiped out two time-consuming aspects of present procedure. First, we would eliminate the idea that there must be two decisions—an initial decision and a "final" decision; and second, we would limit the need for agency review of the decision to specific exceptions rather than to all of the issues which have already been heard and determined by the presiding officer.

The bill takes another important step in the area of agency review by providing that the agencies may establish appeal boards to hear and decide the exceptions. This should greatly reduce the time taken to reach the final result in agency proceedings because the work can be divided among the agency members or delegated to appellate level hearing examiners. It will also mean that the agency members will have more time to devote to agency policymaking, and this in turn will provide better guidance to the members of the public and the staff of the agency in connection with the work of the agency.

For the first time, too, the amendments proposed in the bill provide specifically for the court in which the review can be had and for the procedure to be used in seeking reviews. These improvements should provide a much better guide to the public in seeking judicial review of agency action.

There are many other aspects of this bill which I believe deserve careful consideration because of the public benefit they provide, such as provisions for the narrowing of the areas in which the agencies can act without notice or hearing; for the granting of the right of counsel, which is now quite limited; and for the opportunity to obtain a transcript of the proceeding.

If we can eliminate restrictions on practice before Federal agencies, if we can establish a permanent Administrative Conference, and if we can enact the worthwhile proposals contained in S. 1663, we shall have gone a long way in reducing the length of time and the cost of administering proceedings.

A TRIBUTE TO PANAGRA'S 35TH ANNIVERSARY

Mr. SMATHERS. Thirty-five years ago on September 13, 1928, a frail single-engine Fairchild monoplane with four passengers and a sack of mail took off from a race track in Lima and landed 8 hours and 600 miles later in a soccer field in Talara, Peru.

This rather modest beginning heralded the start of scheduled U.S. airline service on the west coast of South America and marked the beginning of Panagra—Pan American-Grace Airways.

A year later, this pioneer airline had blazed an air trail south and across the formidable Cordillera of the Andes to deliver the first U.S. air mail to Buenos Aires in 11 days after it had left New York and carry American aviation farther than it had ever been.

Shortly after that, it had cut the distance between these 2 cities to 7 days, and for many years Panagra alone linked the United States with the countries on the west coast of South America by air.

Today, it serves key cities in Panama, Colombia, Ecuador, Peru, Bolivia, Chile, and Argentina in a matter of hours and fosters a greater interchange of people, cargo and ideas between the Americas.

The indomitable spirit which inspired Panagra's growth is a tribute to American aviation and the part it has played in shortening the distances between countries, stimulating trade and travel, building friendship and good will, and drawing the free peoples of this hemisphere closer together culturally and economically.

Over great stretches of oceans and deserts and across dense jungles and towering mountains, the airline extended its operations, building its own airports, installing its own network of radio and meteorological facilities, obtaining the necessary concessions and contracts from South American governments, and even providing accommodations for its passengers.

To fully realize what the development of this airline has meant to South America, one need but look at the topography of this continent, which makes surface transportation in some areas impractical if not altogether impossible.

Time and again it has been an angel of mercy, coming to the aid of the sick and the afflicted, flying a patient to a hospital, drugs and serums to save the life of a child or to ward off an epidemic, and airlifting planeloads of food, medicine, and clothing to earthquake, fire, and flood victims.

In the three and a half decades since its inception, Panagra has flown more than 2½ million passengers and over 71,000 tons of cargo and mail and has become an almost inseparable part of the everyday lives of the people of the countries it serves.

On occasion, it has come to the aid of a mining community facing economic disaster when a vitally needed generator part threatened to shut down the mine, rushed salvage equipment for a stricken passenger ship beached off the coast of Chile, flown spare parts needed urgently to repair a city's electric powerplant, carried arms and ammunition to oil workers besieged by savage Indians, hauled tons of machinery for a hydroelectric plant in the high Andes, and established altitude records to aid scientific missions studying the effects of cosmic rays at high altitudes.

On the more prosaic side, its cargo manifests list high-grade beef from packing plants in Argentina, fresh fruit and sea food from Chile and Peru, Panama hats from Ecuador, crude rubber from Bolivia, textiles from Colombia, and such diverse items as newspapers and magazines, oil drilling equipment, machinery, television sets, and a host of other products from the United States to make this airline the principal cargo carrier in South America and a boon to the continent's rapidly developing industries.

It can be readily seen why in some countries the name of Panagra has become a household word, and in some areas of South America, it is a generic term for the airplane.

Panagra can be justly proud of its progress and record of achievement.

THE FAIRNESS DOCTRINE FOR BROADCASTERS

Mr. THURMOND. Mr. President, the September 16, 1963, issue of the Dan Smoot Report discusses the Federal Communication Commission's recent interpretation of the so-called fairness doctrine for broadcasters. This is a matter which is of deep concern to broadcasters across this country. I share this concern, Mr. President, because I fear, as does Mr. Smoot and as do many others, that this interpretation could be used against those who broadcast from a conservative political point of view. In a recent meeting of the Communications Subcommittee of the Senate Commerce Committee, I had occasion to discuss this subject with the Chairman

of the Federal Communications Commission; and at that time I expressed my concern to him, and asked that he and other members of the Commission give these views appropriate and serious consideration. He indicated that some aspects of this subject would soon be decided in a forthcoming decision.

In order that the Members of the Congress may know more about the concern of a number of broadcasters across this country with the recent FCC interpretation of the fairness doctrine, I ask that Mr. Smoot's report, entitled "Darkness Is Descending on the Land," be printed in the body of the RECORD at the conclusion of my remarks.

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

THE DAN SMOOT REPORT—DARKNESS IS DESCENDING ON THE LAND

In the beginning, we do not see many overt acts of tyranny. Only occasionally, and under confused circumstances, does a midnight pounding on the door rout from bed some citizen whose sole crime is criticism of all-powerful government. Only occasionally, when a man's fight for justice can be calumnied as a selfish stand against progress, is a citizen jailed without trial, and held as an example to intimidate others. Only occasionally is a military hero of the Republic stigmatized as mentally ill and incarcerated without formal process or permission to make bond, because the ruling tyranny, in momentary rage or panic, hated the man as a symbol of resistance.

In the beginning, tyranny is subtle, its actions explained as necessary steps against enemies of the public good, its iron fist hidden in a velvet glove, its death's-head grin masked as a smile of paternal beneficence. By the time the naked power of the police state is unsheathed and brandished boldly for all to see and cringe before, it is often too late for an intimidated populace to take action.

At the outset of the Kennedy administration, the President and other New Frontier spokesmen called upon the American people to shake off their apathy and to develop an informed and active interest in the great political problems of our time. The President stressed this theme in his first inaugural address and again in his first State of the Union Message. In his State of the Union Message (Jan. 30, 1961), the President said:

"Let it be clear that this administration recognizes the value of daring and dissent—that we greet healthy controversy as the hallmark of healthy change." [1]

By dissent, the President did not mean dissent from any act or idea of his: Before the end of his first year in office, Kennedy was calling his critics irresponsible fanatics, discordant voices of extremism, and counselors of fear and suspicion. By the end of 1961, the President's counselors were demanding that conservative critics of the administration be silenced, and the President was moving fast to implement their demands.

REUTHER'S RECOMMENDATIONS

On December 19, 1961, Walter Reuther presented to Attorney General Robert Kennedy a memorandum (which had been prepared by Walter's brother, Victor) on "The Radical Right in America Today." [2]

Reuther congratulated the Kennedy administration for saying harsh things about the "radical right," but demanded action instead of words. Here are passages from the Reuther memorandum on the "radical right":

"President Kennedy's addresses in Seattle and Los Angeles on November 16 and 18, 1961, evidenced both a deep concern with, and a profound understanding of, the serious problems injected into American life by the growing strength of the radical right.

"If the administration truly recognizes this as a serious problem, as it certainly appears to do, it is most important that President Kennedy's addresses in Seattle and Los Angeles be implemented.

"The radical right or extreme rightwing, or however it may be designated, includes an unknown number of millions of Americans of viewpoints bounded on the left by Senator GOLDWATER and on the right by Robert Welch.

"The radical right moves the national political spectrum away from the administration's proposed liberal programs at home and abroad.

"What are needed are deliberate administration policies and programs to contain the radical right from further expansion and in the long run to reduce it to its historic role of the impotent lunatic fringe.

"The radical right poses a far greater danger to * * * this country * * * than does the domestic Communist movement." [3]

Reuther suggested that "radical right" organizations be placed on the Attorney General's subversive list, along with the Communist Party, and that their ranks be infiltrated by the FBI. This would be a political purge of major proportions. Note that "radical right" includes Senator GOLDWATER and every other American as conservative as, or more conservative than, the Senator. Reuther admits that the number is in the millions, and growing.

The patriots of America are to be branded subversive, and outlawed.

It can happen here. Indeed, the police-state purge of patriots has already begun. At present, there are no visible signs, no tangible evidence, that Kennedy plans to follow Reuther's recommendation about branding and outlawing the millions of Americans who are as conservative as BARRY GOLDWATER—Americans whom Reuther labels as "radical right." But two other Reuther recommendations (of equal, if not deeper, import) are in the process of implementation by the Kennedy administration—were, indeed, already being implemented, in part, as Kennedy policy before Reuther submitted his memorandum. One involves the military: silence all "radical right" expression by military officers, and use military establishments as pressure groups to support administration policies. The other involves broadcasting: banish any "radical right" expression from radio and television, and convert these media into propaganda agencies for governmental programs.

THE MILITARY

The Reuther memorandum to Robert Kennedy recommended muzzling of all military officers who think communism is a threat within the United States and who disagree with Kennedy administration policies of accommodating and appeasing the Soviets abroad. Anti-Communist officers who cannot be silenced should be removed, by one means or another, from the Armed Forces. All of this, according to Reuther, is to be done under the pretext of separating military personnel from partisan politics. At the same time, those military officers who agree with Kennedy are to be encouraged, even ordered, to speak and act officially in support of Kennedy's political programs.

This is what Reuther recommends. This is what Kennedy is doing.

The muzzling of anti-Communist officers in the Armed Forces was a major controversy during the first year of Kennedy's administration. By the beginning of 1963, anti-Communists had been silenced or forced out of the services. This was done, exactly as Reuther had recommended, under the pretext of keeping military personnel out of controversial political matters. In July 1963, however, the administration ordered military personnel to intervene aggressively in the most controversial political matter of all time, in support of the President's racial program.

On July 26, 1963, Robert S. McNamara, Secretary of Defense, issued a directive, "Equal Opportunity in the Armed Forces," ordering all military commanders to take action in and against civilian communities around military bases, whenever those communities do not wholly support the President's racial program. [4]

The author of this directive is Adam Yarmolinsky, whose parents are notorious Communist-fronters and who has a record of participation in Communist activities since his undergraduate days at Harvard. [5]

The purpose of the Yarmolinsky directive is to implement the program of the President's Committee on Equal Opportunity in the Armed Forces, appointed in June of 1962.

On June 13, 1963, the Committee outlined its scheme for racial equality in a 93-page report entitled "Equality of Treatment and Opportunity for Negro Military Personnel Stationed Within the United States," popularly referred to as the Gesell report, after the name of a Washington, D.C., lawyer, Gerhard A. Gesell, who is chairman of the President's Committee.

The Gesell report was written by a Sacramento, Calif., Negro attorney, Nathaniel S. Colley, said to be an official of the National Association for the Advancement of Colored People. [6]

Here is one passage from the 93-page Gesell report, now implemented as binding instructions on the Armed Forces, by the Yarmolinsky directive, issued on July 26, 1963, in the name of the Secretary of Defense:

"Segregation and other forms of discrimination in facilities in a given locality, detrimental to the morale of Negro personnel at a neighboring military base, must cease. The commander should, of course, attempt by means available to him—community committees, persuasion, emphasis of the base's importance to the local economy—to eliminate such practices. In situations in which these efforts are unsuccessful, the commander should develop a plan under which military personnel of all races would be permitted to patronize only those facilities which receive his express approval." [6]

BROADCASTING

The Reuther memorandum to Robert Kennedy is, among other things, a tissue of false

[1] "The State of the Union—address of the President of the United States," CONGRESSIONAL RECORD, vol. 107, pt. 2, pp. 1427–1431.

[2] "The Far Right," by Donald Janson and Bernard Eisemann, McGraw-Hill Book Co., Inc., 1963, pp. 227–232.

[3] "The Radical Right in America Today," by Victor G. and Walter P. Reuther, the Christian Beacon, Aug. 15, 1963, pp. 4–5.

[4] "The Gesell Report and Perversion of the Mission of the Military," speech by U.S. Senators JOHN STENNIS, Democrat, of Mississippi; BARRY GOLDWATER, Republican, of Arizona; and others, CONGRESSIONAL RECORD, July 31, 1963, pp. 13778–13787.

[5] Military cold war education and speech review policies. Hearings before the Special Preparedness Subcommittee of the Senate Armed Services Committee, 1962, pt. IV, pp. 1491–1492.

[6] "Gesell Report," speech by U.S. Representatives L. MENDEL RIVERS, Democrat, of South Carolina; JOE D. WAGGONNER, JR., Democrat, of Louisiana; LOUIS C. WYMAN, Republican, of New Hampshire, and others. CONGRESSIONAL RECORD, Aug. 7, 1963, pp. 14344–14395.

insinuations which amount to outright lies about the "radical right." Reuther insinuates that conservatives are organized into clandestine, undercover organizations lavishly financed by means which violate the Nation's tax laws, and that they dominate radio and television broadcasting, to the exclusion of liberal commentary. Without being specific, Reuther darkly hints that the Federal Communications Commission must do something to banish the "radical right" from radio and television.

In truth, most constitutional conservatives are not prone to join organizations. Those who belong to the John Birch Society and similar groups are outspoken about it, proud of their stand for constitutional principles, trying always to educate others in those principles. They have very little money, and no access to national television.

I probably have wider television coverage than any other constitutional conservative news commentator. I have one 15-minute television program once a week. It is a condensation of this published report. It has been on 33 television stations in a nine-State west coast area, under the sponsorship of Dr. Ross Pet Food Co., of Los Angeles, since early 1957. More recently, I have acquired sponsorship on eight television stations, in four States outside the Dr. Ross company's marketing area.

My broadcast is presented commercially by the firms which sponsor it. In all cases, the stations sell time to my sponsors, at their regular rates, and on the same basis that they sell time, to other sponsors who advertise with other news-commentary programs.

In 1962, the Subcommittee on Tax Administration of the California Legislature under the chairmanship of Charles H. Wilson, a Democrat, investigated the advertising program of D. B. Lewis, president of the Dr. Ross Pet Food Co., to determine, among other things, whether Mr. Lewis was violating or abusing California tax laws in the sponsorship of my broadcasts.

On October 1, 1962, Mr. Wilson's subcommittee submitted its report. Here are pertinent excerpts:

"The Lewis Food Co., of Los Angeles, a California corporation, producer of 'Dr. Ross dog and cat food,' sponsors the news commentator Dan Smoot, whose views on national and international questions may be described as conservative.

"The sponsorship of this program extends to 32 television and 52 radio stations in 11 Western States.

"The committee can find no abuse of the deductibility privilege in this sponsorship * * *. Mr. Lewis is getting value out of his advertising dollar. We find no abuse of the intent of the law in the sponsorship of news and public affairs commentators, notwithstanding the fact that they might reasonably be classified as 'extremists.' Dan Smoot's weekly commentary differs only in content, not in kind, from that of Howard K. Smith, Chet Huntley, or David Brinkley."

This has been the experience of my broadcast in all areas. Nowhere, has my broadcast caused legal action against me, my sponsors, or the stations. An overwhelming majority of the listening audience responds favorably to my once-a-week news commentary on television. Why? Because there is a vast, unsatisfied public hunger for television programs analyzing the news from the viewpoint of a constitutional conservative. A majority of Americans are conservative—despite the fact that totalitarian liberals control the Government and all its multi-billion-dollar tax-financed propaganda agencies, and control and dominate most of the major newspapers and magazines, all of the television networks, and most major radio and television stations in the Nation.

Conservatives have more access to radio than to television. My own radio broadcast is commercially sponsored on 71 stations in 20 States. There are, perhaps, a half dozen other conservative radio programs distributed nationally and reaching a large audience, and there are local conservative radio commentators.

On television, there is also an unknown number of local conservative commentators; but there is not one television commentator, with national coverage, who expresses the viewpoint of constitutional conservatives.

None of the television networks will sell time to respected, legitimate sponsors who want to advertise with my broadcast. And in some cities, my sponsors have been unable to buy time on any television station. Houston, New Orleans, Kansas City, Boston, New York—these are specific major cities where respected business organizations which wanted to sponsor my television broadcast were unable to buy time on any television station. In all cases, time was available if my sponsor would present an approved or liberal commentator. In many cities where my television broadcast is on the air, the stations running it do not like it. They run it, because my sponsor is a good customer who insists, and because the public response is overwhelmingly favorable.

The Reuther memorandum (developing its false insinuation that radical right programs receive favored treatment by broadcasting stations) mentioned one place where a radio station (WLW, in Cincinnati) sold time for a conservative broadcast but would not sell time for the UAW program called "Eye Opener." Reuther said action against WLW, for this conduct, was pending before the FCC. In this connection, I offer an interesting contrast.

The sponsor who wanted to buy time for my television broadcast in Kansas City was told by all three stations in that city (WDAF, KMBC, and KCMO) that time was available—until they discovered that he wanted to sponsor me. All stations then found that time was not available for my program. My potential sponsor wrote to the FCC to see whether he had any redress through the FCC to force the stations to sell time for my broadcast. The FCC, by letter dated June 20, 1963, informed my sponsor that "there is no statute or Commission rule" which would give him redress.

This is the situation in national television: totalitarian liberals have a virtual monopoly and have had since the beginning. There are scores of national network television news programs (most of them daily), of the Howard K. Smith and Huntley-Brinkley and Walter Cronkite type, whose reporting of the news sometimes is offensive to well-informed conservatives. In addition to that, the President and officials in the executive establishment have instant access to all mass media communication, with free time, to advocate the programs of totalitarian liberalism. Not one conservative organization has a voice on national television, and not one constitutional conservative commentator has a national television coverage.

Yet the Reuther brothers in December 1961, advised Robert Kennedy to have the Federal Communications Commission do something about getting the "radical right" off the air.

The FCC has now done something which will eventually (if something is not done) banish me and every other conservative commentator from every radio and television station in the Nation, and limit all broadcasting stations to the role of communications media in the Soviet Union—the role of presenting nothing but programs governmentally approved.

THE TWO-EDGED SWORD

On July 26, 1963, the Federal Communications Commission sent a public notice to all radio and television stations, advising them of their "responsibilities under the fairness doctrine as to controversial issue programing." Here is the full text:

"Several recent incidents suggest the desirability of calling the attention of broadcast licensees to the necessity for observance of the fairness doctrine stated by the Commission in its opinion of June 1, 1949, in docket No. 8516. The Commission adheres to the views expressed in that opinion and continues to apply that policy, namely, that the licensee has an affirmative obligation to afford reasonable opportunity for the presentation of contrasting viewpoints on any controversial issue which he chooses to cover.

"The Commission has undertaken a study to consider what actions, perhaps in the form of a primer of rules, might be appropriate better to define certain of the licensee's responsibilities in this area. Without undertaking at the present time to specify all, or the most important, applications of the policy, it is appropriate to call attention to the Commission's view of its application in three currently important situations:

"(a) When a controversial program involves a personal attack upon an individual or organization, the licensee must transmit the text of the broadcast to the person or group attacked, wherever located, either prior to or at the time of the broadcast, with a specific offer of his station's facilities for an adequate response (Clayton W. Mapoles, 23 Pike & Fischer, R.R. 586, 591; Billings Broadcasting Co., 23 Pike & Fischer, R.R. 951, 953).

"(b) When a licensee permits the use of his facilities by a commentator or any person other than a candidate to take a partisan position on the issues involved in a contest for political office or to attack one candidate or support another by direct or indirect identification, he must immediately send a transcript of the pertinent continuity in each such program to each candidate concerned and offer a comparable opportunity for an appropriate spokesman to answer the broadcast (Times-Mirror Broadcasting Co., 24 Pike & Fischer, R.R. 404, 405).

"(c) When a licensee permits the use of his facilities for the presentation of views regarding an issue of current importance such as racial segregation, integration, or discrimination, or any other issue of public importance, he must offer spokesmen for other responsible groups within the community similar opportunities for the expression of the contrasting viewpoints of their respective groups. In particular, the views of the leaders of the Negro and other community groups as to the issue of racial segregation, integration, or discrimination, and of the leaders of appropriate groups in the community as to other issues of public importance, must obviously be considered and reflected, in order to insure that fairness is achieved with respect to programing dealing such controversial issues (Editorializing Report, 1 (pt. 3), Pike & Fischer, R.R. 201, 204–206; cf. WPNX Broadcasting Co., Inc., 4 Pike & Fischer, R.R. 242, 248).

"In determining compliance with the fairness doctrine the Commission looks to substance rather than to label or form. It is immaterial whether a particular program or viewpoint is presented under the label of 'Americanism,' 'anticommunism' or 'States rights' or whether it is a paid announcement, official speech, editorial or religious broadcast. Regardless of label or form, if one viewpoint of a controversial issue of public importance is presented, the licensee is obligated to make a reasonable effort to present the other opposing viewpoint or viewpoints.

"The Commission does not seek to prevent the expression of any viewpoint by any licensee on any issue. It does seek to prevent the suppression of other contrasting viewpoints by any licensee on any issue when licensed broadcast facilities have been used for the presentation of one view of the issue.

This is required by the public interest standard of the law."

Note carefully paragraph (c). It is particularly concerned with broadcasts on the racial question, but includes all issues "of public importance."

Practically every radio and television station in the country has interpreted the FCC notice as a discriminatory policy against conservative broadcasts: liberals ("in particular * * * leaders of the Negro * * * groups") can demand time to answer conservative broadcasts, but conservatives may not demand time to answer liberal broadcasts. Such discrimination does seem to be the intent of the FCC notice, but the FCC does not specifically say so, because the FCC has no legal right to order such bias.

Hence, this FCC notice could be a two-edged sword. There are pitifully few conservative broadcasts on radio and television. Liberals can harass stations and sponsors into canceling all of them by demanding free time for rebuttal. What if millions of American conservatives demanded equal time to answer liberal broadcasts? Practically all television "documentaries" and news analyses, and "studies in depth" are slanted toward liberalism. If conservatives, in the millions, relentlessly demanded equal time to answer all liberal broadcasts, the radio and television stations (particularly television) would have time for little else.

How can broadcast stations protect themselves? As a group, they should demand, and keep on demanding (by private means and through their public facilities) that Congress enact a law nullifying the FCC Fairness Doctrine and all other FCC rules and directives not absolutely necessary for technical regulation of broadcasting. Meanwhile—until Congress acts—broadcast stations could protect themselves by literal interpretation of a key phrase in the FCC Fairness Doctrine Notice, as it presently stands.

In paragraph (c), FCC says that a station which allows a broadcast expressing a view on an issue of public importance, must offer similar opportunities for the opposing viewpoint. Many stations have interpreted this to mean that they must donate equal time for liberals to answer a conservative broadcast, even though time for the conservative broadcast was sold at regular rates. By such misdirected interpretation, the stations are cutting their own throats. If someone wants to answer one of my broadcasts by getting a commercial sponsor to buy time for him, equal to the time that was bought for me, permitting him to do so would be offering him similar opportunity to express his view. To give him time (when my sponsors had to pay for my time) will, in the end, either bankrupt the station or force cancellation of my broadcasts.

Station KATU–TV in Portland, Oreg., has already notified my sponsor (Dr. Ross) that my broadcast will be banished from the station, because the station anticipates expense and trouble in offering free time to answer.

Station WOAI–TV in San Antonio, Tex., now runs an announcement after each of my broadcasts, saying: "This station voluntarily solicits responsible dissenting viewpoints to controversial matters discussed in the preceding program."

My sponsor in San Antonio (Mr. Louis Michael, president of Travis Savings & Loan Association) pays the station a substantial sum for my broadcast time because conservatism is good advertising for his business—and because he is a dedicated patriot who believes in constitutional government. Mr. Michael complained vehemently about the tag which labels my broadcast "controversial" and offers time to answer it. To no avail.

WOAI ran a 3-hour NBC "documentary" slanted against conservatives who have a States rights view on the racial question. Huntley and Brinkley, with 30 minutes a day on WOAI–TV, sometimes slant the news and editorialize in favor of liberalism. There is a union commentator on WOAI–TV who not only editorializes but tries to incite his audience to lobbying and boycotting activities. A woman commentator on WOAI–TV has lauded the United Nations and harshly condemned its critics. The station considers none of these controversial in the sense that time should be offered for conservative rebuttal—even though WOAI personnel admit that when they ran the 3-hour NBC documentary on the race question, the station received 349 telephone calls, 346 of them from irate citizens who resented the presentation.

Practically every radio and television station in the Nation gave many hours of coverage to the Negro march on Washington, August 28. Bayard Rustin (Negro who was second in command of the march) had free time on television networks (and on radio) to present demands as to what the Congress and people of America must do. Bayard Rustin has a disgusting police record as a moral degenerate.

No conservative has been given network time to answer hate-inciting comments made by perverts and Communist fronters, who spoke to the Nation on television, free of charge, on August 28.

Last month, I had a broadcast criticizing the test ban treaty recently negotiated in Moscow. Dean Manion had a broadcast on the same subject. Several television stations refused to run my broadcast on the treaty. I do not know how many stations refused to run Dean Manion's broadcast on the treaty.

An article in the September 2, 1963, issue of Broadcasting reveals, however, that the Citizens Committee for a Nucelar Test Ban Treaty demanded free and equal time from 300 broadcasting stations (mostly radio) which had run the Manion broadcasts criticizing the test ban treaty. The demands were mailed on August 23. By August 29, the committee had received replies from about 150 stations, most of them offering the committee free time to answer the Manion Forum broadcast, although time for the Manion broadcasts had been sold.

Some stations wrote the FCC, asking whether they must give time to answer conservative broadcasts whose time had been purchased at regular rates. An FCC official said the Commission "couldn't answer the question, since the Commission had never settled the issue." [7]

WHAT CAN BE DONE

If conservative commentary is banished from the airways, the cause of constitutional government is doomed. What can you, an individual, do about it? Paragraph (a) of the FCC fairness doctrine notice says:

"When a controversial program involves a personal attack upon an individual or organization, the licensee [the station] must transmit the text of the broadcast to the person or group attacked, wherever located, either prior to or at the time of the broadcast, with a specific offer of his station's facilities for an adequate response."

Any factual, conservative comment about the U.N., organized labor, or any governmental program can be considered a personal attack which demands adequate response from the attacked. But when liberal commentators denounce all conservatives as right-wing crackpots and praise programs and organizations which conservatives know to be harmful to their country, will the FCC's provision for adequate response apply?

Conservatives could really convert this provision into something effective for our side.

In every city throughout the country, conservatives could form a local "Organization for the Protection of Conservative Opinion in Broadcasting"; officers could be elected; letterheads printed. Each organization could send notices to its local broadcasting stations, listing subjects within the organization's scope of interest (the national budget, foreign aid, foreign policy, the U.N., organized labor, education, States rights, and so on). The conservative group could request transcripts of all proposed broadcasts dealing with such subjects, in accordance with the Federal Communications Commission's public notice, subparagraph (a), issued on July 26, 1963.

If the station does not cooperate, the conservative group could write the FCC in Washington, making a formal complaint, sending copies of the letter to the local station.

Every time a "liberal" broadcast is made on a local station, touching on any subject of interest to the local "Organization for the Protection of Conservative Opinion in Broadcasting," the organization could demand free and equal time to answer. Individuals who cannot form an organization for this purpose, can, and should, act as individuals.

If any responsible conservative should demand and get equal time to answer a liberal broadcast, and then feel that he lacks time or facilities to prepare a proper presentation of his own views, I will lend my television film, free of charge, for such rebuttal purpose. Since early 1957, every issue of my "Report" has been summarized for television and radio broadcasting. A fairly adequate supply of these transcribed broadcasts has been preserved. They cover a wide range of subjects which liberals discuss in ways offensive to conservatives.

If the FCC really wants the opposing view to have free opportunity for expression, and if stations really want to give away broadcast time for that purpose, we conservatives should help them out. We should challenge every liberal broadcast and demand time for our own view, on every radio and television station in America.

If a leftwing committee, urging ratification of a test ban treaty which could prove disastrous for our country, can get free rebuttal time from hundreds of broadcast stations, why can't we? We can—if we will.

(Distribute copies of this report as widely as possible. We conservatives must act now.)

[7] "Equal time requests follow Manion show," Broadcasting, Sept. 2, 1963, pp. 61–2.

THE SITUATION IN BIRMINGHAM

Mr. RIBICOFF. Mr. President, news of the stark tragedy that occurred in Birmingham this past Sunday did not reach those of us who were delegates to the Interparliamentary Union meeting in Belgrade, Yugoslavia, until yesterday morning as we boarded an airplane for our return to the United States in anticipation of the pending vote on the test ban treaty. Words alone cannot describe the feeling of shame and humiliation I felt as I stood on foreign soil and read of this atrocious and indefensible crime. Having attended an international meeting representing the strongest nation on earth—the richest power the world has ever known—I was struck by the irony of our inability to keep sacred the lives of four small children in Birmingham while we profess to world leadership in Belgrade.

The world watches, and wonders, before accepting on faith our sincere attempt to lead the world to peace and order through law. As James Reston points out in this morning's New York Times "lawlessness" is the crisis in Birmingham. I ask unanimous consent to include Mr. Reston's article at the end

of my remarks, and an editorial from this morning's Washington Post.

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

(See exhibit 1.)

Mr. RIBICOFF. Mr. President, the Birmingham bombing has aroused the conscience of all America—north and south. The Governor of Connecticut, John Dempsey, has sent the President the following telegram:

All Connecticut is shocked and sickened by the Birmingham bombings. On behalf of the people of this State, who believe in equal rights for all citizens and the solution of problems through legal and orderly methods without violence directed toward innocent children. I strongly urge whatever immediate action is necessary to end this sorrowful blight on our Nation.

In the North, editorial opinion, I think, is most eloquently expressed by an editorial in yesterday's Hartford Courant entitled, simply, "Forgive Us"; and a southern editor, in the Atlanta Constitution, writes an apology entitled, "A Flower for the Graves." I ask unanimous consent that both editorials be printed at this point in the RECORD.

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

[From the Hartford Courant, Sept. 17, 1963]

FORGIVE US

It will be a long time before the soul of America is clean again. All of us share in the blashphemy and tragedy of what happened in that Birmingham church on Sunday. All of us have a part in the bestial violence with which American citizens have denied that national article of faith: All men are created equal.

Four young Negro girls were killed as they assembled for prayer. Others, injured, wandered in a daze through the dust of the explosion. It is not often that blood is shed by a shattered piece of stained glass from a church. When the Caliban that lurks in man's soul defiles a church by blowing it up, then our last sanctuary is gone. One can only say with the psalmist:

O Lord God, to whom vengeance belongeth; O God, to whom vengeance belongeth, shew thyself. Lord, how long shall the wicked, how long shall the wicked triumph? They break in pieces thy people, O Lord, and afflict thine heritage. They slay the widow and the stranger, and murder the fatherless.

How can there be release and cleansing from this black thing? The first need is to make sure no more blood is shed. The city, the State, and if need be the Nation must reestablish the law as supreme. So it may be that yesterday's plea by the Reverend Martin Luther King and other leaders for a Federal army of occupation must be heeded. We must shrink from nothing to stop this thing now.

Last spring, when Bull Conner set his dogs to sink their fangs into the flesh of Negro people, he let loose an explosion of anger. American Negroes, through their long years of torture, have often shown themselves superior to the whites who fancy themselves still the masters. They have been forbearing and restrained. Yet if they should now turn upon their tormentors in a mass explosion of fury, who could blame them?

No wonder that Negroes, their souls boiling over, reach with bare hands for stones to hurl at those who hate them and hurt them. No wonder one Negro woman, as Sunday's blast blew the windows out of her laundry across the street, came out screaming, "I'll kill the bastards. Just let me at 'em. I'll kill 'em." No wonder, too, that a soft-spoken young Negro with angry eyes asked, "What are y'all going to do about all this bombing? Looks like it's up to the colored folks to do something."

We could be near the edge of an abyss. For why should Birmingham's Negroes have faith in the State troopers and National Guardsmen lately set to keeping Negro children out of school? Or in those Birmingham policemen who shot over the crowds heads, they said, though they killed a Negro boy?

This is the fourth bombing in Birmingham since the recent school troubles began. It is the 22d in 8 years. Not once have those who set off any one of these bombs been found, let alone punished. Is it any wonder if American Negroes feel that injustice has gone to the point at which it can no longer be endured?

Something is needed, and we do not have to go far to seek it. It is for the people of Birmingham and Alabama and the whole of the United States to rise up in outrage against the sick and evil men who have brought this thing on, by preaching defiance of the law of the land. The sanctimonious Governor Wallace now expresses regret, and offers a reward for apprehension of the guilty. Yet in a real sense he, too, is guilty. For when his fellow citizens were resigned to the inevitable, it was he who again stood in the schoolhouse door, and called the State troopers and the National Guard to defy the law of the land.

As the South's responsible leaders have explained over and over again for 9 years, the issue is not desegregation. It is to stand up and be counted in support of law. We are often told that laws cannot end segregation, but it must end in the hearts of men. And so it must. But unless the law is first supreme, nothing else will follow.

So let the law bring peace, and then justice. Yet vengeance will not lift this thing from us. What good is it if every loutish perpetrator of this latest violence upon the Negro is caught? It will not bring back to life one dead child, nor wipe one drop of blood from the dusty cellar of that church.

Nor let anyone here in the North feel superior. To be sure it could not happen here. Or could it? Chicago, Detroit, Folcroft may be far away in distance, but not in kind. Yes, here we have civil rights. We have outward decency, and increasing awakening and acceptance. But the evil is in our souls too, and we too need expiation. For we still tolerate that North End ghetto. We still feel unreasoning fear, fear that has no more substance than a child's fright in the dark, if a Negro family moves to a white neighborhood. We have our Andovers, our real estate associations. And we have our all-white places of employment, and churches.

When the brute kills what is holy, man is powerless. One's heart grows empty, one's mouth dry, one's whole being sick. One reaches for phrases like, "Father, forgive them, for they know not what they do." How then can we exorcise this evil, how atone, how find that cleansing and release that sometimes rises out of tragedy? Perhaps we shall find it at the hands of our Negro fellow citizens, who may in the end forgive us for what can never be forgiven.

[From the Washington Post, Sept. 18, 1963]

SOUTHERN EDITOR WRITES APOLOGY, "A FLOWER FOR THE GRAVES"

(This is the Monday column of Eugene Patterson, editor of the Atlanta Constitution. It was entitled "A Flower for the Graves.")

A Negro mother wept in the street Sunday in front of a Baptist Church in Birmingham. In her hand she held a shoe, one shoe, from the foot of her dead child. We hold that shoe with her.

Every one of us in the white South holds that small shoe in his hand.

It is too late to blame the sick criminals who handled the dynamite. The FBI and the police can deal with that kind. The charge against them is simple. They killed four children.

Only we can trace the truth, Southerner—you and I. We broke those children's bodies.

We watched the stage set without staying it. We listened to the prologue unbestirred. We saw the curtain opening with disinterest. We have heard the play.

We—who go on electing politicians who heat the kettles of hate.

We—who raise no hand to silence the mean and little men who have their nigger jokes.

We—who stand aside in imagined rectitude and let the mad dogs that run in every society slide their leashes from our hand and spring.

We—the heirs of a proud South, who protest its worth and demand its recognition.

We are the ones who have ducked the difficult, skirted the uncomfortable, caviled at the challenge, resented the necessary, rationalized the unacceptable, and created the day surely when these children would die.

This is no time to load our anguish onto the murderous scapegoat who set the cap in dynamite of our own manufacture.

He didn't know any better.

Somewhere in the dim and fevered recess of an evil mind he feels right now that he has been a hero. He is only guilty of murder. He thinks he has pleased us.

We of the white South who know better are the ones who must take a harsher judgment.

We, who know better, created a climate for child killing by those who don't.

We hold that shoe in our hand, Southerner. Let us see it straight, and look at the blood on it. Let us compare it with the unworthy speeches of Southern public men who have traduced the Negro; match it with the spectacle of shrilling children whose parents and teachers turned them free to spit epithets at small huddles of Negro schoolchildren for a week before this Sunday in Birmingham; hold up the shoe and look beyond it to the State house in Montgomery where the official attitudes of Alabama have been spoken in heat and anger.

Let us not lay the blame on some brutal fool who didn't know any better.

We know better. We created the day. We bear the judgment. May God have mercy on the poor South that has been so led.

May what has happened hasten the day when the good South, which does live and have great being, will rise to this challenge of racial understanding and common humanity, in the full power of its unasserted courage, and assert itself.

The Sunday school play at Birmingham is ended. With a weeping Negro mother, we stand in the bitter smoke and hold a shoe. If our South is ever to be what we wish it to be, we will plant a flower of nobler resolve for the South now upon these four small graves that we dug.

Mr. RIBICOFF. Mr. President, the nationwide reaction has released the pent-up feeling of honest and responsible people everywhere. But it is not enough. What is needed is resolute and positive action to assure that these children shall not have died in vain. People of all races, colors and creeds both here and abroad look to us now in the Congress for our answer. Let it not be said that we failed in our hour of responsibility and opportunity. Let us proceed to early debate and overwhelming passage of a strong, meaningful, and positive civil rights bill. Let Federal, State, and local officials throughout the country resolve

to settle the problems under their jurisdictions. Let industry and labor leaders face up to their responsibilities. In short, let us all now take stock of the realities confronting us and accept as a fact once and for all that civil rights is not the Negroes' fight alone. We are all involved.

I ask unanimous consent that my name be added as a cosponsor at the next printing of Senate Resolution 200. I commend the sponsors of this resolution for bringing it before the Senate. Had I been here yesterday, I certainly would have joined with them in sponsoring this proposal. Its adoption, expressing the condolences of the Senate to the families of the children killed and injured last Sunday and setting aside this coming Sunday as a day of national observance in their memory, is the least we can do now. Then let us begin the long climb toward decency and blot out the black mark of last Sunday's Birmingham bombing.

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

EXHIBIT 1

[From the New York Times, Sept. 18, 1963]

BIRMINGHAM—THE CRISIS OF LAWLESSNESS IN ALABAMA

(By James Reston)

BIRMINGHAM, ALA., September 17.—The crisis in Birmingham now is not only between white and black, and between State law and Federal law, but between order and anarchy.

Both races are now at the mercy of a few hoodlums. The city is calm today, with the sun shining and the electrical church bells ringing out the old hymns, but nobody knows what may happen in an hour.

In this sense, at least, everybody has something in common because everybody is isolated. The white leaders who put Governor Wallace in office cannot be sure that his authority will protect them. The Negro leaders, who have been preaching patience, cannot be sure after the church bombing of last Sunday that their people will follow them.

This is what happens when the leaders of a community think law can be unequally applied to protect them and not to protect their fellow citizens. Eventually, others act on their own impulses, and everybody is left with his own fears and suspicions.

THE CONSEQUENCES OF FEAR

What was destroyed in the bombing Sunday of the 16th Street Baptist Church here was not only the lives of four Negro children, but the confidence of the whole community in law and order.

The Negroes now feel that they have to protect themselves. On "Dynamite Hill," an area of about 15 square blocks, they have established their own community protective organization, with their own weapons, observation posts and communications system, to watch for potential bombers.

Only a few days ago the Reverend Fred L. Shuttlesworth, a leader of the Negro community here, was calling off demonstrations, talking about the progress being made at the Birmingham lunch counters and exhorting his flock to be cool, stay sober, avoid crowds, and don't carry guns or knives.

But today he was saying that the Federal Government must declare an emergency and take over Birmingham. Instead of praising the work of the city's biracial committee, he was denouncing it as a fraud, and instead of opposing demonstrations, he was calling for a massive march on the State capital that would force the Federal Government to come in and protect his people.

NIGHT RIDERS

Even the white community no longer feels quite secure. The two Jewish temples in Birmingham are watched night and day against attack. Employees at the hotels where the Yankee reporters live wonder out loud when the bombers will get around to them, and even the local newspapers, which have recently been critical of the extreme segregationists, are not safe from the night riders.

Without common purposes or confidence in either Governor Wallace or President Kennedy, fear and rumor abound. The Negro leaders here have no confidence in the local police and are openly suspicious of Governor Wallace's State troopers. They even speculate on the possibility that Wallace's men themselves may have been responsible for the bombings.

Some white leaders raise precisely the opposite possibility—namely, that Negroes dynamited their own churches in order to put the white community on the spot. Until last weekend, they noted in support of this thesis that "nobody was ever hurt" in these bombings—an argument that seems even less plausible since the casualties of last Sunday.

In this atmosphere of ugly suspicion, the situation here is in some ways worse than it was during the crisis of last May. Since then admittedly some progress has been made. A few lunch counters and sanitary facilities have been desegregated, the newspapers have urged at least a decent respect for Federal law, there has been some communication between Negro and white leaders, and a more liberal but weaker municipal government has taken over.

BROKEN PROMISES

But the Negro leaders feel that even the token compromises of early summer have not been honored. No real improvement has been made, they assert, in the employment of Negroes in the stores and elsewhere, and meanwhile Governor Wallace has been so aggressively segregationist that he has incited the bombers and diverted the municipal government from the task of desegregation.

Paradoxically, both white and Negro leaders agree on denouncing the bombings but are far apart on who is responsible. When Justice Department officials arrived here after the death of the four Negro children, they felt that the white leaders of Birmingham were not so concerned about finding the bombers as they were about protecting themselves against the possibility of a counterattack by the Negro community.

In short, both races deplore violence and the tyranny of the lawless minority. They agree in theory with what Dr. Martin Luther King, Jr., said here last night—that if both sides take an eye-for-an-eye philosophy "they will both end up blind." But the tragedy is that they cannot agree on any way of cooperating to protect the community as a whole.

[From the Washington Post, Sept. 18, 1963]

HUNTING THE KILLERS

Because of the high repute of the Federal Bureau of Investigation, that agency's massive effort to solve the Birmingham bombing will bring reassurance to an outraged nation. A Justice Department spokesman has said that there is a presumption that the bombing violated a section of the Federal Civil Rights Act of 1960—the so-called antibombing statute—and that a full-scale investigation by the FBI has been ordered.

It is not so certain, however, that the announcement will bring full reassurance to Negroes in Birmingham or throughout the country. Negro leaders have complained for several years that the FBI has not been zealous in hunting down civil rights violators in the South. The record gives a degree of color to their contention. In Birmingham alone there have been 12 bombings of Negro homes and churches since the antibombing law was passed by Congress. But the FBI has looked into only four of these cases and has solved none.

Critics of the Bureau ought to take a few factors into account. The first of these is that FBI Director J. Edgar Hoover is indubitably right in saying that investigation of crimes of this kind is primarily the duty of duly constituted local police authority; the FBI has jurisdiction only when the offense involved some crossing of State lines, and it needs to be careful to avoid exceeding its jurisdiction. Critics should remember in the second place that in crimes of this kind local cooperation, especially by the police, is almost indispensable, and sometimes it is withheld. The FBI's task in Birmingham is not an easy one.

Yet when all this has been said, it is essential to emphasize that solution of the Birmingham atrocity is of vital importance, whether by the FBI or by local police or by the two working in cooperation as they should. For a situation in which a part of the population feels that it cannot rely for protection on the duly constituted law enforcement authorities—as Negroes have undoubtedly come to feel in Birmingham—is dangerously explosive.

When men cannot rely on public power for protection, they may resort to their own power; when they cannot rely on public punishment of criminals, they may seek private retaliation. Negroes in Birmingham may not indefinitely submit to bombings and shootings and arson. They need to know that the law is their best and surest shield. If local authorities cannot give them that assurance, then the U.S. Government will have to do so.

POLITICS HER BUSINESS

Mr. RIBICOFF. Mr. President, the Christian Science Monitor recently printed a well-deserved tribute to Connecticut's secretary of the state, Ella T. Grasso. Mrs. Grasso's service to her community, as their representative in the State legislature; to her State, as their highest elected woman official; and to her Nation, as a member of the State Department's Board of Foreign Scholarships have been the result of her active and able participation in our democratic process. Ella Grasso proves how effective woman can be in the affairs of our Nation. I ask unanimous consent to include the article at this point in the RECORD:

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

POLITICS HER BUSINESS

The League of Women Voters is a nonpartisan organization, but there's nothing that says a league member who goes into politics and is elected can't continue to work for policies she supported in the league and which the league supports because it believes they are for the good of community, State, or Nation.

When Mrs. Ella Tambussi Grasso, now serving her second 4-year term as secretary of state in Connecticut, was elected to the House of Representatives of the Connecticut General Assembly in 1953, she was a minority member of a minority party. There had been an oxodus of prominent Democrats, she said, but she went to the legislature with the Democratic platform under her arm and in possession of some good, solid convictions in line with those of the League of Women Voters of which she was a member.

INTRODUCES BILLS

"What do we do now?" she asked, with the Democratic platform in mind. "You can introduce bills if you want to," a veteran in politics told her with a keen glint in his eye.

"I do want to," she said, "in fulfillment of my responsibility to carry through the platform on which I ran.

"What seems impossible in one session becomes a reality in the next as public opinion is aroused and communicates itself", she observed, during our interview.

One of her bills was designed to eliminate the county government, an old structure which had existed since colonial days. Another provided for reorganization of the municipal court system into a district court system. Both had LWV support. A third provided for an office of mental retardation to study and act on the problem through local and regional programs rather than place people in institutions and leave them there.

When these goals had been accomplished it seemed there might be no new worlds to conquer, but she found she was mistaken. Plenty more appeared.

SERVES IN ASSEMBLY

She served in the 1953 and 1955 sessions of the general assembly and in 1956, 1958, 1960, and 1962, served as chairman of the Democratic State Platform Committee—the first woman to hold such a post in Connecticut. At the Democratic National Convention in 1960 in Los Angeles, she was also a member of the platform drafting committee which prepared the platform for consideration of the resolutions committee.

Mrs. Grasso and her husband, Dr. Thomas A. Grasso, principal of the Center School in East Hartford, Conn., have both been active in the affairs of their community and State for many years. Dr. Grasso, in addition to his work as an educator, has served for some time on the State prison board.

Mrs. Grasso majored in economics and sociology at Mount Holyoke College, South Hadley, Mass., and graduated magna cum laude in 1940. While working for her M.A. in these subjects, she served as a departmental assistant and laboratory instructor in statistics.

It was her active participation in the League of Women Voters that really led her into politics because she had been preaching good government and when it was proposed to her that she run for office, she decided she'd better practice what she preached. And she's intent on keeping voters aware of what's going on in the State government.

"It must be my League of Women Voters training," she said, "but if the voters and candidates of Connecticut aren't fully informed and constantly cognizant of dates and facts to remember it isn't for the lack of trying. We have slides and brochures (in English as contrasted with the legalese of the law), flyers, schools for moderators, for registrars and town clerks, etc., in preparation for the important occasions involved.

"I am pleased we made some progress in improving our election laws. Of course, the mandatory party lever is still with us—it dies hard."

The Grassos have two children. Susane is a sophomore at the Chaffee School, and trying to decide between Brandeis and Barnard. She has just finished an exciting summer studying painting with Robert Brackman at Madison.

IN JUNIOR HIGH

"Jimmy, who was 1 year old when I went into my first primary," says his mother, "is 'pushing 13,' as he reminds me constantly. He is in junior high and gives top priority to tanks, the Civil War, and pushups.

"There is always time for important things," is the Connecticut secretary of state's answer to the question, How do you manage? But she admits the hours sometimes seem to run out mysteriously. "The advantages of a tolerant husband and indulgent children help put order into our chaos," she asserted.

"That they respect the myriad activities essential to political participation and even join in the fun makes light work of formidable tasks. It is nice to have young Jimmy pilot me through a picnic grove, go to a tea with Susane, and indulge of an evening in driving to an assignment with my husband.

"A zest for living makes possible a multitude of activities. Sometimes I look wistfully at the tangled garden and unread books—but tomorrow always brings new challenges, new opportunities, and new adventures for all of us."

REMARKS OF SENATOR GOLDWATER BEFORE THE NATIONAL FEDERATION OF REPUBLICAN WOMEN IN CHICAGO

Mr. CURTIS. Mr. President, I am pleased to offer for the enlightenment and interest of my colleagues the remarks made by the junior Senator from Arizona, the Honorable BARRY GOLDWATER, before the National Federation of Republican Women in Chicago, Ill., on September 11, 1963, and ask unanimous consent that they be printed at this point in the RECORD.

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

EXCERPTS OF REMARKS BY U.S. SENATOR BARRY GOLDWATER, REPUBLICAN, OF ARIZONA, BEFORE THE NATIONAL FEDERATION OF REPUBLICAN WOMEN, CHICAGO, ILL., SEPTEMBER 11, 1963

If we had all night, I might try to explain to you some of the extreme and dangerous things that are taking place these days in the Nation's Capital. But since we don't I will summarize the situation by telling you that all is confusion. It may be that there is a master design buried somewhere amidst the confusion that will emerge in time. When and if it does, I can assure you that it will be a plan conceived by the Kennedys, dedicated to the Kennedys and operated by and for the Kennedys.

At the moment, however, I am inclined to share with a good many others the belief that our Government is not being (administered) so much as it is being tinkered with.

More and more these days we are led to believe that change of any kind is a measure of progress, particularly in things governmental. But the change in Washington that came about after 8 good years under that great leader President Eisenhower has taught a great many Americans the fallacy of this kind of reasoning. Things certainly have changed. But if we have made any progress during the past 3 years it has been progress in the wrong direction. It is progress in the direction of a socialized welfare state; it is progress in the direction of national bankruptcy; it is progress in the direction of bigger government and less individual freedom; it is progress along the dangerous path of accommodation of our enemies.

Some of the change we have witnessed since the advent of the New Frontier came in Berlin. There the landscape was altered by the erection of a Communist wall against freedom. Some of the change came in Cuba. There a one-time island paradise friendly to the United States was first communized, then sovietized, and finally turned into a Moscow-trained military base on our southern doorstep. Some of the change came in Laos, where we arranged a deal with the Communists and the neutrals under which freedom can never survive. Some of the change came in the Atlantic Community, where allied unity turned into Western disarray because our Government didn't understand what General de Gaulle was saying about the defense of Europe.

Yes, there has been a lot of change in the last 3 years. Most of it has been changed for the worse. But this hasn't brought about any perceptible reaction from the New Frontier. It is still committed to a policy of change for the sake of change.

On the domestic front, the President and his advisers are attempting to speed the drive toward collectivism along every possible social and economic front. Within the past 6 months, for example, the White House has sent to Congress more than 200 requests for additional spending or increased Executive powers. This record is matched only by the steady outpouring of Executive orders which are designed to change your way of living whether you like it or not.

In this period, the first session of the 88th Congress has been asked for a total of 207 Government spending programs. Accompanying these were 70 requests for more Presidential power. This is a greatly accelerated request rate. During the entire previous session of Congress, when the true magnitude of the New Frontier's Executive power grab first became apparent, the President made less than two spending requests per week and less than one-half a request for more power per week, on the average. The pace in this Congress is running eight and a half for spending and three for increased power every week on the average.

In the President's 1964 budget message alone there were 46 demands for additional spending authority. More were included in special messages on education, agriculture, mental health, medical aid to the aged, transportation, District of Columbia affairs, youth programs, civil rights, vocational training.

The budget message also contained a total of 28 requests for extensions or additions to the Executive powers of the present administration. In the area of education, the administration sought extra power in three broad categories; in the farm area, four; in the health area, eight; transportation, eight; civil rights, five.

All of this was in one session of Congress, which has not yet run its course and may never do so. And we can expect nothing better next year. I do not have to remind you that the next Congress will convene in an election year when economy and spending caution are inclined to give way to political expediency under an administration dedicated to its own perpetuation.

Now I suggest that the purpose of any government worthy of the people's trust is to govern. If the New Frontier has a purpose, it is to expand the Federal Government to the point where it can regulate, not govern, the individual lives of all Americans. I can see no other explanation for the avalanche of orders, edicts, messages, and pronouncements which we have been subjected to in the past 3 years.

And through them all runs a paternalistic, condescending attitude which says, in effect, that the American people do not know what's good for them so the Government will have to educate them. You all know what I am talking about. Dr. Heller is worried about our puritan ethics and the prevailing belief that constant and increasing Federal deficits are a bad thing for the economy. President Kennedy is concerned with economic myths which say that combining more Federal spending with a Federal tax cut is a dangerous policy.

The New Frontier is literally dripping with a "Daddy knows best" attitude toward the American people.

And "Daddy" is getting tougher all the time. He's beginning to think that he can legislate away any and all problems that arise on the American scene. Every time

a problem arises—real or imaginary—from which some political advantage might be gained, another message comes up to Capitol Hill from the White House. It carries the President's signature and a lot of fancy reasoning for another law or another set of laws. And it makes no difference whether the nature of the problem is legal or moral or even exists.

It doesn't seem to occur to the President that this Nation has had very sorry experience with the idea of legislating morals. We tried enforced prohibition at one time and only succeeded in developing the finest network of rumrunners, lawbreakers, hoodlums, and drunks the civilized world has ever seen.

We are now in the throes of another noble experiment, the personal income tax, which in addition to supporting half the world supports an army of legal experts dedicated to the proposition that all taxpayers are created equal—if they have a smart lawyer.

Now don't misunderstand me. I am not suggesting repeal of the income tax law. I know that that cannot be done unless other sources of revenue are provided. But I am suggesting that where the progressive rates under the present income law become punitive in nature they are destroying American initiative and incentive and are having a speakeasy effect on the morals of the American people. The Federal tax law has become so complex and so involved that the whole question of how to legally beat the Government has become a favorite American pastime. It blurs the line between what a taxpayer legally owes his Government and what he morally owes his Government. And I believe it is the time for a thorough-going overhaul of our entire Federal tax system which is long overdue.

In the whole area of American fiscal affairs, there is a crying need for a hard-headed commonsense approach to question of what really needs to be done and how much we can spend to do it. The New Frontier wants everything at the same time. It wants greatly increased Government spending and a tax cut—both at the same time. It wants a better international balance of payments and increased outlays of foreign spending—both at the same time. It wants freer trade with the European Common Market and tariff protection for American poultry—both at the same time. In Washington we call this latter "chickenmanship."

I might suggest right here that only adolescents really believe they can have their cake and eat it too.

Our outflow of gold continues at a rate that is alarming the entire world, yet when the House of Representatives made a move in the direction of correcting this situation by trimming the administration's $4.5 billion foreign aid authorization by half a billion dollars, the President called a special press conference to complain. He castigated the Members of Congress who voted for the cut and did his best to blame the entire thing on Republicans, even though 66 members of his own political problem went along with the reduction.

The President, whose memory is conveniently short at times, asserted that he always supported the Eisenhower foreign aid requests while he was a Member of Congress. But the record of his votes in the U.S. Senate shows a different picture. In 5 of his 8 years in the Senate he either voted for foreign aid cuts made in the Senate or against Senate restoration of foreign aid cuts made in the House.

In fact, his votes in the Senate over the years called for a total reduction of $1,260 million in foreign aid funds, a commendable record which for some interesting reason he is now trying to forget.

You might wonder why our foreign aid expenditures are so high. Well let me give you a few examples of the kind of projects your hard-earned money is expected to finance. In Burma, for example, the administration is planning to spend $31,500 for a study of the cultural-functional relationships of that nation. Another $31,200 is to be spent in a study of heat and water balances in the camel. Another $21,200 has been earmarked to investigate the mating calls of the Central American bufo toad.

And here at home, some interesting projects have been listed for public financing. For example, $4,800 is scheduled to study the sexual incompatibility in higher fungi; $28,000 to study the social dominance behavior of rodents, and $17,600 to study genetics and social influences on the behavior of chickens.

This, of course, is New Frontier culture on a broad front.

Now let me remind you that when you cut through all the many-sided operations of the New Frontier—whether it be the expenditure of your money for foreign aid or for the expansion of the welfare state—the fundamental question that arises is what is all this doing to the freedom of the individual?

I suggest that more and more the basic decencies of the American people are being smothered in the rules and regulations, many of which are no more enforcible than the prohibition law. And under the Kennedy concept, the law is being used to try and create morality while voiding long-standing customs and traditions.

There can be no doubt that we have much to answer for in the field of interracial relations. Nor can there be any doubt that impressive progress has and is being made in correcting these wrongs through the selfless dedication of leaders of all races who have accepted the challenge of this massive problem.

These problems will be solved because the inherent decency of our people tells us that they must be solved. In doing so, however, we must be careful not to create another monster that could be a worse plague on both our houses than the inequities existing today.

Unenforceable Government edicts benefit no one. Continued public attention and moral persuasion, I believe, will do more in the long run to create the good will necessary to the acceptance of decent racial relations in all segments of our society.

This is a continuing job and our record as Republicans establishes the fact that we will keep up the fight.

Of all people, those of us active in political affairs, must realize the need for unity, whether it is racial or political. Without this element, we are a mob instead of a society; a rabble instead of a party.

As Republican women you will be in the forefront of the political wars ahead of all of us. If we are divided at the outset we throw every advantage to our opponents. I would remind you that there are many New Frontiersmen to direct your anger toward, rather than chewing on members of your own party. In fact there are almost enough Kennedys to go around for this or any other political party.

We will, of course, select someone to take on the Kennedy clan in 1964 and the choice of that selection will rest with the attitudes and conditions existing within the Republican Party next July. Between now and then we can serve our party and our country best by opposing what is wrong with the New Frontier, by examining the issues and by investigating the philosophies and political background of our leaders and by proclaiming what is best for the United States.

Unless we, as a united party, have confidence in our own political wisdom we certainly cannot expect the great mass of voters to give us their confidence and their support.

We are a big political party and there is all kinds of room for a difference of opinion. But in differing we need not beat the hides off those we differ with.

It is easy to tag politicians with labels. We're either right, left or middle of the road. Usually at different times, but not always. It's sort of a great American indoor sport—this labeling of politicians—and it is basically dishonest.

I am a Republican, pure and I hope not too simple. I have always been a Republican and I will continue to be a Republican.

I accept that designation with pride and I wear the mantle with honor.

I do not accept any gradations with my Republican label. I am not a fifth-amendment Republican, nor do I know any.

And if you are a Republican, that is good enough for me, and it will be best for the country as we multiply.

At the outset I expressed some confusion about what is going on in Washington.

However, we need not be confused about the most important things.

The present administration is taking us down the winding road of irresponsible spending, questionable defense, and dubious foreign relations.

We are forced to make judgments out of half-truths, to form policy on the thin ice of evasion and concealed facts.

Today there aren't 10 men in America who know the full truth about Cuba, all the facts of the test ban treaty, or the commitments made on behalf of this Nation with governments dedicated to the idea of destroying us.

I don't mind the Kennedys keeping some family secrets, but there is such a thing as carrying clannishness too far.

In the Senate we are now debating the partial nuclear test ban treaty. Our mail is running heavily against this international commitment and I am convinced the reason is that our people have no confidence in the present administration and less in the honesty of our enemies.

We have a tax bill on the agenda, a civil rights program, and a covey of lesser legislative matters still to be disposed of. This Congress will probably set an alltime record for longevity as it certainly will set a record for high cost and confusion.

We will survive, however. We are fortunate that this country is great and strong. One of lesser virility might not survive what is being done to it on the New Frontier.

We are fortunate also that we can in 1 more year again express our national opinion about how we have been governed for the preceding 4.

To you, of course, will go a large share of the burden of leading the American people to the polls in the proper frame of mind. It will be the biggest job you have ever tackled because the New Frontier will fight with every weapon the Kennedys can lay their hands on to hold the family power.

Women like a challenge, and a good fight. Well, you're going to have one next year and now is the time to start getting ready for it. The place to begin is in your own neighborhoods, among your own people.

We have a long way to go before the job is done.

We have a nation and a way of life worth working for.

And, above all, we have the need to restore to our Government and to our society the great virtues of thrift, honesty, and patriotism.

THE SOUTH DAKOTA QUINTUPLETS

Mr. MUNDT. Mr. President, during the past several days since the marvelous news was received from Aberdeen, S. Dak., that Mrs. Andrew Fischer had given birth to quintuplets, I have received a number of inquiries from my colleagues here on the floor and in the cloakrooms, as well as a steady stream of telephone calls to my office inquiring

about the quintuplets, the Fischer family, the size and characteristics of the city of Aberdeen, the type of medical and hospital facilities located there, and what procedure to follow by those who are desirous of sending gifts to this family.

I recognize that a good many by now have had the opportunity to view over the television, read in the newspapers, or hear on the radio many reports from Aberdeen. For those who have not had an opportunity to follow these reports, by the networks, pointing out the excellent medical and hospital facilities available in Aberdeen, I merely wish to point out these facilities are typical of the fine medical services which are found throughout the Midwest, on a par with those you will find anywhere in the country. The quintuplets are receiving the best of care.

The city of Aberdeen itself is one of our progressive, friendly communities of the Midwest, South Dakota's third largest city, with a population of some 23,000, and is truly representative of the fine wholesome qualities to which all America aspires.

Because a number of the inquiries made to me have also included expressions by some of a desire to offer gifts or money or other helpful assistance to the proud parents so as to help them meet their unexpected increase in family expenses, I wish to take a moment to point out that those desiring to extend a helping hand may send their gifts and contributions to the Andrew Fischer family in care of the Aberdeen Chamber of Commerce which is serving as a clearing house for such assistance.

I wish to add one more comment, speaking as a South Dakotan who is thrilled with a good deal of home State pride over this momentous, blessed birth of quintuplets that has taken place in Aberdeen. It is a wonderful thing to know that the generous and understanding heart of America has been so greatly touched by this king-sized, happy event and I know that all in South Dakota are highly gratified at the interest, response and prayers of Americans everywhere to this historic landmark in our American population and birth records.

FRESH HAWAIIAN PINEAPPLES

Mr. INOUYE. Mr. President, it is my pleasure to advise my colleagues that fresh Hawaiian pineapples will be available throughout the eastern seaboard so the average housewife will be able to afford this delicious fruit, which we in Hawaii believe is far better in quality as compared to pineapples previously sold in these parts.

The inaugural shipment of this fresh Hawaiian pineapple arrived in the District of Columbia over this weekend. I hope each of my colleagues was able to taste the delectable fruit delivered through the cooperation of the Matson Navigation Co., Honolulu, Hawaii.

After tasting it, I know that you will never eat any other type of pineapple. None can approach the Hawaiian product.

The shipment was made possible through advance methods of handling, which resulted in cutting down costs. This meant that a new rate—a through rate involving ship and rail transportation—could be filed by Matson with the Federal Maritime Commission. The Commission, among other factors, wisely saw what this could mean both to the Hawaiian economy and to the enjoyment of the millions of Americans in the East. The Commission approved the rates last February.

Unfortunately, the pineapple season came to a close shortly after approval of the new rates. Because there were not enough pineapples available immediately for marketing, none was shipped at that time, waiting for the new season to roll around.

That season is here now and those most closely associated with the agriculture and economy of Hawaii took steps to ship the fresh pineapples east at the earliest opportune time.

While awaiting the new season, an improved method of handling the pineapples was developed. Now, there is no need to use carbon dioxide for retardation of ripening.

The new method, to assure freshness, calls for the pineapples to be picked in the Hawaiian fields at night and placed under immediate refrigeration. The refrigerated containers then are loaded aboard Hawaiian freighters early the next morning.

When the ship arrives in San Francisco, the pineapples are transferred immediately to iced railroad cars. With the cooperation of the railroads, the cars begin their transcontinental journey as soon as they are loaded.

Performing packing operations in the field and using refrigerated containers and cars eliminates repeated handling. This has resulted in a substantially improved quality of fruit. Hawaiian pineapples will be much more inexpensive on the east coast than heretofore because of this method and due to more economical surface transportation from Hawaii to the east coast. I know that this is welcome news to the American housewife.

Another important factor in the more economical shipment of the pineapples is the fact that the Matson Navigation Co., an unsubsidized line, has moved ahead on its own, with its own capital, to modernize its fleet and provide containership service to the entire west coast of the United States.

All of this is vital to our economy in Hawaii. Other firms involved in the present shipment are the Dole Pineapple Co. and Giant Food Stores, which purchased the first shipment, as well as Heggblade-Marguleas, Inc., of San Francisco.

Heggblade-Marguleas, we might note, is the firm that inaugurated shipping California strawberries to the east coast on a year-round basis. The same principle is involved in the Hawaiian pineapple movement.

THE HOME BUILDING MESS AND A REMEDY FOR IT

Mr. GRUENING. Mr. President, nearly 2 years ago homeowners in a new FHA-approved home construction development named Eagle River Heights, near Anchorage, Alaska, found that their FHA-approved dwelling had major and minor defects.

These defects were numerous. They ranged from buckled wall paneling, to inadequate heating facilities, to the use of second-hand pipe for plumbing, and to improperly installed storm doors and windows, to name but a few flagrant shortcomings.

When this situation was brought to my attention by the properly indignant home-purchasers in January 1962, I went to work to see what could be done.

Subsequently, after a thorough examination of the incriminating evidence, evidence so clear that one could hardly overlook it, I introduced on June 21, 1962, S. 3460, a bill to put meaning into the words "FHA insured."

The bill received favorable comment and was endorsed by then Federal Housing Administration Commissioner Neal J. Hardy.

And the defects in the Eagle River homes were corrected thanks to the positive action of FHA officials. They deserve the highest acclaim for their prompt and effective remedial steps, an attitude which unfortunately is not found in all Federal agencies. The cost of repairs totaled $100,000.

In the months which have ensued since I introduced on March 28, S. 1200—to obviate similar deficiencies throughout our Nation—identical to S. 3460 of the 87th Congress—I have received many letters urging enactment of the bill. Eleven of my colleagues, representing various areas of this Nation have joined as cosponsors. They are the junior Senator from Minnesota [Mr. MCCARTHY], the senior Senator from Nevada [Mr. BIBLE], the senior Senator from Pennsylvania [Mr. CLARK], the senior Senator from Connecticut [Mr. DODD], the senior Senator from Illinois [Mr. DOUGLAS], the late senior Senator from Tennessee [Mr. KEFAUVER], the junior Senator from Montana [Mr. METCALF], the senior Senator from Oregon [Mr. MORSE], the junior Senator from Utah [Mr. Moss], the junior Senator from New Jersey [Mr. WILLIAMS], and the junior Senator from Ohio [Mr. YOUNG].

Mr. President, the defects in the homes in Eagle River, Alaska, were corrected, but this happy ending is, regrettably, rare. Obviously the laws need strengthening.

I therefore wish to commend highly the Saturday Evening Post for bringing the need to put meaning into the words "FHA insured" to the attention of its millions of readers. Under our democratic system in which the Government is presumedly the agent and servant of the people it is imperative that their confidence in it be not impaired.

The September 21, 1963, issue of the Post contains a well-documented article entitled "Why New Houses Cost Too Much." It is written by Mr. Arthur M. Watkins, a gentleman with considerable expertise in homebuilding. Mr. Watkins cites shocking examples of homebuilding waste, including that in Eagle River, Alaska. It deserves the widest

reading and I recommend it to my colleagues.

In addition to publishing Mr. Watkin's article, the editors of the Saturday Evening Post have commented editorially on "The National Homebuilding Mess."

Says the Post:

The tale of flooded basements, crumbling bricks and cracking walls told by Arthur Watkins * * * is a scandal of such national proportions that only action can set it right.

"Scandal" is, in my judgment, the proper term for this shocking situation which levies so heavy a toll on the economy and the happiness of millions of our fellow citizens.

The Post's editorial notes that S. 1200 would "put teeth" in the law by empowering "the FHA to require little-known builders to post a bond before beginning work." It may not provide, and indeed does not provide, as Mr. Watkins points out, the complete solution of the problem but it is an important step toward rectification.

The Post concludes:

We hope that Senator SPARKMAN'S subcommittee will act on the bill as soon as possible and bring out a favorable report.

We have many inequities to correct in our own country, one of them being the pressing need to protect purchasers of homes covered by FHA-insured mortgages against major defects. The errors which occurred in Eagle River, Alaska, must not be repeated again and again in the other States.

Mr. President, I ask unanimous consent that the Post's editorial in support of the need for legislation such as is embodied in S. 1200 as well as the full text of the article by Mr. Watkins be printed in the RECORD at this point.

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

THE NATIONAL HOMEBUILDING MESS

The tale of flooded basements, crumbling bricks, and cracking walls told by Arthur Watkins is a scandal of such national proportions that only national action can set it right. Among the recommendations made by Watkins is one that could be accomplished in short order: the housing bill (S. 1200) introduced by Senator ERNEST GRUENING, of Alaska. As a top FHA official told Watkins, the FHA under existing law can only try to persuade a builder to repair structural defects. If the builder refuses, "We can only cross his name off our list of builders eligible for FHA-insured mortgages," the FHA official said. Senator GRUENING'S bill would put some teeth in the law. It would empower the FHA to require little-known builders to post a bond before beginning work. When a major structural defect appeared, the buyer of the house would complain to the FHA, which in turn would notify the builder. If the builder refused to make the necessary repairs, the FHA would do the job and charge it against the bond. In the case of well-established builders, the work would be charged against existing accounts with the FHA. Senator GRUENING introduced his bill last year toward the close of the 1st sess., 88th Cong. and reintroduced it when Congress met this year. So far there has been no action on it, although GRUENING has written to Senator JOHN SPARKMAN, of Alabama, chairman of the housing subcommittee, and requested an early hearing. We hope that Senator SPARKMAN'S subcommittee will act on the bill as soon as possible and bring it out with a favorable report.

WHY NEW HOUSES COST TOO MUCH

(By Arthur M. Watkins)

Anyone planning to buy a new house in Mount Vernon, N.Y., a subsurb just north of New York City, ought to know about George C. Grimm, because George C. Grimm can cost him money. Like many towns all over the country, Mount Vernon has an obsolete building code which requires the use of inefficient, labor-consuming construction techniques. As a result, contractors estimate that a house which can be built for $26,000 in neighboring towns that use the modern New York State code will cost about $30,000 in Mount Vernon. That's all right with George Grimm, because he's the square-jawed chief of Plumbers Local No. 86, and he argues that using their work-saving code would violate "local autonomy." With the help of certain local contractors, Grimm has successfully fought against changes that would save every house buyer thousands of dollars.

Nothing illustrates the rule quite so pungently as the exception. When the Mount Vernon High School required new storm-water and sewage drain connections recently, architects estimated that installing the piping according to the New York State code would save $5,000. Budget-strapped school officials howled for the saving; Grimm had to back down and permit the more efficient installation, which will perform just as well. Immediately afterward, however, the door was closed, and the Mount Vernon code was back in all its dictatorial force.

A home buyer, needless to say, lacks the political leverage of a school board. And he rarely knows about such matters in the first place. Real estate men and builders selling houses may talk of kitchen space, woodsy views, and low downpayments. But they never mention the inefficiency and bureaucracy which make houses needlessly expensive to buy and needlessly expensive to keep up in every part of the United States.

The U.S. housing industry is a $23 billion annual business which has a potent influence on the whole economy. It provides jobs for 5 million workers and a vast market for dozens of other industries; when it falters, business everywhere feels the effects.

And housing has been faltering, largely because of the industry's incredible inefficiency. Most of the Nation's 125,000 home builders are forced to use wasteful and obsolete techniques and materials, do little or no research, and are largely cut off from new technology which could sharply reduce the cost of housing. The industry is hobbled by a maze of outdated local building codes which rule out the benefits of mass production methods. The effects on the cost and quality of housing can be gaged by imagining what automobiles would be like if local laws decreed that they had to be assembled in local garages rather than built on factory production lines.

The system—if it can be called that—is perpetuated by a combination of powerful national pressure groups, including local craft unions (particularly the plumbers, electricians and masons), and certain manufacturers of old-line building products like iron and steel, masonry and plumbing fixtures. Some home builders, real estate dealers and mortgage bankers oppose reform for fear it would cut into their local domination of the housing business or reduce commissions. Organizations like the U.S. Chamber of Commerce oppose it for fear that reform would involve Government meddling.

The situation is exacerbated by corrupt building inspectors, builders whose ethics are no stronger than their foundations, and local craftsmen who couldn't care less about craftsmanship. While the proportion of honest men in home building is probably as high as in any other industry, corner-cutters account for a disproportionate share of the business. The muddle in housing encourages cheats, and even gives them competitive advantage.

The end result is evident in spiraling construction costs, which have risen 192.6 percent since 1930, or two and a half times the increase in the overall cost of living. "Twenty years ago I could build a good small house for $7,000," says a Cleveland builder. "Today approximately the same house must sell for $17,000."

It is perhaps more painfully evident in the household budgets of homeowners such as Frank Stahl, a 28-year-old college graduate who moved his wife and baby into a $23,000 development house in New York's Rockland County early this year. The Stahls (not their real name) bought the house partly out of desperation, after 15 months of house hunting, to escape from a cramped apartment. "It was absolutely the lowest priced suitable house around," Stahl says. "I had just gotten a raise to $9,100 a year (which puts him in the upper 25-percent wage bracket); so we figured we could swing the deal."

Stahl isn't so sure now. His taxes were just raised and he finds that total housing costs take an unexpectedly large chunk out of his income. The chunk includes $183 for mortgage, insurance and taxes, another $42 for heating, utilities, and ordinary house upkeep. Thus housing swallows nearly 40 percent of Stahl's $540 a month take-home pay, leaving a lean $73 a week for everything else. The Stahls have to skimp on some essentials, and are hoping that no home repair emergencies will confront them with bills they cannot afford. The odds are against them there.

"Most families tread on thin ice if housing takes more than 20 percent of their income," says Henry Freeman, executive director of Pittsburgh's Family and Children's Service Agency. "But more and more families in the suburbs are paying 30 or 40 percent, and are just one step ahead of a judgment." Many, in fact, have passed the breaking point. Voluntary bankruptcies have soared to record heights, and home foreclosures are at a postwar peak, exceeded only by the vast numbers of people who lost their homes during the great depression.

The ultimate impact of housing costs falls upon tens of millions of people who can't afford even to consider buying a house. Fully half of the Nation's families have been effectively squeezed out of the market for private housing—used as well as new, since the price of new houses automatically sets the scale for used homes. Basing his figures on a Government study of typical urban areas, Pennsylvania Senator JOSEPH CLARK says that as many as two-thirds of all families don't earn enough to afford the absolutely lowest priced minimal new housing in such places as Boston, Atlanta, Indianapolis, and Portland, Oreg.

How much social and psychological suffering this squeeze causes can only be guessed—although social workers say, for example, that housing problems are a chief cause of what they call family trouble cases. But the debilitating wound which it inflicts on the U.S. economy is all too plain, and measurable. Harvard economist Douglas Dacy thinks that the slowdown in housing sales and construction since 1956 may account for most of the lately lamented decline in the national growth rate, with its legacy of widespread unemployment.

And cost is the root of the trouble. Each $1,000 reduction in the price of the average new house would make an additional 75,000 American families eligible to buy, according to estimates by the National Association of Home Builders. That many more houses a year would call for an additional 150,000 tons

of steel, 350 million bricks, 1.5 million gallons of paint, 895 million board feet of lumber, 90,000 bathtubs, and proportionately greater sales of other products. And each $15,000 house sold generates some $15,000 of related economic activity, such as furniture sales, electricity installations, and new stores and streets to serve the homes. The $23 billion worth of houses which will be put up this year will have a total impact of more than $50 billion on the economy. There would be a lot more housing and a lot more stimulus if houses were cheaper.

This does not mean cheaper quality. The ultimate irony of the housing muddle is that the same reforms which would reduce prices would produce better houses. Forced to use inefficient materials and methods, to hire construction labor on a local catch-as-can basis, to contend with inflated costs at every turn, builders are under enormous pressure to cut corners—and even to chisel. In return for high purchase prices, home buyers are likely to get shoddy merchandise and high home repair bills to compound their financial troubles. Some examples:

SPARE THE RODS, SPOIL THE HOUSES

In Ventura County, Calif., a developer used skimpy 3-inch floor slabs—permitted by the local code—for his $15,000–$25,000 houses. Result: An epidemic of cracking floors, broken pipes and buckling foundations. A chamber of commerce survey showed that 159 of the 249 families in the Weathersfield tract had bought defective homes. Some were virtually beyond repair; others had to be jacked up, at a cost of $2,200 per house, so that a new concrete slab could be placed underneath. The homeowners—not the builder—paid.

A couple were having coffee in the living room of their new $24,000 development house in Rockland County, N.Y., when the room began to shudder. The chimney broke off the house and came tumbling down with a crash. After much acrimony, the builder rebuilt the chimney at his expense—but only, says the husband, "because he couldn't sell more houses while people saw the bricks on the ground."

Whole subdivisions in the Houston area are plagued by shifting foundations, which cause floors to crack and doors to stick shut. "Jerrybuilders put down steel reinforcing rods before pouring the cement, and then call the building inspector," says a local contractor. "After the inspector leaves, they remove the rods to the next foundation. One set of rods will do for a whole subdivision."

Engineers of Home Inspection Consultants, Inc., checking out houses for prospective buyers in Indianapolis, Philadelphia, and northern New Jersey, report "inexcusably low-grade quality" in custom houses priced as high as $80,000. The most common defects include improper lot grading, poor foundation waterproofing, low-grade heating, skimpy insulation, green lumber, and sleazy paint jobs.

All these defects are difficult and expensive to repair after a house is finished. A good many builders refuse to make amends, and generally can duck their responsibility even when homeowners haul them into court. One homeowner, for example, won a hands-down, $6,100 judgment for repairs but never collected a dime. The builder had cannily drained his corporate till of all its assets in advance and set up a new company which was not legally liable, a ploy known as "corporation folding." The aggrieved homeowner was stymied—yet through his front window every morning he could see the builder throwing up a new tract of houses at full steam.

Many homeowners have tried to bring criminal charges against builders who refused to make justified repairs, but in almost all cases district attorneys have given them the brushoff, explaining that it is hard to prove criminal intent.

Nor do the Federal Government's much-touted housing laws give real protection. It is true that Federal rules require higher construction standards for houses with Government-insured FHA or VA mortgages than are normally encountered in privately financed houses. But the FHA and VA can't really enforce their standards.

Consider the case of 55 families who purchased FHA-insured houses in a development at Valley Cottage, N.Y., a few years ago. It shortly became evident that the houses, priced at $16,000 and $17,000, suffered from grievously inadequate waterproofing. Roofs began to leak and rot, wall shingles popped off, and basements became soaked as the insidious water vapor spread through the houses. "All my rooms and clothes closets are constantly damp," says Mrs. Margaret Warshaw, one of the residents. There have also been cracked foundations and driveways, sinking carports and peeling bathroom tiles. An architect consultant called in by the residents found a total of 37 violations of the FHA's minimum standards.

"The builder [Philip Shapiro] kept stalling and would make no repairs," says Mrs. Warshaw. "Though I made three trips to Washington, we got no real help from our Representative, the FHA, or anybody else. FHA officials tried to persuade the builder to make repairs, but he laughed at them. Sure, the FHA finally blacklisted him, so he can't build any more houses with FHA mortgages. But that's no help. I'm sick about the whole thing. It will probably cost $3,000 to $4,000 apiece to put our houses in decent shape."

A top FHA official explains the situation this way: "Under the Federal housing law we can try to persuade the builder to make justified repairs, but that's all. If he refuses, we cannot force him to correct defects. We can only cross his name off our list of builders who are eligible for FHA-insured mortgages."

In a few cases, however, authorities have taken a hard line—and got results.

In an outlying residential section of Brooklyn, N.Y., there was an epidemic of cracking foundations and sinking walls in hundreds of houses priced from $25,000 to $50,000, due to flimsy support and poorly filled land. The builders had promised paved streets but supplied nothing more than dirt roads. Basements were often flooded with raw sewage backed up from the street; it turned out that drainpipes had been hooked up to the street lines in a flagrantly illegal manner.

The buyers squawked to a series of city building-department officials to no avail. In desperation they finally went to Kings County District Attorney Edward S. Silver. Appalled at what he saw, Silver 3 years ago launched an investigation which is still in progress and has produced these results to date:

Builder Richard Powell and his Donven Realty Corp. were convicted last March of first-degree grand larceny. (It was probably the first successful criminal prosecution of a U.S. builder for shoddily built houses.) Five other builders have been indicted, and charges may eventually involve as many as 40 builders and houses sold to as many as 10,000 families. A city plumbing inspector has been indicted for taking bribes. Eight FHA inspectors and a VA construction analyst have been indicted on bribery charges brought by the Federal Government, apparently based in part on leads developed by the Silver investigation. "These things don't happen in a vacuum," notes Assistant District Attorney Irving Seidman, who helped track down the evidence. "Shoddy construction goes hand in hand with corrupt inspectors."

One unexpected benefit is the "cleansing effect" on other builders, says Aaron Koota, chief of the Brooklyn Rackets Bureau. "After our indictments, the builders realized we meant business. Now it's amazing how fast they make repairs." The case has also brought a stream of calls to Silver from D.A.'s in other cities.

Another official who took outraged action is Senator ERNEST GRUENING, of Alaska. Houses purchased by 47 families near Anchorage were so full of defects that interior temperatures hovered at 32° in the winter and icicles formed in the attics, even with furnaces working full blast. Though the houses were built with FHA mortgages, the owners complained futilely to the builder and to local FHA officials. Finally, Senator GRUENING contacted top FHA officials in Washington, who put pressure on the builder. Fortunately the builder was a big U.S. construction firm which could not risk an FHA blacklisting; the firm reluctantly repaired the houses at a reported cost of more than $100,000—for quality that could have been provided in the beginning at one-quarter this price.

To guarantee protection against flaws in all FHA houses, Senator GRUENING has proposed a bill to put teeth in the FHA housing law. It would require builders to post a performance bond, and the FHA would use this money to repair any major defects which appeared within 3 years after a house was sold.

But neither GRUENING's bill nor criminal prosecutions strike at the fundamental troubles in housing. As a five-man committee appointed by President Kennedy to survey the housing situation reported last year, the real problem is "the commercial structure of the industry itself * * * its fragmented and local character." From fragmentation comes inefficiency and lack of professional know-how. In many cases, key people associated with local building—the banker who puts up the capital, the builder, and the work crew—have appallingly narrow knowledge of what constitutes really good design and construction. Only a small minority of houses are designed by architects; most homebuilders, pressed by inflated costs, consider such services as frills.

One basic medicine needed can be expressed in a word: prefabrication. The widespread introduction of efficiently made, mass-produced structural assemblies would produce better houses, because each part would be designed by a factory staff of architects and engineers, instead of—as is too often the case—by local stumblebums. Each part would be produced under factory-controlled conditions which would sharply reduce the possibility of flaws. If there were a serious flaw, an established factory would not be likely to try to duck responsibility by changing its corporate name.

We already have the know-how to mass-produce whole floor, wall and roof sections, which can be swiftly lined up and locked in place. Interior partitions, also shipped in sections, can be dropped in place. Complete plumbing can be prepackaged and sealed into bathroom-wall sections, a technique which, in itself, would cut the cost of houses by 5 to 10 percent. Drop-in-place techniques used throughout the house would not only produce a better house but also ultimately cut costs as much as 50 percent.

Even short of Detroit-style "house factories," mass production can produce astonishing results. Take the case of builder William Levitt, who builds some 3,000 houses a year—a large number for the housing industry, but still small-scale production. Selecting areas for his "Levittowns" where building codes do not hamper efficiency, using a permanent, trained work force, Levitt builds substantial houses for $9 per square foot versus $13 a square foot for the average house. He also tosses in appliances, air conditioning, schools, and community swimming pools, the dollar equivalent of at least 10 percent more house.

But the hodgepodge of wildly differing building codes in most cases prevents builders from standardizing components or achieving the mass markets necessary for mass production.

Here is what confronts a builder in just one State—Connecticut—and in just one part of a house. The FHA allows 5/16-inch-thick wall plywood, a perfectly safe demand, but the Avon, Conn., code insists on half-inch. Bridgeport, Fairfield, and Trumbull also specify half-inch, but only if it is nailed horizontally. Still other town codes, such as Easton's, demand extra-thick 5/8-inch plywood—which adds $200 to the cost of a small house. Yet the thickness of plywood is a totally obsolete gage; the type and grade are the key to soundness. (Here, incidentally, is an example of why so many local codes fail to safeguard the buyer.)

Connecticut codes are studded with other idiotic variations. Even the kind of nails allowed varies depending on which side of the town line a house is located. And Connecticut is not exceptional. The fact is that in cities and towns all across the country the local code is a front that serves to preserve the profitable status quo for a few local groups at the expense of everybody else. Their pressure, compounded by public officials' ignorance of building matters, keeps out new products and new techniques. Archaic plumbing-code requirements are a notorious example in such cities as New York, Pittsburgh, Chicago, and their suburbs, where they outlaw the efficient use of copper and nonmetallic pipe in favor of iron or steel pipe. Powerful suppliers combine with local contractors and plumbing unions to keep it that way. In one apparently pure little picture-postcard New England village, the plumbing code is administered by an inspector czar who is also the largest local plumbing contractor. Needless to say, he faces little business competition.

Miamians pay $100 to $200 per house in excessive wiring costs because of a code that dictates the arbitrary use of heavy, old-fashioned wiring. A builder says, "This was sensible 15 years ago when our code was written and nonmetallic wiring conduit had not been invented. The new wiring is far superior, but local contractors, suppliers and union men fight tooth and nail against changing the code." In Cleveland the electricians' union blocks the new wiring on the grounds that it is a fire hazard, according to a spokesman for Local 38 of the Electrical Workers Union. Yet nonmetallic wiring has the blanket approval of the National Board of Fire Underwriters, and more than 1.5 billion feet of it is installed in the United States every year.

In Philadelphia the brick people have long fought against modern wood-frame construction by permitting few or no changes in the masonry-slanted code. In Chicago the plasterers keep out economical plasterboard. A Chicago housing expert says people there are victims of "old, obsolete code rules that are often unwritten and operated out of the building inspector's hat."

The "in" groups can block new cost-cutting products and techniques because of what are called specification codes. Often written years ago, they stipulate exactly which materials and methods are allowed locally. They do not cite many modern materials and techniques, because such innovations were unknown when the codes were written. A product that is not specifically mentioned is therefore outlawed.

Nearly all impartial building experts agree that specification codes should be junked and replaced by performance codes. A performance code merely spells out the desired goal—a floor that will hold a 40-pound-per-square-foot load; a pipe that will withstand, say, 50 pounds of water pressure; a wall that will not quaver in hurricane winds, whether it is built of wood, brick or synthetic palm fronds.

Performance codes are easier and less expensive to administer, enforce and keep up to date. They would open the door for new products now waiting in the wings, including rugged new lightweight aluminum-, steel-, and plastic-skin wall panels, rigid new corrosion-free plastic pipe—used to handle corrosive sulfuric acid in chemical plants but barred for house water pipe by obsolete codes. Experts hold that new lightweight structural assemblies are our best hope for sharply cutting construction costs. But many manufacturers will not even earmark research money to develop new products, because the present code curtain would bar whatever they developed.

Also needed is code uniformity—a national performance code—the same flexible but nonetheless uncompromising rules for everybody. It would be a model code for voluntary adoption by any city or town. It could easily embody regional modifications to allow for geographical differences in building requirements.

How much would house prices come down with a national performance code? A top manufacturer of prefabricated houses recently said that if a national performance code were introduced, he could slash his selling prices—less land—by at least 25 percent. Within a year or so, additional economies could bring down prices by about 50 percent. A handsome three-bedroom house he now must sell for $16,000, could, by January 1, 1965, be priced at about $8,000.

Another house manufacturer, paying $45 apiece for his bathtubs, figured he might cut costs by turning out tubs with his own giant press. His engineers said yes, but only if he could attain a volume of 40,000 houses a year. Then the cost would nosedive to $13 a tub.

Painting a house by hand costs from 5 to 10 cents a square foot today. It is often done hastily with the cheapest paint, leading to stiff repainting bills in 3 or 4 years. By contrast, notes architect Carl Koch, complete wall sections can be roller-painted on a factory assembly line for less than a penny a square foot, giving "infinitely better, longer wearing, cleanable surfaces."

Far from producing look-alike houses, a uniform national code would open the door to far more design flexibility. Mass-produced wall sections could be fitted together in a huge variety of shapes and patterns, just as the 18 parts of a Tinker Toy set can form thousands of assemblies. A Midwestern maker of prefabricated houses not long ago demonstrated this by building three totally different-looking house models, a Cape Cod, colonial, and contemporary, using the same structural components, except for the facing.

Many union leaders block the introduction of modern performance codes because they fear loss of jobs. Yet they probably would be better off. Craft unions in St. Louis—together with certain suppliers and contractors—fought a bitter 7-year battle to stave off a new performance code. The new code was finally pushed through in 1961, and local construction costs have since come down 16 percent, setting off a building boom which has given union members more work than ever.

MORE JOBS IN THE LONG RUN?

Although a national performance code might cause some initial job shrinkage, experts are convinced that in the long run it would generate more jobs. They think it would spark an unprecedented surge both in new construction and in the rehabilitation of existing homes—an estimated two out of three homeowners want to fix up, remodel, or expand, but most simply can't afford the current stiff prices for things like extra rooms and modernized kitchens.

More factory production would also provide year-round job security in an industry that is notorious for part-time work. Because of the seasonal nature of building and weather delays, workers are paid top hourly rates, but many can count on only 30 to 40 weeks of work a year. The rest of the time they collect unemployment checks—another bill paid by the public.

In addition to a model national performance code, housing people mention two other urgent needs. The industry spends peanuts on research and development compared with the average growth industry. Yet research is essential to set up basic industry-wide performance standards for building products. Such criteria, lacking today, are necessary to implement our building codes, to evaluate new products and protect consumers from shoddy products. Another need is a frontal attack on soaring land and development costs—that is, sewers, water lines, and so on—which requires a fresh reappraisal of discriminatory and inefficiency zoning laws.

Such problems may take time to remedy, but a big start can be made by two virtually self-evident solutions:

1. A National Building Code Commission to develop a uniform national building code for houses, as recently accomplished in Canada and in various European countries. (The biggest impetus behind the current surge in the West German economy is a housing boom set off by code reform permitting widespread use of prefabrication.) The code would be administered by a joint government-industry-labor panel, and its acceptance by cities and States would be voluntary, just as cities in New York voluntarily adopt that State's pioneering performance code.

2. A National Institute for Building Research, as recently proposed by a blue-ribbon committee of the National Academy of Sciences. It would be, in effect, a baby National Bureau of Standards to do for building what the NBS now does in setting up standards for 15 other branches of private industry. (A top west coast banker has said, "Regretfully I have come to the conclusion that the Federal Government alone is capable of undertaking the kind of research and development necessary.")

These proposals would involve a relatively small Federal investment, and both could be made self-sustaining—much like the FHA, which pays its operating costs through its one-half-percent service charge on loan guarantees and in nearly 30 years has not cost taxpayers a cent.

To date, the Federal Government has produced a profusion of studies and reports on the housing mess, but little direct action. In particular, some housing experts think the record of Robert Weaver, chief of the Housing and Home Finance Agency, has fallen far short of his initial promise. Preoccupied with urban-renewal problems, Weaver has not provided the executive stimulus needed to get Congress moving on code reform or home-building research.

The need for more housing is going to get more and more critical as the millions of World War II babies begin getting married and creating unprecedented new housing demands. Simultaneously there is a growing demand for economical, compact housing by record numbers of people reaching retirement age. Between now and the year 2000 the United States will need 40 million new housing units just to keep abreast of population growth, plus tens of millions of new units to replace old houses that wear out. There is, too, an incalculably vast worldwide demand for lowcost housing which could provide more business and jobs in the United States if housing could be mass-produced here for those markets.

"Private industry will be unable to do this job unless we sweep away the 19th-century restrictions that now hold it back," says Nathaniel Keith, head of the National Housing Conference. "Some may object to Federal 'meddling' in local and private affairs. Yet the ultimate effect would be to impose less, not more, government upon the industry, to get rid of the tangle of regulations that breeds inefficiency in housing and slows the progress of the whole economy."

SOUTHERN PRESS REACTION TO BIRMINGHAM TRAGEDY

Mr. HUMPHREY. Mr. President, I ask unanimous consent that a number of editorials from southern newspapers deploring the great tragedy which occurred in Birmingham on Sunday be printed in the RECORD at the conclusion of my remarks.

As I noted on the floor yesterday, I have faith that the responsible moderates in this time of great crisis will make their voices heard. Charles Morgan, the courageous lawyer of Birmingham, has already spoken out in one of the most moving statements on our racial crisis that has ever been written. Eugene Patterson, editor of the Atlanta Constitution, has penned an equally profound and moving editorial.

I commend these voices with the courage to speak of justice, freedom, and the responsibility which rests on every American in these difficult days.

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

[From the Washington Post]

SOUTHERN EDITOR WRITES APOLOGY, "A FLOWER FOR THE GRAVES"

(NOTE.—This is the Monday column of Eugene Patterson, editor of the Atlanta Constitution. It was entitled, "A Flower for the Graves.")

A Negro mother wept in the street Sunday in front of a Baptist church in Birmingham. In her hand she held a shoe, one shoe, from the foot of her dead child. We hold that shoe with her.

Every one of us in the white South holds that small shoe in his hand.

It is too late to blame the sick criminals who handled the dynamite. The FBI and the police can deal with that kind. The charge against them is simple. They killed four children.

Only we can trace the truth, southerner—you and I. We broke those children's bodies.

We watched the stage set without staying it. We listened to the prologue unbestirred. We saw the curtain opening with disinterest. We have heard the play.

We—who go on electing politicians who heat the kettles of hate.

We—who raise no hand to silence the mean and little men who have their nigger jokes.

We—who stand aside in imagined rectitude and let the mad dogs that run in every society slide their leashes from our hand and spring.

We—the heirs of a proud South who protest its worth and demand its recognition.

We are the ones who have ducked the difficult, skirted the uncomfortable, caviled at the challenge, resented the necessary, rationalized the unacceptable, and created the day surely when these children would die.

This is no time to load our anguish onto the murderous scapegoat who set the cap in dynamite of our own manufacture.

He didn't know any better.

Somewhere in the dim and fevered recess of an evil mind he feels right now that he has been a hero. He is only guilty of murder. He thinks he has pleased us.

We of the white South who know better are the ones who must take a harsher judgment.

We, who know better, created a climate for child killing by those who don't.

We hold that shoe in our hand, southerner. Let us see it straight, and look at the blood on it. Let us compare it with the unworthy speeches of southern public men who have traduced the Negro; match it with the spectacle of shrilling children whose parents and teachers turned them free to spit epithets at small huddles of Negro schoolchildren for a week before this Sunday in Birmingham; hold up the shoe and look beyond it to the State House in Montgomery where the official attitudes of Alabama have been spoken in heat and anger.

Let us not lay the blame on some brutal fool who didn't know any better.

We know better. We created the day. We bear the judgment. May God have mercy on the poor South that has been so led.

May what has happened hasten the day when the good South, which does live and have great being, will rise to this challenge of racial understanding and common humanity, in the full power of its unasserted courage, and assert itself.

The Sunday school play at Birmingham is ended. With a weeping Negro mother, we stand in the bitter smoke and hold a shoe. If our South is ever to be what we wish it to be, we will plant a flower of nobler resolve for the South now upon these four small graves that we dug.

SOUTHERN PRESS DEPLORES BOMBING

(NOTE.—The following are extracts from other newspaper editorials in the South.)

Birmingham News: "Not one word or a million makes up for the deaths of four innocent children in the Sunday school bombing yesterday morning. Not one or a million could.

"Death is a shocking, final reality in the midst of far too many words. * * *

"It is yet possible, despite the host of unsolved bombings, that what must be a small band of men will be arrested and tried for what must be called outright murder wholly premeditated and carried out.

"The Negro community has affronted the white community in past weeks with open law-violating street demonstrations—seeking their ends outside the courts which alone can bring them their goals.

"But Negroes of Birmingham have a hard right to ask why bombings of the past have not been solved, for it is their flesh and blood, their property which has been the target of dynamite planters. Every white man certainly should be asking himself how he would feel if for years the unidentified had made his wife, his children, his home, his church, the object of such hatred."

Birmingham Post Herald: "The bombing is something that we shall not forget. It is deeply imbedded in the conscience of Birmingham. The news of it has been spread for all the world to know.

"The question now is, what next? Will there be more demonstrations, more violent words, more bombings, more deaths?

"We join in a prayer with the whole community that we have seen the last of such violence, but it will take more than prayers and good intentions to bring this about. It will take positive action to see that respect for law and for order—those overworked but all-important words—prevail."

Atlanta Journal: "This crime must bring the decent and responsible people of the South and this Nation to a new realization of the need for moderation, understanding and charity in working out the strains and tensions of this era."

Montgomery Alabama Journal: "No effort should be spared in apprehending the guilty. If it takes every law enforcement officer in Alabama, use them. There has been much talk about the southern way of life; if the phrase means anything, Sunday's barbaric crime was a bestial assault on it beyond anything in our memory * * * Alabama can now view the sickness within itself."

Montgomery Advertiser: "The bombing speaks for itself with eloquent hideousness. We trust that whoever is responsible for this tragedy hates Alabama and its people, black and white, for he has done them an injury that will not heal in a long time and which is almost certain to generate evil complications."

Memphis Commercial Appeal: "The South, meaning all of us who live in this section, has to bear the burden of this shameful social tragedy. In this shame there is total equality, for the bomb that ripped a house of God was fused by a complex combination of events in which both whites and Negroes have been guilty of wrongdoing. When stark hate erupts it is the result of an underlying sickness."

Memphis Press-Scimitar: "This is what happens when supposedly decent people encourage the mob ** * Federal authorities should join with the decent Birmingham authorities to do everything in their power to apprehend the perpetrators of this savage bombing. And as Governor Wallace joins in the hunt he might possibly find time to search his own conscience."

NEW PRESIDENT OF THE UNITED NATIONS GENERAL ASSEMBLY

Mr. HUMPHREY. Mr. President, I extend my congratulations to the new President of the U.N. General Assembly, Dr. Carlos Sosa Rodriguez, of Venezuela. I take particular satisfaction in this selection as it elevates to the Assembly presidency a fellow American and an outstanding leader of one of the most enlightened and progressive democracies of this hemisphere. It is most appropriate that the U.N. chose a leader from one of the Latin American nations which has from the U.N.'s inception contributed so much to its success. And it is equally appropriate that the Latin-American leader come from Venezuela, whose present government has shown a dedication to progressive democracy at home and enlightened internationalism abroad.

I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks sundry newspaper articles in tribute to Carlos Sosa Rodriguez, the new President of the United Nations General Assembly.

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

U.N.'s BRISK PRESIDENT: CARLOS SOSA RODRIGUEZ

UNITED NATIONS, N.Y., September 17.—The new President of the General Assembly has been training for the post like an athlete.

Dr. Carlos Sosa Rodriguez, of Venezuela, says that he can stand up to the rigors of meetings but that the social pace of the General Assembly season is more wearing. He has taken off 10 pounds in preparation for the receptions and dinners he will have to attend.

In the other phase of his work, Dr. Sosa is known as a brisk and capable chairman who can keep a large meeting in line if some of its members tend to stray from the business in hand. He has presided in the Security Council and at meetings of the Latin-American group here, besides heading his country's delegation.

At 51 he looks 10 years younger. Trim and alert looking, he has thick dark hair, dark eyes, and an aquiline nose.

He is a lawyer by training. He has been in public life since he became national controller general of Venezuela in 1949.

In 1950 he became Venezuelan Ambassador in London but he resigned in protest 2 years later when Col. Marcos Perez Jimenez seized the Government. Dr. Sosa spent the next 6 years in self-imposed exile in Spain.

READ ALL THOSE BOOKS

Financially independent, he says he devoted his time to reading all those books that one never has time to read normally after school days—philosophy, history, and the classics.

When the dictator fled Venezuela in 1958, Dr. Sosa returned to the diplomatic life as his country's representative at the United Nations.

He prefers to be called simply "Dr. Sosa." Rodriguez is his mother's family name and, in accordance with Spanish custom, he puts it after his father's in formal signatures. North Americans, he finds, gets confused unless he uses both names.

His father, Julio Sosa, directed a large plantation, La Foresta, just outside Caracas. The family raised coffee and sugar there for more than 100 years. Now the land has been engulfed by the city and turned into building lots at substantial profit to the family.

HOLDS TWO DOCTORATES

Dr. Sosa's mother still lives in the family's colonial mansion, surrounded now by the city. His father died 2 years ago.

Born in Caracas on April 30, 1912, Dr. Sosa was educated first there and later at Baddingham College, England, the University of Paris, and the Central University of Venezuela. He holds a doctorate in law from Paris granted in 1935 and one in political science from the Central University in the same year.

This varied education has left him fluent in English and French as well as in his native Spanish. He conducts U.N. sessions in Spanish.

He has published one book in French—a doctoral thesis on international law relating to rivers and in particular the rivers of Latin America.

Dr. Sosa married Yolanda Pietri Pietri, the daughter of a prominent Caracas lawyer, on December 8, 1938. They have eight children—five boys and three girls ranging in age from 24 to 3.

The three oldest boys, Carlos, 24; Andres, 20, and Manuel, 15, are studying in Caracas. Yolanda, 17, is at Manhattanville College and Julio, 12, at St. Bernard's School in New York.

DEMANDS ARE INCREASING

Because of the rigors of U.N. work and social studies the three youngest—Carlota, 6; Antonieta, 4, and Hernando, 3, are being left with their grandmother in Venezuela during the Assembly session.

Dr. Sosa said recently: "The United Nations is increasingly demanding. Besides the Assembly, I have been sitting in the Security Council and the Committee on Colonialism. With the social life during the Assembly added to that, we found it best to leave the small children with their grandmother."

EXCERPTS FROM SOSA'S STATEMENT TO U.N. ASSEMBLY

UNITED NATIONS, N.Y., September 17.—Following, in translation from the Spanish, are excerpts from a statement by Dr. Carlos Sosa Rodriguez, of Venezuela, on his election today as President of the 18th session of the General Assembly:

"I wish to express to you my deep gratitude for the great honor you have conferred upon me in electing me to this high office. The outstanding ability of my immediate predecessor, Sir Muhammad Zafrulla Khan, will be my source of inspiration.

"For all its imperfections—imperfections which are inherent in it as an institution shaped by human hands—the United Nations is today an indispensable need of mankind.

"It is a characteristic fact of the present century that the outstanding achievements of science and technology have not gone hand in hand with similar progress in the disciplines applicable to human relations. The importance of the spiritual values has too often been forgotten, and too much reliance has been placed on purely material progress. The United Nations Charter represents a great effort to redress this imbalance.

"Since the Second World War three political imperatives have emerged with irresistible force and are shaping the course of history in this 2d half of the 20th century. They are: The outlawing of war as a means of settling international disputes, the abolition of the dependence of certain peoples on others, and international cooperation with a view to improving the levels of living of the developing peoples.

"MUCH WORK TO DO

"The United Nations has made incontestable progress in prosecuting these ends; but the work which remains for it to do is of much greater dimensions.

"In the broad historic process which is moving toward the attainment of the ideals of the charter, each General Assembly has marked a step forward. I hope that this 18th session will be no exception.

"The importance which the United Nations has acquired compels it to adapt its methods of work to the increasing demands it is called upon to satisfy. The efficiency of the organization will depend to a great extent on the efficiency of its methods of work. We must all cooperate in making it a ready and effective instrument, responding to the needs of the moment and prepared to face those of the future.

"Despite all the divergent views, conflicting interests and passions which must naturally find expression in an international parliament, we also share ideals and aspirations which constitute an invaluable common denominator permitting us to smooth out our differences and helping us to achieve acceptable solutions.

"URGES CONSISTENCY

"Many a difficulty can be overcome if we put aside the often artificially created fears and prejudices which distort reality and hamper understanding. Moreover, a sound interpretation of the principles of the charter presupposes that they are to be applied impartially. The principles and precepts of the charter are the same for all; we should not exempt some from what we demand of others, nor excuse in some what in others we condemn. Such inconsistencies weaken the moral force of the Assembly and breed mistrust and skepticism.

"I have every confidence that the debates, which will take place during this session and in which so many eminent states from all over the world will participate, will proceed in an atmosphere of understanding, harmony, and mutual respect and will increase the trust placed by the peoples of the world in the United Nations; and that, while they obviously cannot solve all the serious problems facing the world today, they will at least help to clear the ground for the solution of those problems.

"The United Nations is, in a sense, a mirror which reflects the world, and the spirit in which our debates are conducted is bound to spread beyond these walls to all the nations of the globe.

"Fortunately, this session opens in an auspicious atmosphere. International tension has been reduced by the welcome signature of the Moscow treaty, and in all parts of the world men's fears are replaced by hope.

"I beseech divine providence to enlighten our minds and to unify our efforts so that, thus inspired and united, we may bring to a happy conclusion our appointed task of maintaining peace among nations and promoting the progress and well-being of all mankind."

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

THE NUCLEAR TEST BAN TREATY

The Senate resumed the consideration of Executive M (88th Cong., 1st sess.), the treaty banning nuclear weapon tests in the atmosphere, in outer space, and underwrater.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification.

Mr. MORSE. Mr. President, it is rather surprising to me that the debate and discussion of this treaty have gone so far afield from the subject it treats. Its central purpose was, and still is, to curb pollution of the earth's atmosphere with radiation. Yet the effort to do so has brought on a debate that seems to question the value of the treaty not because of what it does but because of what it does not do.

I suppose that my own criticisms and doubts about the value of the treaty also go to what it does not do. I very much regret that there is not more to the treaty; that it does not ban all nuclear testing; that it does not put any real curb on the armament race; that it does not call for disarmament of the kind that would permit substantial cuts in our defense budget.

It is a step so small it may never be noticed in the history of the world, if it is not followed up with more steps in the same direction.

That is the basis for my reservations. The objections that have been voiced by others, however, indicate a fear that it may be followed by additional steps.

Yet out of all the military and scientific testimony I have not heard the case made that the overall advantage in continued and unlimited testing by all nations—in other words the advantage of rejecting the treaty—would lie with the United States.

Let us not forget that defeat of the treaty and continued atmospheric testing by the United States, as advocated by some opponents of the treaty, would also mean continued atmospheric testing by the Soviet Union and the progressive and rising number of nuclear tests of other types of weapons by other countries.

The development of nuclear weapons, together with their systems of delivery, has brought the American people ever nearer to total destruction, not safety. This is so because we are unable to limit them to the United States. During that brief period at the close of World War II, when the United States and Britain alone had the nuclear capacity, we might have known that moment of complete supremacy in the world that few nations ever enjoy. But our supremacy was only momentary; it proved to be an incentive

for others to acquire the same weapons. Today we hear it said in France that no nation that lacks nuclear weapons can be a first-class nation or exert influence or leadership in the world. France is busily acting on that premise, as is China, and I expect other nations to follow suit whether we have a test ban treaty or not.

The critics and opponents of the treaty who want to continue atmospheric testing have no scientific breakthrough in mind that would reestablish any degree of military supremacy for the United States comparable to our breakthrough in nuclear weapons. What they are talking about are the refinements of nuclear weaponry that carry with them an ever-widening range of accompanying defense systems.

Take the antimissile missile, about which so much has been said in this debate. Of course, the scientists who have the responsibility of developing this weapon do not regard atmospheric testing as necessary to its development. But there are opponents of the treaty who do. Even from them, I have heard nothing in the debate or the testimony which would indicate that an installed antimissile missile, with a civilian defense shelter program which will be the next adjunct we will be asked to finance, perfected through continued atmospheric testing by all nations, would furnish the American people with a greater degree of safety than we now have.

I shall announce my complete opposition, when it reaches the floor of the Senate, to what I consider to be the deception and fraud being practiced on the American people by the passage in the House of Representatives yesterday of a so-called fallout shelter program. How deceptive can we be? How can we justify on moral grounds leading the American people to believe that a shelter program will be an effective protection for them in case of a nuclear war?

Mr. President, many scientists and military propagandists are deceiving the American people on this point, and I will not vote for a single dollar of appropriations for any so-called fallout shelter program, because it is a delusion and an illusion; it is a shockingly deceptive device on the part of some propagandists who seek to continue a military buildup that is bound to bring mankind to destruction.

What will the historians write, 100 years from today, if there is then any society, about the immorality of our generation, the immorality of the Americans, the Russians, the British, the French, and all the other leading nations of the world? Never before has such a chapter of immorality been written by man. The armaments race is a sinful and immoral thing; and it should be ended.

There are some interesting concealments of the great damage already done by fallout. Despite the propagandists who are seeking to deceive the American people into the opinion that we can continue atmospheric tests and not do irreparable damage to generations of unborn children. Last summer the dairymen in Minnesota had to keep their herds in the barns 24 hours a day—day and night. They did not publicize that fact, because they thought publicity might have an adverse effect on the milk industry; but the fallout in that part of the United States was so dangerous that, from the standpoint of health, it was not safe even to turn the dairy herds out of the barns. It is about time for us to get to the American people the facts about fallout, even though they might have a bad effect on the dairy industry.

Mr. President, I offer no apology for basing my support of the treaty 100 percent on moral grounds. I pray to God that the treaty may be the first step which will help bring mankind to its senses before it is too late, and will lead to an ending of the sinful nuclear armaments race.

As a member of the Committee on Foreign Relations, I have studied long and hard the testimony submitted in connection with the treaty by scientists, militarists, and civilian political spokesmen. Over the past several years, I have interested myself in the entire matter of nuclear armaments, and from time to time have spoken—to the boredom of many Senators, I am sure—ever since the sinful nature of this race became crystal clear to me and ever since I became convinced of the inevitable destruction of a large part of civilization if we do not live up to our military responsibilities and start doing the things necessary to be done in order to bring to an end the immoral nuclear armaments race.

Mr. FULBRIGHT. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I am glad to yield.

Mr. FULBRIGHT. The Senator from Oregon has made a very good point in regard to deception of the American people. He will recall the testimony of Dr. York—who, I believe is generally recognized as one of the great authorities in the field of the long-range aspects of the anti-ballistic-missile system, and who states that, in his opinion, there is no question that offense would always be much easier to develop and would always overcome any anti-ballistic-missile system one could have.

Mr. MORSE. I do not believe there is any doubt about that.

Mr. FULBRIGHT. In other words, it is a deception to pretend that we can develop a system which will protect us from all these missiles.

Mr. MORSE. I believe that point needs to be emphasized again and again. But if the nuclear armaments race is continued, it can result in the development of hideous destructive devices for killing.

Mr. FULBRIGHT. Yes.

Mr. MORSE. That is the test.

Mr. FULBRIGHT. I wish to add that what the Senator from Oregon has said about this race is quite appropriate; and some way must be found to bring it under control, for it is getting completely out of hand. Certain groups are now developing vested interests in these operations—as was evident in Miami, the other day, through the demonstration by the Air Force Association. It is now clear that unless we act reasonably soon to bring this race under control, a strong political movement which would be very difficult to control may develop.

Mr. MORSE. I completely agree.

Mr. President, in responding to the remarks of the Senator from Arkansas, I should like the RECORD to show my very great admiration for his leadership in the handling of the treaty and in this historic debate in the Senate. In his work as chairman of the Committee on Foreign Relations, of which I have the honor to be a member, he has made a magnificent record of statesmanship.

I have a commitment to go to the west coast, and therefore I shall have to leave immediately after completing my speech; but I wish to take this moment to express my compliments to the Senator from Arkansas.

Mr. FULBRIGHT. I thank the Senator from Oregon. Certainly he has done his part in connection with the treaty.

Mr. MORSE. Mr. President, too many of those who are trying to be more military than the military think of national defense only in terms of weapons. Yet defense really means the protection of the lives and property of American citizens. Armies, nuclear weapons, and missiles may or may not contribute to that protection. I suppose that is a concept that few Americans care to consider. It is contrary to the military dogmas of our day to mention the fact that the use of these pieces of hardware will also mean the failure of our defense system to defend the United States. Using them will mean the destruction of the lives, property, and freedom of millions upon millions of Americans, and probably the permanent destruction or at least curtailment of what we all like to call the American way of life.

Well then, it may be said that the important thing is not having an antimissile missile for the sake of using it, but only for the sake of having it. The nation that first develops and installs a reasonable antimissile missile is said to gain a political advantage that will encourage it to undertake aggression it could not otherwise risk. That seems to mean that the existence of a military weapon is valuable primarily for its political effect. But then we are agreed that these weapons, and the desirability of testing them, are political more than military questions.

Much the same is true of the 100-megaton bomb. I heard many doubts expressed during the hearings about whether it was wise to ban atmospheric testing after the Russians had tested bombs in this magnitude. Yet I never heard anyone who raised this point state that the United States should test bombs in this range. I do not know to this day whether that is the conclusion to be drawn.

The testimony was ample in showing that our nuclear program did not contemplate going into that range of weapons. We could have developed it in that direction, but we chose not to. There was no evidence that we would go in this direction in the absence of a test treaty, and I heard no critics of the treaty suggest that we do so.

The value of advances in weaponry achieved by wide open testing by our-

selves and all interested nations can only be judged in terms of what other countries are likely to do and in terms of the impact of this level of military spending upon our own economy.

This, of course, is why we have civilian control over the military—and I pray that we keep it.

Yet I am very much disturbed about a dangerous type of military buildup in the United States. I refer to the buildup of what I consider dangerous influence of the military on American public policy. There have been implications of it in the present debate, for in the debate there have been Senators who seem to be of the opinion that the judgments of the military should be substituted for those of American civilian officials in the determination of American public policy. As a constitutionalist, I say from the floor of the Senate today to the American people, "Keep yourselves on guard against the power of this military. Keep yourselves on guard against the growing and dangerous power of American military minds over public policy, for it is important in a democracy to keep the military always in its place; and its place is subordinate to our civilian leaders. Its place is to carry out policy determined by our civilian leaders, and not determined by military minds."

If the time ever comes when American foreign policy is determined by American military authorities, we are on our way to inevitable war. I speak weighing fully the meaning and implication of every word that I utter. If we permit the American military to determine American foreign policy, or have the determining voice in American foreign policy, we are on our way to an inevitable war and the destruction of our country, for all of history points out that unless we keep military forces in control, they will lead us to a manifestation of their art, which is the art of war.

I congratulate the President of the United States, the Secretary of Defense, Mr. McNamara, and the Secretary of State, Mr. Rusk, for their repetitive action during this administration to make perfectly clear to the military in the Pentagon that the Commander in Chief is still the President of the United States under our Constitution.

There is more implication in what I have uttered in connection with the treaty than the words at first analysis may seem to indicate.

As I have said, this is why we have civilian control over the military. It is why the power to declare war resides in Congress, and why the limitations on funds for the Military Establishment were written into the Constitution.

In today's world, arms and weapons alone are not a source of security or protection. If they are used, the nation involved in the exchange will have failed to achieve the primary purpose of defense, in the sense of protecting its people. The existence, the handling, and the nature of the military establishment and its component parts are hence vital political questions, as well as military ones.

The importance of having an antimissile is not in using it, but in its effect on other nations. Will it deter them? Or will it merely encourage them to improve their own weapons systems in an effort to overcome our advantage? We already know that the development of nuclear weapons by the United States did not repel others from acquiring them, due either to their cost or to their horror. They are the status symbol of a first-class power. The missile delivery system will undoubtedly be the next.

I do not mean to deny or to belittle in any way the importance of military defense against Communist aggression, and I doubt that any man or woman in the country has voted more funds for the military end of defense of the free world than I have in the last 19 years.

Time and time again I have voted more funds for the defense of our country than all the Presidents under whom I have served have requested. I have voted for more funds than President Roosevelt recommended; more funds than President Truman recommended; more funds than President Eisenhower recommended; and already in one case in connection with seapower, I have voted for more funds than President Kennedy recommended.

Each of us has to come to our conclusion of how much is enough, and I am rapidly coming to the conclusion that the increased sums we are spending for further weapons development are adding little to our total security.

I recognize the importance of keeping this country so strong that Russia will understand 24 hours of the day and night that she has everything to lose and nothing to gain by nuclear war. The sad fact is that it is true of us, too, and it is true of every nation which might involve itself in a nuclear war, and it is also sadly true of all peaceful nations that do not want to be involved in a nuclear war. They cannot escape its consequences. Certainly military weaknesses and capabilities are themselves a large political factor.

But it also seems to me to be more true than at any time in our history that the defense of the United States—meaning the protection of lives, property, and political and economic systems—depends upon economic and political factors.

Not the least of them is the impact of a military system like the one we have upon our economy. Guns versus butter. Up to some point, there is a case to be made that like public works, or like leafraking, Government spending for armaments injects a stimulus into our economy. We are hearing the argument being made now that spending for foreign aid—over half of which is munitions—is a boon to our economy. If foreign aid is a good thing because it puts men to work and keeps factories running, I shudder to think what arguments will be made against any reductions in our own Defense Establishment, should they become possible.

But at some point, military spending becomes more of a drag than a stimulus, and this, too, is a political decision. Certainly if the economic underpinnings of our Defense Establishment ever gave way, the free world would collapse without a shot ever being fired against it. We have enough 20th-century examples of how political and economic conditions can overwhelm military objectives to know that the same thing can happen in the United States.

So it is that the hazards of radiation must also enter into these political decisions. We have already assured the death of an unknown number of people, and assured the deformity of many more by the testing we have done to acquire our present nuclear arsenal. Every further improvement in that arsenal that is tested, and every new weapon that is tested by another nation will be bought at the expense of an untold number of unborn children. Even assuming that not one of these weapons is ever fired in anger, its very testing will bring pain and death.

Some of these victims will be Americans. The longer the nuclear arms race continues and the more nations that get into the race, the more American children will die from it. So will Russian children, and so will children in countries that never spend a penny on a weapon of their own.

If Senators say that the radiation from testing is not bad enough to worry about, then I say, "You only mean you are not worrying about it today." Someone will have to worry about it tomorrow. But by then it may be too late to do anything about it.

That is why I think it is unfortunate that the debate over this treaty has gotten so far away from the small and limited objective of the treaty. When I hear Cuba, and Berlin, and the antimissile missile dragged into this debate, I know that they are being dragged in by men who do not want the issue of the need to test versus the radiation hazard from testing to stand alone to be voted up or down. They are not satisfied to let this treaty stand or fall on its merits. Every issue we have had with communism everywhere in the world for the past 50 years is being brought in, in the effort to tip the scales against the treaty.

Not only is the past being made an issue, but so are future possibilities of amendments. Article II, section 2, of the treaty states:

> Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to the Treaty, including the votes of all of the Original Parties. The amendment shall enter into force for all Parties upon the deposit of instruments of ratification by a majority of all the Parties, including the instruments of ratification of all of the Original Parties.

Note the language, Mr. President, "upon the deposit of instruments of ratification." That is the language of the treaty. Under the Constitution of the United States, it is impossible for us to deposit such an instrument until the Senate has given its advice and consent to that ratification. We know that a treaty is not effective insofar as we are concerned unless and until it has been ratified by the Senate. If Senators do not understand that, I do not know how it can be made any more clear by adding such an understanding to the treaty. It is the Constitution of the United States that governs our ratification procedure,

and the treaty declares that amendments to it must be ratified by all the original parties.

The alarms raised about possible amendments being achieved by executive action are all of the "what if" variety. It is pretty hard to see how or why the President of the United States would violate the Constitution by depositing an instrument of ratification of an amendment to this treaty when it had not in fact been ratified by the Senate. If he should, then he would be subject to both the legal action authorized by the Constitution and to the political action that his opponents would certainly undertake.

But suppose that in fear that the President might illegally announce the ratification of a future amendment, the Senate rejects the treaty. What is to stop any President from suspending tests in the prohibited atmosphere, anyway? As Chief Executive, he does not need ratification of this treaty by the Senate in order to make U.S. policy conform to the terms of the treaty.

Or suppose we add to the treaty the language that has been suggested, to the effect that all future amendments must be ratified by the U.S. Senate in order to make them legal from the American standpoint?

If a future President were inclined to violate the Constitution in order to accept an amendment to the treaty, he could also ignore the language added by the Senate and simply make American policy conform to the amendment.

If ever I listened to an example of surplusage, the proposal to add somewhere in the treaty a definition that ratification means approval by two-thirds of the Senate is it. That is what ratification means, anyway, under the Constitution. I do not know why the fear argument is being used. I am at a loss to understand this "windmilling" in the Senate, without the windmill even being connected to a serviceable pump. This is diversion. This is confusion. This is "scarecrowism." It has no relevancy to the Constitution of the United States and the treatymaking powers and procedures set forth in the organic law involved.

I wish to make clear to my leadership that I am not interested in placating anyone by agreeing that unessential language be added to this treaty or to its resolution of acceptance. The resolution should be voted up or down without the change of a comma. I believe the leadership of the Senate has a duty to put it to a vote without the change of a comma, and to let the American people judge that vote.

If a future President were inclined to violate the Constitution in order to accept an amendment to the treaty, he could also ignore the language added by the Senate and make American policy conform to the amendment. Or he might even devise a way of depositing the instrument of ratification without submitting the amendment to the Senate. If we are contemplating a possible President who would violate the Constitution, I assume such a person would also be able to get around a mere Senate amendment.

If any President should ever try to follow such a course of action in violation of the oath he took when sworn in on Inauguration Day, I would hope that there would be a sufficient number in the Congress who would vote to impeach him. That is the safeguard the American people have written into the Constitution. He would be subject to impeachment.

I am at a loss to understand this verbalistic gymnastic program contemplated by the Senate on this subject matter in recent days. It has no relevancy to the Constitution and the safeguards written into the Constitution in connection with the ratification of treaties, and the great check the American people have under the Constitution, which retains for Congress the right to impeach a President who violates constitutional processes binding upon him when he takes his oath of office.

I think the negotiators of the treaty, and the President himself, are to be commended for the language which clearly requires ratification of any future amendments. To object that the treaty does not spell out the constitutional process by which the United States ratifies a treaty is a pretty flimsy ground for opposition to the treaty itself. We have over 600 treaties in effect, ratified by an equal number of acceptance resolutions, none of which have language of this kind in them.

I invite Senators to show me, during the debate on the treaty, in over 600 treaties which have been ratified by this body, language such as is here proposed. If we add it to this one, in the preamble of the resolution or anywhere else, does this cast a reflection on the 600 that went before?

It is now proposed to put into the preamble of the pending acceptance resolution the language in question. This would not affect the treaty itself, and would avoid the embarrassing predicament of going back to all the other signees with a restatement of our own Constitution. But it is, in my opinion, unnecessary and undesirable to put it in the preamble of the resolution, either, for all the same reasons.

I hope we have not reached the point where we will go through waste motion on the floor of the Senate, and add surplusage to the preamble of a treaty resolution, merely to placate someone. This treaty should stand on its own feet. It should not be modified one iota.

We know what our Constitution says and means about ratification of treaties. We know how much a President can do with or without a treaty in fixing the policy of the United States in nuclear weapons. It adds nothing to spell out our ratification process, and I am sure that doing so will not even gain the support of any Senator who makes this point against its ratification. They will still vote against it.

This brings me to the question of what, if anything, will come after it.

I hope something will come after it. What does come may not come in the form of a treaty. Just as we could suspend further underground testing without a treaty or an amendment to the current one, so could we probably take further steps to guard against surprise attack without signing a formal treaty on this point.

If any agreement along those lines proves possible, it certainly should take the form of a treaty.

But even if we fail to reach further agreements with the Soviet Union, I believe the pending treaty is sound and advantageous to the United States. The Secretary of Defense has testified that it is advantageous to us even on military grounds, in that confining weapons tests to underground would slow down the Soviet Union as it seeks to close the gap with us in warheads of lower ranges, while the United States has little interest in the gap in the higher yield ranges, where the Russians apparently hold the lead.

I quote the testimony of the Secretary of Defense on this point. He said:

> The risks under the treaty are either small or under our control, and the values of the treaty are substantial even if we consider only the military area.

I emphasize the word "only."

That is the conclusion of the Secretary of Defense. In his opinion, the treaty is advantageous to the United States in terms of its impact in the military area alone.

The Joint Chiefs of Staff were more conservative. They said that:

> While there are military disadvantages to the treaty, they are not so serious as to render it unacceptable.

The most serious reservation they had was, in fact, a political one. It was that a relaxation in tensions might result from the treaty that would mean a letdown in military preparedness. That was the chief concern expressed by the Joint Chiefs; yet it is not even a military one.

I know that witnesses can be held up as examples of patriotic, dedicated men who have devoted their lives to the military service or to the scientific research that goes into military weaponry, and it can be said that this one and that one opposes the treaty. I think that all the witnesses who appeared at the hearings start even in their patriotism and in their dedication to the service of their country.

I am only concerned with the facts and opinions they presented, and I find the tremendous preponderance of fact and of expert opinion in support of the treaty. Indeed, this is true in the military and scientific fields as well as the political field, despite all the concentration upon issues of the antimissile missile and the high yield nuclear bombs.

So I shall vote for this treaty with only the reservation that it does not go far enough. I would like to see it include more far-reaching and significant measures. But I shall vote for it if for no other reason than that it tries to reduce the pollution of the atmosphere, and that is an objective the United States has pursued under administrations of both parties. It is the objective of the resolution introduced in this body by the Senator from Connecticut [Mr.

DODD], of which I was pleased to be one of the cosponsors.

It is a very small and limited objective presented to us in the treaty. There is not even any certainty that it will succeed in curbing radioactive pollution. The major nonsigners, France and China, will probably pollute the world with their bomb testing, and these events could lead both the United States and Russia back into the test business. Or any of the signatories could simply withdraw or unilaterally abrogate the treaty for reasons of its own, immediately freeing all the other signatories from any further commitment to it.

When one stacks this frail and limited treaty against the overwhelming worldwide nuclear stockpiles now in existence, it is evident that in itself the treaty is scarcely a grain of sand in an ocean of potential destruction.

Yet I welcome the opportunity to vote for it, and I hope it will be ratified by an overwhelming majority.

In my opinion, we have nothing to lose from it and we may gain immeasurably. That is an opportunity that we do not often have presented these days and I cannot conceive of the American people, through their Senate, turning their backs upon it.

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

Mr. MORSE. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. I wish very much to express my deep appreciation to the Senator from Oregon for an incisive and informative speech. This is not the first time he has made such a speech. We have become so accustomed to very penetrating analyses by the Senator from Oregon that sometimes we let them pass without comment, but he has made a very fine speech.

There are a couple of points I wish to emphasize. On one of them I wish to ask a question.

On page 9 of his statement he states:

> Or any of the signatories could simply withdraw or unilaterally abrogate the treaty for reasons of its own, immediately freeing all the other signatories from any further commitment to it.

I am not quite sure I understand. Does the Senator mean the three original parties, or all the signatories?

Mr. MORSE. I mean that if any party violates the treaty, any other party to the treaty that wants to engage in nuclear testing and considers the treaty dead is not bound by it.

Mr. FULBRIGHT. Let us suppose the country of Burma decides to withdraw, under article IV, as distinct from violating the treaty. Does the Senator believe we are relieved of any obligations under the treaty without going through——

Mr. MORSE. Not at all.

Mr. FULBRIGHT. I wanted to be sure.

Mr. MORSE. No. If Russia or Great Britain or the United States violated the treaty, the other parties would be free at once to follow whatever their national interests dictated.

Mr. FULBRIGHT. There is another question which has intrigued me, and which I had not thought of. At page 8 of his text the Senator refers to the euphoria on which some of the opponents of the treaty, particularly the military opponents, rely so heavily. As I see it, that is essentially a political question; is that not true?

Mr. MORSE. Of course it is. They are out of their field in that respect.

Mr. FULBRIGHT. How the Joint Chiefs of Staff or any other military men are competent to judge the euphoria which might overtake Congress or the country is not quite a reasonable interpretation, it seems to me. I do not subscribe to that theory.

Mr. MORSE. Neither do I.

Mr. FULBRIGHT. I am glad the Senator has pointed out that this is essentially a political matter. I thank the Senator for a very fine speech.

Mr. MORSE. I thank the Senator for his comment. I close by extending to my President my hearty congratulations for the great statesmanship he has displayed by his leadership in connection with the treaty. I congratulate Governor Harriman for the very able work he did as our head negotiator in Moscow in connection with the treaty. When it was signed, I said it was a great day for mankind, for it offers mankind an opportunity to change its course and to march toward a new horizon of permanent peace.

It is up to the people of the world to determine whether they will hold responsible their governments for the establishment in our time of a system of permanent peace, for there will be no other time. I am convinced it will be done in our time, or most of mankind will be destroyed.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Iowa [Mr. MILLER], with the understanding that I do not lose my right to the floor.

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

Mr. MILLER. Mr. President, I thank the Senator from Ohio. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MILLER. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MILLER. Mr. President, my decision on whether to vote for or against ratification of the proposed limited nuclear test ban treaty is the most difficult one I have faced since I had the honor of becoming a Member of the U.S. Senate. Having been a Member for less than 3 years, I have felt reassured when I have heard the same comment from some of the most senior Members of the Senate.

In arriving at my decision, I have done my best to sit in on the various hearings which were conducted by the Committee on Foreign Relations, the Joint Committee on Atomic Energy, and the Committee on Armed Services, meeting jointly, and the hearings of the Preparedness Subcommittee of the Armed Services Committee, meeting in closed session; to read the testimony before those sessions of the committees which I was unable to attend; to study a volume of materials—both top secret and unclassified—bearing on various aspects of the treaty; and to read most of the rather sizable correspondence I have received on the question of ratification.

I have also called upon my personal knowledge and experience as a member of the active Air Force Reserve, with over 26 years' service, including the faculty of the Army Command and General Staff College, Ft. Leavenworth, Kans., and the China-Burma-India Theater of Operations during World War II, and some 10 years' Reserve training at Strategic Air Command Headquarters before my election to the Senate in 1960.

When the future security of the United States and, in turn, of the free world, is at stake, one does not lightly turn aside any piece of relevant testimony or any argument advanced in good faith by well-meaning people, whether they are for or against ratification. Emotional arguments by sincere persons do merit attention and deserve consideration, although they naturally tend to hinder rather than to help in arriving at a sound decision.

Regardless of which way a Member of the Senate votes, none of us will know for a long time whether or not our vote was correct. If we have done our best to do our homework, if we do not let side issues such as partisanship cloud our thinking, if we vote our consciences—and I am sure all of us will do so—then we will have made the right decision. Whether it is the correct decision will cause us some sleepless hours in the years ahead.

TWO THINGS CERTAIN

Of two things I am sure: First, that when it comes to dedication to a just and lasting peace, to an end to the arms race and to disarmament with effective inspection and controls so that all mankind can enjoy more of the good things in life in a safer world, and to a win policy of freedom over communism, all Members of the Senate—wheher they vote for or against ratification—are on common ground. It would be dishonest and unfair for anyone to say or to imply that because a Senator votes for ratification of the treaty, he believes in peace at any price. And it would be equally unfair and dishonest for anyone to say or to imply that because a Senator votes against ratification of the treaty, he is in favor of nuclear war and nuclear fallout.

The second thing of which I am sure is that this is not a clear-cut decision we are about to make. Anyone who thinks that a decision for ratification or against ratification is obvious, or that the evidence is overwhelming one way or the other, either has proceeded from false premises or simply has not done his homework. Practically all the evidence has been opinion evidence rather than factual evidence. Opinions have been couched in such terms as "may" or "might," "could or should," "possibly" or "probably," and the like. I know that

some have made the suggestion that there is more evidence on the side of ratification than on the side against it. Whether this is true or not, I would not say. In any case, it is the quality and not the quantity of the testimony, it is the quality and not the number of witnesses that matters.

THE MOLDING OF PUBLIC OPINION

I regret to point out that calculated efforts have been made by some people favoring ratification of the treaty to artificially mold public opinion in favor of ratification. These efforts have apparently succeeded, for I note from the Harris Survey poll which appeared on the front page of a local newspaper on Monday that the public is supposed to be 4 to 1 for the treaty. One wonders how deep the survey went and, particularly, how well informed those who were questioned really were. If the question were stated: "Do you favor the test ban treaty, assuming that it will not adversely affect the security of our country?", that would be one thing. If the question were stated: "Do you favor the test ban treaty, with the understanding that it could adversely affect the security of our country?", that would be another.

If the results of such a poll are supposed to cause a Senator to vote for a treaty which he conscientiously believes to be contrary to the interests of his country, I think it renders a disservice to the people of the United States.

In this connection, I believe it is most unfortunate that those who gave Ambassador Harriman his instructions with respect to the treaty negotiations failed to see to it that the treaty provide that until the parties to the negotiation—the United States, Great Britain, and the Soviet Union—had all ratified the treaty, no other country would be permitted to join in the treaty. As a result of this failure, most of the other nations of the world have, with little or no deliberation, signed the treaty—and I suppose most of them will also ratify it. Many of these nations are numbered among the neutral nations, some of which have little understanding of the nature of Communist imperialism and some of which were quite ready to condemn the United States when it resumed testing in the atmosphere in 1962 and strangely silent on condemnation of Soviet Russia's breach of the moratorium in 1961 following years of secret and deceitful preparation. Most of these nations may think they have everything to gain from the treaty and nothing to lose, when they should realize that their future security and freedom depends on the capability of the United States to deter Communist aggression.

The U.S. Senate is now being given the argument that inasmuch as all of these other nations have signed the treaty, it would be harmful to the prestige of the United States if the Senate refused to ratify it. If the prestige of the United States has fallen so low that failure to ratify this treaty—if it threatens the security of the United States—will cause great and irreparable damage to our reputation as a peace-loving Nation—after thousands upon thousands of our men and women have given their lives in the cause of freedom, after the people of this country have paid out over $100 billion in foreign aid to the less fortunate members of the world community, after the United States has poured millions of dollars into the United Nations to keep it alive while the Soviet Union has amassed a delinquency of almost $54 million of the total outstanding delinquencies of $102 million, then I would say that our friendship with the other nations of the world hangs by a very slender thread. And if the U.S. Senate is supposed to ratify a treaty mainly because it is suggested that to do otherwise would adversely affect world opinion, then the constitutional power to advise and consent has been reduced to an empty gesture. And, I might add, if such a consideration is supposed to tip the scales of the Joint Chiefs of Staff in their recommendation regarding a treaty, they have been wrongfully placed in a position unbecoming the top military leaders and advisers of this country.

MY DECISION

Some of my brothers have said that the question to be answered is this: "Is this treaty in the national interest?" But no one really knows whether it is. No one really knows whether or not it is a first step in the right direction. No one really knows whether it is a shaft of light in the darkness or whether we just think we see one. The question to me is more properly this: "Will the failure to ratify this treaty be more harmful to the national interest than will its ratification?" I have concluded that it will, and I shall therefore vote for ratification. I might add that I may support one or more reservations which may be offered to the resolution of ratification; but their adoption or rejection will not affect my decision to vote for ratification.

My reasons for my decision are briefly these, and I shall have more to say about them later:

First. I am persuaded that the risks relative to our military power now and in the future are acceptable when considered in light of the safeguards prescribed by the Joint Chiefs of Staff which the President of the United States has committed himself and his administration to follow, accompanied by the clean withdrawal provisions set forth in the treaty.

Second. Failure to ratify the treaty is more likely to lead to more nuclear testing in the atmosphere and more nuclear fallout than will ratification; although it is highly unlikely that in either event will either the United States or the Soviet Union permit themselves or other nations to contaminate the atmosphere beyond scientifically established limits of safety.

Third. Failure to ratify the treaty is more likely to lead to proliferation of nuclear weapons to other nations than will ratification.

Fourth. Due to faulty negotiation of the treaty in not requiring ratification first by the United States, Great Britain, and the Soviet Union before permitting other nations to join, we have been placed in a position as a result of which failure to ratify would cause considerable embarrassment to the President of the United States before the rest of the world, thus adversely affecting our leadership of the free world.

Fifth. Within reasonable limitations, we have a moral obligation to keep trying for better relations with the Soviet Union in our efforts to secure a just and lasting world peace.

There are some disadvantages under the treaty, aside from the military risks which I have termed "acceptable" under the safeguards prescribed by the Joint Chiefs of Staff. They are serious and harmful, or at least potentially harmful, to our national interest. But I have concluded that they are outweighed by the above five considerations. I shall discuss them in fuller detail later, but briefly they are:

First. Under the safeguards prescribed by the Joint Chiefs of Staff, which have really become a part of the treaty so far as we are concerned, the arms race will be stepped up and so will our costs of national defense—at least insofar as they relate to nuclear testing and weaponry.

Second. Peaceful uses of nuclear explosions will be impeded.

Third. There is danger that the American people will become so hypnotized over the thought that the Communist leaders in the Kremlin sincerely want peace—as we interpret that word—that they will let down their guard.

Fourth. In the face of the Soviet Union's attempt to install nuclear missiles in Cuba, the Gromyko lie to the President of the United States, Premier Khrushchev's failure to carry out his commitment for onsite inspection in Cuba under United Nations auspices and his further failure to carry out his commitment to withdraw all Soviet troops from Cuba, the brazen attempt by the Soviet Union to bankrupt the United Nations, continued Soviet-sponsored subversive activities in Latin America, the Middle East, and Africa, and not one significant deed whatsoever to relieve international tensions or to indicate any change in a policy of lying, cheating, subversion, and aggression—all occurring after our previous offers to negotiate a treaty similar to this one, our negotiation and ratification of this treaty now, represents a policy of accommodation rather than a policy of firmness towards communism.

MILITARY RISKS

It would be well to remember that the Joint Chiefs of Staff clearly recognized certain military disadvantages under the treaty. These include the permanizing of the Soviet lead in so-called high-yield nuclear weapons, the Soviet lead in information about high-yield weapons effects, including radiation and blackout effects on communications and missile control systems, the opportunity for the Soviets to catch up to our lead in tactical nuclear weapon technology, and the deprivation of our opportunity to prove the effectiveness of an anti-missile defense system which we may develop. With a view to bringing these disadvantages to a level of acceptability, they prescribed four safeguards as conditions unequivocally necessary to their very cautious approval of the treaty. These conditions are absolute, and they are to

continue indefinitely into the future until such time, at least, as a comprehensive nuclear test ban treaty, covering underground testing, with completely adequate inspection and control provisions, may be negotiated. The safeguards are as follows:

First. The conduct of comprehensive, aggressive, and continuing underground nuclear test programs designed to add to our knowledge and improve our weapons in all areas of significance to our military posture for the future.

Second. The maintenance of modern nuclear laboratory facilities and programs in theoretical and exploratory nuclear technology which will attract, retain, and insure the continued application of our human scientific resources to these programs, on which continued progress in nuclear technology depends.

Third. The maintenance of the facilities and resources necessary to institute promptly nuclear tests in the atmosphere, should they be deemed essential to our national security, or should the treaty or any of its terms be abrogated by the Soviet Union.

Fourth. The improvement of our capability, within feasible and practical limits, to monitor the terms of the treaty, to detect violations, and to maintain our knowledge of Sino-Soviet nuclear activity, capabilities, and achievements.

In his letter, dated September 10, 1963, to Senators MANSFIELD and DIRKSEN, the President of the United States committed himself and his administration to the "unqualified" and "unequivocal" fulfillment of these safeguards. There is some question about whether these safeguards can, indeed, be met, for one must recall the President's speech of March 2, 1962, announcing resumption of nuclear testing, when he said:

> We must test in the atmosphere to permit the development of those more advanced concepts and more effective, efficient weapons which, in the light of Soviet tests, are deemed essential to our security. Nuclear weapon technology is still a constantly changing field. If our weapons are to be more secure, more flexible in their use and more selective in their impact—if we are to be alert to new breakthroughs, to experiment with new designs—if we are to maintain our scientific momentum and leadership—then our weapons progress must not be limited to theory or to the confines of laboratories and caves.

This point was raised at the President's news conference on September 13, 1963; and he was asked what had happened since March 2, 1962, to change his mind about this. His response was:

> I believe that what I was talking about then was a comprehensive test ban treaty.

But he was not. He was talking about the massive Soviet tests in the atmosphere, following their breach of the moratorium, and he was justifying our resumption of testing in the atmosphere. Note the statement, "We must test in the atmosphere" which I just quoted. And this statement was preceded earlier by the following statement:

> The fact of the matter is that we cannot make similar strides [to those of the Soviets] without testing in the atmosphere as well as underground. For in many areas of nuclear weapons research we have reached the point where our progress is stifled without experiments in every environment.

So the President has not yet answered the very timely question put to him by a member of the press; and until he does, I am sure many will wonder how well the safeguards of the Joint Chiefs will be met. Only time will tell; and, in any event, the withdrawal provision of the treaty ultimately provides an "out."

I think it appropriate to point out that valuable testimony was provided against the treaty by some of our oustanding military leaders, such as Gen. Thomas Power, commander of the Strategic Air Command; Gen. Bernard Schriever, commander of the Air Force Systems Command; Adm. Arthur W. Radford, former chairman of the Joint Chiefs of Staff; Gen. Nathan Twining, former Chairman of the Joint Chiefs of Staff; and Admiral Strauss, former Chairman of the Atomic Energy Commission. They were reinforced by such outstanding and thoroughly knowledgeable scientists as Dr. John S. Foster, Director of the Lawrence Radiation Laboratory, Livermore, Calif.; and Dr. Edward Teller, whose wisdom and courage to stand practically alone gained for him the name "father of the H-bomb." The noted aeronautical consultant, Alexander P. deSeversky, also testified in opposition to the treaty. I may add that most of Dr. Teller's splendid testimony and powerful logic were confined to the field of nuclear science and nuclear weaponry, in which he has no peer—and not, as some treaty proponents erroneously say, to the field of international politics. In this connection, I believe the point made by the able Chairman of the Preparedness Subcommittee was extremely well taken:

> If the proponents of the treaty would discount Dr. Teller's testimony in the political field, why should not the testimony of the Joint Chiefs of Staff in the political field be discounted, too?

Mr. SIMPSON. Mr. President, will the Senator from Iowa yield?

Mr. MILLER. I am glad to yield.

Mr. SIMPSON. Will the Senator from Iowa advise me whether he will address himself to the fallout problem?

Mr. MILLER. Yes; I shall do so very shortly.

Mr. SIMPSON. I thank the Senator.

Mr. MILLER. Mr. President, we should add to the conclusions. I have already listed the conclusions and major findings of the Preparedness Subcommittee:

> 1. From the evidence we are compelled to conclude that serious—perhaps even formidable—military and technical disadvantages to the United States will flow from the ratification of the treaty. At the very least it will prevent the United States from providing our military forces with the highest quality of weapons of which our science and technology is capable.
>
> 2. Any military and technical advantages which we will derive from the treaty do not, in our judgment, counterbalance or outweigh the military and technical disadvantages. The Soviets will not be similarly inhibited in those areas of nuclear weaponry where we now deem them to be inferior.

This is powerful evidence, Mr. President, and it has not been refuted. It could not be refuted, because it represents opinion evidence, and the evidence in opposition to it and in favor of the treaty from other knowledgeable people is also opinion. In my judgment, it is of just as high quality as the opinion evidence on the other side—possibly even superior to it. However, I am persuaded that fulfillment of the safeguards prescribed by the Joint Chiefs of Staff, coupled with the treaty's withdrawal provision, keeps these military disadvantages and risks at an acceptable level.

Let me say a word about the treaty's withdrawal provision. Article IV of the treaty provides that each party shall in exercising its national sovereignty have the right to withdraw from the treaty if it decides that extraordinary events, related to the subject matter of this treaty, have jeopardized the supreme interests of its country. It will not be easy for the United States to exercise this prerogative. People who have been seized with the debilitating disease of euphoria will talk about world opinion. It will take a courageous President and a courageous Congress to do what must be done.

NUCLEAR FALLOUT

To put this point in perspective, one should recall the words of the President at the time he directed the resumption of testing in the atmosphere in 1962. He said:

> It has been estimated, in fact, that the exposure due to radioactivity from these tests will be less than one-fiftieth of the difference which can be experienced, due to variations in natural radioactivity, simply by living in different locations in this country. This will obviously be well within the guides for general population health and safety, as set by the Federal Radiation Council.

Dr. Glenn T. Seaborg, Chairman of the Atomic Energy Commission, stated that he did not rate the fallout problem as great as some of the other reasons for the test ban. He stated that he knew of no particular case of leukemia or bone cancer or things of that kind or mutation which could be scientifically attributed to worldwide fallout, and mentioned only "one or two freak cases of local fallout." He acknowledged that the most skilled scientific evidence of geneticists was that their best estimate of the number of cases of leukemia and bone cancer caused by natural radiation—not by man-made radiation or fallout—is, in the case of leukemia, from zero to 84,000 cases and, in the case of bone cancer, from zero to 14,000 cases; and that the zero means they still cannot trace even one case. With reference to such reputed hot spots as Utah, he indicated that he would not use the word "danger" to describe the amount of concentration of radioactivity.

Nevertheless, in view of the present state of our scientific knowledge on fallout, I do not believe anyone would question the desirability of minimizing it or eliminating it entirely. Dr. Teller emphasized that we should try to limit radioactivity in the air—preferably by an international agreement which could be drawn in a way to permit needed tests for military and peaceful applications.

Failure to ratify this particular treaty, of course, does not mean that our air is

going to be polluted by nuclear fallout. The President, in his commencement speech in June at American University, said:

I now declare that the United States does not propose to conduct nuclear tests in the atmosphere so long as other states do not do so. We will not be the first to resume.

I would question that this commitment was cleared with the Joint Chiefs of Staff, but, in any event, it represents our present policy which would continue if the treaty is not ratified. So proponents of the treaty can hardly argue that if the treaty is not ratified the United States is going to cause more nuclear fallout. It is true that the Soviets might be the first to resume, but they will resume with or without a treaty, when and if they think it is to their advantage to do so. The Secretary of State has made this abundantly clear. As far as France and Red China are concerned, they are having *nothing to do* with the treaty anyhow, so their eventual testing in the atmosphere will very likely occur anyhow. If it does, it would be highly unlikely that they would cause any more fallout than did our tests in 1962, with respect to which the President clearly indicated there would be no danger. The prospect of other nations engaging in atmospheric testing in the foreseeable future is small, and to a degree greater than our 1962 series. I would conclude that it is minute. Nevertheless, it must be concluded that ratification of the treaty will have a tendency to prevent fallout more than failure to ratify. And this being so, I am persuaded that an area of mutuality between the United States and the Soviet Union exists. Let it be made clear, however, that the United States need be no more concerned about the problem of fallout than the Soviet Union.

A comparison might be made to the situation of water pollution of a river between two States. The water, as most drinking water is, may be polluted to a degree far below a point endangering the public in each State. Nevertheless, there would be a mutual interest on the part of the people of these States to undertake not to pollute the river further, particularly if scientific knowledge with respect to the ramifications of water pollution was not clearly established.

Mr. THURMOND. Mr. President, on the question of fallout, will the Senator yield?

Mr. MILLER. I am more than happy to yield to the Senator from South Carolina.

Mr. THURMOND. The Senator has brought out some valuable information indicating a lack of danger from fallout. I wonder if I overlooked his statement, or whether he brought out the testimony of Dr. Foster. I do not recall that he did.

Mr. MILLER. No. The Senator from Iowa did not allude to the testimony of Dr. Foster. If the Senator from South Carolina deems it material, I should be more than happy to have him point it out at this time.

Mr. THURMOND. I call attention to the testimony of Dr. Foster, which appears on pages 632 and 633 of the hearings before the Committee on Foreign Relations. At that point I propounded some questions to Dr. Foster on that subject:

RADIATION FROM NATURAL BACKGROUND

Senator THURMOND. Dr. Foster, on the question of the fallout to which Senator BYRD referred to a few moments ago, that seems to be the question that is disturbing a great many people today who tend to favor the treaty where otherwise they might be against it.

On this question, if I recall correctly, last week or the week before some scientists made the statement that one would get more radiation from living in the mountains of Colorado than from fallout.

Dr. FOSTER. That is correct, sir.

Senator THURMOND. That is correct.

I believe it is also true that one living in a brick house would get 20 times more radiation than he would get from fallout.

Dr. FOSTER. Well, sir, there you are ahead of me. I do not know that because——

Senator THURMOND. Mr. Earl Voss, I believe, brought that out in his book "Nuclear Ambush."

Dr. FOSTER. Yes.

Senator THURMOND. And one wearing a wristwatch with a luminous dial, as I have on here, would get 10 times as much radiation as he would get from fallout.

Dr. FOSTER. I am familiar with the arguments, sir. I do not know that a wristwatch——

Senator THURMOND. Does that sound reasonable? In other words, do those statements sound reasonable to you?

Dr. FOSTER. It is true that natural background is large compared with the additional activity, radioactivity, associated with fallout from all past tests.

Senator THURMOND. Isn't it a matter of fact that the fallout mentioned by some of those who favor this treaty, the propaganda that is being disseminated and the bugaboo that is being raised, that the fallout is imperceptible, and is of little consequence?

Dr. FOSTER. I think, sir, that the problem or the question of fallout is of insignificance, of little significance, compared to the major issue with which the development of warheads is attempting to deal.

Senator THURMOND. What people want to know is this: We have been reading about fallout, fallout in milk, and fallout in food and resulting injury to the future generation. Is it possible for this fallout to bring about sterility and various other reactions?

I just want to ask you whether you feel that there is danger to people's health from the little fallout radiation resulting from the tests we have conducted?

Dr. FOSTER. No, sir.

Senator THURMOND. Your answer is "No"?

Dr. FOSTER. My answer is "No."

Senator THURMOND. Thank you.

I call that to the distinguished Senator's attention because it is on a subject on which he has elaborated and brought out valuable information. I observe these words in the report of the Foreign Relations Committee:

It is generally agreed that radiation from fallout amounts to considerably less in terms of human exposure than normal background radiation. Moreover, informed opinion appears to be that the radioactive fallout produced to date has remained well below a level at which it might be deemed hazardous.

There has been much talk about fear of fallout. I felt that the public ought to know the facts about it. I commend the Senator for bringing out the information he has given the Senate. I add the additional information.

I wish the public to know that the danger of fallout is so minimal and insignificant, as stated by Dr. Foster, as to be little detrimental from the standpoint of health, so as to fade into insignificance when compared with the great purpose of keeping this country prepared.

As the Senator knows, since he is a distinguished officer in the Air Force Reserve, the only language the Communists understand is power. It will be power which will preserve and protect this country. In my judgment, we must continue the tests.

I believe the tenor of the Senator's speech is that many questions are still unanswered. I believe the Senator is not satisfied with everything. I can readily understand why he is not, because we know the Communists are ahead of us in high-yield weapons, and we know they are ahead of us in the development of an anti-ballistic-missile system. We know we cannot catch up with them or become superior to them in these fields unless we test in the atmosphere. That is the only way we can ever definitely know, because no weapon can be used with assurance by anyone until it has been tested in the environment in which it must function.

We can test underground. We can make gains with underground testing. We can possibly make some accomplishments underground. But we shall never be able to be assured that a weapon will function properly and do what we expect it to do until it is tested in the environment in which it must function.

I am sure the Senator agrees with that.

Mr. MILLER. I thank the distinguished Senator from South Carolina for his comments. In the light of past scientific evidence, which is available, I find it inconceivable that the President of the United States would have directed the resumption of nuclear testing in the atmosphere in 1962 without being able to conclude that the fallout resulting from the tests would be far below the danger point, as he pointed out in the statement which I have quoted from his speech.

Mr. THURMOND. The distinguished Senator quoted from the President's statement. Was that the statement of March 2, 1962?

Mr. MILLER. The Senator is correct.

Mr. THURMOND. That statement indicated that there was little, if any, danger from fallout. That was the effect of the statement, as I construed it. Is that the manner in which the Senator construed it?

Mr. MILLER. That is correct. It amounted to about one-fiftieth of the difference in radiation we might expect from moving around from one part of the country to another.

I cannot conceive of any President deluding the people by making a statement like that if he had scientific knowledge that danger would be involved.

This does not mean, of course, that as time goes on there may not be an accumulation of radioactive fallout resulting from continued testing. It does not mean that there may not be some pockets of fallout—some "local nuclear fallout," in the term used by Dr. Seaborg—which may have serious effects. This is recognized. I pointed it out.

It is well to put the argument of the proponents of the treaty into proper perspective. I granted it a plus in my analysis of the treaty; I find other points in favor of the treaty of much greater persuasion.

Mr. THURMOND. As the debate has proceeded I have been impressed by the fact that some who originally stressed the fallout question as the big danger or the "big bear," so to speak, are now beginning to see that this factor practically fades into insignificance.

Mr. MILLER. I thank the Senator from South Carolina.

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

Mr. MILLER. I yield.

Mr. HOLLAND. I know the Senator from South Carolina has correctly quoted a portion of the report of the able Committee on Foreign Relations ending with the conclusion:

> It is generally agreed that radiation from fallout amounts to considerably less in terms of human exposure than normal background radiation. Moreover, informed opinion appears to be that the radioactive fallout produced to date has remained well below a level at which it might be deemed hazardous.

I also know that we do not expect through the action contemplated to diminish the radiation already in the atmosphere. I know that many people are greatly concerned about increasing the amount of radiation. I am glad the distinguished Senator from Iowa has referred already to what might occur from increased testing, which has caused deep concern.

I should like to read some further language from the report of the Foreign Relations Committee which immediately follows the quotation read into the RECORD by the distinguished Senator from South Carolina.

> But it is also clear, as the Chief of the Division of Radiological Health of the U.S. Public Health Service said in June of this year: "Fundamental is the hypothesis that any amount of radiation exposure involves some risk in exposed population groups." Geneticists have shown greater and more specific concern.
>
> It is feared that continued, or stepped up, atmospheric nuclear testing would increase the damage, genetic and otherwise, induced by increased exposure by population groups to radiation. The treaty, in halting the release into the atmosphere of radioactive fallout, offers a distinct benefit.

The Senator from Florida knows something of the wrestling of conscience and mind through which the Senator from Iowa has gone. The Senator from Florida has shared that wrestling. As a matter of fact, he has had the pleasure of conferring with the Senator from Iowa. He knows that both of us have been trying to find what course offers the greatest advantage to our country in this situation.

It seems to me that the fact that the Russians exploded 71 of these bombs in the late 1961 and early 1962 period, and that many of those bombs were much greater in size than anything we had ever exploded in the atmosphere, and that those bombs were known to be dirty—that is, to carry a very much greater menace from the standpoint of radioactive fallout than would have been the case if they had been clean—indicates rather conclusively that we cannot, in considering this matter, regard our own preferred moderation in testing as the sole amount of testing which would ensue if a halt were not called. In view of the known excessive atmospheric tests just referred to by me, does not the Senator from Iowa believe that we are confronted with this reality—that the Russians do not have the same willingness to test in small amounts in the atmosphere, or to test with only clean bombs in the atmosphere that we recognize and insist upon in the testing conducted by our own country?

Mr. MILLER. In answer to the question by the distinguished Senator from Florida, let me say that his very persuasive statement earlier in the debate last week on this very point is one of the points which convinced me on this very subject. The Senator from Florida pointed out the possible mutuality of interest between the Soviet Union and the United States which could exist on this point. He did it so persuasively that I put it in my address. I wanted to observe that this was not my original thinking. I derived this beneficial approach to the problem from the Senator from Florida.

I thoroughly agree with the observation. However, I think I should emphasize that the mere failure to ratify the treaty would not necessarily lead to more testing in the atmosphere, because, as I pointed out, the policy of the President of the United States, as announced at American University early in June, is still the policy of our country, namely, that we are not going to be the first to resume testing. If the Soviet Union decides to test in the atmosphere, it will do so whether there is a treaty or not. But there is a mutuality of interest which can exist in this area, and I think it is a plus in favor of ratification.

Mr. HOLLAND. I agree completely with the statement of the distinguished Senator. I think there is a reasonable prospect that the Russians will have somewhat the same regard for their children of this generation and children yet to be born that we have for children. In this one field, and perhaps in others, there is some real opportunity for arriving at a mutuality of interest that does not exist in many other fields. That is one of the compelling arguments which has persuaded me to feel that our Nation can, with safety and in good conscience, ratify the treaty.

I thank the distinguished Senator from Iowa for yielding to me.

Mr. MILLER. I thank the Senator for his comments.

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

Mr. MILLER. I yield.

Mr. THURMOND. Naturally, we all have concern about fallout. We wish to take no undue risk in this connection. I should like, however, to quote at this time a very interesting statement by Dr. Teller. This is what he said:

> This argument, while it sounds simple and plausible, is wrong. Fallout has so small an effect that nobody ever has observed it. And nobody knows either from direct observation, or from statistics, or from any valid theory whether the claimed damages in fact exist or do not exist. I want to talk about that a lot more, because talking about the effects of various doses of radiation leads us immediately into an interesting field of research which should be important for all of us. The plain fact is that we do not know what are the effects of small doses of radiation.
>
> We have heard that fallout produces a terrific genetic burden. To begin with, radiation from fallout is only 1 percent of the radiation which we are getting anyway.
>
> Fallout is not dangerous. But the fallout scare is. Many people know that a medical X-ray gives you 100 times as great a dose as fallout will give you in your whole lifetime. How many people have been scared away from X-rays? How many people have gone with their ailments unrecognized and untreated, only because there has been this needless and exaggerated fallout scare? I don't know. I don't know whether anybody has been killed by fallout, but I am sure that many have been killed by the fallout scare.

In the hearings Dr. Foster testified that a man living in the mountains of Colorado would normally receive more radiation than he would from fallout—showing the greatly erroneous opinion that has been circulated about fallout, which has produced a great scare on the part of some people.

Naturally, we are all concerned about fallout and everything that affects the health of our people; but there is no evidence to support the judgment that some have claimed in the fallout field, as shown by what Dr. Teller said, and as shown by what Dr. Seaborg said in response to a question from the Senator from Georgia [Mr. RUSSELL], which I believe the distinguished Senator from Iowa brought out in his address.

Mr. MILLER. I thank the Senator from South Carolina. I am not denying the sincerity or conscientiousness of those who have indulged in a great deal of pessimistic talk about fallout. Some of our own colleagues in the Senate have made extensive statements along these lines. I am not denying their sincerity, but I believe they are overemphasizing something without any scientific data to support such an argument at this time.

PROLIFERATION OF NUCLEAR WEAPONS

Under the treaty, there is nothing to prevent any of the parties from assisting any other nation in underground testing. If, for example, the Soviet Union and Red China should settle their apparent differences, the Soviet Union could not only assist Red China in underground testing but transfer nuclear weapons to Red China. The mere transfer of nuclear weapons which, of course, would supposedly never be used except in self-defense, is not prohibited by the treaty. Moreover, since neither France nor Red China will have anything to do with the treaty and are clearly pointed to developing their own nuclear capability, it is obvious that the treaty will not prevent the proliferation of nuclear weapons.

Nevertheless, by preventing testing in the atmosphere and thus forcing nuclear development through more expensive underground testing in other countries, the treaty will tend to "retard" the proliferation of nuclear weapons. And this being so, I am persuaded that

an area of mutuality between the United States and the Soviet Union exists. Again, let it be made clear that the United States need be no more concerned about proliferation of nuclear weapons than the Soviet Union.

EMBARRASSMENT TO THE PRESIDENT

Due to what I would charitably term "faulty" negotiation, the U.S. Senate has been placed in a position of being pressured to vote for the treaty to save the President of the United States from the embarrassment he would suffer in the eyes of the world should the treaty be rejected. Regardless of party, no one should wish to see this happen. He is the leader of the free world. His prestige—at least in international affairs—falls naturally upon our country; just as his loss of prestige would also fall upon our country. Unless security risks are unacceptable, we should not permit this to happen.

Nevertheless, I think it would be remiss if I did not point out that this unfortunate situation is largely of the President's own making. Although article II, section 2, of the Constitution of the United States provides that the President shall have the power to make treaties, it clearly provides that this shall be "by and with the advice and consent of the Senate." Although there was some informal discussion with some of the members of the Senate Foreign Relations Committee about the proposed treaty, the committee's report does not indicate that a consensus of the members was obtained. There is no indication that our representatives in the negotiations made any effort at all to persuade Premier Khrushchev to live up to his promise of removing Soviet troops from Cuba or to follow through on his agreement to permit on-site inspection of Cuba under United Nations auspices—as a prelude to signing of the treaty. And yet, when the Senator from Arizona [Mr. GOLDWATER] offers a reservation to condition the effective date of the treaty on the withdrawal of Soviet troops from Cuba, he is met with the argument that this should have been taken care of during the negotiations.

Furthermore, at the preliminary signing of the treaty in Moscow, there were widespread reports about Mr. Khrushchev's expectation that the next step would be a nonaggression pact between NATO and the Warsaw Pact countries; but as far as withdrawal of Soviet troops from Cuba and on-site inspection in Cuba, both previously promised by Premier Khrushchev, our representatives stood mute.

If the failure to negotiate a provision requiring ratification of the United States, Great Britain, and the Soviet Union first before permitting other nations to join was due to oversight, it might well have been avoided if more effort to obtain the advice of the Senate had been sought. Not having sought it, matters are not made any easier now by suggestions of some administration spokesmen that "with all the other nations having joined in signing the agreement," the Senate must ratify the treaty or the United States will suffer a loss of face. The unfortunate failure to seek more advice of the Senate is thus compounded by reducing the Senate's consent to one of bailing out the executive branch of the Government from an embarrassing situation. This is not the only argument in favor of ratification of the treaty, of course, but I do not believe the foundation should ever have been laid for it. Now that the situation is as it is, it becomes an important consideration which is most difficult to view objectively.

In the negotiation of any future treaties or amendments to this particular treaty, I trust that this situation will never be repeated.

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

Mr. MILLER. I yield.

Mr. THURMOND. The point has been raised about the impression over the world, and the loss of face that we would suffer in other nations of the world. Does not the Senator feel that sometimes we go too far in taking action in this country, because we feel we might not make the best impression on other countries of the world?

Should we not do what is right for our people? Is not our first obligation to our people and to our country? Should we not do that, instead of always wondering what impression we will make on Communist nations and so-called neutralist nations, a great many of which are pro-Red, to say the least?

Mr. MILLER. I have had the uneasy feeling for a number of years, increasingly so in recent years, that there has been a tendency to talk too much about world opinion when a subject relates to the security of the United States.

The Senator from Iowa felt very much reassured when the President of the United States, on March 2, 1962, announced the resumption of testing in the atmosphere. This was not an easy decision to reach. The Senator from South Carolina will recall that immediately there were outcries from some of the so-called neutral nations, about the U.S. resumption of atmospheric testing, although they were very quiet about the Soviet breach of the moratorium in 1961.

Mr. THURMOND. They had practically nothing to say.

Mr. MILLER. That is correct. I am quite sure that some people in this country brought heavy pressure to bear upon the President of the United States to cause him not to resume testing. Fortunately, wiser counsel prevailed; and I am quite sure that he was persuaded that we had to resume testing to preserve our national security.

There still seems to be too much attention being paid to world opinion. The fact that some of the proponents of the treaty have emphasized this so much, after the faulty negotiation of the treaty, makes it extremely difficult for the Senator from Iowa to view this point objectively.

If we were not concerned about the seriousness of this problem, it would be easy to be tempted to say that the President's negotiator in Moscow made a blunder, that he was careless as a negotiator; and that being the case, if the President is to be embarrassed, let him be embarrassed.

I do not believe a Senator should act that way. As I say, it is a difficult matter to view objectively. We have a bad situation, and I believe that, absent undue risks, we should do something about it.

I recognize that the able Senator from South Carolina, differs with me with respect to the acceptability or nonacceptability of the military risks. However, if one can conscientiously arrive at a conclusion that our military security is not to be unduly risked, the bailing out of the President from an embarrassing situation is something which, regardless of party, we ought to attempt to do.

Mr. THURMOND. Is it not a fact that some of the very countries to which we have granted foreign aid, either through grants or loans, or in some other way, have severely criticized some of our actions?

Mr. MILLER. Indeed it is. It is also true that I have been making the point for some time that most of the nations which have joined on the treaty are delinquent in their obligations to the United Nations.

The United Nations is now in debt to the extent of about $104 million. It is faced with bankruptcy. More than 2 years ago I pointed out that the day was coming when this would become the toughest problem before the United Nations. That is what it was called last fall. The United Nations still has not solved the problem, and it will not solve it unless a majority of the members of the United Nations face their obligation of paying up what they owe to the U.N. The Soviet Union, owing $54 million, is the worst deadbeat of them all.

Nations which are not willing to pay their obligations, some of them trifling, have received foreign aid from the United States to the extent of millions of dollars in excess of what they owe the United Nations, and I am sure they would be the first to say what a terrible thing it was for the President to negotiate this treaty and then not follow through and deliver on it.

This is unfortunate, but it is a fact of life. We should try to encourage more nations, particularly those which have been the recipients of our people's tax money, to take a more realistic view of these activities and conduct themselves as friends in deeds rather than as friends in words. But the situation being as it is, I would feel bad if any President were to suffer great embarrassment. I am persuaded that that is what would happen under the situation that now exists.

Mr. THURMOND. I feel that the able Senator from Iowa would have more respect for some of those countries if they did not call upon us for aid and would pay their dues to the United Nations.

In the past, the United States has granted aid to 104 of the 112 nations. Even now, for fiscal year 1964, we have requests to grant aid to 100 of the 112 countries. Since World War II, the United States has granted aid to other countries to the extent of $121 billion plus interest. Yet some of those countries are willing to jump down our throats at the least provocation.

It seems to me that the most important thing we could do for the free world, and even for other countries, would be to keep so strong that we would not be attacked, because the United States is the only nation that stands between communism and the free world. We should remain so powerful that there will not be a temptation to attack the United States. By doing so, we stand our best chance, I believe the Senator from Iowa will agree, to avoid a war—an all-out nuclear war—in which there would really be radioactive fallout in addition to the destruction of millions of lives.

Mr. MILLER. The Senator from South Carolina is correct. As I stated earlier, some of the nations which have joined in the treaty would be the first to suffer if the United States were unable to maintain its deterrent posture with respect to Communist aggression.

Mr. THURMOND. I thank the able Senator from Iowa.

Mr. MILLER. I thank the Senator from South Carolina.

A MORAL OBLIGATION TO KEEP TRYING

Mr. President, I come now to my final reason for reaching my decision, that is, the moral obligation to keep trying.

Once the hurdle of acceptability of military risks is cleared, the one really compelling reason to vote for ratification was advanced by the Secretary of State when he said:

> We should never reach the point of giving up trying to work out better relations with the Soviets.

I recognize the feeling of frustration when people write to me and say:

> Senator, after all the United States has done to try to develop better relations with the Soviet Union, and after all the Soviet Union has done to undercut us with their lies, their cheating, their subversion, their aggression, their creation of international tensions, why should we do anything more? Let them make the first step now—and we mean a first step in deeds, not just words on a piece of paper.

That is difficult to answer. Indeed, they may have the answer, because their approach—to demand some meaningful first step on the part of the Soviets first—may well be the surest way to achieving better relations with them. In any event, the only answer that can properly be given to the argument of the Secretary of State is one of timing—possibly requiring some meaningful first step by the Soviets to indicate a measurable change in policy. Inasmuch as the preamble to the treaty recites that the three major parties, including the Soviet Union, proclaim as their principal aim an agreement on general and complete disarmament under strict international control "in accordance with the objectives of the United Nations," it would seem that a reasonable first step for the Soviets to take to reassure us of their change in policy would be to pay up their some $54 million in delinquencies to the United Nations.

It would be tragically unfair for anyone—outside the Senate or in the Senate—to condemn a Member of the Senate for insisting on some meaningful first step by the Soviets as a condition precedent to the treaty's effectiveness, just because that Senator felt that something more was required to evidence good faith than champagne and caviar parties, smiles, and bear hugs in Moscow.

It can be answered that the mutuality of benefits with respect to nuclear fallout and proliferation of nuclear weapons does not necessarily require such a meaningful "first step" to evidence good faith on the part of the Soviets. We stand to benefit anyhow. It is a fair answer, particularly when coupled with the point of saving the President of the United States from embarrassment. Accordingly, while I might be inclined to support a reservation providing for a reasonable condition precedent to the treaty's effectiveness, the failure of such a reservation's adoption would not cause me to vote against ratification of the treaty itself.

DISADVANTAGES UNDER THE TREATY—A STEPUP IN THE ARMS RACE AND IN COSTS OF NATIONAL DEFENSE

It is erroneous to think of the treaty standing by itself. It must be thought of as coupled with the absolute adherence to the safeguards prescribed by the Joint Chiefs of Staff. These will mean an expanded program of expensive underground testing which will more than offset the costs of testing in the atmosphere, in outer space, and underwater, which will be prohibited. Not being able to obtain more high-yield weapons effects information will require additional "hardening" of our missile sites to provide for a margin of safety and greater deployment of even more missiles to insure an adequate second strike force against a possible "blackout" and other effects of which we do not possess adequate knowledge. We will continue to try to develop an effective antimissile defense system, and not to expect the Soviets to do so would be foolish indeed. Moreover, the Soviets can be expected to step up their underground testing in an effort to catch up to us in the tactical nuclear weapons field. As Walter Lippmann wrote in the August 22 issue of the Washington Post, of course the race of armaments will continue under the treaty. The well-known physicist, Dr. Leo Szilard, testified that if the United States proceeds with an extensive program of underground bomb testing, then, rather than furthering the cause of peace, the test ban agreement would be likely to do just the opposite.

But the United States will proceed with an extensive program of underground nuclear testing, because this is one of the safeguards proposed by the Joint Chiefs of Staff; and the President has unequivocally committed his administration to doing so.

There is a great deal of merit in what Dr. Szilard says, and one would be invulnerable to fair criticism for voting against ratification for this reason.

In any event, a realistic appraisal of the situation makes it clear that a vote for ratification of the treaty, coupled as it is with the safeguards of the Joint Chiefs of Staff, is not a vote for a step down in the nuclear arms race but for a step up in the nuclear arms race and in the costs of national defense. But there are two answers to this disadvantage under the treaty: First, the costs of defense to the Soviets will increase, too, so that there is some mutuality of disadvantage; and, second, this mutual disadvantage may pave the way for Soviet agreement on a comprehensive test ban treaty with fully adequate inspection and controls.

PEACEFUL USES OF NUCLEAR EXPLOSIONS WILL BE IMPEDED

Our plowshare program holds a great potential for the benefit of mankind. Through the use of nuclear explosives which produce little radioactivity and by placing them underground so that nearly all of the radioactivity is trapped, projects could be undertaken at a fraction of the cost required by conventional methods. We have been assured that under the treaty we can continue experiments, and, to the extent that detectable amounts of nuclear fallout do not go beyond our own territorial limits, application of these experiments to mining, recovery of oil and gas, water development, and the construction of harbors can be made. However, construction of a second Panama Canal and other applications which would entail detectable amounts of fallout beyond our own territorial limits cannot be undertaken.

It is unfortunate that the treaty was not negotiated in such a manner as to permit peaceful uses of nuclear explosions—at least to be conducted under an inspection system, involving the three negotiating countries, to permit verification that, indeed, the application of nuclear explosions is for peaceful purposes. It is to be hoped that an amendment along this line will be negotiated later.

THE DANGER OF EUPHORIA

No matter how powerful our military capability may be, it will be meaningless as a deterrent if our national will to resist aggression through the use of this capability is weakened. We are prone to think of the decay of a nation's moral fiber in terms of vice and corruption; but just as deadly to the moral fiber of our people would be a condition of euphoria—a false sense of well-being with respect to Communists, in general, and the Soviet Union, in particular. Nothing would better serve the purposes of the leaders in the Kremlin than to have a substantial number of our well-meaning citizens succumb to the smiles and soothing peace talk of Soviet psychological warfare, and become so hypnotized over the thought that the Communist leaders "sincerely" want peace—"peace" as they interpret that word, not as we interpret it; that is to say, the Communists regard "peace" as a condition under which Communist aggression can be continued without undue interference—that they will eventually fall into a state of mind which can best be described as "peace at any price" or "better Red than dead."

It is highly significant that the Secretary of State, the Secretary of Defense, and the Joint Chiefs of Staff emphasized the danger of euphoria, and one member of the Joint Chiefs of Staff expressed the opinion that under the treaty our national will probably will deteriorate.

There are two answers to this problem: First, it should be no more of a problem for the people of the United States than for the people of the Soviet Union. Second, the problem actually exists, whether the treaty is ratified or not; and although the problem may be accentuated if the treaty is ratified, it will be much more of a problem with respect to "follow-on" amendments to the treaty or other treaties and relationships with the Soviet Union. We might as well face up to the problem now; and it could be that the treaty, if it serves no other purpose, will serve our national interest by once again focusing public attention on the nature of communism and Soviet imperialism.

I believe that administration spokesmen who favor the treaty should be commended for making it clear that the treaty is, at most, only a very small first step toward improved relations with the Soviet Union, and that it is nothing to become wildly excited about. It stands as more of a symbol of hope for improved relations. Everyone agrees with its purpose to lay a foundation for improved relations; but there are honest differences of opinion over whether these will actually result from the treaty. Absent a concrete example of a change in Soviet intentions, the evidence is overwhelming that communism is not changing and that the Communist leaders in the Kremlin are not throwing off the shackles of their Communist ideology.

It would be well never to forget a few hard facts about communism:

First. Communists deny the existence of God, so that their "moral" code is not the same as ours. Unlike us, they believe that might makes right and that the end justifies the means.

Second. Communists—whether they live in the Soviet Union, in Red China, in the United States, or anywhere else—are dedicated to achieving one world of communism. Lying, cheating, subversion, and war are perfectly proper means to this end. It was a perfectly proper Communist tactic for Mr. Gromyko to lie to the President of the United States last October, when Mr. Gromyko declared that only "defensive" weapons were being supplied to Cuba.

Third. If and when a nuclear war were decided upon as a proper means to "bury" the United States, the leaders in the Kremlin would not hesitate to engage in a "preemptive"—first strike—war. Soviet military doctrine expresses no scruples over a first strike, if it would be decisive. Our Government recognizes this; and that is why we have a program for "hardening" our missile sites. But the following quotations from "Soviet Military Strategy," by V. D. Sokolovskii, marshal of the Soviet Union—translated by Rand Corp. and published by Prentice-Hall, Inc., 1963—ought to be remembered:

Military strategy directs primary attention to the study of how a future war may break out and to a detailed study of the particular features of strategic deployment of the Armed Forces, methods of delivering the first blow and conducting initial operations, and strategic utilization of the different branches of the Armed Forces (p. 91).

In modern warfare, military strategy has become the strategy of missile and nuclear strikes in depth (p. 93).

In a missile war, the main war aims and missions will be accomplished by strategic missile forces, which will deliver massive nuclear strikes. * * * The National PVO will protect the country from enemy nuclear attacks. * * * The probability of such wars cannot be completely excluded at the present time (p. 95).

The fourth point to remember about communism is that the Red Chinese openly state that war is inevitable as a means of achieving one world of communism over the capitalistic nations. They openly do so. The Soviets openly speak of "peaceful coexistence," while secretly preparing for war. "Masters of deceit" is what J. Edgar Hoover calls the Communists.

Small wonder, Mr. President (Mr. NELSON in the chair), that administration spokesmen for the treaty have warned that the Soviets can be expected to abrogate the treaty whenever they conclude that it is in their interest to do so—just as they did in the case of their breach of the moratorium in 1961, after years of secret preparation for the premeditated breach. And the chairman of the Joint Chiefs of Staff testified that "I believe we can anticipate clandestine testing on the part of the Soviets." Although we may hope that the Soviets will change their ways and will adhere to the letter and the spirit of the treaty, it would be foolish for our people to let euphoria blind them to the realities of communism and to the long Soviet record of broken treaties and agreements, such as those with Finland, Estonia, Latvia, Lithuania, Poland, Hungary, Rumania, and Czechoslovakia, to name only a few.

Another manifestation of euphoria would be the assumption that with nuclear parity will come an end to the danger of nuclear war. Such an assumption overlooks the fact that so-called parity would be destroyed by a first strike of the Soviets or by Soviet development of an effective antimissile system. It fails to recognize that, in reckoning with a first strike, the United States must have far more nuclear weapons than the Soviets in order to retain parity after a first strike. Those who use the overkill argument, in an effort to persuade us to reduce our nuclear capability, appear to take a conservative position in estimating that only 10 percent of our bomber fleet and only 25 percent of our Polaris and Minuteman missiles would hit their targets, and that such a force would be more than 200 times enough to destroy the Soviet Union. Surely they do not believe that the Soviet Union would engage in a first strike on the basis of such an estimate. Rather, it would be more realistic to assume that the Soviets would not make a first strike until they believed they could prevent almost all, if not all, of our bombers and missiles from getting off the ground or reaching their targets. The overkill adherents also overlook the fact that strategic weapons would not be employed in a tactical war and that tactical weapons might well not be employed in a strategic war; and they do not take into account obsolete weapons, aborts, misses, and nontargeted targets. Administration spokesmen who favor the treaty have made it clear that we cannot safely diminish our nuclear capability relative to that of the Soviet Union.

Nevertheless, the theory of overkill has merit, if placed in proper perspective. The danger is that its apparent logic might be used to justify unilateral disarmament or the ratification of a comprehensive test ban treaty without adequate inspection and controls. The American people can now sleep soundly at night, secure in the realization that our military power deters the Soviet Union from attack. It has always been this way, and the so-called missile gap of the 1960 campaign has long since been proved to have been nonexistent. The real concern, however, is, Will we maintain our deterrent power in the future? Years are required to design, develop, and produce weapons systems. It would be foolish and tragic, if not fatal, to let euphoria in the form of a misapplied overkill theory or any other form to persuade the people and the Congress to engage in unwise and premature cuts in our national defense budget, or to resist the defense budget increases which will arise in the nuclear weapons and technology area by firm adherence to the safeguards prescribed by the Joint Chiefs of Staff.

Finally, let us not be deluded by the argument that a continuation of the arms race, which ratification of this treaty will promote, will lead to greater international tensions. It is the international tensions, caused by the aggressive policies of Communist imperialism, which has brought on the arms race.

THE POLICY OF ACCOMMODATION

Serious as the other disadvantages under the treaty are, to me the most serious one is that ratification of this treaty, in the absence of even one first step by the Soviet Union indicating a change in policy, means following a policy of accommodation in dealing with communism. For over 25 years I have been studying the Communist ideology, and I have had the benefit of instruction, advice, and writings from people who have devoted their lives in this field. Not the least of these is Robert Strausz-Hupé, director of the Foreign Policy Research Institute of the University of Pennsylvania, who testified that while he favors a comprehensive test ban treaty, he is opposed to ratification of this treaty. I recognize that there are some differences of opinion among the experts, but the great weight of opinion is that the best if not the only way to deal with communism is through a policy of firmness. And a policy of firmness demands that before undertaking a solemn treaty obligation with the Soviet Union, in the face of its attempt to install nuclear missiles in Cuba last fall, in the face of the Gromyko lie to the President of the United States, in the face of Premier Khrushchev's failure to carry out his commitment for onsite inspection in Cuba under United Nations auspices, in the face of Premier Khrushchev's further failure to carry out his commitment to withdraw Soviet troops from Cuba, in the face of the brazen attempt by the So-

viet Union to bankrupt the United Nations by running up a delinquency amounting to $54 million—over half of the combined delinquencies before the U.N., and in the face of continued Soviet-sponsored subversive activities in Latin America, the Middle East, and Africa—then some meaningful first step must be made by the Soviet Union to indicate peaceful intentions.

That first step could be the removal of Soviet troops from Cuba, onsite inspection of Cuba, payment of its delinquencies before the United Nations, adoption of an "open skies" policy such as that requested by former President Eisenhower, public renunciation of lies and villification relating to the intentions of the United States which have been deliberately fed to the people of the Soviet Union, who yearn for peace, by the Communist leaders in the Kremlin, or something similar. If it be said that the Soviet Union would never agree to taking such a first step as a condition precedent to ratification of the treaty, there are two answers: First, no one but the leaders in the Kremlin know whether the Soviet Union would take such a first step. Under the circumstances of this treaty, with the pressures of "world opinion" upon them, it could well be that the Soviet Union would pay up its obligations before the United Nations if this were a condition precedent. Second, the failure to take such a first step would be highly indicative of the surface nature of the protestations of "good faith" by the Soviet Union.

Instead, we are being urged to follow a policy of accommodation. This policy seems to be to merely react to Communist aggression, to do nothing which might "rock the boat," so to speak, to bend over backward to not cause Premier Khrushchev to lose his temper and pound the table with his shoe. It finds expression in references to the "brink" of nuclear war during the Cuban confrontation, although let me say, Mr. President, we were not on any "brink" at all. We were ready to go, that is true. But we were not even close to a nuclear war because Premier Khrushchev was not close to committing suicide.

A line seems to be drawn between taking action—such as the blockade of Cuba—when there is imminent danger to our Nation; and inaction evidenced by lifting the Cuban blockade following the removal of Soviet missiles—when no imminent danger faces our Nation, although our national honor has been ground underfoot by emasculation of the Monroe Doctrine. I could cite other examples, such as our tolerance of the Berlin wall, our failure to follow up on Premier Khrushchev's promise to have onsite inspection in Cuba and to withdraw Soviet troops from Cuba, and the apparent failure to even mention these points when Premier Khrushchev stated that he expected to negotiate a nonaggression pact between NATO and the Warsaw Pact countries as the next step following the treaty.

I do not say that the policy of accommodation is intended to reflect a "no win" policy on the part of those who advocate it, because the advocates are among the first to proclaim our hope that freedom will come to those who are now dominated by ideologies which reject individual freedom and the self-determination of nations. But because the policy of accommodation results in surrendering the initiative to the Communists, because it results in the side of freedom being on the defensive against the aggressive moves of Communist subversion and imperialism, it tends to weaken our willingness and desire to win the cold war. It tends to erode away the morale of the dedicated men and women in our Armed Forces, the people in the captive nations, and the refugees who seek to reestablish freedom in their native countries. It places an almost unbearable burden of understanding on those in the front line of the cold war—the men and their families affected by SAC alert, by maneuvers of our Polaris submarines, by our operations in South Vietnam to name only a few; and the Cuban patriots who seek to overthrow the bearded Moscow puppet in their homeland.

The point is, Mr. President, that the "accommodation" policy has not worked. And the reason it has not worked is that Communists look upon such sufferance as a sign of weakness, which invites further subversion and aggression, rather than a sign of the hand of friendship to be grasped.

I could be wrong when I say that a policy of firmness is the one to follow, rather than a policy of accommodation, and I hope I am. I do know that when we have followed a policy of firmness—as we did in Berlin and as we did during the briefly imposed Cuban blockade—it has worked. But if a majority of my colleagues in the Senate feel that we should follow a policy of accommodation and ratify the treaty without a meaningful first step by the Soviet Union first, then I will go along—with this clear understanding: I want to see a meaningful first step by the Soviet Union, clearly demonstrating a change in policy, before ratifying any amendments to this treaty or any other treaties with the Soviet Union affecting the security of our country. In this connection, let me caution that I do not consider a proposed exchange of observers of ground forces, which is being mentioned, or a proposed proclamation of an end to class warfare in the Soviet Union, which will probably be made later on, as a "meaningful first step." I have already indicated examples of what I mean by this, and I speak of a unilateral step by the Soviet Union of that character.

CONCLUSION

In conclusion, Mr. President, I would make two points: First, the Praesidium of the Supreme Soviet has not, as yet, ratified this treaty. On September 9, the State Department advised that the treaty has been unanimously endorsed by the Joint Foreign Affairs Committee of the Supreme Soviet, the Council of the Union, and the Council of Nationalities, and was then before the Praesidium of the Supreme Soviet, which has the power to ratify. This naturally raises the question of what will happen if the Praesidium does not ratify the treaty? The chairman of the Senate Foreign Relations Committee has said that he does not believe there is the slightest doubt that the Praesidium will ratify the treaty. He further said that, as far as he was concerned, if the Praesidium should not ratify the treaty sooner than next spring, the treaty would be "off." I recognize that the treaty will probably be ratified by the Praesidium, but we do not know this for certain. And if it should not do so sooner than next spring, I agree that the treaty should be "off," but I am not so sure that it will be "off." Once the treaty has been ratified by the U.S. Senate and the document of ratification deposited with the Soviet Union, it would seem to be "on" unless the President recalled it. I think it would be helpful to make sure that the State Department not deposit the ratified treaty with the Soviet Union until the Praesidium has ratified the treaty and it is on its way over here for deposit with us. Remember, that under Soviet law a treaty ratified by the Praesidium does not become effective until it has been deposited.

The second point is that I have detected a certain amount of cynicism over what will happen if this treaty is not ratified by the U.S. Senate. We have been told that ratification of this treaty is far better than to have an unlimited arms race extending without relief into the future. The inference, of course, is that if the treaty is not ratified we will, therefore, have an unlimited arms race extending without relief into the future rather than continue to work for a comprehensive test ban treaty. And the further inference is that any Senator who dares vote against ratification must be in favor of an unlimited arms race extending without relief into the future. The logic of such an argument completely escapes me. If I were to vote against ratification, I would deeply resent it. And inasmuch as I intend to vote for ratification, I am in an even better position to say that I deeply resent the implication it casts upon those of my colleagues who, with just as much dedication as any of us possesses to peace, to an end in the arms race, and to more of the better things in life for our people which genuine disarmament can bring, cannot conscientiously support ratification.

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

Mr. MILLER. I yield.

Mr. THURMOND. A portion of the preamble to the treaty reads:

> Proclaiming as their principal aim the speediest possible achievement of an agreement on general and complete disarmament—

And so forth. Of course, the Senator is familiar with that portion of the preamble.

Secretary Rusk has said that the test ban treaty is only the first step down this road. He made that statement before the Senate committee March 11, 1963.

I believe the President of the United States said that this is the first step.

Does the Senator from Iowa feel that this is the first step in a disarmament program?

Mr. MILLER. No. I do not believe this is the first step in a disarmament program. I have tried my best to make it clear that the result of this treaty, coupled with the safeguards of the Joint Chiefs of Staff, will be a step-up in the arms race rather than a stepdown.

I fear that most of the proponents of the treaty have not done their homework. They are trying to persuade Senators to vote for the treaty on the basis of the argument that it will be a stepdown in the arms race. When the budget costs roll around to the Senate next year and the year after and the year after that, because the administration will then be trying to carry out the safeguards of the Joint Chiefs of Staff, those proponents should not come to tell me that they are sorry, that they were wrong. They have had ample time to do their homework on this point.

I have concluded that this will not be a first step toward disarmament. At least, that will not be the first result. I recognize that it may have a tendency, because of the increased costs of national defense both for the Soviet Union and the United States—because of these mutual disadvantages—to bring the two parties together in an effort to arrive at a comprehensive test ban treaty which will prohibit underground testing under adequate safeguards of inspection and controls. That could be a first step toward disarmament.

In other words, the treaty could provide a basis for a first step; but to say that the result of the treaty will be a first step toward disarmament, when the result is going to be an increase in the armaments race, is something I cannot quite reconcile.

Mr. THURMOND. Is it the feeling of the Senator from Iowa that this would not be a first step? Is that what the Senator has expressed? I believe it is the position of the Senator that it would not be a first step in disarmament.

Mr. MILLER. No.

Mr. THURMOND. Or does the Senator from Iowa want this to be a first step.

Mr. MILLER. I would like to have the treaty become a meaningful first step toward relative, genuine, effective, safeguarded disarmament between the United States and the Soviet Union, because I am well persuaded that until the day comes when we can spend more of our national resources on the better things of life for our people rather than for instruments of destruction, we shall not be able to provide the opportunities which I am sure our Maker intended for our people.

But that does not appear to be very near. I do not think we ought to try to aggravate the situation. I can understand Senators voting against ratification, on the ground that the treaty, might step up the arms race. I think that is a disadvantage, but I think it is outweighed by the other points I made for ratification.

Mr. THURMOND. So the Senator is not in accord, then, with the interpretation placed upon the treaty by the President and the Secretary of State that it is a first step?

Mr. MILLER. That is a first step toward disarmament?

Mr. THURMOND. Yes.

Mr. MILLER. We must not get into an argument over the meaning of words, but the Senator from Iowa cannot see, if nothing more is done, that a year from now we shall be any nearer disarmament. The Senator from Iowa believes we shall be further away, because the arms race will have been stepped up just that much more. The only way one could justify the argument that this could be—the use of the word "is" is gratuitous—a first step is on the basis that it could result in better relations between the United States and the Soviet Union and, on that basis, perhaps a meaningful agreement regarding de facto disarmament could be arrived at.

Mr. THURMOND. Does the Senator feel the time has now come when the Communist leaders are evolving into peaceful people, that we can trust them, and that relations will be improved because of the treaty?

Mr. MILLER. No; the Senator from Iowa does not believe so. To be fair, I believe that some of the administration's spokesmen, such as the Secretary of State, have indicated that they do not believe that they are changing now, either.

There is a hope. One never knows when the people under the domination of the Communists will start to cast off the shackles of communism. We hope and pray that there will come a time when they will. Who knows when that time will be? A majority of my brothers here seem to think this is the time; that we do not have to have a meaningful first step by the Soviets; that this is the time for caviar and parties and bear hugs, which all of us saw on TV and heard about on the radio, as taking place in Moscow; and that this is supposed to be the crystallization of the change in Soviet intentions.

The Senator from Iowa does not believe so. The Senator from Iowa hopes and prays that it is. With all the reasons I have set forth in my argument, and with the first hurdle being gotten over, if the military risks involved are acceptable, in light of the assurances of the Joint Chiefs of Staff, and with the withdrawal provision, I will go along.

But let no one come to me a year from now, or 2 years from now, and say, "We have an amendment to the treaty. It would provide for better relations between the United States and the Soviet Union. There are some security overtones in it, but we want you to vote for this amendment." Let no one do that unless I have seen a meaningful first step in the meantime, because the policy of accommodation has not worked. I am willing to go along this once, but if it does not work, I say let us "get on the ball" and follow the policy that has worked, which is a policy of firmness toward communism.

Mr. THURMOND. The Senator knows, does he not, that Secretary Rusk is construing this as a first step toward disarmament, as he stated before the Senate committee on March 11, 1963?

Mr. MILLER. As I said, I do not want to get into an argument over the meaning of words. I do not recall whether the Secretary of State testified that this treaty's immediate result would be a step down in the arms race——

Mr. THURMOND. No; a first step toward disarmament, I said.

Mr. MILLER. But there are some persons who say the treaty would step down the arms race; and that, therefore, it is a step toward disarmament. They have arrived at that conclusion conscientiously, although, as I have said, I do not think they have done their homework. If one reaches the conclusion that the treaty will be a step down in that arms race, he may believe that it will be a step toward disarmament. But if one reaches the conclusion, as I have, that it will be a step-up in the arms race, I do not see how he could say it is a step toward disarmament unless he thinks it will provide for better relations between the two nations that will result in reaching other meaningful agreements providing for a step toward disarmament.

Mr. THURMOND. In view of the preamble to the treaty, which states it is a step toward general and complete disarmament, and in view of the statement of the Secretary of State to that effect in March 1963, and in view of the President's statement that it is a first step, is there much doubt in the Senator's mind as to how the executive branch construes it?

I am not asking the Senator's construction, but is there much question in the Senator's mind as to how the executive branch construes the treaty? It is that branch that will be charged with the enforcement of it.

Mr. MILLER. Let me say to the distinguished Senator from South Carolina that I am looking at the treaty now. The preamble states:

> Proclaiming as their principal aim the speediest possible achievement of an agreement on general and complete disarmament under strict international control in accordance with the objectives of the United Nations which would put an end to the armaments race and eliminate the incentive to the production and testing of all kinds of weapons, including nuclear weapons.
>
> Seeking to achieve the discontinuance of all test explosions of nuclear weapons for all time, determined to continue negotiations to this end, and desiring to put an end to the contamination of man's environment by radioactive substances,
>
> Have agreed as follows——

I cannot see that the preamble states that we are now undertaking to disarm. It merely states that we are aiming for an agreement on general and complete disarmament, and trying to achieve discontinuance of all test explosions of nuclear weapons for all time. It is an objective, but the preamble does not state that the treaty is going to be a step in that direction. I do not believe the preamble of the treaty could be said to stand for the proposition that the treaty is going to step down the arms race.

Mr. THURMOND. I remind the Senator what Mr. Khrushchev said in East Germany on January 16 of this year about disarmament. He made the statement:

> Disarmament primarily means dismantling the gigantic war machines of the highly developed countries. * * * General disarmament does not mean disarming the peoples fighting for national liberation. On the contrary, it would deprive the imperialists of the means to halt progress and crush the struggle for independence.

So it is clear from that statement how Mr. Khrushchev construes "disarmament."

I should like to quote from General Power, whom I know the Senator holds in high regard and esteem. He said:

> In my personal opinion, all sensible people in this world desire peace and freedom from a nuclear war, but there are two different theories of how to get there. One theory is through military superiority and through deterrents, which is the philosophy of the strategy we have used. There is another one, through disarmament. I personally think the two theories are diametrically opposed—

Says General Power—

> I do not see how you can arm and disarm at the same time. I have studied previous disarmament measures, and in my opinion disarmament is a proven concept to get you into a war. I think history will prove that the surest way to cause a war, nuclear war or any war, is to disarm.

Does not the Senator feel that what has kept us out of a nuclear war, and what has been the greatest deterrent to war with the Communists, since World War II ended, has been our tremendous striking power, our nuclear weapons, and the great strength and power of this Nation?

Mr. MILLER. There are some who may argue against it, but the Senator from South Carolina knows very well that I believe deeply that most knowledgeable people who have done their homework must admit that to be true. The concern that is often expressed by some against disarmament is that they tend to think in terms of disarmament in a sort of vacuum. I do not regard it in that light. To me, the only kind of disarmament that the United States could conscientiously engage in vis-a-vis the Soviets would be one of relative disarmament, so that there would be a relative amount of power in our favor as between the two countries.

That is a very difficult problem, as the Senator knows, to work out, but I do not believe it should deter us from attempting to make some strides in that direction. I am persuaded that until the time comes when we can spend our money on the better things of life for our people instead of on armaments, we shall not have the kind of life that was intended for us by our Maker. Nevertheless, in the meantime I believe we had better keep our powder dry. There is too much emphasis being given to the argument that the arms race causes world tensions. It is not the arms race that causes tensions. It is the aggressive nature of communism.

The President of the United States has said that if Mr. Khrushchev would cease aggression, we would be in a much more positive situation. What he was politely nudging Mr. Khrushchev on was to get off the Communist ideology and get on to something more peaceful. I do not expect to see him do so for some time. It may be that he will, but I want to see something more concrete first. I am not at all impressed by fine words. I am not impressed by Moscow champagne and caviar parties and smiles and bear hugs.

We must have some concrete evidence first before we take another first step, if it be a first step.

Mr. THURMOND. I am sure the Senator is familiar with the report of the Preparedness Subcommittee.

Mr. MILLER. Yes.

Mr. THURMOND. Under the treaty, is it not true that the United States probably will be unable to duplicate Soviet achievements in very high yield weapon technology?

Mr. MILLER. I believe the Senator is reading from the conclusions of the Preparedness Subcommittee. I have already quoted from the major findings in my main speech.

I recognize the probable validity of these conclusions, although I point out that perhaps even the formidable statement that was put into the conclusions was worded in the terminology of "maybe" or "perhaps." That is the difficulty with all the evidence that we have on the treaty. It is opinion evidence or practically all of it is. Very little of it is factual evidence. Therefore, it is necessary to weigh possibilities and probabilities and "maybe's," "might's," "could's," and "should's" to arrive at a conclusion. This makes the task extremely difficult. Honest people can differ on the degree of emphasis they will give.

What I have been mainly trying to do has been to put some of the arguments in their proper perspective. Both for and against the treaty. In my mail I have received cliches on both sides of the issue. I am not denying the sincerity with which they were offered.

However, they are not persuasive, and I believe they ought to be reduced to size, so that when Senators vote they will vote on the basis of reason and logic and sound judgment, instead of on the basis of cliches and arguments that should have no relevancy in the Senate.

Mr. THURMOND. Because of the Senator's military experience, I am sure he realizes the value of the Preparedness Subcommittee's report. I wish to point up certain things in it in a few more questions. Under this treaty, is it not true that the United States will be unable to acquire necessary data on the effects of very high yield atmospheric explosions?

Mr. MILLER. That question can be answered only in terms of possibility or probability. What are "necessary data"? It is difficult to determine whether they are necessary or unnecessary. Some people think they are absolutely necessary. Others seem to think we can get along without them, and that if we find as time goes on we cannot get along without them, we can withdraw from the treaty.

I do not expect the relative power between the Soviet Union and the United States to blow up overnight. It will be some time before the Soviets catch up to the point of offsetting our deterrent ability. That will occur over a period of several years. In that time, we can detect changes sufficient to enable us to reach a determination as to whether we should withdraw from the treaty.

In the face of world opinion, such withdrawal would not be easy. It would be necessary for the President and the Members of the Senate to be courageous about it. However, I do not believe I can answer the question of the Senator from South Carolina any better than I have answered it. It is hard to say whether it is necessary. I agree that we will not be able to obtain certain information on weapons effects which the Soviets have obtained. The President of the United States said as much in March of 1962. He said that they had obtained weapons effects information that would probably take them 2 or 3 years to analyze, and that we do not have it. I am satisfied that as a result of our rather limited testing in 1962, we have less comparable information to analyze.

Mr. THURMOND. Under this treaty, is it not true that the United States will be unable to acquire data on high altitude nuclear weapons effects?

Mr. MILLER. Neither side can do so under the treaty. The point I wish to make—and I thought I had agreed with the Senator on it—is that the Soviets, by virtue of their massive tests in 1961, have acquired certain data which we probably have not acquired as a result of our rather limited test series of 1962.

Mr. THURMOND. If the treaty is adopted, we will not be able to acquire the information. Is that correct?

Mr. MILLER. That is correct.

Mr. THURMOND. Under the treaty, is it not true that the United States will be unable to determine with confidence the performance and reliability of any ABM system developed without benefit of atmospheric operational system tests?

Mr. MILLER. The testimony on this point, as the Senator knows, was divided. I am inclined to think that Dr. Teller's testimony on this point was more persuasive than the testimony on the other side. In any event, it was of equal quality. The proponents of the treaty say we do not need to test. Dr. Teller and others say we need to test. It is a difficult question for anyone to evaluate and upon which to come to a conclusion.

I go one step further, if the Senator from South Carolina wishes to know how I reconciled my position on the treaty with that problem. There are two ways. First, the withdrawal provisions of the treaty. I am satisfied that the Soviet Union will not for a long time develop an antimissile system which will effectively take care of our weapons. They will be working for one, probably, and they may develop one. But I am satisfied we will

get information in the meantime which will indicate to us whether we need to test our system. Under the withdrawal provisions of the treaty, we shall be able to do so.

Mr. THURMOND. Speaking of Dr. Teller, I should like to quote a statement he made in January of this year:

A test ban treaty with the Soviet Union would prevent vital improvements of our atomic explosives, as well as foreclose the development of antimissile systems like the Nike-Zeus and the Nike-X. It would not keep the Russians from cheating. Such a treaty, in sum, would endanger our security and help the Soviet Union in its plan to conquer the world.

Mr. MILLER. I remember that Dr. Teller testified in similar vein during the hearings on the treaty. As I said in my speech, Dr. Teller's knowledgeable testimony and his powerful logic is certainly of as high quality as any of the testimony on the other side.

But the problem is: What if the Soviets are able to test, as Dr. Teller says they are, without detection? Will the results of those tests be significant? That is the magic word. Dr. Teller says they will be significant. Secretary McNamara says they will not be significant. So we are confronted with the problem whether there will be significant developments resulting from the Soviets' clandestine tests, assuming they propose to do so.

The Chairman of the Joint Chiefs of Staff said that we will make that assumption. This is a difficult problem.

I still say that if we adhere to the safeguards prescribed by the Joint Chiefs of Staff, we will be able to detect, through our intelligence, whether there have been sufficient developments so that we shall be sufficiently forewarned and be able to withdraw from the treaty.

Mr. THURMOND. Does the Senator from Iowa consider that the tests the Soviets made in 1961 and 1962 were significant?

Mr. MILLER. I believe they were highly significant. This is one of the main reasons why the argument that is now advanced by the proponents of the treaty, who signed the treaty, was offered to the Soviets in 1958 and by President Kennedy in 1961; therefore, we must follow through with it now. But they completely ignore the change in factual circumstances since the previous offers of the treaty, not the least of which was the massive series of Soviet tests in 1961, which had highly significant results.

The big question is whether the results they obtained compared with the results that they previously obtained, plus the results we obtained in our limited series in 1962, have created a significant imbalance which could lead to a significant imbalance in technology vis-a-vis the two nations.

I am persuaded that they do not; but if they do, we will have available the withdrawal provisions of the treaty.

Mr. THURMOND. The able Senator from Iowa being an Air Force Reserve officer, I am sure he will be familiar with the next question:

Under the treaty, is it not true that the United States will be unable to verify the ability of its hardened underground second-strike missile systems to survive close-in high-yield nuclear explosions?

Mr. MILLER. That is true; but something must be added in answer to the question. It can be doubted whether the Soviets know the answer. Furthermore, prudence would dictate that margins of safety, certainly within reason, be provided in the hardening of our missile sites. I have said that this will be another result of the treaty. Instead of the arms race being stepped down, it will be stepped up. We shall have to do more hardening of missile sites to provide margins of safety, in view of what the Senator from South Carolina has said. We shall have to spread our missiles out still more and have more of them, because we are uncertain of Soviet developments.

Mr. THURMOND. How will we know how much to harden our missile sites if we cannot test in the atmosphere?

Mr. MILLER. We do not know how much to harden them; all we can do is to guess. The Senator from South Carolina knows that we have always done that in our military activities. In addition, we shall have to disperse our missiles more, so that we shall have the capability to retaliate if there are some weapons effects instruments that the Soviets might release, which might, over a large area, paralyze our missile control system.

Mr. THURMOND. Under the treaty, is it not true that the United States will be unable to verify the ability of its missile reentry bodies under defensive nuclear attack to survive and to penetrate to the target without the opportunity to test nosecone and warhead designs in a nuclear environment under dynamic reentry conditions?

Mr. MILLER. This is true; but again, I think it could be said, with validity, that the Soviets probably do not have an adequate amount of information on that point either.

Mr. THURMOND. Notwithstanding the tests which the Soviets conducted in 1961 and 1962?

Mr. MILLER. According to my best information, that is something that is highly technical and difficult to evaluate. More than one series of tests would be required to develop a creditable reentry vehicle, if indeed problems are developing.

Mr. THURMOND. Is it not true that the treaty will provide the Soviet Union an opportunity to equal U.S. accomplishments in submegaton weapon technology?

Mr. MILLER. Yes, indeed. However, I wish to be fair in my statement. The Secretary of Defense and, as I recall, other administration spokesmen who favor the ratification of the treaty, indicated that this could be done. They did not try to dodge the question. Their answer was that it would take a long time and would entail a large amount of additional expense to the Soviet Union to step up its underground testing sufficiently to hope, after several years, to catch up in that area.

Mr. THURMOND. Is it not true that the treaty would deny to the United States a valuable source of information on Soviet nuclear weapons capabilities?

Mr. MILLER. I do not know. I should say that even without the treaty, we face about the same problem, so far as our intelligence regarding Soviet nuclear weapons capabilities is concerned. I believe we have some good intelligence on this subject. We do not have as much as we would like to have. Whether we have the treaty or do not have it, I do not believe there will be a great amount of difference in our intelligence on this point. Perhaps I do not understand the thrust of the question asked by the Senator from South Carolina. I want to be responsive; but if I correctly interpret his question, I have given the best answer I can.

Mr. THURMOND. Based upon the testimony of the Joint Chiefs of Staff, other military people, and scientists, it is clear that the United States is ahead of the Soviets in low-yield weapons. I believe the Senator from Iowa will agree to that.

Mr. MILLER. That is correct.

Mr. THURMOND. It is further clear that under the treaty the Soviets could test underground and overcome their deficiency in that respect.

Mr. MILLER. That is correct. But I wish to repeat, to be fair, that the proponents of the treaty recognize this—although they have a semirebuttal to it, in pointing out that it will entail a great amount of additional cost to the Soviets, and that it can be achieved only over a long period of time.

Mr. THURMOND. The testimony before the Preparedness Investigating Subcommittee also clearly shows that the Soviets are ahead of us in high-yield weapons and in the development and deployment of an anti-ballistic-missile system. Is it not true that we would have to test in the atmosphere, in order properly to overcome that deficiency?

Mr. MILLER. Not quite, because it should be remembered that even granted that they are ahead of us in the development of an antimissile system—although I am not sure they are—I recognize that they may well have installed some kind of antimissile system, and I also recognize that they will not be content to stop there, either, but will get the best one they can, and will do so sooner than we do, if possible. Nevertheless, I am satisfied that in the foreseeable future, the penetration capabilities of our nuclear retaliatory force will be quite sufficient to destroy Khrushchev and the Soviet Union, in the event they attempt to make the first strike.

Mr. THURMOND. I invite the attention of the Senator—if he has not had an opportunity to read it—to the testimony in the Preparedness Investigating Subcommittee of the Joint Chiefs of Staff, who definitely, explicitly, and precisely said the Soviets do have a lead on us in the antiballistic missile system field.

Mr. MILLER. Yes. But the Senator knows that the problem is, How much? No one knows how much their lead really is.

Mr. THURMOND. To the extent that they have one developed and deployed

whereas we have none deployed, and it is a matter of fact that it would take us 4 years to deploy an ABM system. Also the Soviets has made more sophisticated tests than we have.

Mr. MILLER. That is correct; and I think there should be no disagreement on that point.

Mr. THURMOND. Except for the fact that our intelligence shows that the Soviet system is capable of knocking down medium-range missiles, which travel up to approximately 1,200 miles; and intermediate-range missiles, which travel up to about 2,500 miles; and, under certain favorable conditions, intercontinental ballistic missiles, which travel from 5,000 to 7,000 miles. Our intelligence may be wrong; but that is what our own intelligence shows.

Mr. MILLER. Assuming that to be correct, I suggest to the distinguished Senator from South Carolina that the Soviets would have a long, long, long way to go before they could develop and set up a comparable defense system around all the major cities in the Soviet Union. So I believe they have a long way to go in making that development.

Nevertheless, this does not mean that we should not concern ourselves with the development of an effective antimissile system sooner than the Soviets develop one. But this system will extend far beyond the confines of one localized area, which is where I understand the Soviet system now is. It will have to be nationwide, and that will take a long time. I hope we do not have to develop it to that point; but I believe we would be foolish, indeed, if we proceeded on the assumption that the Soviets would not try to succeed before we do.

Mr. THURMOND. I thank the able Senator. In view of his excellent military background and knowledge, and his stated lack of trust of the Communists, and also in view of the disadvantages of the treaty, as he has expressed them in his address today, and also throughout the debate on the treaty, I am still at a loss to understand how the able Senator has reached the conclusion to support the treaty.

Mr. MILLER. I thank the distinguished Senator from South Carolina. He well knows my great respect and affection for him and also my great respect for his military knowledge, which is unexcelled by that of any other Member of the Senate.

I may say that the last paragraph of my speech was included because I am cognizant of the position of the Senator from South Carolina and of other dedicated Senators who, in their conscience, feel that they cannot favor approval of the treaty.

These matters should be viewed in the proper perspective. Some persons no doubt will say the Senator from South Carolina, the Senator from Georgia [Mr. RUSSELL], and the Senator from Wyoming [Mr. SIMPSON], and other Senators who cannot in good conscience vote for approval of the treaty, therefore are in favor of an unlimited nuclear arms race far into the future, and so forth. I believe it best to lay that misunderstanding to rest, once and for all; and I have done my best to do so.

Mr. YOUNG of North Dakota. Mr. President, I will vote for approval of the nuclear test ban treaty. This is one of the most difficult decisions I have ever had to make, dealing—as it does—with our future security. As is the case with most issues of great importance, not all the merit is on one side.

While the danger of fallout from nuclear testing may be overestimated, the great majority of people throughout the world fear that unlimited testing could seriously affect the health of this generation and future generations. Thus far nuclear testing has been limited to that by the United States, Russia, England, and France. In a matter of a few short years other nations will be in a position to test nuclear weapons, thus greatly increasing the danger of nuclear fallout, in the absence of a nuclear test ban agreement.

Another serious question involved is that of easing the cold war tensions with Communist Russia. It is impossible for the United States to avoid having to deal with Communist Russia in Berlin and in countless other areas throughout the world. There is some advantage to a better relationship, if this can be accomplished without endangering our national security. The provisions of the test ban treaty itself leave ample room for any of the signators to withdraw—perhaps too much to be effective. Limiting nuclear testing is the goal sought by most people throughout the world, and earnestly advocated by both President Eisenhower and President Kennedy.

I am well aware that the Soviet Union has violated most of its treaties and agreements with us and other nations. This one may be, too; but nothing will be lost if we continue, and even accelerate, our vast program of research and development of nuclear weapons, and continue to prepare for future tests, which could be resumed immediately following any violation by Russia. We have this assurance through a letter by President Kennedy to the Senate. Equally important, there is a sizable increase in the appropriations for this purpose in both the House and the Senate versions of the appropriations bills.

I would never vote for approval of the treaty if I had the slightest doubt that our research and development in all phases of nuclear power would not only be continued, but also would be expanded and vigorously pursued. A strong national defense is still, and always will be, our greatest assurance of peace and security.

The United States now is capable of destroying every military installation and every important city in Russia at least 25 times over. We could literally cover Russia in a sea of flames.

The most important defense weapon of the future is the Nike-X, an antimissile missile on which we are spending hundreds of millions of dollars, each year, in research and development. If this can be perfected—and that is possible within a comparatively short time—this, together with our other defense weapons, could give us a high degree of protection against any nuclear attack, whether by plane, missile, or submarine.

One of the most important questions involved in approving the treaty is whether nuclear testing would be necessary in the perfection of this antimissile missile. On this question, again there is some disagreement among our top military authorities. Gen. Curtis LeMay, Chief of Staff of the Air Force, reluctantly approved the nuclear test ban treaty, because he felt it would be desirable to test the Nike-X missiles with nuclear warheads attached, before they were deployed. He felt the same way with respect to the Minuteman, Titan, and Atlas missiles, which already are deployed, but never have been tested with nuclear warheads attached. Since our military authorities believe it is not necessary to test these missiles with nuclear warheads attached, it is questionable whether the Nike-X would be tested with its nuclear warhead, even if there were no test ban treaty. We have many thousands of nuclear warheads already perfected and ready to be attached to the Nike-X or any other weapon.

After long and careful study of all the testimony on both sides of the issue, I have come to the conclusion that more is to be gained by approving the test ban treaty than by disapproving it. I do not subscribe to the position—taken by a few of our military leaders, and some others—that nuclear war is inevitable. If this were the case, there would be little hope for the future.

Mr. YOUNG of Ohio. Mr. President——

The PRESIDING OFFICER (Mr. KENNEDY in the chair). The Senator from Ohio [Mr. YOUNG] is recognized.

Mr. YOUNG of Ohio. For several weeks, members of the Committee on Foreign Relations, members of the Committee on Armed Services, and the Senate Members of the Joint Committee on Atomic Energy have examined intensively the proposed limited nuclear test ban treaty.

As a member of the Committee on Armed Services, I desire to thank the distinguished Senator from Arkansas [Mr. FULBRIGHT], the chairman of the Committee on Foreign Relations, for inviting all members of the Committee on Armed Services to participate in the hearings of the Foreign Relations Committee on the limited test ban treaty. I am grateful to the chairman of that great committee, not only for inviting me to attend those sessions, but also for calling on me to ask questions of all witnesses.

Mr. President, it happens that I first read this treaty approximately 4 days before it was even initialed. I have attended the committee meetings and I have studied the treaty; and I now believe that the Senate has intensively examined it.

In my judgment, every conceivable implication of the treaty, every word, every comma, and every period, has been minutely examined. More thorough consideration has never been given to any matter which has come before the Senate.

As the distinguished majority leader has said, in the last analysis the question which confronts us is simply

whether the proposed treaty does, on balance, serve the interests of the people of the United States?

Some Senators have engaged in a great deal of discussion and there have been many expressions of doubt regarding the reliability of the safeguards in the treaty. Those who oppose the treaty exaggerate the risk of cheating. They minimize the risk of continuing the arms race. The treaty contains the specific reservation that our Nation may scrap the agreement if that is deemed necessary by our President for our national security. Furthermore if the Soviet Union were to violate any provisions of the treaty, it would be voided immediately. In addition, each nation may continue underground tests so long as radioactive debris is not deposited outside its territorial limits. Of course, we shall not rely solely upon Soviet good faith. We shall rely on our far-flung detection network which instantly warns of atmospheric tests or underwater tests anywhere in the world.

Mr. President, the treaty gives us the right to resume testing in the atmosphere, underwater, or in outer space whenever we feel that our national security requires it. Three Presidents of the United States—Presidents Truman, Eisenhower, and Kennedy—have striven patiently to achieve an effective nuclear test ban treaty, and they have endorsed the one before us. The Chairman and the other members of the Joint Chiefs of Staff have endorsed it. By far the majority of the scientists and the nuclear physicists who testified before the Foreign Relations Committee strongly endorsed the treaty. Every possible safeguard and precaution to protect our vital national interests have been taken in the drafting of this historic document.

Of course, there are risks in this as in any venture in foreign relations. Commonsense will balance them against the risks of continued massive testing with all that it implies for the poisoning of the atmosphere and the aggravation of an arms race that would end only in disaster. There are also risks in failing to venture; risks in standing still in a world of change and challenge which does not remain stationary for this or any other nation.

This treaty is an objective which two administrations, representing both political parties, have patiently sought in spite of repeated discouragements, and notwithstanding opposition and criticism at home. It was a prime element in the foreign policy of the Eisenhower administration. When President Kennedy assumed office he could, had he chosen, have ignored the efforts of the previous administration. However, he pursued this policy as it is in the best of interests of all Americans, regardless of their political affiliation. It will not usher in the millennium. It will not end the cold war. It will not totally disarm the Soviet Union. It will not end the threat of Communist aggression. It will not bring about at once total and complete disarmament. It will be a step toward ending one area of armament competition. It may pave the way for progress in other areas.

Should we reject this treaty, the risks of paralyzed uncertainty and the resulting petrified foreign policy may be far greater than those, if any, which might result from ratification.

Mr. President, the Communist masters of Red China have denounced this treaty. In this they are in complete agreement with members of the radical right-wing fringe in our own country who claim that coexistence is impossible. Coexistence is defined as existing together. Do those who oppose the limited test ban treaty, claiming there cannot be coexistence with the Soviet Union, believe the Russians will just cease to exist? The alternative to coexistence is coannihilation. Together we have power to destroy millions of Americans and Europeans. In 10 years, if China with 700 million population becomes a nuclear power, then what? Obviously, we should take this short step toward peace by ratifying the limited nuclear test ban treaty.

The test ban is an acknowledgement and a reflection of the nuclear stalemate that exists. The Soviets have bigger H-bombs than we do; we have far more warheads, a greater variety and superior delivery weapons. Neither side has true superiority as each possesses the power to destroy the other if it is willing to be destroyed itself.

Armaments races ultimately led to World Wars I and II. Let us hope this treaty signals the beginning of the end of today's armaments race. There would be no victor in a nuclear war.

Questions were asked of the preceding speaker whether the treaty might not mark the end of today's armaments race. I hope that ratification of the treaty will have that end result.

Mr. President, if not for ourselves, then for our children and our children's children and for all generations to come, we owe a duty to take this first small, cautious, well-protected step toward peace and toward ending continued pollution of the atmosphere. Some scientists claim that the genetic damage already done has been very substantial. We cannot afford to gamble with the health and lives of unborn children.

Debate over the test ban treaty has been so crowded with examination of its purely military consequences that the virtue of eliminating radioactive fallout sometimes seems almost to be lost sight of in the overall discussion.

The genetic damage that will result from tests already conducted by any standard of measurement are terrible and horrifying. This damage might be multiplied were indiscriminate tests by many nations to take place in the future. The consequences of testing alone, to say nothing of the risk of war itself, might possibly work an alteration upon the environment of this planet that would cause dreadful injury to the health of all mankind.

The weight of the world's scientific opinion is that radioactive fallout from testing has increased—and future testing would further increase—the hazards due to natural radiation; that any increase is likely to cause some additional genetic damage.

The test ban treaty committing others to refrain from testing, greatly diminishes this hazard. The suspension of atmospheric testing, in these altered circumstances, becomes an affirmative gain of the most enormous consequences to the human race.

Events may disappoint the hopes and expectations of those who have proposed this treaty. It does not, by itself, and for all time, automatically preclude the resumption of atmospheric testing, but it may well result in that most desirable end. And if it does, its adoption may spare unnumbered thousands of our own countrymen and millions, around the world the pain and sorrow of terrible, wasting lifelong injury. And it may lift from mankind the dread menace and dire threat of damage to the genetic integrity of the human family that would cast its dark shadow forward through the generations down to children born a thousand years from now.

Opponents of ratification have had much to say regarding Dr. Edward Teller and his testimony. He is one of a very few leading scientists who oppose this limited test ban treaty. Therefore, regarding Dr. Teller let us consider the record.

The burden of Dr. Teller's advice now is that to give up atmospheric testing would grant the Soviets a dangerous advantage in developing a missile defense. This view is not supported by the Joint Chiefs of Staff or by other scientists of equal or greater competence. It should be measured against previous alarms raised by Dr. Teller when a test ban was under discussion.

In 1957, when the Eisenhower administration was considering a moratorium, Dr. Teller was the leader of a scientific group which strenuously opposed any such policy on the ground that it would dangerously interfere with our development of a 100 percent clean bomb.

According to a news article in the Washington Post, there is good reason to believe that the bomb Teller was talking about had been developed and indeed even secretly tested before 1957. Apparently no one wanted it then and apparently no one wants it now.

In 1959, when the United States and Russia had temporarily suspended testing not by treaty but simply under an unwritten agreement and begun negotiations for a formal ban, Dr. Teller advanced a different reason for his opposition. Then he argued that tests were absolutely necessary in order to develop peaceful uses of nuclear energy, such as Project Plowshare—atomic explosions to deepen a harbor or to build a canal.

In 1961, he produced still another reason. This time, a test ban would dangerously interfere with our development of a neutron bomb, the absolute weapon that would kill people but do no damage to property.

Little is heard these days about the neutron bomb, about the clean bomb, about the need for large atmospheric explosions for peaceful purposes. Now it is the antiballistic missile which Dr. Teller dangles before the Senate. But in view of the record, how much confidence can be placed in his advice?

The question is all the more pertinent in view of the fact that in 1960 when Dr. Teller was arguing that the United States should break the moratorium then in force by resuming underground testing, he actually advocated almost exactly what the Kennedy administration is advocating now. "All developments of nuclear explosives which are really necessary," he then wrote, "can be carried out by methods which will not contribute to the contamination of the air. We can continue the development of nuclear weapons without causing any further contact of human beings with radioactivity."

That is exactly what the administration now proposes. Furthermore, as President Kennedy emphasized at a recent news conference, he proposes to keep our nuclear laboratories functioning at full strength, to prepare standby facilities for the immediate resumption of atmospheric tests in case the treaty is violated, and to improve detection methods so that any violation will certainly be found out. Dr. Teller's argument that the treaty will tragically weaken the Nation simply does not stand up. On the other hand, the failure to ratify, with all that this would imply for acceleration of the arms race, would be a real tragedy for the world at large.

I am not one of the younger Members of the Senate of the United States. I am one of the older Members who sit in this small rectangular chamber which is truly the hall of the States.

I feel I speak for the fathers and mothers of this country who fear that the milk their children drink will be more and more contaminated and poisoned if the atmosphere is permitted to be polluted by nuclear explosions of 4, 6, 8, or 20 nuclear powers, as our President said there would be in 1975 unless some treaty such as this is ratified. I know this treaty is not merely good for those fathers and mothers and for their children. I know this is good for my four young granddaughters, who will with others of similar ages be the trustees and guardians of this Nation in a comparatively few years. I want them to live in a country which is secure and powerful as is our country at this time—also in a clear atomsphere of peace, instead of in a grim period of cold war and international anarchy. This limited test ban treaty is a small step in the long journey for the peace of the world. In that hour of decision when we are asked to support our President and advise and consent to the ratification of this nuclear test ban treaty, I will support our President. Every vote cast against ratification will have the same power and weight as every two votes cast in favor of ratification. I hope and I believe that the Senate will ratify this treaty by an overwhelming margin and that we shall vote down overwhelmingly every amendment and reservation.

We have heard of some reservations which will be offered. We have seen the letter written by our President to the majority leader and minority leader of the Senate, setting forth eight specific assurances. We have seen the report of the Committee on Foreign Relations. We know there is no necessity whatsoever for any reservations or understandings. We know that if a so-called reservation were offered and adopted, it would kill the treaty, since it would then be necessary to submit the treaty to complete renegotiation.

I pray that nothing like this will happen. I feel certain it will not. If our Commander-in-Chief, our President, is to be struck down by a vote rejecting this treaty I want no accusing finger to be pointed to me that mine was the assassin's blow.

The treaty may not work. In that event our political, military, and scientific leaders have assured us that our national security will not have been jeopardized. However, we must allow ourselves the luxury of a faint glimmer of hope. This treaty is just that.

Mr. President, the junior Senator from Ohio will vote to ratify this treaty. I believe it to be a step, however small, in the director of preserving a world fit for our children to live in and a step forward in the history of human civilization.

Several Senators addressed the Chair.

Mr. YOUNG of Ohio. Mr. President, I shall yield first to the distinguished Senator from Alaska [Mr. GRUENING]. Before doing so, in view of the colloquy which occurred immediately before I obtained the floor, and the reference that was made to Dr. Edward Teller, let me say that for most of my adult life I have been a trial lawyer. When I represented a losing side, and had one positive witness, though his testimony may be rebuted by all the opposing witnesses, I liked to emphasize his testimony. This appears to be the case with opponents of the treaty and their star witness, Dr. Teller.

In reading the hearings before the Committee on Foreign Relations, I discovered that the distinguished senior Senator from Idaho [Mr. CHURCH] obliterated the validity and force of Dr. Teller's testimony, in the questions he asked him, by using certain quotations from the writings of Dr. Teller himself. The Senator asked Dr. Teller:

> I have before me some quotations from writings that you have published in that interval between the Eisenhower administration and the present time—that are pertinent to the inquiry today—the statements which you have made. I would like to identify them for you and read them to you. I have four and since they are all related in a sense, let me read the four and then you can make such comment as you care to make about them.
>
> The first is an excerpt from an article of yours entitled "The Issues of Peace," which was published in the Bulletin of Atomic Scientists in June of 1960, and appears on page 203, in which you say, and I quote:
>
> "I say that we can stop nuclear testing in the atmosphere. We may do this unilaterally. We can then challenge the Russians to follow suit even if they won't sign a treaty."
>
> That ends the quote.
>
> The second quote is from an article of yours which appeared in the Washington Evening Star in August of 1960 from which I quote as follows:
>
> "We should renounce nuclear weapons tests in the atmosphere. We should challenge the Russians to do likewise and we should use our influence in the United Nations to prevent atmospheric weapons tests by all nations."
>
> That ends the quote.
>
> From the same article there is a second quote as follows:
>
> "All developments of nuclear explosives which are really necessary can be carried out by methods which will not contribute to the contemination of the air. We can continue the development of nuclear weapons without causing any further contact of human beings with radioactivity."

In other words, underground testing.

Then the Senator from Idaho propounded the final question to the witness, reading an extract from the "Legacy of Hiroshima," Dr. Teller's book, published in 1962:

> Is an effective test ban possible? In the atmosphere and beneath the surface of the ocean, yes. In these areas the biosphere, the sphere of living beings, violations of a test ban could be detected.

Those four quotations from Dr. Teller's writing were used in questioning the witness. The Senator from Idaho had asked him how he could reconcile those statements with his present attitude. The witness said:

> The simple answer to your question is don't reconcile them. They are contradictory.

He went on to say this:

> Now, after having eliminated a small part of the contradiction, I want simply and completely to say that the biggest part of the contradiction remains and is to be explained by the fact that I have changed my mind.

I ask those who will quote this same doctor in support of their position against this limited nuclear test ban treaty. Is it not just as likely that a year from now, or two years from now, he may again say, "I have changed my mind" and he may say it rather sheepishly?

It is my belief and my fervent hope that more than 80 Senators will vote to ratify the limited nuclear test ban treaty and take this important first step forward toward peace.

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

Mr. YOUNG of Ohio. I yield to the Senator from Alaska.

Mr. GRUENING. I congratulate my able and distinguished colleague, the junior Senator from Ohio, on the constructive, well-reasoned, and farsighted presentation of his views on the test ban treaty. I am confident that he represents the views of the overwhelming majority of the American people. The test ban treaty is one of the great achievements of our time, whatever may be the ultimate result.

As the junior Senator from Ohio has so well pointed out, if we merely succeed for a time in stopping the poisonous fallout, which may destroy the health and happiness of countless people for generations to come, we shall have achieved a success; but I am confident, as he is, that this is an important step forward. I think the Senator has contributed greatly to the discussion, and I congratulate and commend him for it.

Mr. YOUNG of Ohio. I thank the Senator from Alaska.

ORDER OF BUSINESS

Mr. AIKEN. Mr. President, I raise the point of order that the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Ohio [Mr. YOUNG] has the floor and can yield only for a question.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent to yield to the junior Senator from Rhode Island [Mr. PELL].

Mr. AIKEN. Mr. President, I have no objection to Senators asking questions of a speaker, but I do object to the irregular practice of passing out time by Members of the Senate. I also object to the practice of requesting and obtaining time 3 or 4 days in advance in the case of a Senator who wishes to leave the Senate and not be in the Chamber, thus being able to go off somewhere else. I believe the time has come when we should observe the regular order in the Senate. There is no question that the practice of passing out time days in advance for speakers on the floor is contributing to the breakdown of the legislative processes of the Congress.

Mr. YOUNG of Ohio. Mr. President, I have the floor, and I am prepared to yield the floor. I ask unanimous consent that the statement made by the distinguished Senator from Vermont be placed in the RECORD after my statement.

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

Mr. YOUNG of Ohio. I yield the floor.

Mr. AIKEN. I realize that practically everything that can be said on the treaty has been said.

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

Mr. AIKEN. I yield.

ORDER LIMITING DEBATE

Mr. MANSFIELD. Mr. President, on behalf of the distinguished minority leader and myself I send to the desk a unanimous-consent request and ask for its immediate consideration.

The PRESIDING OFFICER. The unanimous-consent request will be read for the information of the Senate.

The unanimous-consent request was read, as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That, effective on Monday, September 23, 1963, at the conclusion of routine morning business, during the further consideration of the treaty on nuclear test ban (Ex. M, 88th Cong., 1st sess.), debate on any amendment or preamble to the resolution of ratification, motion, or appeal, except a motion to lay on the table, shall be limited to 1 hour, to be equally divided and controlled by the mover of any such a proposal or motion and the majority leader: *Provided*, That in the event the majority leader is in favor of any such a proposition, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: *Provided further*, That no amendment that is not germane to the provisions of the said resolution shall be received. All reservations or understandings already printed shall be deemed germane.

Ordered further, That on the question of the final agreement to the resolution of ratification debate shall be limited to 6 hours, to be equally divided and controlled, respectively, by the majority and minority leaders or someone designated by them: *Provided*, That the said leaders, or either of them, may, from the time under their control on the adoption of the resolution, allot additional time to any Senator during the consideration of any of the above proposals: *Provided further*, That a final vote on the adoption of the resolution of ratification shall be taken at 10 a.m. Tuesday, September 24, 1963.

Ordered further, That the Senate shall convene at 10 a.m. on September 23, 1963, and 9:30 a.m. on September 24, 1963.

The PRESIDING OFFICER. Is there objection?

Mr. CURTIS. Mr. President, I must object. I should like to ask the majority leader if there is any binding understanding as to when the time for debate on the treaty shall be used.

Mr. MANSFIELD. As I understand the unanimous-consent request, that would be in the discretion of the majority and minority leaders. I assure the Senator from Nebraska that, so far as we are concerned—I believe I speak for the minority leader also—we will do the best we can, within reasonable limits, to bring the reservations and understandings to a vote as soon as possible, so as to reserve the time on the treaty for later in the day.

Mr. CURTIS. Is there any understanding as to the order in which the reservations will be called up?

Mr. MANSFIELD. It is my understanding that the Senator from Arizona [Mr. GOLDWATER], if he has not done so already, will submit his reservation today and speak on it tomorrow or Friday, and that it is his intention to call it up the first thing on Monday morning next.

Mr. CURTIS. May I inquire whether I correctly understand that the unanimous-consent request is that the yea-and-nay vote on the treaty itself will be at 10 a.m. on Tuesday next?

Mr. MANSFIELD. That is correct. The purpose of convening at 9:30 a.m. on Tuesday is to give every Senator an opportunity to be present. The vote will occur one-half hour after the Senate convenes.

Mr. CURTIS. I must object.

Mr. MANSFIELD. Mr. President, I suggest that the time for the vote on the treaty on Tuesday be changed from 10 a.m. to 11 a.m., and that the time of convening on Tuesday morning be 10:30 instead of 9:30.

The PRESIDING OFFICER. Is there objection to the agreement, as modified?

Mr. PASTORE. Mr. President, the Senator has reference to the final vote on the resolution of ratification. Is that correct?

Mr. MANSFIELD. That is correct.

Mr. GORE. Mr. President, I reserve my right to object only to inquire about the votes on the other motions and reservations and amendments. Is it expected that there will be yea-and-nay votes on Monday, or would it be possible to complete the debate on the reservations and to have the yea-and-nay votes come on Tuesday?

Mr. MANSFIELD. In response to the question raised by the distinguished senior Senator from Tennessee, I should like to say that arriving at this unanimous-consent request has taken a great deal of time. It has taken a great deal of time to negotiate. It is anticipated that the debate on the treaty would be cleared by Monday night; and that the votes would be taken on the reservations, understandings, and so forth, if requested, on Monday, thereby getting them out of the way, so that when the Senate met on Tuesday, it would be for the purpose of voting on the treaty.

Mr. GORE. Then all Senators may be on notice that there may be yea-and-nay votes on amendments, reservations, and interpretations?

Mr. MANSFIELD. That is correct.

Mr. PASTORE. Not amendments.

Mr. MANSFIELD. Reservations.

Mr. PASTORE. Reservations, understandings, or preambles.

The PRESIDING OFFICER. Is there objection?

Mr. DIRKSEN. Mr. President, first of all, I believe it should be made clear that on a reservation 1 hour of debate will be allowed, a half hour on each side. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DIRKSEN. In the discussions on the proposed unanimous-consent agreement it was fully understood that no intervening business of any kind whatsoever would be brought up, including any calendar business, until the treaty had been disposed of. Is that correct?

Mr. MANSFIELD. That is correct. If on Monday additional time is needed on the treaty, we shall be happy to do our best to comply with such requests.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the agreement as modified is entered.

Mr. PASTORE. I congratulate the majority and minority leaders.

The unanimous-consent request, as subsequently reduced to writing, is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That, effective on Monday, September 23, 1963, at the conclusion of routine morning business, during the further consideration of the treaty on the nuclear test ban (Ex. M, 88th Cong., 1st sess.), debate on any amendment or preamble to the resolution of ratification, motion, or appeal, except a motion to lay on the table, shall be limited to 1 hour, to be equally divided and controlled by the mover of any such a proposal or motion and the majority leader: *Provided*, That in the event the majority leader is in favor of any such a proposition, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: *Provided further*, That no amendment that is not germane to the provisions of the said resolution shall be received. All reservations or understandings already printed shall be deemed germane.

Ordered further, That on the question of the final agreement to the resolution of ratification, debate shall be limited to 6 hours, to be equally divided and controlled, respectively, by the majority and minority leaders or someone designated by them: *Provided*, That the said leaders, or either of them, may, from the time under their control on the adoption of the resolution, allot additional time to any Senator during the consideration of any of the above proposals: *Provided further*, That a final vote on adoption of the resolution of ratification shall be taken at 11 a.m. Tuesday, September 24, 1963.

Ordered further, That the Senate shall convene at 10 a.m. on September 23, 1963, and 10:30 a.m. on September 24, 1963.

Mr. AIKEN. Mr. President, I realize that not much more can be said either for or against the approval of the partial test ban treaty. However, there are two or three items on which I should like to comment briefly at this time.

On September 11, the minority leader, the distinguished Senator from Illinois [Mr. DIRKSEN], made a remarkable speech in this Chamber. In his speech, the Senator from Illinois read a clear-cut statement from President Kennedy which should have reassured all but those who are determined not to be reassured.

The Senator from Illinois then announced his unequivocal support for the test ban treaty without reservations. It was an intelligent speech for it reflected the fact that its author had studied without stint all the arguments and facts which have been presented for and against this treaty.

It was a fair and honorable speech, for the Senator from Illinois did not hesitate to give the opponents of the treaty the benefit of every doubt which they may hold in arriving at their own decision.

It was a courageous speech, for the minority leader must surely have known that it would bring down on his head the curse of the emotionally militant element of our society.

During the course of his speech, Senator DIRKSEN made reference to the large amount of mail he has received on this issue. My own mail on the test ban treaty has been quite heavy though not recordbreaking in volume. It has been recordbreaking in one respect, however: At no time in my recollection has the mail on any issue before Congress contained so many threats and vituperations as that of the last few weeks.

I want to make clear that most of the opposition to the treaty comes from conscientious people. These people really believe that the risk involved in the treaty does outweigh any possible benefits. Others have been the victims of plausible sounding propaganda.

The country is being flooded by circulars purportedly issued by organizations with highly respectable sounding names, but which are unknown to official Government agencies. These circulars contain inflammatory statements intended to make the reader hate the word "peace" and all those who dare to advocate it. They even go so far as to imply that the Senator from Illinois is opposed to the treaty and that those who do not help him kill it are either blind or disloyal.

To date, I have received many communications for and against the treaty. Counting those from California and Texas, which appear to be largely organizational mail, I would say that 60 percent of them are in opposition to the treaty. The mail from New England will run 80 percent or better in favor of the treaty.

Before this treaty is voted on, I expect I will have received many more protests against it—at least one outfit is advising its members and sympathizers to smother me with protests.

These protests might seem quite formidable indeed were it not for the fact that 190 million people in America have not protested the test ban treaty in spite of the propaganda to which they are subjected.

So long as 190 million Americans have confidence enough in Congress to leave the decision to us, I shall believe that most of them are not opposed to the very small step toward peace which this treaty represents.

In advocating the approval of the treaty, the minority leader was representing the official position of the Republican Party and I believe also the opinion of the overwhelming majority of the American public.

The Republican platform of 1960 stated:

> We are similarly ready to negotiate and to institute realistic methods and safeguards for disarmament, and for the suspension of nuclear tests. We advocate an early agreement by all nations to forego nuclear tests in the atmosphere, and the suspension of other tests as verification techniques permit. We support the President in any decision he may make to reevaluate the question of resumption of underground nuclear explosions testing, if the Geneva Conference fails to produce a satisfactory agreement. We have deep concern about the mounting nuclear arms race. This concern leads us to seek disarmament and nuclear agreements. And an equal concern to protect all peoples from nuclear danger, leads us to insist that such agreements have adequate safeguards.

That statement was not merely a campaign promise. It was a serious effort to put the party on record as urging a world without war.

It was intended to tell the world that the Republican Party is not the party of fear. It was intended to express the hope of the party that there need be no more Hiroshimas with their ghastly toll of horror and death.

I do believe, Mr. President, that fear is at the bottom of most of the opposition to the treaty—not alone the fear of losing one's life through enemy instruments of destruction, but the fear that from this very small first step there may emerge a changing pattern in the world, a pattern from which may be molded a world of universal law rather than universal war and preparation for such war.

If we should find ourselves in a position of not having to be constantly preparing for war, it would indeed change the pattern of our national economy. A substantial part of our gross national product is generated directly and indirectly from arms production and preparation for possible war. This business has always been profitable in many countries.

I can well understand the fears of management, investors, and employees that their business, their incomes, and their jobs might be curtailed if the seed planted by the treaty should grow to greater proportions.

However, I feel that this fear which is reflected in some of the letters I receive is unwarranted as far as the test ban treaty is concerned.

Secretary McNamara has already announced his intentions to ask for more money for next year rather than less. There is not the slightest possibility that appropriations for defense purposes will be materially reduced by Congress in the foreseeable future. Costs of the Defense Department have increased $8 billion in the last 2 years and we will be very lucky if this sharp increase does not continue.

We have been living on borrowed money and borrowed time for many years. The danger to our political system today is probably greater from monetary disaster or internal disturbances or a continued deterioration of governmental processes than it is from an enemy attack from the outside.

The question is frequently asked about the relative strength of the United States and Russia in the various phases of nuclear weaponry both offensive and defensive. No one, not even Mr. Khrushchev or our own Joint Chiefs of Staff, can answer that question accurately without a detailed examination of data furnished by the other side, a situation which is not likely to happen.

We do know, however, that neither Russian or the United States has or is likely to develop airtight defense against delivery of bombs of 1 to 50 megatons or even more.

We do know the probable effect of bombs of various strength exploding at different altitudes.

We do know that a 10-megaton bomb would destroy virtually all buildings within a distance of 8 miles from the point of explosion.

We do know that the same explosion would reduce to cinders every human being exposed within this area irrespective of race, creed, color, or station in life.

We do know that a 10-megaton bomb would start fires for a distance of 30 miles from the seat of the explosion.

We do know that a nuclear bomb explosion would burn the retinas of every living being who happened to witness the explosion from distances of up to 500 miles depending on the altitude of the explosion, thus causing total or partial blindness.

We do know that the explosion of a 10-megaton bomb would cause first-degree burns on any unprotected person within a distance of 35 miles, and second degree burns to a distance of 25 miles.

We do know that the fallout from the explosion of a 20-megaton bomb would drift downwind for a distance of over 300 miles, sentencing all people in its path to incurable misery for such life as might remain to them.

We do know—everyone of us within his own heart—that unless the nations now possessing the nuclear bomb make a determined and sincere effort to prevent its use, the time will come—and it may come quickly—when this weapon will be tested on human targets.

This limited test ban treaty in itself does not and will not prevent the use of nuclear weapons by one nation upon another. It is not intended to.

It will, however, serve as a faint ray of hope to the world that the nations now possessing the bomb are well aware of its power to destroy the progress which mankind has made over tens of centuries and that those nations will try to prevent a holocaust on earth.

Approval of the treaty will mean that a dozen other nations that have the means and the know-how to make nuclear bombs will not attempt to do so.

Not all the nations on earth will sign this treaty. A half dozen will refuse.

The vote of the Senate will tell the world whether the United States stands with most of the nations of the earth or whether we stand in company with only Red China, France, Albania, and Cuba in our opposition.

Mr. President, with due regard for the sincerity of those who will vote against the partial test ban treaty and with full recognition of the fact that there are risks, particularly the risk of "euphoria," as well as advantages involved, I will say that since the treaty was submitted to committees of Congress on July 23 and 24, no evidence has been presented to convince me that the advantages do not far outweigh the risks.

Therefore, Mr. President, I trust that we may have a nearly unanimous vote of the Senate in favor of this first short hopeful step on a long, long journey to peace.

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

Mr. AIKEN. I am glad to yield.

Mr. MANSFIELD. Mr. President, I commend most highly the sound, solid, and statesmanlike speech just delivered by the distinguished senior Senator from Vermont, the ranking Republican Member of the Senate. He is not noted for sensationalism. He is sober and hard-working. He attended the meetings of the three committees during the course of their consideration of the treaty. He always renders a distinct service to the Senate, to his State, and to the Nation.

I express to him my personal thanks for the fine speech he has made, and acknowledge that it is another of the many important contributions the distinguished Senator has made during his 22 years of service in the Senate. I commend him.

Mr. AIKEN. I thank the Senator from Montana. I know of no one whose approval I would rather have.

Mr. FULBRIGHT. Mr. President, will the Senator from Vermont yield?

Mr. AIKEN. I am glad to yield.

Mr. FULBRIGHT. I should like to associate myself with the statement of the Senator from Montana. During the committee's consideration of the treaty, the Senator from Vermont rendered most valuable service—as he always does. Not only did he make the motion that the treaty be reported from the committee to the Senate, but—in addition, and in particular—he also made the motion that it be reported without reservation. In my opinion, that enabled the committee to avoid a great deal of struggle, difficulty, and delay in dealing with possible reservations.

Therefore, as chairman of the Foreign Relations Committee, of which the Senator from Vermont is a senior member, I am greatly indebted to him for what he has done to make the work of the committee move along in a reasonably efficient way. His assistance has been of vital importance in connection with bringing the treaty before the Senate.

I appreciate very much the great importance of the service of the Senator from Vermont, both in connection with this treaty and in connection with all the other important business of the Senate. I appreciate particularly his most valuable service in connection with the treaty; and I am sure the country will, too.

Mr. AIKEN. I thank the Senator from Arkansas. Let me say that if any guilt is connected with the activities he has described, I plead guilty. However, I must confess that my principal interest was to have the treaty reported from the committee and before the Senate, so the Senate could take action on it, and then could proceed to the transaction of its other business. That may have been a selfish motive; but, at the same time, I thoroughly believe in the statement I have made, and also in the advisability of obtaining overwhelming approval by the Senate of the test ban treaty at as early a date as possible.

Mr. FULBRIGHT. It is most fortunate that the Senator's personal wishes and interests happen to coincide with the national interest. I know of no happier combination.

Mr. COOPER. Mr. President, will the Senator from Vermont yield?

Mr. AIKEN. I yield.

Mr. COOPER. Mr. President, I consider it a great privilege to have heard the speech of the Senator from Vermont. I know that all of us are naturally concerned about our position in regard to the treaty. It gives me—and I know it gives the Senate—greater confidence and assurance to know that the Senator from Vermont, the ranking Republican member of the Foreign Relations Committee, and a man of sound and practical judgment, has decided to support it.

Of course, the unknown always gives cause for concern; but the risk of nuclear war is known, and I believe it also gives the leaders of the Soviet Union cause for concern.

Mr. AIKEN. Yes. I feel that the Senator from Kentucky is—as usual—correct in his analysis of the situation. It is fear that prompts the opposition to the treaty; but I have no doubt that the same fear or apprehension is held by people in other countries—probably including the Soviet Union itself. I feel that we always live in the shadow of fear of some kind. However, the fear of a nuclear war seems to transcend most of the other fears that have been dreamed up over the centuries and during many generations. It is in the hope of taking a very small, first step toward allaying this fear and toward making it more bearable that we are supporting this partial test ban treaty.

Mr. COOPER. I hope—and I am sure the Senator from Vermont does, too—that not only will it be a first step, but it will also lead ultimately to a completely enforcible ban on all nuclear testing, including testing under ground, and it also ultimately will bring to an end the nuclear arms race.

Mr. AIKEN. I share the hope of the Senator from Kentucky that this is only a first step; but I fear that future steps probably will be equally as difficult, if not more so, and that they may be longer in coming to realization.

However, if we once give up hope and give up the effort to achieve a world without war—particularly, a world without nuclear war—we have a right to be very discouraged.

I do not believe the world has given up hope. Of course, as I have said, every Senator's office has received probably from 2,000 to 10,000 communications on the subject of the test ban treaty. Possibly the majority have been received from the two States in which apparently the opposition is well organized.

However, I believe we find a hopeful sign in the fact that more than 190 million of the American people have not written to Senators about the treaty, and are willing to leave the decision to the Senate.

Mr. PELL. Mr. President, the Senate is now concluding a thorough, exhaustive debate on the ratification of the partial nuclear test ban treaty.

In the back of many of our minds is the thought that if we do not do something to prevent our present international atomic "danse macabre" upon the precipice of nuclear coannihilation, one of the dancers will make the inevitable slight misstep and fall into the crater's abyss, and that one will not be immolated alone.

It has been brought out that the Soviet Union could conceivably cheat and engage in small covert tests. Then, too, we have examined the record of the Soviets with regard to the scrupulousness with which they have honored past obligations, and we have found them lacking.

As opposed to these risks, however, we are presented with mounting evidence of the apparent adequacy of our present defense posture.

Secretary McNamara has stated unequivocally that we now have the capacity to absorb a full-scale nuclear attack by the Soviet Union and still destroy them in retaliation. They, too, presumably have a similar capacity.

To put the matter in different terms, the estimated total explosive power of the combined nuclear stockpile now held by the United States and the Soviet Union adds up to approximately 50 billion tons of TNT, which is enough to put a 10-ton bomb over the head of each human being in the world.

We have now the actual numerical edge in tests in that the total number of announced nuclear tests conducted by the West has been 315, while those conducted by the Soviet Union have been estimated at 126. Here we find the West with a numerical superiority over the Soviet Union in testing experience. Of these totals, the West conducted 213 which emitted radiation into the atmosphere and the Soviet Union 125, according to Western estimates.

The continuous injection into the atmosphere of the poisonous strontium 90, resulting from atomic tests, has already gone higher than we as parents, and as progenitors of yet unborn generations, can permit.

The political platforms of both the Democratic and the Republican parties have called for the ending of atmospheric nuclear testing along the lines of the treaty we presently have under consideration. Specifically, the 1960 Democratic platform supports "means for ending nuclear tests under workable

safeguards." And the 1960 Republican platform reads "we advocate an early agreement by all nations to forgo nuclear tests in the atmosphere."

The treaty upon which we are now being asked to give our advice and consent does just what both our parties' platforms seek. In fact, not to approve it would be a breach of faith with our people.

In this regard, and transcending national politics, was the eloquent plea to consent to the resolution of ratification of the minority leader, Senator DIRKSEN, who placed his honor, his principles, and his belief above limitations of partisan consideration or the possible results of mailbag pressures.

There is little doubt in my mind as to the overall advantage to the United States and to mankind—for we cannot truthfully separate ourselves from mankind—of ratifying the treaty. In the course of the debate, I have sought continously to understand the arguments of the opponents of the treaty. I do understand and realize these arguments are presented in good faith and are based on points of valid criticism. Yet, I continue to believe that the benefits of ratification far outweigh rejection and I look forward gladly and proudly to voting for the treaty's ratification.

Mr. CURTIS. Mr. President, in rising to speak on whether or not the Senate should advise and consent to this treaty, I speak for no one but myself. I realize that I must search my mind and heart and assume the responsibility. The future of the United States of America and the hope of establishing a just and lasting peace have been my guidelines.

In my opinion, every Member of the U.S. Senate is acting with integrity and with the highest sense of patriotism. I disagree violently with some of their positions, including utterances that have been made concerning further steps to be taken. But, my challenge goes to their strategy and to the wisdom of their proposals for dealing with the Communists and not to their motives. All I ask of those in the Senate and throughout the land who disagree with me is to grant to me the same recognition of honesty of purpose.

I yield to no American in my dread of war and my desire for a just and lasting peace. I served in Congress through two wars, when the draft calls were heavy and the casualty notices were numerous.

All of us have seen the relentless march of communism. All of us have witnessed the expansion of atheistic, imperialistic, cruel and destructive communism, the takeover of millions of square miles of the earth's surface and the bonding of millions of helpless people into slavery. I, too, have observed these things and I want to act in the best interests of my country above all else.

The Constitution of the United States imposes upon this Senate the power and responsibility to assist in making treaties. Our powers and responsibilities are not limited to ratifying the act of the Chief Executive nor can we discharge those responsibilities by merely responding to world propaganda forces.

In debating this treaty there are many points to consider. There are a few very fundamental questions that must be asked. Will this treaty bring a just and enduring peace to our country and to the rest of the world? Will it lessen the strength of the United States as a force for maintaining the peace? To repeat, will it aid or hinder this Nation's leadership in the free world's defense? Can we serve the interests of our country by embracing Russia in a solemn treaty? Will the Communists honor the treaty? Are there other overriding considerations such as the danger of radioactive fallout so paramount as to persuade us to accept a treaty if otherwise it is not in the interest of the United States?

I, too, have attended the committee hearings, both open and executive. I, too, have read secret testimony taken in committees when I was not present. I, too, have sought the wisest counsel that I can find.

First, let us consider what it is that maintains the peace. We have seen country after country go under the heel of the Communist tyrants. There is a long list of them. I call attention to the cruelty, the murder, and the treachery of the Communist attack upon Hungary only a few years ago. We have witnessed helpless people succumb to the might of the atheistic Communists. I call attention to the establishment of a Communist beachhead in the Western Hemisphere in Cuba. We have read about the ill-fated Bay of Pigs invasion that failed, not because it lacked in hope or good intentions, but because it lacked the necessary military strength to make it succeed.

Following World War II the leaders of our Government did collaborate with Communist Russia. An example of faith in the Communists was expressed in an interview published in Life magazine in 1943 by our Ambassador to Moscow, Mr. Joseph E. Davies.

Mr. President, I ask unanimous consent that the interview be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. CURTIS. I will not take time now to discuss the utterances of a long list of well-intentioned but mistaken people who, following World War II, clamored for us to share our atomic weapons with the Communists. Those utterances were made and everyone knows it.

It remained for Winston Churchill to come to the United States and make a speech at a little college in Missouri. I believe it was Westminster College. It was there that he shocked some of the complacent people of America by using the term "Iron Curtain." He warned the West what the Communists were doing behind the Iron Curtain. Winston Churchill said the only thing that stood in the way of the Communists making all out war against our country and his country was the possession of the atomic bomb by the United States.

When are we going to realize it will require the regeneration of the hearts of men in every country of the world to bring a just and lasting peace? I, too, pray and hope for that time to come, but in the meantime I am convinced we must have a strong national defense. Until that great day comes when the spirit of the Prince of Peace shall rule in the hearts of men all over the earth we must have police forces to protect us from the criminals. We must have a national defense capable of resisting any attack on our country or we shall be in the gravest danger.

Peace is maintained by being strong. A couple of weeks ago I appeared on a television program. A distinguished newscaster presided. He, with good intentions, stated a fallacy. He said that in the past the peace had been kept through a balance of power. The fact is that the peace has been kept through an imbalance of power. Our military superiority has prevented the Communists from attacking us.

I wish that every Senator had read the testimony of Gen. Thomas S. Power before the classified portions were deleted. He is commander in chief of our Strategic Air Command and Director of the Joint Strategic Target Planning Staff.

If war were to start tomorrow, upon the shoulders of General Power would fall a greater responsibility to protect our cities and towns, our men, women and our children, and our factories, than would fall upon anyone else.

In presenting General Power, the Senator from Mississippi [Mr. STENNIS] said:

> General Power commands and controls the most powerful strategic striking force which has ever been assembled in the history of the world. The long-range missiles and manned bombers of SAC, in combination with our Polaris submarines, represent the very heart of our retaliatory force and of our deterrent of a catastrophic nuclear war.
>
> In the past, testing has played a vital role in the development of the nuclear weapon systems which are the basis of the superiority of our strategic forces. It is essential to our national security that this superiority be maintained in the future. Thus the crucial question with which we are confronted is the impact which the proposed limitation on nuclear testing will have on the integrity and survivability of our strategic retaliatory forces.
>
> As the operational commander of these forces, General Power is in a unique position to assist us in reaching correct conclusions on a number of troublesome questions which have arisen during the course of this inquiry.

Here are some of the things General Power said:

> I don't think it is in the best interests of the United States. That is the basic reason.
>
> Senator STENNIS. That is a mighty good reason, and if you will just give us the details of that now, we will be glad to give you such time as you wish.
>
> General POWER. I feel that we have military superiority now, and I feel very strongly that this has resulted in a world that has been free from nuclear warfare. I have a lower confidence factor that we can and will maintain that military superiority under the test ban treaty than I have under a condition in which we do not have a test ban treaty.
>
> Senator STENNIS. Would you give more of the details of the reasons why it would affect us adversely.
>
> General POWER. Well, you mentioned in your opening statement one of the very important reasons. There are voids in our

knowledge about the vulnerability of our ballistic missile systems. [Deleted.] That is one.

At the same time we have been switching the emphasis from the manned bomber to the ballistic missile, so more and more of your deterrent posture is going to depend on this weapon system.

For example, in 1959 we had better than 2,000 bombers in the Strategic Air Command, and 10 years later, in 1968, we will have some 700. We will in the meantime have added better than [deleted] ballistic missiles.

Now to fill that void we have introduced the ballistic missiles. This missile has never been operationally tested all the way through from stockpile to detonation, and we have never tested such things as the vulnerability [deleted] due to shock wave propagation, due to blackout, there are many voids in our knowledge as to the operational capabilities and vulnerabilities of this weapon system.

In particular the RV [deleted] thermal effects, blast effects—cannot really be tested from my point of view as an operator until you test it in the nuclear environment, and as I am responsible for writing the war plans of the free world, I have to deal with facts.

I have to deal with proven data, and if too much of the data is extrapolated or theoretical, I do not have a high confidence factor that I have a sound plan. We are dealing with the security of the United States, and if facts can be obtained, I want to have them.

Senator STENNIS. You enumerated several points, areas in which testing was incomplete. Perhaps you would want to develop each of these points a little further. You say you have to extrapolate too much, and they hand you information that you are not certain of as to its completeness. What fields are they now? Go over it again, if you will.

General POWER. In all fields. We have never completely tested any of the nuclear weapons in SAC's arsenal.

Senator STENNIS. I want it spelled out in detail, because there have been general assurances here that everything has been done that could be done.

General POWER. Let's take the bombs first.

Senator STENNIS. Yes.

General POWER. I have some [deleted] different types of nuclear weapons in the Strategic Air Command arsenal. None of them have been tested operationally from stockpile to detonation. I think this is a mistake. I think they should be tested.

The only way you can prove a weapon system is to take it out of the stockpile in a random pattern and let the tactical unit take it out and detonate it. If you haven't done this, there is always a chance that something has happened that we won't discover until too late. [Deleted.] The point I am making is that, unless you test the very thing that is in your arsenal you are never certain, and the stakes are so high I feel we must be certain.

I would like to operationally test all my weapons. This means the missiles should be fired, and these reentry vehicles detonated in space to make sure that the warhead will go off and to test our operational factors.

Senator STENNIS. I think it is highly important that you enumerate the problems. You started with the nuclear weapons. Just go right on down the line and detail what has not been done and how the ban on nuclear testing would cut it off, and the extent to which it would hamper you.

General POWER. We have not tested any of the operational warheads in our inventory. That includes the missiles and the bombs.

Senator STENNIS. Let me interpose there. The test ban would not change our policy on that, because we are not doing it anyway. What is your response to that?

General POWER. I would urge that they do it. I have repeatedly requested that they do it.

Senator STENNIS. And you think that our information in that field is incomplete under present conditions?

General POWER. That is correct.

Senator STENNIS. And if we go into the test ban agreement, we would be precluded from even changing our minds.

General POWER. That is the very fundamental first step. Now there are great voids in our knowledge on such things as [deleted] shock wave propagation, blackout, communications, and command and control that, in my opinion, can be obtained only through atmospheric testing.

In the field of high-yield weaponry, I feel that the Soviet Union now has a technical lead as a result of their tests in 1961 and 1962. They have a lead in their weight-to-yield ratio in the big bomb categories, and I feel that we should overcome that lead. You can only do this through testing in the atmosphere in my opinion.

Some of this can be obtained in underground testing, but I don't think you can fully get the answers unless you explode a weapon of this size, and I am talking about yields above [deleted] megatons.

Now in the field of clean weapons, it is of tremendous importance to everybody in this world that we get these weapons as clean as we can so we don't have the fallout effect which tends to prohibit their use. Then, if you do have to use them, they will not cause unnecessary or indiscriminate killing. I think that, with testing in the atmosphere, you could arrive at a clean weapon faster than you can in underground testing.

We know that the Soviet Union now leads us in the field of weight-to-yield ratio and in the cleanliness of these high-yield weapons. There is evidence that they have advanced very far along the spectrum of the state of the art. [Deleted.]

My instinct tells me that it is to their advantage to have this test ban treaty now. [Deleted.] I just feel we have obtained our position in this world today, our military superiority, through our weaponry, through our scientists, and through testing.

We could not be in the position of talking with confidence that we could prevent a thermonuclear war unless we were strong, and we basically got our strength through these weapons and through testing. I just feel that the surest way to prevent war—and that is my goal, and I feel very strongly about it—is to have overwhelming strength so that it is ridiculous for anybody to even think of attacking the United States. That is what it has been in the past and that is what it is today.

It has unpleasant features, yes, but the surest way in my opinion of preventing a thermonuclear war is to have overwhelming strength, and I think this is one area in which we can beat anyone.

I think our science, our economy, and everything else can help us win this race. We have won it in the past, and I think we can continue to win it. But it takes the will to do it. That is an off-the-cuff summation about how I feel about it.

I am seriously concerned about losing our military superiority, because I think that this superiority has resulted in a peaceful world as far as nuclear war is concerned, and I can't think of anything more important than to keep the world safe from a nuclear war.

I think if we get into one, there will be no winners, only losers, and I think mankind will have reached its highest plateau of stupidity if it tries to reach its aims and goals or settle its differences with nuclear weapons.

However, I think that our formula to prevent this has been a successful one to date, and it is a real simple formula. We have had overwhelming military superiority to the point where it is ridiculous for Mr. Khrushchev to even seriously contemplate attacking this country. Now I maintain that it is possible to hold this type of lead, and that is what I recommend.

Senator JACKSON. In other words, you feel that peace depends not on the maintenance of a balance of power, but a maintenance of an imbalance of power in favor of the West.

General POWER. That is correct.

Senator JACKSON. Over the Soviets.

General POWER. Words mean nothing. Our record speaks for itself. The world knows we are not going to use these weapons to bully people, to accomplish any of our external goals, or to take over any territory. They are in mature, moral hands. I think we should maintain this type of superiority in those mature, moral hands.

Mr. President, the testimony of the Joint Chiefs of Staff condemns this treaty. They state absolutely it has military disadvantages. I recommend that Senators read their entire testimony. We must heed the enumeration of the military disadvantages to this country as stated by the Chiefs of Staff. I asked the Chiefs of Staff, If this treaty went into effect, would it lessen the cost of our defense? The reply was that it would increase the cost of our defense.

One of the greatest patriots I know, a soldier, a man who has given much of his lifetime in defense of this country and in defense of liberty, is a distinguished native of my State, Gen. Albert C. Wedemeyer. Before asking to have printed in the body of the RECORD his letter to me, I want to read a few significant portions. Speaking of the military, he says:

We have fought and won two wars at great sacrifice in lives and treasure. In each case we have lost the peace, primarily because our political leaders and their representatives were naive, trusting, and inept. The Versailles Treaty, Yalta, Teheran, Potsdam, Korea and Cuba were the products of political minds, not military.

I commend to the Senate General Wedemeyer's letter, and I ask unanimous consent that it appear at this point in my remarks.

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

BOYDS, MD.,
September 17, 1963.

Hon. CARL T. CURTIS,
U.S. Senate,
Washington, D.C.:

I gladly comply with your request for views concerning the test ban treaty now under consideration in the U.S. Senate. As you know, I have spent most of my mature life in the military service, striving to improve knowledge and to acquire experience in connection with the security of our country, both military and economic. One of your colleagues across the aisle a few months back expressed the opinion that military leaders do not have the capability nor the responsibility of considering economic and political factors.

We have fought and won two wars at great sacrifice in lives and treasure. In each case we have lost the peace, primarily because our political leaders and their representatives were naive, trusting, and inept. The Versailles Treaty, Yalta, Teheran, Potsdam, Korea and Cuba were the products of political minds, not military.

I read in today's paper that the same Senator mentioned above now suggests that we "emulate the seagull and devise suitable forms of ceremonial combat in which no one is hurt." If the Members of Congress take seriously such an ill-advised suggestion by the chairman of the Foreign Relations Committee, the much discussed test ban treaty should be referred to the American people in a national referendum. It is my considered judgment that this treaty presents the gravest problem that has confronted our Nation in many years. If Congress were to be influenced in this vital matter by Senator FULBRIGHT's levity—the seagulls may not be hurt but millions of Americans would be at the mercy of Khrushchev and his henchmen in the Kremlin.

While commanding troops in combat, I frequently visited the wounded. They would often ask me, "Why are we here in this faraway place? What are we fighting for?" I explained that we were fighting to protect our rich heritage of freedom and to make available to less fortunate peoples similar opportunities for individual freedom and the dignity of man. My point is simply this, CARL. If U.S. Senators taunt military leaders and make light of a terrible threat to the security of the United States, what is there left to defend?

Every sensible person would be happy to support a disarmament program. However, before this could be done safely, of course, we must eliminate the reason for the existence of armies, navies, and air forces. In American communities where people speak the same language and have the same customs we must maintain restraining forces to protect those who would obey laws against those who would violate them. In this test ban situation we are not dealing with people who speak our language, literally or figuratively. The leadership of the Soviet Union has arrogantly boasted since the Communist revolution more than 40 years ago that they will communize the world. Their program is being carried out by a disciplined, highly trained membership fanatically dedicated to victory. If they are unsuccessful in conditioning peoples' minds to accept step-by-step surrender through the employment of propaganda, economic pressures, and Machiavellian maneuvers, then they invariably resort to violent and diabolical means.

The President has described the test ban treaty as a first step toward disarmament. This has great appeal to the American people. However, in the present international environment we must retain overwhelming military strength and realistic safeguards. The cost in materials and dollars of such a program would be high, but we would be providing realistic protection for our most precious commodity—American lives and freedoms. A considerable amount of money could be found in the foreign aid program which presently is directly or indirectly strengthening the sinews of our enemy.

The Soviet Union and her satellites continue ruthless aggressions and disregard of treaties and obligations. They will only honor agreements when advantage accrues to them. President Franklin Roosevelt may have had some excuse for his naivete in dealing with this international conspiracy but since his time, through the valiant efforts of civic-minded patriots and Members of Congress, the complete record of Communist perfidy has been made readily available to political and military leaders and to the American body politic. Recently the President with commendable fervor explained to the Nation that Mr. Gromyko, the Soviet Foreign Minister, had lied to him about the presence of Soviet missiles in Cuba. This is the same Gromyko who recently initiated the test ban treaty which the President is now urging you and your fellow Congressmen to ratify in good faith.

I do not agree with Secretary of Defense McNamara or the Joint Chiefs of Staff if they accept parity with the Soviet Union in the development of nuclear weapons. It is my belief that we must generate and maintain a working superiority in this field. If the comparative strengths are in delicate balance, the leaders of the Kremlin would be inclined to risk war.

I urge you in behalf of the people of the State of Nebraska which you so ably represent, in behalf of all our countrymen, and in fact, in behalf of mankind to vote against the test ban treaty in its present form. I strongly urge the introduction of an ironclad reservation which will provide a foolproof inspection system. Without such reservation, it is my judgment that the test ban treaty, if approved, would unacceptably jeopardize not only the military security of the United States but also of the free world.

A. C. WEDEMEYER.

Mr. CURTIS. Mr. President, I read in the newspapers that the Secretary of Air was scheduled to attend a reception of the Air Force Association, a group dedicated to improving our Air Force and maintaining it at its very best, not for aggression but for peace. The Secretary of Air canceled his appearance. Why? Because they had the audacity as free Americans to express an opinion on a matter pending before the Senate of the United States. What kind of notice is that to others who might have an honest disagreement? What kind of notice is that to other organizations that might want to assemble and discuss a vital public question? What kind of notice is that to Members of the Senate who might disagree with the wisdom of this treaty?

Speaking of the defense strength of this country as a means of preserving the peace, I want to pay my respects to the Honorable RICHARD RUSSELL, the distinguished and experienced Senator from the State of Georgia. He is the Chairman of the Armed Forces Committee. Does not his 30 years of experience on that committee and on a predecessor defense committee qualify him to express an opinion? Does not wisdom compel us to pay heed to what he says? Since Mr. RUSSELL has served on the defense committees, 40 Secretaries of Defense and of the separate branches of the service have come and gone. There have been 25 Secretaries come and go since he has been chairman of the committee.

Many fine men are called to serve as Secretary of Defense. They come from private life into totally new surroundings and when any one of them quickly and glibly says "Yes" to every query pronounced to him concerning a matter proposed by his superior it causes me to wonder. I could not do it. I do not think anyone else could. I want to give heed to what Senator RUSSELL has to say about this treatry.

Senator RUSSELL is not a maverick. He loves his political party as I love mine. He feels an attachment to the individuals in his State whose political beliefs agree with his, just as I feel an attachment to the people who adhere to the same political principles as I do and who work unselfishly time after time to elect me to this office. It was not easy for Senator RUSSELL to oppose his administration. He spoke from deep conviction from the heart and from a desire to serve this country. I, for one, am not going to brush his statements aside.

May I also pay tribute to the Honorable JOHN STENNIS, of Mississippi, the chairman of the Preparedness Investigating Subcommittee of the Armed Services Committee, and all the other members who joined with him in their scholarly report. These men are experts in matters of defense. They are not seeking partisan advantage. They do not want the United States to adopt the wrong course. They are not warmongers. I would like to list the disadvantages of this treaty enumerated in the report of Senator STENNIS and his committee. They are as follows:

First. The United States probably will be unable to duplicate Soviet achievements in very high yield weapon technology.

Second. The United States will be unable to acquire necessary data on the effects of very high yield atmospheric explosions.

Third. The United States will be unable to acquire data on high altitude nuclear weapons effects.

Fourth. The United States will be unable to determine with confidence the performance and reliability of any ABM system developed without benefit of atmospheric operational system tests.

Fifth. The United States will be unable to verify the ability of its hardened underground second-strike missile systems to survive close-in high yield nuclear explosions.

Sixth. The United States will be unable to verify the ability of its missile reentry bodies under defensive nuclear attack to survive and to penetrate to the target without the opportunity to test nose cone and warhead designs in a nuclear environment under dynamic reentry conditions.

Seventh. The treaty will provide the Soviet Union an opportunity to equal U.S. accomplishments in submegaton weapon technology.

Eighth. The treaty will deny to the United States a valuable source of information on Soviet nuclear weapons capabilities.

Does anyone doubt the great and growing strength of the Soviet Union? It is not limited to a manned air force and submarines. Does anyone doubt that they have missiles, intercontinental missiles, aimed at us? Does the Congress have a responsibility to strive for the surest defense against a missile attack? I hope that I am not termed obsolete when I quote from the Constitution of the United States. It says that the Congress shall provide for the common defense.

We face many problems in our defense, but I do not happen to hold to the belief that certain things are impossible in the field of science and invention.

The President has stated that missile defense is beyond our reach. A few days later Secretary McNamara, using a more positive approach, explained that even without the experiments prohibited by the test ban treaty we will be able to gain the information needed to plan our

missile defense. Are these two statements contradictory? We must assume that they are compatible.

The President did not say that a partial defense against missiles is impossible. We should interpret his statement as the reasonable assertion that complete defense against a Russian missile attack is not likely to succeed.

In fact, missile defense is an extraordinarily difficult task. Missiles move with speeds exceeding that of sound, or of the fastest plane or bullet. Several missiles may arrive in a single salvo. They may be accompanied by dozens of decoys. We must discriminate between the real missiles and the decoys, and then destroy all of the "hot" missiles. All of this must be done before the missiles reach a distance within a few miles of their target. A completely satisfactory solution is unlikely indeed.

Secretary McNamara pointed out on the other hand that many of the vital problems of missile defense can be solved without atmospheric testing. We will be able to develop the radar needed to observe the incoming objects. We can study the fine points which may permit us to distinguish a bomb from a decoy. We may use underground tests to develop the best anti-missile explosive.

But there are some things we cannot do. We cannot test our defense setup against a simulated attack. We cannot build up the body of experience needed in practical matters of some complexity. Would we dare to build our Navy without having ever launched a steamship? Would we have confidence in our fighter planes if experience with them were restricted to tests in a wind tunnel?

Specifically we should know in what way our own defensive explosions interfere with each other and with the observation of other missiles in the same salvo. We are hunting a pack of wolves and all the wolves must be destroyed. We are using ammunition, the flash of which may blind the hunter.

We cannot make a direct hit on each incoming missile. We must use nuclear explosives as a defense against nuclear warheads. Such nuclear explosives can kill from a distance. But what distance? Do we need to vaporize the incoming object, or will lesser damage suffice? If the surface of a missile is damaged, its fast passage through the atmosphere may complete its destruction. Experience in all these matters is badly needed.

The Russians have performed many more atmospheric tests in the missile age than has the United States. The Soviets have claimed that they have solved the problems of missile defense. These claims may be empty boasts, but for us to disregard them may be a deadly peril. The recent book by the Russian, Marshal Sokolovsky, entitled "Military Strategy," leaves no doubt about Russian determination on missile defense.

It is to be noted that Secretary McNamara did not say that our missile defenses will be actually deployed. He mentioned no date; he made no commitment. Will lack of atmospheric experimentation induce enough doubts in our minds to tip the scales away from safety? The Russians may try to build up their defenses and may well succeed, while we may never give missile defense a full trial.

It may well be that a massive Russian attack will penetrate any defense we can install. But we may parry any small attack that the Chinese can mount during the 20th century. We are worried about proliferation. We can and we should defend ourselves against its consequences. Missile defense may turn out to be the correct move with which to counter Chinese nuclear power.

The announcement of the test ban was followed by the President's pessimistic evaluation of our missile defense. We must hope that these two facts are not related. If our interest in test cessation diverts our effort from missile defense, then the test ban will not have served our security.

We must bend our efforts toward an early and successful plan for missile defense. The ban will certainly impede our effort and this fact alone is a strong argument against the ban. The Russians may well be ahead of us in missile defense. If so, we shall have a difficult time catching up with them. This is an even more telling argument against the test ban treaty.

Our emotions have been aroused by those who run away from the facts and talk about Hiroshima or Nagasaki, and then say that I am for something that everyone condemns. Let us face the facts. The defense against a nuclear missile attack is dependent upon testing in the atmosphere, and we are proceeding to tie our hands in that field. I ask, who is it that is concerned about the terror of a nuclear attack?

The missile-atomic age has moved our country into the front line of a possible war. A treaty that weakens our missile defense endangers the security of our military defenses, our cities, and our homes.

I call attention to the words of one of the country's most distinguished citizens on the necessity of military strength as an instrument of preventing war and keeping the peace. I want to quote to you what Adm. Lewis Strauss had to say about this. He said:

> May I be so bold, in conclusion, as to call to mind a fact repeatedly experienced and then forgotten through the generations. Because civilized man abhors war, he is attracted by any apparently reasonable proposal that is labeled "peace."
>
> Too often, however, and too late, a pact hailed by a hopeful majority as signaling "peace in our time" actually turns out to be a first step on the path to disaster.
>
> In the past, it has been only our strength which has kept the peace. For many years, our strength will be our surest, perhaps our only assurance of peace.

Many well intentioned and well informed people have fears about this treaty. When I use the term "fear," I use it in its connotation as relating to being prudent and not in any sense indicating cowardice. Will anyone deny that such fear exists in the minds of many Senators? Millions of Americans fear this treaty. Many members of the Armed Forces who were not called to testify have privately expressed grave fears about this treaty.

Is it our duty to allay their fears with promises? Or do we have a duty to do our very best to ascertain the truth of these fears? Much has been said about the fear of injury to human beings from radioactivity that occurs in fallout from a nuclear explosion in the atmosphere. Good people have been concerned about it. Designing people have used it as a propaganda weapon. Fear of radioactivity has been preached to the masses in the far corners of the earth.

Many have spoken and written about it, and I have done my best to read the testimony and secure the opinions of the best authorities. While there is disagreement on the subject as to the degree of this danger, there is nothing in the hearings to give us sufficient reason to advise and consent to a treaty on this basis.

After I had read the material of one of the top scientists in the United States, I sought a conference with him. We talked and we exchanged some correspondence. I asked him to find for me an accurate statement on this radioactivity problem written in layman's language which I would understand, which at the same time was scientifically accurate. He referred me to the book entitled "Nuclear Ambush," by Earl H. Voss, a careful writer and a distinguished Washington newspaperman. The book was published in 1962. This scientist directed my attention to certain pages of Mr. Voss' book. I want to read what he has to say:

> This excursion into the basic science of radiation has shown that the hazard of nuclear test fallout is trifing—3 to 5 percent—compared to background radiation hazards the world accepts without question. How distorted the thinking has become can be made clear by comparing fallout with other hazards, using some popular statistical techniques.
>
> Over the past 20 years, in the United States, there have been six fatal accidents and a small number of injuries to atomic energy workers from ionizing radiation. For most of these 20 years automobile accidents have been causing more than 30,000 deaths per year. But each of the 4 radiation accidents that caused 6 deaths among atomic energy workers has received worldwide publicity; the fact that over 100 nuclear-energy workers have been killed in automobile accidents alone during the same period has gone unnoticed.
>
> Smokestacks belch millions of tons of acid, silicone, beryllium, lead, and arsenic—all widely suspected to be cancer agents—while scientists are sifting the air for faint traces of radioactive fallout.
>
> Living in a brick house gives a person 20 times the radiation dose one gets from fallout. But world attention has been concentrated on limiting the strontium 90, not on finding a substitute for bricks. There is no known case of moving from a brick house to a frame house to avoid radioactivity.
>
> Luminous-dial wrist watches give off as much as 10 times the radiation dose that fallout produces.
>
> Science suspects automobile exhausts, as it suspects fallout, of producing cancer. But no one has suggested declaring a moratorium on automobile transportation, or even making a multi-million-dollar investigation of auto exhausts.
>
> Principally because of the fallout problem, science has been stimulated to learn much more about radiation as a cause of cancer and other health problems than it knows

about almost any other occupational or environmental hazard. Benzpyrene, for instance, was discovered in the early 1930's to be a powerful cancer-producing agent in mice. Combustion of petroleum by autos yields more than enough benzpyrene to produce a cancer hazard. In large American cities, there is so much benzpyrene in the air that it settles on windowsills in measurable quantities. But there has been no scientific investigation of the hazard of benzpyrene at low doses.

"I presume that we want to save thousands of lives in this country every year and we could just abolish the manufacture of automobiles and go back to riding horses," Senator BOURKE HICKENLOOPER, of Iowa suggested facetiously in one committee hearing on fallout. "It seems to have struck a balance in the minds of people that transportation is important and we keep making automobiles, people keep getting killed by the thousands on the highway every year. We are all sad about that."

On the east coast, the annual radiation from natural sources is about 0.1 roentgen per year, while Denver and other large Coloradan cities get about twice that amount from natural background sources. Denver is expanding despite this health hazard. And New York reports a higher rate of leukemia than Colorado, presumably from causes other than radiation.

In southern Illinois, where the drinking water contains unusual amounts of radium, persons store about 10 times as much radium in their bones as those living in Chicago. But there is no significant difference in the bone-cancer rates so far detected.

People living in Albuquerque, N. Mex., annually absorb much more radiation in their mile-high homes than do people in Washington, D.C. The excess is greater than that received by Washington residents from all bomb-test fallout to date. Yet most of the citizens of Albuquerque continue to reside there.

If the incidence of lung cancer from cigarettes is assumed to be linear, that is, depending on the size of dose, as leukemia is assumed to be linearly proportional to fallout, one scientist has calculated that two cigarettes per year can produce as much lung cancer as fallout can produce leukemia.

Using the same statistical technique, pollution of the city air can be regarded as a comparable hazard. A few hours spent in the city by country folks would produce lung cancer to the same extent as fallout produces leukemia.

It would be rash to claim that small radiation doses have no effect on humans in increasing bone cancer and leukemia. But it would seem reasonable to conclude that if there is any increase in the incidence of these diseases because of fallout, it is so slight as to be unnoticeable when compared with other suspected causes of bone cancer and leukemia.

The directly proportional or linear theory can be applied to other harmful phenomena in modern society.

One's life expectancy can be reduced about 9 years by smoking a pack of cigarettes a day, according to one statistical calculation based on the linear theory. This is equivalent to shortening one's life by one hour for each cigarette smoked.

A sedentary job instead of one involving exercise reduces life expectancy by 5 years, compared to the 1 to 2 days life-shortening due to worldwide fallout. Being 10 percent overweight costs one a year and a half. Living in the city instead of in the country reduces life expectancy by 5 years; so does remaining unmarried.

The point here is that it can be misleading in the extreme to assume that one suddenly discovered factor, like fallout, is the sole cause for some change picked at random from a whole spectrum of causes and changes.

Nor can it be considered completely valid to contend that all mutations are bad. Students of evolution say that it was genetic mutation—thousands of years ago, when the natural background level of radiation presumably was much higher than it is today—which produced man in his present form. It can only be said that mutations are neither all significant nor all bad.

As more is learned about cancer, doubts are increasing that low doses of radiation produce noticeable or significant effects. Both cancer and leukemia are sometimes produced by indirect methods not involving a direct hit by a radioactive particle or ray on a human cell. Many have assumed that radioactivity makes a direct hit on a single cell and starts a chain reaction of cancerous cells. If two mutations instead of one were found to be required to produce cancer, however, then instead of 100,000 cases of leukemia produced over the centuries by fallout, there might be as few as 100 cases, over millennia.

The theory that cancer is caused by a single mutation that gives rise to a growing colony of cancer cells was in vogue some years ago but is passing out of fashion. Scientists advancing the proportional theory in relation to fallout have been "almost exclusively * * * quite unfamiliar" with recent advances in cancer knowledge.

Add to these difficulties the imprecise measurements of the fallout hazard that are possible with present techniques, and there develops a wide range of uncertainty, mainly on the side of doubt as to whether there is any health hazard in test fallout at all. Fallout doses are so low that they cannot be used on mice. As has been noted earlier, millions or billions of mice would have to be bred in laboratories before any genetic effects would be noticeable from even such relatively high doses of radiation as 10 roentgens.

"Hot spots," or clusters of radioactivity from tests could develop in populated areas, but in experience since 1945, there is no recorded case of harm to human or animal life.

Most scientists feel that while past testing has not presented a health hazard, big megaton explosions of the order of magnitude exploded by the Soviet Union in 1961 and 1962 could eventually accumulate fallout hazards of serious proportions. Heavy testing in the atmosphere is not a realistic prospect, even after the Soviet series of 1961 and 1962, however. The United States has signified its intention of confining the great proportion, if not all, of its future tests underground, where there will be no radioactive fallout hazard.

The greatest hazard might come from newly emerging nuclear powers if they developed dirty weapons. Regulation of their atmospheric testing could become an issue in the next decades.

How did the unrealistic fear of fallout get such a grip on the world? A rather detailed study of the test ban's history shows there were many forces at work, some informed and some uninformed.

Whether the treaty is finalized or not the United States will proceed to do as much testing as possible underground and it may well be assumed that we will make further advances in producing clean bombs. However, a treaty that will completely prohibit testing in the atmosphere would seriously hinder our national defense. At the same time the treaty will not lessen the radioactive fallout from nonsigners such as Red China, whose bombs will be dirty bombs, nor will it lessen radioactive fallout caused by treaty breakers.

Mr. President, can we trust Red Russia? We here in exercising our treaty-making power are not acting for ourselves. We are acting for the United States of America, its people, its institutions, its future.

Just who signed this treaty for the Russians? It was the Soviet Foreign Minister, Mr. Gromyko. About 11 months ago, Mr. Gromyko went to the White House and told the President that the Russian Communists had no missiles in Cuba. The facts were the whole country was terrified to learn that missiles were there pointed at a large portion of the United States.

On October 22, 1962, the President, in justified outrage, described the barefaced deceit to which he had been subjected. Before the whole world the President branded Mr. Gromyko's statements false.

Would I be regarded as naive to inquire, when a spiritual regeneration and rebirth took place in Andrei Gromyko, the Soviet Foreign Minister? Before we trust murderers, thieves, and liars in our private dealings, we should inquire whether they have changed. Do we have any less responsibility in protecting our country?

Much has been written and said about the broken promises of the Russian Communists. One of the most concise statements on this subject appears in the hearings. The recitation was made by the distinguished Senator from Ohio, [Mr. LAUSCHE]. I want to read it to the Senate:

I want to recite here Russia's conduct of the past. I begin on February 2, 1920, when it made separate peace treaties with Estonia, Latvia, and Lithuania, recognizing the independence and autonomy of these countries and renouncing voluntarily and forever all rights of Russia over these people. On June 16, 1940, in the face of that treaty, Soviet troops occupied Estonia, Latvia, and Lithuania.

I go to Iran. There was a tripartite alliance on January 29, 1942, to which Red Russia was a signatory, and it promised to withdraw its forces from Iranian territory. In 1945 Red Russia equipped the rebels with Soviet arms and Red army uniforms. Iranian forces were neutralized by Red army troops. In January of 1946 Iran appealed to the United Nations charging the Soviet Union with violating the agreement and interfering with its internal affairs, and nothing was done about it.

I now go to Yalta. We heard so much about it. In the Yalta agreement Red Russia, the United States, and the United Kingdom agreed to assist liberated people to form interim government authorities broadly representative of all democratic elements in the population and pledged to the earliest establishment through free elections, and I want to repeat that, free elections, and the right of self-determination, of governments responsive to the will of the people. Now, the violations: In Hungary, acting through the Hungarian Communist Party and its own agencies and armed forces in Hungary, Red Russia suppressed the will of the Hungarian people by installing the minority Communist dictatorship and denied Hungary fundamental freedoms. The same thing was done in Rumania and Bulgaria.

I now go to Poland. In 1932, on July 25, Red Russia signed an agreement that there would be no aggression of Red Russia on Poland and not by Poland on Red Russia. We all remember this stab in the back on

September 17, 1939, when Poland was fighting Germany on the west and Red Russia attacked Poland on the east.

I now go to the United States. In 1933 when Red Russia was begging the United States to establish trade relations with Russia, just as Kadar is now doing, and Litvinov wrote a letter to our Government committing himself that on Russian soil no agency would be permitted to exist contemplating intruding communism upon other nations of the world. In violation of that Litvinov letter undoubtedly about which you know, the Comintern was in existence and they were attempting to communize the world.

No. 10, Finland: There was an agreement that before Russia and Finland ever engaged in war that the issue would be submitted to arbitration, and that in no event would resort be made to war until 3 months after the report of the arbitrators. On November 26, 1939, the Soviet Government attacked Finland.

I now come to Hungary of 1956. When those patriots took control of the Government and Imre Nagy was in charge, Red Russia said, "We will remove the Red Russian troops. Pravda will tell the story." The story was carried throughout the United States, but while we were relying upon that promise they were bringing in their tanks and their guns and their military men.

No. 12, German reunification; On July 23, 1955, the Foreign Ministers of the Governments of France, the United Kingdom, the United States, and Red Russia stipulated, the heads of government have agreed, that settlement of the German question shall be by means of a free election. That was repudiated and broken.

We now come to China, No. 13. In the alliance between the Republic of China and the Union of Red Russia, they agreed to work together in close and friendly collaboration after the coming of peace following World War II, and to act according to the principles of mutual respect for their sovereignty. That treaty was broken.

Then we come to the very significant Potsdam agreement on Germany. It was promised that Germany would not be scalped and denuded of all of its economy. The signatories to that promise kept it except Red Russia, and it carried out everything it possibly could, causing us to pour huge sums of money into Germany to reestablish the economy. There were other commitments made in the Potsdam agreement that were broken.

I now come to the Kellogg-Briand Treaty, which is significant. The Kellogg-Briand Treaty outlawed war as an instrument of national policy. The Red army invaded Manchuria on October 12, 1929, 1 year after it promised to outlaw war. Here we are sort of outlawing the nuclear tests. I wonder how long we can rely on that.

Yet, Mr. President, we hear Senators beg Russia for a pact to outlaw war.

The Senator from Ohio also said:

Japanese war prisoners: It was agreed by Red Russia that it would return those prisoners. It still hasn't done it.

Korea, item No. 17: It was agreed on December 27, 1945, there shall be set up a provisional Korean democratic government. There shall be a joint commission to provide a four-power trusteeship of Korea for a period up to 5 years. From the very beginning, the Russian representative refused to collaborate and to act in pursuance to that agreement.

No. 18, the return of German prisoners of war from the concentration camps: It still has not been done. Then we have had the peace treaties with Hungary again and Rumania and Bulgaria, also violated.

Mr. President (Mr. McGOVERN in the chair), the Senator from Ohio closed his recitation of events by saying:

Now, may I ask, Mr. Secretary, which is the last agreement that Red Russia has violated? I have in mind the Cuban commitment that we would have the right to inspect and ascertain whether the missiles were removed. Am I correct in that or not?

Secretary RUSK. That was a basis for the exchange, basis of the exchange between the President and Khrushchev during the week beginning October 22.

Senator LAUSCHE. That promise was not kept.

Secretary RUSK. That is correct, sir. As you recall, Castro would not accede to that.

Senator LAUSCHE. Yes. The commitment was made that neutral nations would be permitted to go in and see whether the missiles were removed. That commitment was not executed, is that correct?

Secretary RUSK. That is correct, sir, but there were certain alternative arrangements that were made, as you remember.

Senator LAUSCHE. I have a letter here from the State Department saying that we are not bound by the promise not to invade or any of the other promises that we made because the commitment of Khrushchev was not kept to allow us to inspect.

I ask you, in the face of this fragmentary recitation of breaches of commitments, if we are to judge Red Russia in the future by what it has done in the past, what can we expect?

High officials have openly stated they expect the Russians to cheat on this treaty. There is no reason to doubt their word. The distinguished Senator from Minnesota [Mr. HUMPHREY] publicly admitted that he did not support the treaty on the basis that he trusted the Russians. If that be the case, what safeguards do we have?

Secretary Rusk stated in the hearings:

The original position of the Soviet Union in these discussions was that a withdrawal clause was not necessary, because a sovereign state could, in any event, denounce a treaty.

As a matter of fact, that provision is in their Constitution. The whole history of Soviet actions proves that they claim the right—which they have repeatedly exercised—to junk a treaty, not on 90 days' notice, not on 1 day's notice; not on 5 minutes' notice, but without 1 second of notice.

Earlier in my remarks, I quoted the Joint Chiefs of Staff as saying that if this treaty were put into effect, our defense would cost more. One of the reasons is that it will cost more to test underground and to establish all over the world stations to check on what nuclear developments take place in Communist Russia. Many of those plans of detection are still on paper. The money has not been appropriated, and they are years away.

The hope that the United States could readily and effectively resume atmospheric testing, if the Communists violated the treaty, is not sustained by the record. When the Communists broke the testing moratorium in 1961, some time passed before we could test. When our tests were made, they were hurried and unprepared for, and the knowledge gained fell far short of that desired.

The treaty itself is replete with ambiguity, uncertainty, and undefined language. Its preamble refers to additional steps, but does not define them. The treaty uses terms that never before have been used in treaties. If we enter into this treaty, we shall bind ourselves not only to refrain from testing in the atmosphere, but also to refrain from carrying out any other nuclear explosion. Thus, the treaty not only will put an end to great portions of our peacetime use of atomic energy, but it also raises a serious question about the use of nuclear explosions to preserve the peace. In case of aggression or threatened aggression against us or one of our allies, our hands will be tied. The assumption that when a state of war exists, we shall not be bound by the treaty could result in a negation too late to prevent war.

An instance of the capability of superior weapons to preserve the peace, save lives, and at the same time prevent the extension of the subjugation of free peoples, occurred in July 1958. It was then that President Eisenhower ordered the landing of troops in Lebanon. The landing was made; there was no loss of life; and the Russian Communists did not dare interfere. The mission was accomplished because other branches of our defense system were poised with our superior weapons to strike whenever and wherever necessary.

If we solemnly agree not to carry out any nuclear explosion, a mission similar to the one to Lebanon could not be carried out by us.

The strength of the aggressive power of countries in which human life is not valued lies in their millions and millions of men. The strength of the defensive power of countries such as ours, in which human life is valued, lies in their superior weapons.

It is commonly said the United States can withdraw from this treaty any time it wants to on 90 days' notice. The treaty carries no such provision. The treaty provides in article 4 that we have the right to withdraw from the treaty if we decide that extraordinary events, related to the subject matter of the treaty, have jeopardized the supreme interests of our country. These extraordinary events must be related to the subject matter of this treaty. In other words, they have to be related to nuclear testing. Extraordinary events of aggression, or subversion, or a Communist takeover of more countries in the Western Hemisphere by conventional weapons would not be related to nuclear explosions. In that case we are still bound by the treaty. It is not only the use of our weapons that keeps the peace, but the ability to use them—the readiness to use them—and at this point we tie our hands.

The late John Foster Dulles, an able and distinguished Secretary of State, said before his death in 1959:

Since a treaty is what the Russians want, it wouldn't be difficult to come up with one which would look good on the surface. We could include in it all the fuzzy language of diplomacy—and believe me, I know some of the phrases—and present it to the world

as a great achievement for peace. All of this would result in a relaxation of world tensions, generate a feeling of international goodwill, and probably elect a Republican President in 1960.

But we're not going to do it. If we signed such a pact with the Soviets, there would develop a tremendous pressure to cut back on our defenses, reduce the size of our Armed Forces, and curtail our armaments. And we'd have only the word of the Russians that they were doing the same. Our NATO, SEATO, and other alliances would be endangered, perhaps to the point of deterioration. As a result, within a few years we could be a sitting duck for the Communists to pick off whenever they felt the time was ripe.

Is this treaty a part of the Communists' great design for world domination? Is it a propaganda weapon to force the hand of the United States and to cause our people and the Congress to slumber? The Joint Chiefs of Staff certainly have warned against complacency. Why was this treaty not allowed to be completed pursuant to the constitutional processes of the principal signers before it was submitted to all the nations of the world to sign? Something over 90 nations have already signed. Was this procedure followed to pressure the United States and the U.S. Senate into a difficult position to reject or amend the treaty?

When we have a parade of nations not possessing a popgun, an air rifle, or a cherry bomb, coming in and solemnly agreeing that they will not set off a nuclear explosion in the atmosphere, there is something about such procedure that is tainted with hypocrisy. It would have been a simple matter to have a treaty considered and finalized by the principal parties, who are atomic powers, and then after the entire treatymaking process was completed permit other countries to join in, but that was not done.

We hear much talk about world public opinion. I have respect for world public opinion, but I try to remember that not everything appearing as world public opinion is such. With a few dollars a troublemaker can journey to the capital city of a foreign country and hire some kids to carry placards, parade in front of the American Embassy, and shout falsehoods. Such an event then is broadcast to the world through the news media and we are supposed to interpret it as world public opinion. It is propaganda pure and simple. It is manufactured. It is managed.

The treaty itself makes reference to further steps. The proponents of this treaty have said that it is only a step. There will be more. What are these next steps? Will one of the future steps be to compel stalwart and honorable Uncle Sam to march to Moscow and sign a nonaggression pact? America is not an aggressor nation. We have no aggressive intentions. Our money and our might have been spent unselfishly for other countries. American boys have died not alone for this country but for the defense of many countries. We were the victor in World War I and World War II but did we demand territory? Is there anyone in the Chamber who feels that the United States must renounce its past and sign an agreement not to commit aggression?

What would be the effect of the Russian Communists signing a nonaggression pact? They have signed many nonaggression pacts before, all of which have been broken. Unless they change, their signature on a nonaggression pact can not be depended upon. But, that is only half of the story. When great powers enter into a nonaggression pact, it is based on the premise that they may keep the territory already taken. This would wipe out all hope for the millions who today live under Communist slavery. It would freeze and make permanent the status quo. One might say that such a nonaggression pact would never be drawn. I say to him, suppose it is and suppose it is presented to this country under the same conditions and procedures as this treaty is presented. Many people have argued that the Senate should advise and consent to this treaty because refusing to do so now will create an unfavorable image. Would not that same problem exist if a nonaggression pact should come before us?

Red China has not signed this treaty and would not observe it if she did. Yet Red China may be the one aggressor nation emerging as a nuclear power. We are asked to sign this treaty without any provisions to inspect nuclear developments in that vast interior of Red China.

Many prudent individuals believe that in case of war against the United States, Communist Russia and Communist China would join forces. Certainly we should not risk the future of this country on the hypothesis that they will not stand together.

In recent months Red China and Red Russia have entered into certain treaties and I want to call attention to them.

The newsletter of the United Nations Association of the Republic of China, published in Taiwan, June 1963, on page 15:

PEIPING AND MOSCOW SIGN SCIENCE AND TECHNOLOGICAL COOPERATION PLAN

The Chinese Communists and Soviet Union have signed a plan for scientific and technological cooperation for the last half of 1963 and the first half of 1964, Peiping radio disclosed on June 21.

The Communist Chinese radio, monitored in Tokyo, has also reported the signing of an executive plan for scientific cooperation between Communist China and Bulgaria in 1963. Both were signed in Peiping. The Sino-Soviet agreement was signed following 8 days of talks "held in a friendly atmosphere. A communique issued on June 19 said "under this plan the (Communist) Chinese and Soviet institutions concerned will mutually play host to scientific, engineering, and technical workers studying scientific and technical achievements and production experience in various branches of the national economy and will supply each other with scientific and technical data and samples."

Mr. President, one of the greatest statesmen of our time is that distinguished Nebraskan, Hon. Walter Judd, former Representative and former missionary to China. As a student of Communist strategy he has no peer. I have heard him liken the Communist strategy to that of a football game. When a football team acts like they are going to carry the ball through the line, look out—they are about to run the end, or make a surprise forward pass. When the football team gets poised for a line drive the opposing team must beware of a surprise punt. When the formation is called for a kick, the opposing team, if they want to win, must be prepared for a line drive. Representative Judd has said that just as the football team uses strategy to advance the ball, the Communists use strategy to advance communism and achieve their unchanged goal of world domination.

We should not forget that they want to bury us. When they act like they want peace, they prepare for war. When they pretend to be friendly they strike with force. When the vehicle of treaty making can be used to advance communism they will use it. The Russian Communists neither enter into a treaty nor observe a treaty when it is not to their advantage to do so.

When the United States and the Russian Communists sit down at a peace table they do not meet as equals. The Communists are aggressors. The Americans are not. Americans are believers. The Communists are atheists. The Americans honor treaties and the Communists break treaties.

There are other inequalities. The high-megaton nuclear explosions in the atmosphere carried out by the Russians following the moratorium may have given them additional knowledge which the United States does not have.

The Apostle Paul in writing to the Corinthians said:

Be ye not unequally yoked together with unbelievers: for what fellowship hath righteousness with unrighteousness? And what communion hath light with darkness?

Mr. President, I must be guided by the lamp of experience and I cannot turn my back on history. Neither can I ignore the warnings that have come from the Communists themselves.

I hold in my hand a little devotional book written by Father James Keller, founder of the Christophers. It is entitled, "3 Minutes a Day." I want to read about the Communist boast made some 20 years ago. In reading it I want to point out that time is running against us:

"War is inevitable," were the strong words used by Dimitri Manuilsky, when he addressed the students of the Lenin School of Political Warfare in 1930.

His dire forecast continued:

"Today, of course, we are not strong enough to attack. Our time will come in 20 or 30 years.

"In order to win we shall need the element of surprise. The bourgeoisie will have to be put to sleep, so we shall begin by launching the most spectacular peace movement on record.

"There will be electrifying overtures and unheard of concessions. The capitalistic countries—stupid and decadent—will rejoice to cooperate in their own destruction. They will leap at another chance to be friends.

"As soon as their guard is down, we shall smash them with our clenched fists."

Mr. President, I shall vote against this treaty.

THE SOVIETS AND THE POSTWAR—A FORMER AMBASSADOR TO MOSCOW ANSWERS SOME PERPLEXING PROBLEMS

(By Joseph E. Davies)

(The replies to these questions submitted by the editors do not reflect any current official opinion of either the Soviet Union or of the United States, so far as I know. Nor are the answers intended to be dogmatic. They are simply my own opinions, for such value as they may have. They are based upon published sources of information, and upon facts within my own knowledge, and represent my considered judgment.)

"1. Can we assume that the rulers of Russia are men of good will toward other nations and that they desire a peaceful, stable world?"

Yes. Their public statements of policy and their deeds in the past decade both establish that. Ambassador Litvinow, when he was Foreign Minister, both within and without the League of Nations, was the outstanding advocate of collective action by the nonaggressor nations, in order to insure "a peaceful and stable world." War anywhere, he constantly urged, would engulf all the rest of us for "peace was indivisible." Abyssinia, Spain, China, the attitude of the Soviets in agreeing to stand by Czechoslovakia with France against attack by Germany—all attest to their sincerity as "men of good will." It is, also, to their practical best interests to have peace with, and in, the world.

"2. Will Russia pursue a lone-wolf policy after the war or will she seek to cooperate with the other great powers in creating a stable world?"

That will depend upon what kind of world they will then face, or upon what kind of a world they think they are facing. If they believe in, and trust the proposals of Great Britain, China, and ourselves, and the United Nations, they will, in my opinion, go as far as any of these in a high-minded and altruistic effort to cooperate in creating a stable and decent world.

If, on the other hand, they believe they are not getting a square deal on a reciprocal and high-minded basis, they will not hesitate to go it alone. They will not be "taken for a ride." Nor will they be used to pull anyone's chestnuts out of the fire. They will do exactly what we would do, if in their shoes.

"3. Will Russia seek to create some kind of world federation, embodying some transfer of sovereignty from the member states to the central government? Or will she favor voluntary cooperation by the great powers to maintain a stable world?"

The Soviets vigorously supported the League of Nations and constantly advocated a stronger and more effective League. They are, however, essentially practical and realistic in the application of their ideals. First things first is the motto of the Soviets. They, I feel sure, would be willing to give up so much of their sovereignty as would assure a strong federation to outlaw war, aggression and conquest and to establish an international police force to keep the peace for the world community of nations. What other and further relinquishments of sovereignty they would agree to would depend upon how practical and unselfish the proposals were, and upon their confidence in the good faith of the other large nations.

"4. Will Russia be willing to undertake any international commitments which involve revealing military information to other nations?"

Yes, if it is upon a fair and reciprocal basis, and for the honest purpose of protecting the peace of the world community against gangsters, outlaws, or terrorists.

"5. Winston Churchill once described Russian foreign policy as 'a riddle wrapped in a mystery inside an enigma.' Can you make sense of it? What are its fundamental aims?"

In my opinion, the best approach to the solution of the riddle is to forget the epigram and set to one side the idea of either an enigma, or a mystery. The riddle, if riddle there be, from my experience can be best solved by the simple approach of assuming that what they say, they mean; that they are honest in their beliefs, speak the truth and keep their promises. If one were to assume, also, that they were strong, able, courageous and willing to treat others honestly, if they believe they are treated honestly themselves, the riddle can be answered with reasonable certainty.

As a matter of fact, in my opinion the foreign policy of the Soviet Government is quite clear. Its first concern is to insure the territorial security of the Soviet Union. They built up a great military and industrial system for that purpose. The Soviet Government is not a predatory power like Germany or Japan. It was only after Hitler came into power that the great industrial development projected by Stalin was speeded up for war purposes. Once that security is established, the Soviet policy is to develop the U.S.S.R. internally. That can best be done in a peaceful world. The Soviet foreign policy therefore has been consistently addressed to the prevention of war. When they lost faith in both the will and the capacity of the Western democracies to join them realistically to stop Hitler, they still tried to maintain their security and their peace by entering into a nonaggression pact with Hitler in 1939. That was not a pact for a mutual offensive against Germany's enemies. In that particular, it provided only that neither would attack the other. They gained precious time which they feverishly employed to protect their security against the inevitable Nazi attack.

After this war there will be still greater need for peace to promote their plans for the internal development of their country.

There is no riddle or mystery if the statements of the Soviet Government, or its leaders, are read in the light of these policies. They are straightforward and direct.

"6. Is there religious freedom in Russia?"

The Constitution of the Soviet Union (art. 124) provides that, "Freedom of religious worship and freedom of antireligious propaganda is recognized for citizens."

By this same article the church is separated from the state and the school "to insure citizens freedom of conscience."

Article 135 of the Constitution provides that religion shall be no bar to the right of the citizen either to vote or hold office.

Prior to the enactment of article 135, which is attributed directly by some to the attitude of the President in his recognition of the U.S.S.R. in 1933, several nations including the United States were guaranteed that their citizens in the Soviet Union should have: (1) full liberty of conscience and religious worship, free from persecution; (2) the right to hold religious services in churches or buildings selected for that purpose, free from molestation; and (3) the right to impart religious instruction to their children. That, however, did not include the right to proselyte outside those restrictions.

In 1937 there were about 100,000 ministers of religion in the Soviet Union, according to the chairman of the Atheist League of the U.S.S.R.

The Russian Orthodox Church of the Soviet Union is militantly supporting the Government in this war. The highest prelate, Acting Metropolitan Sergei of Moscow, has appealed for this tolerance of religious people outside Russia and has urged that such people be not misled by "Fascist propaganda" or believe "their lies" as to persecution of the church in recent years. A book devoted to the Truth About Religion in Russia was recently published in Moscow by the Orthodox hierarchy, addressed to providing accurate information on religion in the Soviet Union.

There is no question, however, that despite these constitutional guarantees there is much hostility toward religion in the party membership. I was reliably informed when in Moscow that the objections raised to the adoption of these constitutional provisions were overcome by Premier Stalin's personal advocacy of their passage.

"7. Is Russia determined to pursue the cause of world revolution?"

In my opinion, no. The Stalin 5-year policy clearly set aside the Trotsky idea of world revolution. It was one of the alleged betrayals of the revolution charged by the Trotskyites.

"8. If Russia has given up her ambition to turn the world Communist, may she nevertheless still fear capitalistic encirclement and attack?"

That depends upon whether they think that they have reason for such fear. Much will therefore depend upon how the rest of the world approaches the problem of postwar reconstruction, and the attitude of the other nations toward the United Soviet Socialist Republic. If there are evidences of hostility on the part of the outside world, they will certainly detect it and protect themselves.

Before Russia entered the war, Russian distrust of the Western powers was very real. On the morning following Hitler's night attack, June 22, 1941, there were highly informed persons in Moscow who believed that Britain would launch a simultaneous naval attack through the Baltic Sea in conjunction with, and pursuant to, an agreement with the Nazis. That fear was only relieved when Prime Minister Churchill's broadcast came over the air, pledging all-out aid to Russia.

The developments in the conduct of the war, I believe, through contacts and better understanding, have definitely contributed to dissipating the classic fear of capitalistic encirclement and attack.

"9. Even if Russia is not interested in promoting world revolution for its own sake, will she still use revolutionary activity as an instrument of Russian nationalism? May she, for instance, promote Communist revolutions in Europe? In Asia?"

This idea is again being vigorously and assiduously preached by Goebbels and other Nazi propagandists, both in and out of Germany. The express oral assurance of Premier Stalin, the commitments contained in the Joint Declaration by the United Nations, and the treaty made with England have definitely killed that Hitler bugaboo which he has tried desperately, and without success, to sell to Europe these many years. The Soviet Union has an enviable record as a nation for keeping its obligations. Except as an instrument of military necessity, the Soviet Union will not promote dissension in the internal affairs of other nations.

"10. What do you think is the probable extent of Russia's territorial demands?"

It would be natural for them to demand what any other people would, under similar circumstances. First, they would naturally want that land which had previously been taken away from them by force after the last war. After that, it would be natural for them to require any such territory as that which they considered to be vital to their security in the event of possible future European attack.

The probable extent of Russia's territorial demands will therefore depend, in my opinion, upon what conditions are when peace comes and upon what kind of a world they think is going to come out of the peace.

It should be remembered that the Baltic States were all carved out of, and taken away from Russia, after the last war. It is also the fact that the very Germany, which they are now fighting, in 1917 and 1918 took away from Russia nearly all of the territory gained westward since the accession of Peter the Great, including the Ukraine and White Russia. It would be only natural that they should want to get it back from a defeated Germany. Five million Ukrainians were arbitrarily converted into Polish citizens after the last war. Bessarabia, which was taken from Russia at about this time by Rumania, had been Russian for 100 years. The United States refused to recognize Bessarabia officially as a part of Rumanian territory. It could be contended with much force that Soviet claims to all of this territory would not be "territorial aggrandizement" and would not be inconsistent with pledges made by the Soviet Government either in the treaty with Britain last June, or with the covenants contained in the Joint Declaration of the United Nations made in January 1942, in Washington. It could be contended that the acquisition of such territories did not constitute aggression, but simply the restoration to the Soviets of that which has been taken from them by force and the rectifying of previous wrongs.

Further, if the Soviet Government believes that it is confronted with the same type of world which existed before this war, they will undoubtedly require that which self-preservation demanded in this war, namely, a sufficient extension of territory on its western frontier to make itself secure against possible European attack. That would mean a part of Finland and, possibly, a part of Poland up to the Curzon line. That, it will be remembered, was the line determined by the Curzon Commission under the Versailles Treaty as the line of racial demarcation of the Polish and Russian nationalities.

Last year, when the Soviet-British Treaty was signed, providing for a mutual-assistance pact in the event of an attack upon either for a period of 20 years, both Britain and the Soviet Union were satisfied to leave the solution of controversial questions to be settled after the fighting was over by the application of certain broad equitable principles. That was wise. It is no time to fight among ourselves until Hitler and the Nazis are thoroughly beaten.

At that time the question of the Polish border was raised, according to the press. It was reported that General Sikorski and the Polish Government were agreeable to that disposition of the problem in the interest of unity in the war effort. After the British-Soviet Treaty, which from press accounts seemed to have been approved by General Sikorski, great numbers of Polish prisoners held by Russia were freed, and some 100,000 Polish soldiers were released, armed by Great Britain and the United States, and organized as a fighting force against Hitler. They are now in the Middle East.

I am very sympathetic with the Polish people, but it could scarcely be expected that the Soviets would remain mute when these controversial frontier matters were recently brought up in London; particularly in the face of what appeared to the Soviets to be an implied consent to the postponement of the determination of the issue until after victory. The Soviets, obviously, could not permit these claims to be asserted without contradiction, without themselves being estopped at some future time from asserting their viewpoint, upon which naturally they would wish to be heard. It is significant that it is not the Soviets who are now pressing, so far as the United States is concerned, for decisions upon these controversial matters.

After victory has been won, conditions may be entirely different from those existing now. Many things may happen in the interim. The science of war is being completely revolutionized by airpower. Frontiers such as rivers and mountains, providing bases for fortifications, have lost much of their importance. The war has already shown that thousands of paratroopers may be transported to strike at vital centers in the interior, by simply passing over the frontier land fortifications. Boundaries may not be of such vital importance in a reconstructed and peaceful world.

Moreover, the terms of the peace may, and probably will, provide for mutual-defense agreements for collective security, which will reduce the necessity for military defenses and armaments. It is unthinkable that such little, at least, would not be the result of the war.

Under such conditions, it is not beyond possibility that the Soviets might consider, in the interest of a peaceful world, that the matter of the extension of its frontiers was not a matter of vital protection against a possible recurrence of German attack.

Certainly, the comradeship and understanding developed by mutual fighting against Hitler and aggression will provide solvents for these knotty questions.

"11. What does Russia regard as her proper spheres of influence?"

That would again depend upon the character of the world which the Soviet Government would confront at the conclusion of the war. If the postwar world can be assured of the enforcement of one principle, to wit: that military power cannot be used by any nation to enforce its will, then these questions of vital interest can be determined on the basis of equity and decency. The Soviets, I believe, would go as far as any nation to bring that about.

To answer the question flatly, however, there is no doubt that there are certain matters in which Russia has a vital interest. There is the matter of access to the sea and warm-water ports. That, particularly, affects the Pacific and the Mediterranean. Russia has always been concerned with the ports of Port Arthur and Darien on the Pacific side, of which she was deprived in 1905. Again the use by her and other nations of the highway which the Dardanelles affords for shipping and an outlet from the Black Sea, and through the Mediterranean to the oceans, would naturally and rightly be a matter of concern. Also, realistically, in a hostile or an anarchic world, self-preservation might demand the thrusting forth of their defenses against a possible repetition of German attack through the territory of smaller states adjacent to Russia, which are not strong enough themselves to prevent a strong Germany, or other aggressor, from making a highway of these smaller countries to attack the Soviet Union. To illustrate: The great sea base of Kronstadt, and the city of Leningrad, are only 25 miles from the Finnish border and within easy reach of German long-range guns. The Soviet Union made a very strong effort to come to an agreement with the Finnish Government, whereby the Soviets could compensate them for concessions of territories which were vital to Soviet defense against German attack. These the Finnish Government, in fear of Germany, was unable to concede because, obviously, they were under the German gun, and, unfortunately, still are.

Presumably, all of these vital interests and others, such as fair access to raw materials, the common use of the seas and the air as highways for all of the nations in the world community, and similar matters, must ultimately be adjusted on a basis of reciprocity and a fair balancing of the interests of the various states, if there is to be a stable peace. Their determination must be governed under rules of decency and equity as between neighbors who desire peace for mutual advantage, even though they be friendly economic competitors. I believe that the Soviet Union would cooperate wholeheartedly and would contribute positively to that end, once convinced of the good faith and reliability of her associates.

The attitude of the Soviets, no less than that of other nations, upon these vital matters will therefore depend entirely upon the kind of peace that is to be established to secure a decent, desirable, and stable world to live in.

"12. Will Russia be prepared to back up her demands with arms if we oppose them?"

If the Soviets face an archaic world, where not peace but war confronts them, they can and will back up their security by force of arms if that is the only alternative. That, I am sure, would be far from their desire.

"13. If other states go Communist and voluntarily apply for admission to the U.S.S.R., will Russia admit them? Can we safely permit this?"

If states adjacent to the Soviet Union should voluntarily apply for admission to the U.S.S.R., I have no doubt that they would be admitted. If that were done, both countries being willing, it would be my opinion that it was none of our business; nor would our safety be necessarily imperiled thereby. If any such states were not contiguous to the borders of the Soviet Union, such application might possibly be embarrassing to the Soviets, but I doubt it. In any event, in my opinion, they would resolve such problems in a practical and realistic way in cooperation with those nations that were associated with them in the common enterprise of keeping the peace of the world community.

In this connection there has been much agitation directed from Berlin to the possibility that the success of the Soviet armies might result in communizing Europe. It is the same old red herring drawn across the trail. Anyone who knows Europe knows full well that neither the Scandinavian countries (Norway, Sweden, Finland) nor Poland nor Rumania nor Hungary nor Greece nor Czechoslovakia would ever voluntarily accept communism or the Soviet system. And it will be a long time before the Soviets will ever call either Frenchmen or Germans Tovarisch after this war.

"14. What will be Russia's policy toward the defeated nations?"

There is no doubt but that, like the rest of us, they would wish to see evenhanded and exact justice done, under law and without passion. This would require that those in the defeated nations who were responsible for crime would be duly tried by a judicial body and, if after due process, they were found to be guilty, then punishment suitable to the crime would be administered.

Undoubtedly the Soviets would also require that all necessary safeguards would be established to prevent defeated nations from again breaking the peace and indulging in mass murder. Apart from these, the policy of the Soviets would, I think, be dictated solely by humanitarian considerations. Premier Stalin's published utterances abundantly support that conclusion.

"15. What would be Russia's attitude toward a European federation (not including herself and Great Britain)?"

It would clearly depend upon the character of such federation. If it were to contain the seed of either actual or potential aggression, the Soviets would oppose it, just as we all would. Assuming that it was part of a general plan to secure world peace through collective action, and that it was so set up as to prevent domination by any potentially strong aggressor unit in it, I do not think that the Soviets would oppose it.

"16. On what basis can a stable settlement in Asia be made between Russia and China?"

Both Russia and China, in my opinion, have leaderships which are sincere in their desire to secure a peaceful world. Both of these leaderships are practical and wise. Both recognize that there can be no peace if force is to be used by either as an instrument of national policy to enforce the will of either over the other. Both, I believe, to secure a peaceful world, will actively try to establish an effective international police. That accomplished, there is within these two countries sufficient capacity for fairness and tolerance to settle all matters of difference if any such exist, through reciprocal arrangements on a fair and equitable basis as between themselves; and if not, each, I am sure, governed by a decent respect for the opinion of mankind, would submit their differences to other members of the community of nations in order to preserve the peace of that community.

As far back as 1938, I was reliably informed in Moscow that the Soviet Union was most helpful to the government of Generalissimo Chiang Kai-shek, in that it exercised its influence on behalf of the Chinese Government to prevent communistic activities which would impair the common defense against Japan. That is indicative of the kind of decent cooperation which, in my opinion, can be expected from the Soviet Government in the interests of a peaceful world.

"17. Does Russia fear an Anglo-American entente with an anti-Russian basis?"

I do not know. It is, of course, possible, if we should so conduct ourselves as to justify that fear. It is of vital importance that this should not happen. We should accept the good faith of Britain and the Soviet Union, just as they should accept the professions which we make.

"18. What if the Russian economic system proves to be more efficient than ours?"

I do not accept the premise that their economic system will prove to be more efficient than ours.

From what I have seen of both systems, I am firmly of the opinion that we need not fear their competition. Our system of free enterprise, under rules of fair competition protected by government, contains springs of initiative and enterprise that will, under fair conditions, surpass anything that a bureaucracy, under government administration, can produce. A pure governmental socialism, even with the great vigor and energy which the Soviet leadership provides, cannot compete with the efficiency of our type of private enterprise. A completely socialistic state, in my judgment, will inevitably, as human nature presently is and will continue to be for a long time, breed inefficiencies in contrast to an industrial, economic, and social system such as ours which, in addition to the joy in the working, provides greater individual reward for extra effort and exceptional ability, coupled with police protection against unfair competition, monopolies, or other special class privilege.

The fact that the Soviets have constantly extended the system of individual profit in order to make their industries more productive during recent years, in my opinion, supports that point of view.

"19. What can America do to assure Russia of the security she needs and to assure mutual cooperation between our two nations?"

The Soviet Government, so far as the future is concerned, recognizes that any arrangement with the United States, to be of any real value, must be by treaty and that that treaty must be confirmed by the Senate of the United States. They know very well what happened in the last war when the Senate refused to ratify the League of Nations Treaty. That fact contains the answer to the question.

The surest answer is to be found in a better mutual understanding and confidence as between our peoples.

"20. How would you deal with Russia?"

Exactly as I would want to be dealt with if conditions were reversed. Their word I would accept with the same confidence that I would ask them to accept ours, until faith had been broken. Just as I would insist that their government would not interfere in our internal affairs or in our governmental matters, so I would scrupulously stay out of theirs. Their government is their business. What they tell their people, or do not tell their people, is not our concern. They have their own problems. They have handled them in a manner which demonstrates their effectiveness and also their purpose to serve peace, order, and law in the world.

Generally speaking, we should deal with the Soviet Union as she is entitled to be dealt with. The U.S.S.R. is a great nation. It covers one-sixth of the world's land surface and has approximately one-tenth of the total population of the world. The country is blessed with enormous natural wealth—mineral, agricultural, fisheries, forestry—and a great, vigorous, strong people. The potentialities of the Soviet Union are commensurate with the achievements which she has demonstrated. She is destined to be one of the very great powers of the earth.

In the interest of our country and the world at large, she must be accorded the recognition and treatment that such a situation requires. Without Russia, our common victory would have been seriously jeopardized. Without the cooperation of the Soviet Union, there can be no permanent and durable peace projected. Both of these are self-evident. If we cooperate with the Soviet Union on a basis of fairness to her, to ourselves, and to the rest of the world, the Soviet Union can be an inestimable power and a great influence in the establishment of permanent peace and the elimination of war, for the common benefit of all of us. To think of the Soviet Union in any other way and to deal with her in any other manner or on any other plane is to expose the world and ourselves to many avoidable dangers and catastrophes.

This was in effect the policy I recommended to my Government at the end of my service as Ambassador to the Soviet Union. To the Department of State I find that I wrote the following:

"Such a policy does not involve approving in any manner the ideological concepts of this Government. It does, however, recognize the right of self-determination. It is interpretative of the high-minded and Christianlike declarations of the foreign policy of the United States as expressed by the President of the United States and the Secretary of State in connection with foreign affairs. It is a good neighbor policy, and one consistent with the best traditions of our diplomatic history."

"21. Should we start negotiations with Russia (and the other great powers) now to lay the basis for postwar cooperation?"

Yes, provided such negotiations were confined to matters upon which there is substantial agreement, the discussion of which would not impair the unity necessary to win the war.

If, for instance, the great powers could now negotiate a treaty providing for collective security, the outlawry of war as an instrument of aggression or conquest, and providing the means for enforcing order so that the peace of the world community would not be broken, it would be highly desirable. Upon such simple negotiations there could be little room for disagreement. It is obviously in the interest of all and detrimental to none.

With that done, a long step forward would be taken in the winning of the peace. Under such a condition all other matters in difference would have to be settled by conference and mutual concessions, fairly and equitably, for force would be outlawed. Time would be afforded for the settlement of the inevitable graver problems of frontiers, access to raw materials and other economic and political problems.

Such a simple agreement would in itself constitute a great contribution to civilization. It might make haste more slowly, but in my opinion it would be more surely. Tropical growth flowers rapidly, but it wilts easily and is not hardy. Hardwood forests are slow in growth, but they withstand storms and last long.

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

Mr. CURTIS. I yield to the Senator from South Carolina.

Mr. THURMOND. I congratulate the able and distinguished Senator from Nebraska for a masterful presentation today. Since I came to the Senate I have not heard a finer address than the one delivered by the able Senator from Nebraska today. It is a masterpiece.

The Senator is a student of communism. He knows the dangers and evils of communism. He knows that when Mr. Khrushchev says, "I favor peace" what he really means is the time after he has conquered the world when there will no longer be any conflict and therefore peace under Communist rule. He knows that the word "truth" to the Communist means anything to promote the Communist cause. He is astute enough to understand that we cannot trust the Communists except to do what they want to do and what promotes their interests.

I commend the able Senator. He has made a fine contribution to the debate. I wish every Senator could have been present to hear him speak today.

Again I congratulate the able Senator from Nebraska.

Mr. CURTIS. The distinguished Senator has been more than generous. I do not deserve his praise.

I judge no other Senator, but I shall have no part of the treaty. I respect the motives of every Senator, but I cannot turn my back on history or the pronounced intentions of the Russian Communists.

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

Mr. CURTIS. I am glad to yield to my distinguished friend the Senator from Wyoming.

Mr. SIMPSON. I commend the Senator from Nebraska, and I associate myself with the remarks made by the distinguished Senator from South Carolina.

I have a great and abiding affection for the Senator from Nebraska, and a high regard for his ability. His address today, to which I have listened very attentively, confirms more and more my belief that I am entirely correct in my opposition to the so-called test ban treaty.

I also commend the Senator for his statement about the first step. We have heard much about the "first step" procedure. I am reminded of what the distinguished Senator from Utah said in the committee to which I belong. It was said that when a person starts upon a long journey he must always take a first step. The distinguished Senator from Utah said, "Yes, and if you take that first step in the wrong direction you are likely to meet with ruin."

The Senator's remarks today have great probative force.

I also wish that all Senators could have been present to hear the Senator's remarks, because I am convinced that perhaps many would be able to see the error of their ways and perhaps would vote with us against the treaty, which I think would do a disservice to America.

Mr. CURTIS. I express my gratitude for the kind words of the distinguished Senator from Wyoming, with a feeling of humility. I do not deserve his tribute.

I am alarmed by all the discussion of additional "steps." Is it expected we shall proceed to completely disarm our country? Will Uncle Sam be asked to agree to reform and not commit aggression, and to close the door on the millions of people who are now behind the Iron Curtain?

I do not know what the next step will be. I agree that the first step is the beginning of a long journey, but I contend that it is easier to take a step downhill than a step uphill.

Mr. SIMPSON. The Senator from Wyoming has observed that there have been some rather intemperate remarks made to the effect that any one who was opposed to the treaty was irrational or that any 10-year-old should have the sense to sign it. I merely observe that the able chairman of a great committee, the Senator from Georgia [Mr. RUSSELL], certainly is not irrational. Certainly, Senators THURMOND, STENNIS, ROBERTSON, RUSSELL, and other Senators of that caliber are not irrational. I protest that kind of statement. I yield to no one in this body in my belief in this country and the patriotism I feel for it.

The Senator from Nebraska has made a distinct contribution, and it confirms me in my belief that my stand is correct.

Mr. CURTIS. I thank the Senator. I take this position because I want to prevent a nuclear war.

Mr. SPARKMAN. Mr. President, will the Senator yield to me before he yields the floor?

Mr. CURTIS. I yield to the Senator from Alabama.

Mr. SPARKMAN. I join Senators who have complimented the Senator from Nebraska. I think he knows I do not agree with him in the conclusions he has drawn, but I think he has made a fine and clear presentation of his viewpoint. I wish to question him briefly about one or two points. I have carefully followed the debate and the hearings before the Foreign Relations Committee, both the open sessions and the secret sessions. As I have previously stated on the floor, that I do not believe any member of the committee attended the hearings more regularly than I did, with the exception of the chairman of the committee, who I believe attended more regularly than any other member. But the Senator from Nebraska has placed a great deal of emphasis upon the interim report made by the Preparedness Investigating Subcommittee.

I read it with a great deal of interest. I appreciate the amount of work that went into it. I am impressed by one thing about the report, which was brought out by the committee in the concluding paragraph. I am sure the Senator from Nebraska is familiar with the portion which reads:

> Although we have concluded that there will be a net military disadvantage to us if the treaty is ratified, we recognize the existence of other factors which, while not within the scope of this report, are pertinent to a final judgment on the treaty. Among these are matters related to international affairs, foreign policy, and relations with other countries. When these are taken into consideration the question becomes one of weighing relative risks, and our hearings provide ample evidence that the overall assessment of the relative merits and demerits of the treaty is a complex and difficult matter on which equally patriotic, informed, and dedicated persons may and do disagree. In the final analysis, then, each individual must reach his own judgment on the basis of personal philosophy, past experience, current knowledge, and the relative weight which he assigns to the various factors involved.

Let me go one step further and note that there are seven members of the subcommittee. Of the seven members, six have definitely taken a stand, three of them in favor of the treaty, and three opposed. So far as I know, the seventh member has not given an expression on it. But it seems to me the committee itself was saying there is not a clear-cut decision against it. In other words, the committee did not make a report against the treaty. It said, in effect, "These are the military facts, and we have not gone into the other factors. Each individual Member must decide for himself." Following that, at least three members spoke for the treaty, and three have spoken against the treaty. So far as I know, the seventh member has not yet given an expression. To me, that fact is quite significant.

Mr. CURTIS. I, too, read that report and the closing paragraph. All it means to me is that the committee is not invading the province of any other committee. It is not attempting to embrace in its report matters to be covered by the Committee on Foreign Relations, and perhaps other committees.

The very fact that the dedicated chairman of that subcommittee, and half of its members, who are dedicated to the defense of this country, cannot support the treaty, should weigh against it. The mere fact that half of its members, including the chairman, have spoken out against the treaty should weigh against the treaty. Everyone knows that upon the chairman falls the responsibility of calling for hearings and assembling reports. The report speaks for itself.

The military conclusions in it have not been disputed by members of that committee or any other committee in the Senate. Is that not correct?

Mr. SPARKMAN. No; I do not agree to that statement. I am not sure the Senator means just what I understood him to mean.

Mr. CURTIS. The Joint Chiefs of Staff say there are military disadvantages to the treaty.

Mr. SPARKMAN. Yes; but each member of the Joint Chiefs of Staff recommended ratification of the treaty.

Mr. CURTIS. I know that.

Mr. SPARKMAN. Each one of them did so because they all took into consideration the other factors which they said ought to be taken into consideration.

Mr. CURTIS. If the Senator will read their entire testimony, they admit that the treaty——

Mr. SPARKMAN. I was present and heard it. I did not have to read it. I sat in committee and heard it. I heard it in open session, and later I heard it in secret session.

Mr. CURTIS. Let the record speak for itself.

Mr. SPARKMAN. Yes.

Mr. CURTIS. I challenge the Senator to show me a speech made in this debate in which, point by point, a Senator has undertaken to disprove the findings of the Stennis subcommittee concerning the treaty.

Mr. SPARKMAN. I am not trying to do that.

Mr. CURTIS. It has not been done.

Mr. SPARKMAN. So far as I know, no Senator has questioned it. All I am trying to say is that the subcommittee, in its conclusion, said that there are other factors which are recognized but have not considered. Each Senator will have to consider them. All the committee has done is present the military picture.

I do not wish to engage in argument, but I thought it was rather significant to point out that fact.

Mr. CURTIS. Those conclusions have not been challenged in any speech on the floor.

Mr. SPARKMAN. Also, I point out that half of the members of the subcommittee have expressed themselves on the treaty and have spoken for it. They have not merely announced they were for it; they have made speeches on the floor of the Senate in favor of the treaty.

Mr. CURTIS. I think that is an emphatic condemnation of the treaty.

Mr. SPARKMAN. If the Senator will yield to me for one further point, I was interested in the Senator's reading from Father Keller's book. Father Keller is a great leader and a forceful speaker, but I happened to think, while the Senator was reading, about the motto of the Christophers. Is it printed on the inside page of the book? If not, I think I can quote it.

Mr. CURTIS. Perhaps the Senator can. There is a research center from which a Senator can obtain all sorts of information——

Mr. SPARKMAN. No; I have read many of Father Keller's little booklets.

Mr. CURTIS. What I read was not Father Keller's book.

Mr. SPARKMAN. It was a quotation used in the book.

Mr. CURTIS. I was referring to what was said by Dimitri Manuilsky and the boast about their political warfare in 1930, wherein he said:

> The bourgeoisie will have to be put to sleep, so we shall begin by launching the most spectacular peace movement on record. There will be electrifying overtures and unheard-of concessions. The capitalistic countries—stupid and decadent—will rejoice to cooperate in their own destruction. They will leap at another chance to be friends. As soon as their guard is down, we shall smash them with our clenched fists.

Mr. SPARKMAN. I am familiar with that quotation.

Mr. CURTIS. It was a Russian who said that.

Mr. SPARKMAN. I knew that. I said the quotation was contained in Father Keller's book.

Mr. CURTIS. Does that invalidate it?

Mr. SPARKMAN. I thought it might be interesting.

Mr. CURTIS. Father Keller's book is a devotional book. I did not intend to enter into a denominational discussion. The Supreme Court might enjoin us. I could have obtained the Dimitri Manuilsky quotation from another book, but I happened to have this one on my desk.

Mr. SPARKMAN. I thought the motto of the Christophers, for whom Father Keller writes, should be placed in the RECORD:

It is better to light a candle than to curse the darkness.

That is a positive statement, to say the least.

Mr. CURTIS. It is. I thank the distinguished Senator. I hope that before the debate concludes some Senator will defend the treaty.

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

Mr. CURTIS. I yield.

Mr. THURMOND. The point was raised by the distinguished Senator from Alabama about the Joint Chiefs of Staff supporting the treaty. I wish to read the last part of their statement, given by General Taylor. This is what he said:

The risks inherent in this treaty can be accepted in order to seek the important gains which may be achieved through a stabilization of international relations and a move toward a peaceful environment in which to seek resolution of our differences.

Those are the political questions on which the Chiefs based their decision. According to their own words, they are willing to take the military risks in order to achieve two political gains, namely, the gain of stabilization of international relations and the move toward a peaceful environment.

I ask the distinguished Senator whether he feels that the treaty will bring about a stabilization of international relations.

Mr. CURTIS. Definitely not. The Chiefs of Staff warned against euphoria—against complacency. I wish the Senator would read into the RECORD at this point his words of yesterday when he quoted General LeMay as to what his instructions were as to considering factors other than the military merits.

Mr. THURMOND. The other point that was mentioned in the statement of General Taylor on behalf of the Joint Chiefs of Staff was:

A move toward a peaceful environment in which to seek a resolution of our differences.

Does the Senator feel the treaty would bring about a peaceful environment, or may it not be a step toward disarmament, which in the end could lead us into war, instead of peace?

Mr. CURTIS. If I thought the treaty was a move for peace, I would support it. I believe no such thing.

Mr. THURMOND. Mr. President, I ask unanimous consent to have printed in the RECORD at this point the portion of General LeMay's testimony to which the Senator from Nebraska has referred.

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

General LeMay stated:

"But the net result is that there are military and technical disadvantages to the treaty. All of the Joint Chiefs agreed on this point.

"However, there are political advantages that may accrue from the treaty. This is a field that I don't consider myself an expert in, and I have depended to a large extent on the advice of others."

General LeMay stated that he and the other Chiefs had been briefed on the political, or nonmilitary considerations, by both Secretary of State Dean Rusk and Under-Secretary Harriman.

General LeMay was interrogated further with regard to this matter by Senator BYRD, of West Virginia, who posed the following question:

"You have indicated, General LeMay, that the Joint Chiefs of Staff were not to confine their judgment in connection with the treaty before us on this basis of purely military considerations, but that political considerations were also to be thought about.

"Is this normal, General LeMay, or has it been the practice in the past for the Joint Chiefs of Staff to attempt to assess political considerations in reaching their judgments?"

General LeMay responded:

"It certainly has been true since President Kennedy came into office, because this is one of the first things that they told the Joint Chiefs they expected them to do. They expected them to put the political factors in at their level.

"They told us this verbally many times. Actually, I think we have a note in writing on the subject, the Joint Chiefs."

Quite obviously, therefore, the testimony of the Joint Chiefs does not conflict with the findings of the Preparedness Subcommittee. The Joint Chiefs were instructed to consider the political considerations, which they were given by Mr. Rusk and Mr. Harriman, and this is the basis for their support of the ratification of the treaty.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. LONG of Louisiana. I agree with the Senator that there is no reason to believe that this Nation would be advantaged by trusting the Soviet Union and the leaders of that country to keep their word. A great number of individuals and nations making that mistake found that their decision led to their own extinction.

Is it not true that the best information the Senator can find indicates that the treaty would be an advantage to the Soviet Union from a military point of view, as compared with the United States, even assuming that the Soviet Union does abide by the treaty?

Mr. CURTIS. That is the unquestioned testimony of every military authority who appeared in any of the hearings. It is supported by the Senator from Mississippi [Mr. STENNIS] in his report. It is supported by the Senator from Mississippi in his speech. It is supported by the distinguished soldier, the Senator from South Carolina [Mr. THURMOND]. It is supported by the Senator from Georgia [Mr. RUSSELL].

I said earlier in my speech that 40 Secretaries of Defense or of the separate branches of the service have come and gone since Senator RUSSELL served on the Armed Services Committee or the predecessor committee.

It is not a matter of my opinion. It is generally accepted and not disputed that the military advantages are in favor of the Soviet Union.

Mr. LONG of Louisiana. The Senator has spelled out the fact that as a part of the Communist doctrine, from the Soviet point of view, it is a laudable thing for them to deceive, defraud, and mislead other nations, particularly the capitalist nations of the world. Recognizing that fact, and, in addition, the fact that they are obtaining a military advantage from the treaty itself, and thus will have the ability to consummate their perfidious acts, I ask the Senator if that does not add up to the conclusion that we might risk our national survival and our independence if we agree to abide by a treaty of this nature.

Mr. CURTIS. That is true. In the course of the hearings I asked the Secretary of State if the treaty had strengthened the hand of Khrushchev with his own people. I did not get a direct reply. He said, "The treaty is popular all over."

The fact is that it has strengthened the influence of Khrushchev in this country, back home in my State of Nebraska, and everywhere else. He has partly accomplished his mission of disarming the American people. There is not one iota of evidence that the Communists have changed their goal or that Gromyko is any more truthful now than when he was in the White House deceiving our President a year ago.

Mr. LONG of Louisiana. The treaty has been described as one of a number of steps. It may well prove to be about the only step that will be necessary to assure Soviet superiority. Is that correct?

Mr. CURTIS. It might be the one step that we can refrain from taking. The other steps will be harder to resist.

Mr. LONG of Louisiana. I thank the Senator.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns today, it adjourn to meet at 10 a.m. tomorrow.

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

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, for the information of the Senate, it is hoped that all Senators who desire to speak on the pending partial test ban treaty will come to the Chamber tomorrow and Friday, prepared to remain until late. If there are no requests for speeches to be made on Saturday, it is anticipated by the leadership that there will be no Saturday session.

Mr. LONG of Missouri. Mr. President, the Senate has before it today a treaty which may prove to be a small step toward a world free from the scourge of war. If this treaty is not approved, it may be many years before the people of the world will have another opportunity to begin this journey. In fact, though it is hard to face this reality, we may now be considering the last opportunity for civilization to start this journey.

Because the results of the Senate's decision may be so consequential to all mankind both living and yet to be born, it is essential that the most careful thought be given to the promises and possible pitfalls of the treaty.

This I have done. Last Friday, I spoke before the Third Baptist Church Men's Study Group in St. Louis, Mo., on the subject of the treaty and presented my reasons for supporting ratification. I ask unanimous consent that my statement be printed in the RECORD at the conclusion of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD.

(See exhibit 1.)

Mr. LONG of Missouri. Mr. President, this treaty is not a coveted panacea, marking a solution to the cold war. The vast ideological gulf separating East from West has not closed; the cold war has not ended for all time; the world, to quote the words of one of our heralded predecessors, is not yet "safe for democracy." But, we face the future with renewed hope, knowing that peaceful methods are possible to lessen tensions and to ameliorate conflicts without a concomitant loss of status and/or strength vis-a-vis the Communist bloc nations.

Many observers have noted since the signing of the test ban accord that it, in fact, accomplishes little which the voluntary moratorium did not—that is, we have signed an agreement banning space, atmospheric, and underwater testing.

The most controversial aspect of the armaments race remains unchecked; no regulation of underground nuclear testing has been attempted.

Despite the fact that complete and unanimous agreement has not been reached on all facets of banning nuclear testing, that we have reached an accord on any portion of this whole, complicated problem—a problem which potentially could spell doom for the human race—indicates progress. That we have not yet gone the whole way and completely erased the threat of nuclear war and weapons is not the primary issue. We are moving toward our goal of lasting peace and, simultaneously, protecting our own self-interest.

The present treaty, despite its obvious limitation, is significant on several counts. A step has been made toward the gradual tapering off of the pace of the arms race. This is important. History shows that all arms races have ended in war. If and when an agreement is made to ban nuclear testing underground, the nuclear arms race should come to a halt.

There has been much speculation about the Soviet Union's motives in negotiating a nuclear test ban treaty at this time, after 5 years of blocking all attempts to devise a formula acceptable to both East and West. Many people feel that we are witnessing a change in Soviet policy—peaceful coexistence with an accompanying lessening of tensions is a sincere goal of the Khrushchev government. Others see the Soviet willingness to conclude a treaty as an effort to throw the West off balance. These critics argue that we will suffer from a false sense of security and as a result curtail our own nuclear exploration to the benefit of the Communists. They predict that Western military power will diminish in relation to that of the Communists.

The Joint Chiefs of Staff and other military and scientific experts have expressed assurances that militarily the treaty is sound. It does not, in their considered opinions, put this country in a disadvantageous position. Further, the President has assured us that underground testing will be vigorously and diligently carried forward and that we will maintain a position of readiness to resume testing in the other environments if there is a violation of the treaty by the Soviet Union.

Already more than 90 nations in the international community have signed the treaty. An irresponsible rejection of the treaty would damage the U.S. position as a world leader dedicated to peace.

Finally, and this in and of itself is sufficient reason for consenting to the treaty, with the cessation of atmospheric and space tests, radioactive fallout will become less of a problem. This is an especially important factor to the citizens of Missouri, for we have one of the highest Strontium 90 counts in the country. Our health and that of our children must be taken into account when considering this treaty. Most authorities believe a relationship exists between certain types of cancer and the Strontium 90 count in the atmosphere. If this is true, we cannot justify—to ourselves or future generations—our not adhering to this agreement. Moreover, the risk of radiation-induced mutations and genetic deformities must be taken into account.

As I said earlier, this treaty does not signal the termination of the cold war. Communist ideology and Western beliefs still are polar. An ideological difference, however, does not mean that one side must destroy the other. We have managed to find one area of mutual agreement. Perhaps others exist. If so, we may find them.

All of our problems are not over, we cannot expect utopian conditions. However, we can be justly proud and happy that a constructive attempt is being made to deal with one of mankind's most perplexing difficulties.

It is for these reasons that I support the test ban treaty. In so doing, I am cognizant that dangers and difficulties are inherent in the situation.

The treaty is a true test of our Nation's courage. It would be far easier to adhere to the status quo and continue our daily lives with the false security offered by unlimited nuclear development. But, this was not the way of our forefathers and it is not the way of Americans today. We have the courage, the will, and the means to seek a lasting and responsible peace. If this venture toward the realization of mankind's fondest dream fails, it must not be because we refused to give it a chance.

Let us take this first small step with full realization of all it entails but let us take it enthusastically.

EXHIBIT 1

THE TEST BAN TREATY—PROGRESS OR REGRESS?

(An address by the Honorable EDWARD V. LONG, U.S. Senator from Missouri, before the Third Baptist Church Men's Study Group, St. Louis, Mo., Sept. 13, 1963)

Gentlemen, you have invited me to discuss with you the question of the proposed nuclear test ban treaty—the 1,500-word document signed August 5 by the United States, the United Kingdom, and the Soviet Union which is now being debated in the U.S. Senate. I appreciate the opportunity to explore the many faceted agreement with you—men who I know full well share my hope for a world at peace, not at war—a world in which man, as a creature in the image and likeness of God, lives in keeping with all that is inherent in his nature, with the freedom and dignity the Creator intended. I am not here to argue for or against the treaty itself. I have arrived at a conclusion on the matter, but it is not my purpose to make any attempt at persuasion here tonight. I have reached a judgment to support ratification, and I want you to know how I have arrived at that conclusion.

First, let me make it clear that while my support for ratification of the treaty is unqualified, it does not stem from any notion that entering into the compact doesn't involve risk. There are risks—and it is important that we recognize this reality. But what great achievement does not involve chance and uncertainty?

Wasn't there great risk in the pioneering of our beloved country, risks that had to be taken in order to forge this great Nation from a vast and uncharted wilderness? Yet, men did not turn their backs on the venture because of them, and as a result America has grown and prospered.

Haven't all great discoveries of man, in exploration, in science, in medicine required assumption of risks—grave risks? But this fact alone has not swayed man from the course that has led to knowledge and understanding of our environment, alleviation of suffering, cure of disease and a greatly advanced civilization.

Isn't our space program—exploring the unknown mysteries of the universe—demanding from our modern day pioneers awesome risks and dangers? But because men and women are willing to carry on this work, knowing there are risks and coping with them intelligently, world security increases, and man is likely on the threshold of fantastic discoveries that may lead to solutions of many age old problems.

Isn't there a definite element of risk in every business venture—every investment—every new business opening—every factory expansion? But because men recognize them, assume them and deal with them in sound calculation our business and industrial economy thrives.

Doesn't every family venture, whether it is a home purchase, or selection of a college for a son or daughter involve risks? If risk alone caused us to abandon family aspirations, democracy and self-determination would have failed miserably long ago.

If we find that every phase of life has its dangers and its risks, and certainly they have, would it be reasonable to shun what could well be the first opportunity of man to achieve his greatest earthly goal, permanent peace, because it involves a degree of uncertainty?

Since the dawn of human creation, man has reached for this goal. Today we have a chance to take the first small step in that direction. Although it is only a first step—and only a small one, to be sure—if we let it pass us by, who can tell how many generations of the future may come and go before there is another such opportunity to make a breakthrough. In fact, considering today's capacity for destruction, man may

never again have such an opportunity. I believe our duty to God and to our Christian philosophy demands that we look at this opportunity realistically, and make every effort to see it bear the fruit of peace and security.

Sometimes I get the feeling that perhaps there has been so much talk about the many risks involved in the treaty, that we can tend to lose sight of the very real fact that our present situation—where there is no limitation on testing, itself involves a number of very serious risks. It would be logical to weigh these risks, and see how they strike a balance, if in fact they do.

Without a test ban the risks are:

(a) A continued intensified and unrestricted arms race between the United States and the U.S.S.R. History has made it clear that all arms races have led to war.

(b) A continued and increasing risk of further spread of nuclear weapons among the other countries of the world; and

(c) An increasing risk of radioactive contamination of the atmosphere. I am convinced that the treaty constitutes a small beginning in reducing the first two of these risks, and will dramatically reduce the third.

With the treaty, those risks are overcome, but new ones take their place. They are:

(a) Secret testing by the Soviets; and

(b) Secret preparations to resume testing by the Soviets, and their sudden, large-scale treaty violations.

I am convinced that the treaty, and U.S. policies developed under it, will reduce these risks so that either course of action by the Soviet Union will not be a threat to our security.

In balance, the reasonable possibilities that our acceptance of the treaty may usher in a new era in which man is serving man instead of trying to dominate and destroy him are so great, that if we don't act with advised courage, our hesitance and failure could be the greatest step away from peace that man has ever taken.

An old Army axiom has it that a good soldier never polishes the backs of his shoes because no one will ever see him in retreat. I pray God that it can never be said that this country was seen in retreat from the frontiers of peace.

What is this treaty? What does it do? What does it not do?

The treaty, a simple and clearly written document, prohibits nuclear testing in the atmosphere, in space, and underwater. Underground testing is permitted so long as there is no radioactive fallout beyond the boundaries of the testing country. Those are the only things the treaty does.

It does not prohibit the production of nuclear weapons—nor the means of delivering such weapons.

It does not restrict the use of nuclear weapons in the event of war.

It does not require that the United States give diplomatic or other official recognition to any country not presently recognized.

It does not bind the United States to any further agreements or negotiations regarding further disarmament.

And the treaty does not commit the United States to any negotiations or settlement of political issues, despite the attempts of the Soviet Union to tie the treaty to a nonaggression pact with the Warsaw treaty nations.

Going further into the advantages and disadvantages as I have listed them, let us consider them one by one.

With reduction of the arms race, we will be taking the first step toward eventual arms control—a goal we have been seeking ever since we first realized what a massive destructive power we had in our hands when we dropped atomic bombs on Hiroshima and Nagasaki—small and crude weapons in the light of today's standards.

The all-out, uncontrolled, increase, and multiplication of destructive might has not increased our national security. Since the dawn of the nuclear age in the closing days of World War II, our adversaries have been constantly close at our heels—each of us forcing the other toward—even beyond—the point where one's capability would so far outstrip the other's that he would draw back in horror.

But instead we have both long since reached the stage of development where further increases in power of our weapons make little, if any real contribution to our capability. By President Kennedy's own estimate, both of us are fully capable of destroying upward of 300 million human beings in only 1 hour. Having reached the "point of diminishing returns" in destructive power, the United States has, in recent years, concentrated primarily on deliverability of weapons, proceeding on the assumption—and I think a valid one—that accuracy and dependability at this point far outweigh sheer explosive might.

More than 90 nations have now become signatories to the treaty—binding themselves to the compact that blocks the flow of nuclear weapons and information to them.

By limiting further spread of nuclear capability to presently nonnuclear countries, the risk that a nuclear weapon would be accidentally detonated is significantly reduced, in turn lessening the danger of a local conflict escalating from conventional to nuclear. An escalated conflict would almost certainly place the United States and the Soviet Union in direct confrontation.

It is hopefully expected that within a short time all the nations of the world, save Communist China and France, will have bound themselves to the agreement. World opinion moves toward greater crystalization against atmospheric contamination from testing. That leaves underground testing the only available alternative—a far more expensive and time-consuming process.

Some treaty opponents have all but discounted the value of eliminating the continuing risks of rising pollution from testing. Granted, to the best of our present knowledge, the dangers from fallout are slight. But even the slightest risk—when it is unnecessary, and avoidable, is a foolhardy undertaking. As the President said in his July 26 nationwide speech "this is not a natural health hazard—and it is not a statistical issue." No one is able to say now what physical damage increasing fallout levels might precipitate. No one is able to say now what mutations might occur in future generations—mutations brought about by high fallout levels. But all agree there is a risk—the only disagreement being as to how great it is.

I am sure that no one hails this treaty as an absolute guarantee that all the intended purposes will be faithfully fulfilled by all the parties. Much debate has centered around the record of the Soviet Union—one that is strewn with broken agreements, violated treaties, and soon-forgotten "understandings." Those who argue that "Russia can't be trusted" do so from valid ground. We can't trust them to keep the agreement, left solely to their own devices. But this treaty is not based on trust; it is not based on confidence; it is not based on any notion that there has been an overnight reversal of Communist aims or methodology.

Instead, we will be constantly monitoring the Soviet Union with instruments—for detecting nuclear weapons tests which have been developed over the past several years to know what progress was made by the Soviets. Listening devices; seismic instruments to detect earth tremors; detecting of radio signals from the radiation that accompanies nuclear explosions—as well as flights and surveillance around the perimeters of the Soviet Union to gather samples of dust and clouds to be tested for radioactive debris. The Joint Chiefs of Staff have urged—and the administration has assured—that our current detection system will be expanded and improved, through satellities to detect outer space tests and other means.

With a detection system such as this, any cheating on the test ban would have only the most remote chance of going undetected. With a detection system such as this, the United States has concluded, according to Secretary McNamara, that "the Soviet Union could obtain no major results by testing in the atmosphere and deep space or underwater without incurring the high risk of detection and identification."

In addition to the risk of Soviet testing on the sly, there is also the recognized risk that instead of attempting prohibited tests clandestinely they would make preparations for a massive test series, and then, in a surprise move, suddenly abrogate or nullify the treaty and resume testing. On the basis of experience with the 1958–61 moratorium we must be prepared for this occurrence. While we can do little to inspect for and detect such preparations, the President has made it clear that our testing facilities will be kept "at the ready"—fully capable of an immediate resumption of presently treaty-banned testing if that course of action would be necessary to preserve our present definite superiority. Also minimizing the risks involved in sudden Soviet treaty abrogation will be continuation of underground tests, which the scientific community agrees almost unanimously will maintain our present lead in overall nuclear capability.

Balancing the risks, and approaching the treaty with a realistic outlook as to both the agreement itself and the past performances of the Soviet Union our overall national security will increase. Already possessing a nuclear force described by Secretary McNamara as "manifestly superior," a point which has not been contradicted by any responsible or knowledgeable testimony or evidence, the United States does not need further atmospheric tests to:

(1) Insure that our weapons systems will survive a Soviet attack and penetrate Soviet defenses; or

(2) To develop and deploy an antimissile defense.

Further—the United States long ago made a firm decision not to pursue attempts to develop an extremely high-yield weapon. We have instead centered our program around strengthening our defenses and increasing the tactical effectiveness—the deliverability—of our nuclear striking power. Testing in the atmosphere is not an essential part of that program.

The treaty, I believe, represents an opportunity to take the first step in the direction of peace. It is only the beginning of a long, slow and precarious journey. But the real task of reaching the ultimate goal lies in the future. As I see it, the task is threefold—and each step equally important as the others.

First, we must maintain all necessary safeguards to keep the United States strong in our defenses; to protect against the danger of surprise abrogation; and to continue our efforts against the spread of Communist aggression. If we fail this, the treaty may fulfill the worst fears of its opponents, and instead of moving us toward peace, move us toward war. I am convinced that this Nation is committed to and determined to carry out this first task.

Second, we must keep exploring for further steps toward peace; toward further agreements which can be adequately policed; toward further measures which can strengthen international law and international security. If we fail this, the treaty will lead only to an isolated signpost on a dead end road. I am convinced that the treaty will in no way alter the course of U.S. policy of an unrelenting search for

permanent peace, but will in fact, bolster our efforts in that direction.

Third, we must reorient our thinking. While it will be necessary to continue the development of our nuclear strength, we must bring to an end our concentrated pursuit of nuclear strength as an end in itself. If the all-out, unlimited arms race of the last decade is merely transformed into an all-out, underground arms race, then the main thrust—the main promise—of the treaty will be lost. We must learn to live with the idea that mankind may at last be moving toward its fondest dream. A world free from the scourge of war.

If we persevere in these tasks with the same intensity that we used in bringing about this treaty, we have every valid reason to hope that we have indeed taken the first, though admittedly small, step toward peace.

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Wyoming [Mr. McGEE], I ask unanimous consent to have printed in the RECORD at this point a statement prepared by him relating to the proposed nuclear test ban treaty.

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

STATEMENT BY SENATOR McGEE

The debate on ratification of the nuclear test ban treaty has caught the interest of the Nation, and we are indeed in the spotlight of public attention and concern. I have received many, many letters from Wyoming concerning various points in the treaty and its effects upon this Nation if ratified. Therefore, I thought it would be appropriate if I approached this question in response to those inquiries.

The first thing that must be understood is that a Wyoming approach to the problem of the cessation of nuclear testing is no different from the approach of a resident of any other of the 50 States. For Wyoming, although it is far from either ocean and unique in many aspects of her way of life, is on the front lines in any potential nuclear war. In our missile bases at Cheyenne, the largest missile complex in the world, and our oil industry centered about Casper, we have completely suitable targets for nuclear devastation. And we neighbor a State in which the levels of radioactive materials have reached such quantities as to be of real concern to public health officials, and, it goes without saying, to the mothers of growing children. Our stakes in this matter are as vital as those of any other American.

While Wyoming's interests in this treaty are identical to the rest of the Nation's, I think that it is proper and illuminating to draw some parallels in the development of Wyoming and the West and the tenor of the reservations expressed against the test ban treaty.

To agree to this treaty, according to its critics, would be to take unjustified risks with the future of the Nation because we cannot be positively certain that the Soviet Union will not at some future date break the agreement. It is also said that this treaty, once ratified, will immediately lull us into a soporific attitude of national negligence from which we shall awake to find ourselves in chains. These critics say that as a preclude to any treaty we should insist that the Russians agree to dismantle the Iron Curtain, and present us with ironclad evidence of their sincerity in this matter and their withdrawal from the cold war.

If the pioneers who settled Wyoming had insisted upon equivalent guarantees before they started on their westward journey none would have ever passed the Mississippi. The thing that separated these pioneers from the rest of the population is the very fact that they were willing to take calculated risks in order to create a better life for themselves.

These resolute Americans had no illusions about finding any Garden of Eden in the American West. They required no ironbound assurances that the Indian population would immediately abandon all hostile attitudes and they did not ask as a prerequisite to that journey that all questions of land ownership and rights be settled in their favor.

While our forefathers were perfectly willing to accept this risk, I do not imply that they were unmindful of the dangers involved or ignored the risks of their journey and new way of life. Quite to the contrary, they took every reasonable precaution to assure success in their journey and in the establishment of a new life in the new land. These precautions took the form of well-defended wagon trains, scouts, and lookouts, and the maintenance of adequate supplies and lines of communication.

Above and beyond all these material things, these pioneers had the essential ingredient for success—faith in their own ability to meet and surmount the challenges that lie ahead. They knew that hostile Indians or the adversities of weather might make life extremely difficult, but they believed that they could adjust to those difficulties and conquer them.

And so must we have the determination to accept the challenge of this treaty. Certainly, there are risks involved and certainly there is required eternal vigilance. But these were normal conditions on the frontier and they are, unfortunately, normal conditions in the cold war.

As others have said, this treaty is no giant stride toward peace and tranquility. But it is a small step in the right direction, an opportunity to set a more favorable course toward the ultimate goals of peace and national security. I am convinced that we dare not ignore this chance. We cannot leave for our descendants a legacy of doubt and obstinacy in response to opportunity. We cannot forever refuse to face the challenge of finding means to reach the ultimate goal of a lasting peace.

I believe that this treaty offers a chance to make a lasting peace—not in the treaty itself or in the events in the next 5 years, but possibly in the next generation. And it is a chance that is consistent with the maintenance of our national security.

The treaty would not substantially change our nuclear position vis-a-vis the Russians for it would preserve a status quo that in total finds us maintaining a superior position.

The treaty would not bind our hands in time of war or in case of a surprise violation of the treaty by the Soviets. In either case, the treaty becomes an immediate dead letter.

The treaty is not based on any unwarranted trust of the Soviet Union's good intentions nor is it the first step in a national self-delusion that will reduce our desire to protect our Nation and way of life. If we are to commit suicide or sell the Nation down the river, no treaty can prevent it or cause it. If our national leaders and our Military Establishment have not by now learned the lessons of almost a score of cold war years, there is little hope for us now.

What the treaty is, then, is a chance, a small chance, to improve the outlook for human survival to wage the battle for human freedom and the democratic way of life on lines less sanguinary than the nuclear battlefield and to eliminate the uncharted dangers of nuclear fallout. What we do here will be weighed on the scales of history. I am confident that we will not be found wanting.

Tiny as the immediate material impact of this treaty will be at the outset, it is nonetheless bigger than all of us here—in fact bigger than life itself. It rides the wave of the history of our times. History teaches us nothing if not the inevitability of change—the kind of change and in which direction no man here is wise enough to foretell. But the conscience of that history hangs heavily over the heads of the Members of this body at this moment. No man here can pretend to know what tomorrow holds. Nor can any one of us be so absurd as to assume an omniscience denied us by the Lord. Yet there are those who want to be certain, who want to be sure. Unfortunately, we can't wait until tomorrow in order to make our judgments in hindsight. Tomorrow has to be taken on faith today.

What the treaty does for us, then, is win a chance—albeit a small chance—to bring peace to mankind. The price we have already paid for that chance through two world wars ought to haunt us every night. What we do with it on this occasion the future generations now looking over our shoulders alone will stand in judgment.

Mr. PROXMIRE. Mr. President, I have now arrived at a decision on the proposed nuclear test ban treaty. In doing so, I have carefully reviewed the hearings and committee reports on the test ban treaty. I have read and listened to the debate in the Senate Chamber. And I have had a chance to interrogate supporters of the treaty on the floor of the Senate on some of the military implications of the treaty that troubled me the most.

The way the treaty has been handled is a great credit to the U.S. Senate. I say this as one whose duties did not bring him into special responsibility with regard to the treaty. I do not serve on any of the committees that have competence on any phase of this treaty. So I can appraise with some perspective the manner in which this treaty has been handled.

The Committee on Foreign Relations has discharged its prime responsibility brilliantly. Statements made to the committee by the Nation's most competent and responsible experts and the committee's comprehensive interrogation of these experts represent a model of searching scrutiny. Any Senator uninformed on this treaty after these hearings can only be uninformed because he failed to read them.

The unique participation in these hearings by members of the Atomic Energy Committee and the Armed Services Committee served the happy purpose of bringing the special knowledge of these members in the military and scientific implications into focus on the treaty.

Unlike some able Members of this body, I believe that the Senate Preparedness Subcommittee of the Armed Services Committee performed a very impressive and useful service by holding its own hearings on the treaty and issuing its own highly critical report on the treaty. Frankly, this report gave me a further very important insight into the military consequences of the treaty which I would have otherwise missed.

Debate on the floor on this treaty has been the most enlightening and helpful that has been heard in this body in a long time. Senators have not merely delivered "canned" speeches. For days they have submitted to interrogation that has emphasized and re-emphasized the critical problems involved in the treaty. Some of the questioning has

been repetitive, but even that has been useful in hammering home the answers to the most troublesome questions.

Mr. President, I will vote for the treaty. In doing so I recognize that we cannot, and in this treaty do not, trust the Soviet Union to keep its part of the bargain *on faith*.

I rely on the assurance of the most competent military and scientific brains in and out of our Government that we can detect any Russian atmospheric nuclear tests that could give them a significant advantage by violating the treaty.

I rely on the assurance of the President that we will take full advantage of our rights under the treaty to keep our nuclear defense, including our retaliatory deterrent and our progressing nuclear knowledge, in a state of steady improvement. And, further, I rely on the President's clear assurance that we will instantly act to protect our security, if and when the Soviet Union is detected violating the treaty.

Most important of all, I will vote for the treaty because of a point made by the brilliant opponent of the treaty, Dr. Edward Teller, in his masterly attack on it.

Dr. Teller argued that this treaty fundamentally serves not to stop the physical production of the arms race, or the deployment of devastating nuclear weapons. This treaty strikes at the crux—the fount of military power: the opportunity to push back the frontiers of knowledge about nuclear explosions in the atmosphere. This treaty will prevent us from discovering truth: the truth about the prospects for nuclear weaponry in the atmosphere.

Mr. President, John Stuart Mill wrote of the sacredness of truth in his essay "On Liberty," the greatest political essay ever composed in the English language. Few men in history have ever had a more complete reverence for truth than Mill; and yet, in this greatest defense in the English language of mankind's right to seek the truth and to speak the truth, Mill recognized a fundamental reality about the truth: that mankind in fact often has turned away from knowledge and truth. He did so in the execution of Socrates and the crucifixion of Christ. Repeatedly throughout history truth has been crushed and buried, to rise, if ever, ages later.

But what this treaty begins to do in its small, halting, limited way is not to force the truth-speakers to their death, not to suppress truth or to smother truth, but to channel the brilliant and precious and limited scientific knowledge that we have in this world a little—and only a little—away from the search after the truths about the more efficient destruction of mankind and, I hope—by implication at least—toward the vast unexplored areas of ignorance that engulf us.

We live in an ocean of ignorance about our own world, and, of course, the universe. We live on a tiny island of knowledge. We can magnify our knowledge a thousandfold—yes, a millionfold—and still our ignorance of God's plan is pathetically large.

What a travesty on man's wisdom that, beset by this unending challenge to find the truth, we impose immense taxes on our people to focus the precious scientific energy and ability we do have to peer into the one limited microscope of self-destruction to discover more and more and more and more about how we can more efficiently wipe out mankind on earth. One would think that this is the only kind of knowledge that remained to challenge our abilities.

I hope and pray that this limitation on the channeling of our scientific energies in the field of destruction will permit these magnificent scientific intellects to work in the positive areas of making it possible to live longer and better and happier and more constructive lives and not to bring quicker and more devastating death.

No one can study the hearings and reports and debates on the treaty without developing serious misgivings. The treaty does indeed involve risks of sudden massive Russian violation that might give the Russians an advantage. I admit that.

But the treaty also begins a small, gradual, limited move toward limiting the nuclear knowledge that will certainly destroy civilization if limitations are not somehow forged.

Of course, it is a weakness of the treaty that Red China and France are outside its agreement. But the governments of these countries as their current leaders pass from the scene will be increasingly pressured to limit their testing and their nuclear advances, if not to adhere to the treaty.

The treaty will slow down the proliferation of knowledge. A nation that does not test is far more loath to pass the knowledge that is power—and death and destruction—over to any other sovereign entity. With that knowledge nuclear power could be within the capability of a score of nations.

What is worse, in view of the geometric escalation of nuclear knowledge based on testing in the past 15 years, a similar escalation in the next few years could make nuclear power a possibility for any sovereign nation, including Luxembourg and Gabon. It is the development of nuclear knowledge that could make it possible with very little capital and simple processing equipment to develop weapons of immense destructive capability.

It is the virtue of this treaty that it begins, very gently and slowly, to steer mankind's scientific genius away from this knowledge.

I say that the proliferation of nuclear destructive power, the ownership of the capacity to kill tens of millions of people by fifty or even a hundred countries, would almost certainly in time mean the cataclysm, Armageddon for mankind.

Many of the countries of the world are and will be dictatorships, often military dictatorships. Continuance of the spreading of nuclear knowledge means than any one of these dictators in a fit of desperation or folly or stupidity or masochism or megalomania could kick off world destruction. This is what proliferation of knowledge means.

And even if we assume that we have seen the end of acts of great evil by men in power—and how naive an assumption—we cannot ignore the mathematical certainty that with scores of nations handling these nuclear weapons someone, somewhere, sometime, will set one off over another country where it will cause death and destruction, and then the capacity of mankind to pull back will be terribly tested.

In spite of books and motion pictures to the contrary, I have faith that our Air Force has put the human and mechanical safeguards into effect that will prevent an Air Force accident. But no man—no man—can ever be a thousand percent sure in any and all circumstances. I have equal faith in our Navy and Army. I have similiar if less faith in the United Kingdom's protections against accident, and some—though sharply diminished—faith that the Soviet Union will not blunder unintentionally into war. But when we multiply this knowledge by 10 or 20 nations the chances of accident become, over time, close to a sure thing.

Here is the risk this treaty would help—a little—but help begin to prevent.

For many more reasons far too numerous to mention, including especially the sure evil of increasing fallout in the atmosphere, I support the treaty. And I do so in the fervent hope that it will be a beginning toward the arms control which will take years of patient, painstaking effort to achieve and which, in the long run, is essential to the survival of civilization on this planet.

Mr. MUSKIE. Mr. President, the taking of the vote on the question of Senate approval of the nuclear test ban treaty will be a momentous occasion in the history of the United States. Although the treaty is a limited one, with limited objectives, it has serious and far-reaching implications for the future of this Nation and the world. Because of its importance and because of its implications, it is imperative that we cast with care our votes on the question of approval of the treaty.

I have read the treaty, the President's messages, the committee reports, and the various published analyses. I have reviewed the testimony and the debate. My objective has been to test the treaty against the criticisms by its opponents, and to analyze it in the light of the arguments by its supporters.

My hope is on the side of a peaceful and uncontaminated world; my concern is on the side of the security and safety of our country; my mind is focused on the logic of the arguments of both sides to the dispute over the question of ratification.

It is clear that this issue is not one-sided. Some express unqualified support; others urge unqualified opposition. Some would require resolution of the Cuban problem as a condition precedent to approval. Still others, although they applaud the objectives of the treaty, believe its purposes could have been stated more clearly, that its application to our security and defense requirements could have been expressed more precisely, that the application to this treaty of the Senate's constitutional duty to approve treaties is ambiguous.

The proposed reservations and the arguments of those who advance them

have served useful purposes. They have served to highlight the pertinent questions bearing upon our security and defense requirements which the treaty raises. They have served to broaden our understanding of the effect of the treaty on our national interests. The discussions they have generated have resulted in definition and clarification of the terms of the treaty as they relate to the points raised by the reservations.

I am satisfied, as a result, that ratification of the treaty will not mean recognition of East Germany or other treaty signers whose governments are not already recognized by our Government.

I am satisfied that we can withdraw from the treaty immediately, in the event of a treaty violation by the Soviets, without a 90-day delay.

I am satisfied that the treaty does not inhibit our use of nuclear weapons in the defense of our country.

I am satisfied that the treaty does not prohibit cooperation with our allies in every way needed to improve their defense, including the realization of a multilateral nuclear force with our NATO allies.

I am satisfied that the treaty cannot be amended without ratification by the United States, which would necessarily require submission of the amendment to the Senate, for its advice and consent to such ratification.

I am satisfied on these points because, as a result of the debate generated by the proposed reservations, I am satisfied that the clear and the reasonable meaning of the provisions of the treaty itself supports the conclusions I have stated. Therefore, I see no need for reservations.

I am satisfied, further, that in the area in which the treaty permits an increase of knowledge, including underground testing, such increase of knowledge will be pursued to as great an extent as is needed for the safety of the United States.

On the question of whether resolution of the Cuban problem should be attached as a condition of ratification, I am satisfied that the result of attaching such a condition would be destruction of the treaty, but without solving the Cuban problem. To support such a result would be, in effect, to support a policy that we should do nothing to resolve any one of our differences with the Soviet Union, unless we can resolve all our differences at one and the same time. I do not believe that we can achieve such an end, unless and until we are ready to make a beginning.

If the treaty merits our support, it does so on its own, without additions or subtractions, without our making it more than it is or less than it appears to be. If it is to be nullified, that should be with one stroke, on the issue of ratification.

Should we approve this treaty or should we withhold our consent? That is the central issue; that is the question we must decide.

I would not for a moment detract from the complicated issues surrounding the treaty. I would not suggest that the decision for any one of us is a simple one. But, however complicated, however awesome the decision, it is our duty to face the problem and to make the choice.

As I have thoroughly examined the arguments of the opponents, I find they lead back to two fundamental assumptions: First, that we cannot afford to give up testing in the atmosphere, underwater, or in outer space; and second, that in any event, we cannot trust the Russians, and that any treaty with them is an invitation to delusion and disaster.

The first question involves a judgment on the relative strength of the Soviets and ourselves in nuclear weaponry, the improvements in weaponry which we might gain from further testing in the three environments proscribed by the treaty, the gains the Soviets might achieve from similar testing, the risks of clandestine tests, the hazards of radioactive fallout resulting from further testing, the dangers inherent in an escalating nuclear-arms race involving more nations, and the international political advantages to be gained or lost by such a treaty. The balance of such risks, the President has argued, favors ratification of the treaty.

After reviewing the information provided by the Foreign Relations Committee and the Preparedness Subcommittee, together with other documents and testimony, I agree with the President on this point. We cannot assure absolute security in this world; we can only approach it.

Neither course open to us—ratification or nonratification—can guarantee peace, security, and survival.

Having satisfied myself on the first question, I faced the second: Can we trust the Russians to honor the treaty? There are disagreements as to the number of treaties the Soviets have honored and the number of those they have abrogated. But whatever the detailed figures, the fact which remains is that they have honored some treaties, and have broken more.

In evaluating the treaty, we should, therefore, assume the possibility of its violation by the Soviet Union.

Are we, then, inviting ourselves into another Munich, as some opponents have charged, if we approve this treaty? Are all the arguments about the text of the treaty and its relative values if it were observed meaningless, because we cannot trust the Russians to keep a bargain or to bargain in good faith? If the answers to these questions are "yes," if we must accept the proposition that it never pays to enter into an agreement with the Soviets, then we must adopt a pessimistic, not to say hopeless, outlook on the future of the world. Under such a view, we are doomed to a life of suspicion, with accelerated weapons research and testing, hair trigger preparedness, and the ever-present danger of instant, universal annihilation.

I view with horror such a prospect. But in good conscience I must face it, and I have. Having faced it, having realized its possibility, having examined the logic which leads to the abyss, I return to the question: Can we at no time, under no circumstances, reach an agreement with the Russians on any major issue?

I think we can, if the agreement is in the self-interest of each of us, and if we are in a position to protect our interests if the agreement is broken.

I believe it would be in our interests and in the interests of the Russians to abolish all nuclear testing except that designed for peaceful and necessary purposes under international supervision. Each of us has much to gain from the reduction of the hazards of radioactive fallout. We live in the same world; we breathe the same air; we are all human beings. Each of us has much to gain from inhibiting of the arms race. The search for security through better weapons, in this age, leads to greater tension, not less. Each step leads us closer to the point where we go beyond the balance of terror and enter an area where any step is fatal, not to one, but both; not to some, but to all. Further, each of us has much to gain from curtailing the spread of nuclear testing and weapons to other nations. We know independent nations cannot be controlled completely, even by their allies. Khrushchev has learned this, much to his anguish and distress.

The abolition of all nuclear weapons tests would, it seems to me, be in the Soviets' interests as well as ours. This, I think, has been the reason for the groping efforts of both countries on the test ban treaty issue over several years.

The trouble with total prohibition, however, is the loophole the Russians sought through the refusal to allow on-site inspections of underground tests.

Such a loophole would be in their best interests, but not in ours. It would not have given us a clear opportunity to protect our interests in the event of a violation. The present treaty, however, does give us the opportunity to protect ourselves. It offers no opportunity for significant clandestine tests. We do not rely on expressions of good faith; we rely on the technological facts which make the limited agreements possible; we rely on the determination of this Nation to keep its guard up, without panic, without the aggressive stance which stems from fear.

Mr. President, I shall vote for this treaty. I do so without reservations. I do so, not because I expect it to bring the millennium, but because I believe the treaty is what the President says it is: a way to "get back out from the shadows of war and seek out the way of peace."

To do otherwise, it seems to me, would be to reject the possibility of a rational relationship between ourselves and the Soviet Union, and to accept the inevitability of force as the only conceivable arbiter of our differences.

Are we more fearful of negotiation than we are of nuclear war?

Are we less confident of our ability to wage peace than we are of our ability to wage war?

Which course holds the greater promise for peace, security, and survival—to agree in the circumstances we are considering, or to disagree with the Soviet Union under all conceivable circumstances?

It seems to me that the alternatives, however stated, are clear. All of us, I am sure, have weighed them carefully, impressed by their grave implications. I choose the course offered by the treaty, in the hope and belief that it holds the

greater promise for the future of mankind.

When I have voted for this treaty, I can say to my children, "I have tried to give you a world in which you will not be poisoned by the silent, insidious hazards of nuclear fallout"; I can say to my constituents, "I have voted for this treaty because it is a sensible step toward a rational world"; I can say to the critics of this treaty, "I have faith in the strength of America, in its institutions, in its leadership, and in the wisdom of acting with your eyes open and your feet on the ground."

Mr. MANSFIELD. Mr. President, I commend the Senator from Maine for a most moving speech, in which the Senator has delineated his philosophy, and which I believe lays the issue very squarely before the Senate. The Senator has performed a magnificent service in doing so.

Mr. MUSKIE. I am grateful to my majority leader.

COMMITTEE MEETING DURING SENATE SESSIONS ON THURSDAY AND FRIDAY

Mr. MANSFIELD. Mr. President, I have cleared the request I am about to make with the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], and the distinguished Senator from South Carolina [Mr. JOHNSTON]. I ask unanimous consent that the Subcommittee on Manpower and Employment be authorized to meet on Thursday and Friday mornings, to take testimony on unemployment problems during the sessions of the Senate.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, 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. 4505. An act to confer jurisdiction on the Court of Claims to entertain, hear, and determine a motion for a new trial on the claim of Robert Alexander;

H.R. 8009. An act to amend title 38, United States Code, to provide certain veterans with urgently needed nursing home care and nursing care facilities while reducing the cost to the United States of caring for such veterans, and for other purposes;

H.R. 8100. An act to amend the Railroad Retirement Act of 1937, the Railroad Retirement Tax Act, the Railroad Unemployment Insurance Act, and the Temporary Extended Railroad Unemployment Insurance Benefits Act of 1961 to increase the creditable and taxable compensation, and for other purposes; and

H.R. 8200. An act to further amend the Federal Civil Defense Act of 1950, as amended, to provide for shelter in Federal structures, to authorize payment toward the construction or modification of approved public shelter space, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 1952) to extend and broaden the authority to insure mortgages under sections 809 and 810 of the National Housing Act, and it was signed by the President pro tempore.

HOUSE BILLS REFERRED

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

H.R. 4505. An act to confer jurisdiction on the Court of Claims to entertain, hear, and determine a motion for a new trial on the claim of Robert Alexander; to the Committee on the Judiciary.

H.R. 8009. An act to amend title 38, United States Code, to provide certain veterans with urgently needed nursing home care and nursing care facilities while reducing the cost to the United States of caring for such veterans, and for other purposes; and

H.R. 8100. An act to amend the Railroad Retirement Act of 1937, the Railroad Retirement Tax Act, the Railroad Unemployment Insurance Act, and the Temporary Extended Railroad Unemployment Insurance Benefits Act of 1961 to increase the creditable and taxable compensation, and for other purposes; to the Committee on Labor and Public Welfare.

H.R. 8200. An act to further amend the Federal Civil Defense Act of 1950, as amended, to provide for shelter in Federal structures, to authorize payment toward the construction or modification of approved public shelter space, and for other purposes; to the Committee on Armed Services.

THE NUCLEAR TEST BAN TREATY

The Senate resumed the consideration of Executive M (88th Cong., 1st sess.), the treaty banning nuclear weapon tests in the atmosphere, in outer space, and underwater.

MODIFICATION OF UNANIMOUS AGREEMENT

Mr. MANSFIELD. Mr. President, again with the concurrence of the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN] and also the distinguished Senator from Nebraska [Mr. CURTIS], I wish to propound a unanimous-consent request for a change in the unanimous-consent agreement already entered.

I ask unanimous consent that on Tuesday morning, instead of meeting at 10:30 a.m. and voting on the resolution of ratification at 11 a.m., the Senate meet at 10 a.m., and vote on the resolution at 10:30.

The PRESIDING OFFICER. Is there objection?

Mr. GORE. Mr. President, reserving the right to object—and I shall not object—I should like, first, to congratulate the Senator upon his facility in reaching an agreement. However, if there is to be a yea-and-nay vote on the Goldwater reservation, I was hoping that the vote could be postponed until Tuesday morning also. Is that not possible?

Mr. MANSFIELD. I plead with the Senator.

Mr. GORE. I withdraw the reservation of objection.

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

Mr. GORE. Mr. President, during the course of the debate yesterday with the distinguished senior Senator from Georgia [Mr. RUSSELL], I made the following statement which appears on page 17164 of the RECORD:

The fact is that the Soviets have never at any time agreed to accept a single meaningful onsite inspection within the Soviet Union.

There was some discussion about the accuracy of my statement. I suggested that I would search the records and make a statement today with respect to it.

I have before me a copy of the letter which Chairman Khrushchev wrote to President Kennedy on December 19, 1962, which I shall ask to have printed in the RECORD. I should like to read a paragraph of the letter, and then I shall comment upon that paragraph:

We took all this into account and, in order to overcome the deadlock and to arrive at last at a mutually acceptable agreement, we would agree, in those cases when it would be considered necessary, to two to three inspections a year on the territory of each of the nuclear powers in the seismic areas where some suspicious earth's tremors might occur. It goes without saying that the basis of control over an agreement on underground nuclear test ban would be the national means of detection in combination with automatic seismic stations. Onsite inspections could be carried on with the precautions mentioned by Ambassador Dean against any misuse of control for purposes of espionage.

It was this letter which gave rise to the impression, widely held in the United States and throughout the world, that Mr. Khrushchev had agreed to permit two or three onsite inspections in the Soviet Union. If we examine the paragraph carefully—as I propose to do—we find that again something appears in form at first glance, but, when examined carefully, is found to be without substance.

At the time Chairman Khrushchev wrote the letter, we had not been able to reach an agreement with the Soviets as to what kind of inspection, if any, should be made. We had not been able to reach any agreement with the Soviets as to who should make the inspection. The Soviets were insisting upon national inspection, upon self-inspection. We had not been able to reach an agreement with them about what kind of an inspection team would be used; about the makeup of the inspection team—so many seismologists, so many chemists, so many nuclear experts, so many Russians, so many Americans, so many international representatives, and so on. We had not been able, even, to reach an agreement that the team would be allowed to have a Geiger counter or any other instruments.

It had never been made clear through agreement as to the right of the United States or of an international agency to make an inspection. The Soviets insisted inspection could be conducted on Soviet territory only upon the invitation of the Soviets.

I revert to the Chairman's letter:

We would agree, in those cases when it would be considered necessary, to two to three inspections a year.

Who would decide when it was necessary? The Russians were insisting that they would decide when it was necessary; and that the inspection would be made upon their invitation.

By whom? I refer again to the paragraph in the letter:

It goes without saying that the basis of control over an agreement on underground nuclear test ban would be the national means of detection.

Not an international means, but a national means.

Would the Russians decide whether an inspection was necessary? Under their insistence at the time the chairman wrote the letter, that would be for them to decide. It would be a matter of invitation, not a matter of right by a party to the agreement, and not a matter of right by an international agency.

We had not been able to reach any agreement whatsoever on the budget for the inspection teams. We had been unable to reach any agreement as to who would provide the money, as to who would pay the expenses, as to who would buy the equipment, and in what amounts; or who would have authority to employ members of the inspection teams, to dispatch them, and to exercise administrative control.

We had not been able to reach a specific agreement with the Soviets in any respect whatsoever as to the right of free access to an area where a suspicious event might occur. Indeed, as I shall point out, Chairman Khrushchev in his letter excluded vast areas of the Soviet Union. I advert again to his letter:

In the seismic areas where some suspicious earth tremors might occur.

The United States had been insisting that an underground explosion could be attained in nonseismic areas, as well as in seismic areas.

A careful reading of Chairman Khrushchev's letter in the light of the positions which the Soviets were taking at the conference table reveals that the letter does not in fact represent an agreement to accept a single meaningful onsite inspection in the Soviet Union.

I am fully prepared to reassert the statement I made yesterday, that the Soviets have not proposed and did not at any time propose, or agree to accept, or permit, a single meaningful onsite inspection in the Soviet Union.

This is not a major question in the debate on the treaty. So far as I know, it is not even at issue. Since it arose in a colloquy between the distinguished and able senior Senator from Georgia and me, I agreed to search the annals of the many conferences and determine whether the facts were as I believed them to be and present the facts to the Senate in the interest of accuracy of the record.

Before expressing some general views on the pending treaty, I ask unanimous consent that Chairman Khrushchev's letter to President Kennedy of December 19, 1962, President Kennedy's reply of December 28, 1962, and Khrushchev's letter of January 7, 1963, may be printed in the RECORD at this point.

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

NOTE FROM KHRUSHCHEV TO PRESIDENT KENNEDY—DECEMBER 19, 1962

In our recent correspondence related to the events in the Caribbean area we have touched on the question of cessation of nuclear weapon tests. Today I would like to come back again to that problem and to set forth my views concerning possible ways of its speediest solution which would be mutually acceptable to both our sides.

It seems to me, Mr. President, that time has come now to put an end once and for all to nuclear tests, to draw a line through such tests. The moment for this is very, very appropriate. Left behind is a period of utmost acuteness and tension in the Caribbean. Now we have united our hands to engage closely in other urgent international matters and, in particular, in such a problem which has been ripe for so long as cessation of nuclear tests.

A certain relaxation of international tension which has emerged now should, in my view, facilitate this.

The Soviet Union does not need war. I think that war does not promise bright prospects for the United States either. If in the past after every war America used to increase its economic potential and to accumulate more and more wealth, now war with the use of modern rocket-nuclear weapons will stride across seas and oceans within minutes. Thermonuclear catastrophe will bring enormous losses and sufferings to the American people as well as to other peoples on earth. To prevent this we must, on the basis of complete equality and with just regard for each other's interests, develop between ourselves peaceful relations and solve all issues through negotiations and mutual concessions.

One of such questions with which the governments of our countries have been dealing for many years is the question of concluding a treaty banning all tests of nuclear weapons.

Both of us stand on the same position with regard to the fact that national means of detection are sufficient to control banning experimental nuclear explosions in outer space, in the atmosphere, and underwater. So far, however, we have not succeeded in finding a mutually acceptable solution to the problem of cessation of underground tests. The main obstacle to an agreement is the demand by the American side of international control and inspection on the territories of nuclear powers over cessation of underground nuclear tests. I would like to believe that you yourself understand the rightness of our arguments that now national means are sufficient to control also this kind of tests and be sure that agreement is observed by any side. But so far you do not want to recognize openly this actual state of things and to accept it as a basis for concluding without delay an agreement on cessation of tests.

Striving to find a mutually acceptable basis for agreement the Soviet Union has made lately an important step toward the West and agreed to installing automatic seismic stations. This idea, as is known, was put forward not by us. It was introduced by British scientists during the recent meeting in London of the participants of Pugwash movement. Moreover, it is well known to us that when this idea was proposed, it was not alien to your scientists who were in London at that time.

We proposed to install such stations both near the borders of nuclear powers and directly on their territories. We stated of our agreement that three such stations be installed on the territory of the Soviet Union in the zones most frequently subjected to earthquakes. There are three such zones in the Soviet Union where these stations can be installed: central Asian, Altaian and far eastern.

In the opinion of Soviet scientists the most suitable places for locating automatic seismic stations in the Soviet Union are area of the city of Kokchetav for central Asian zone of the U.S.S.R., area of the city of Bodaibo for Altaian zone and area of the city of Yakutsk for far eastern zone. However, should, as a result of exchange of opinion between our representatives, other places be suggested for locating automatic seismic stations in these seismic zones, we will be ready to discuss this question and find mutually acceptable solution.

Beside the above said zones there are two more seismic zones in the Soviet Union—Caucasian and Carpathian. However these zones are so densely populated that conducting nuclear tests there is practically excluded.

Of course, delivery to and from international center of appropriate sealed equipment for its periodic replacement at automatic seismic stations in the U.S.S.R. could well be made by Soviet personnel and on Soviet planes. However if for such delivery of equipment to and from automatic seismic stations participation of foreign personnel were needed we would agree to this also, having taken, if necessary, precautionary measures against use of such trips for reconnaissance. Thus our proposal on automatic seismic stations includes elements of international control. This is a major act of good will on the part of the Soviet Union.

I will tell you straightforwardly that before making this proposal I have consulted thoroughly the specialists and after such consultation my colleagues in the Government and I came to a conclusion that so far as the Soviet Union is concerned the above-said considerations on the measures on our part are well founded and, it seems to us, they should not cause objections on the part of the American side.

You, Mr. President, and your representatives point out that without at least a minimum number of onsite inspections you will not manage to persuade the U.S. Senate to ratify an agreement on the cessation of tests. This circumstance, as we understand, ties you and does not allow you to sign a treaty which would enable all of us to abandon for good the grounds where nuclear weapons are tested. Well, if this is the only difficulty on the way to agreement, then for the noble and humane goal of ceasing nuclear weapon tests we are ready to meet you halfway in this question.

We noted that on this October 30, in conversation with First Deputy Foreign Minister of the U.S.S.R., V. V. Kuznetsov in New York, your representative Ambassador Dean stated that, in the opinion of the U.S. Government, it would be sufficient to carry on 2–4 onsite inspection each year on the territory of the Soviet Union. According to Ambassador Dean's statement, the United States would also be prepared to work out measures which would rule out any possibility of carrying on espionage under the cover of these inspection trips including such measures as the use of Soviet planes piloted by Soviet crews for transportation of inspectors to the sites, screening of windows in the planes, prohibition to carry photocameras, and so forth.

We took all this into account and, in order to overcome the deadlock and to arrive at last at a mutually acceptable agreement, we would agree, in those cases when it would be considered necessary, to 2–3 inspections a year on the territory of each of the nuclear powers in the seismic areas where some suspicious earth's tremors might occur. It goes without saying that the basis of control over an agreement on underground nuclear test

ban would be the national means of detection in combination with automatic seismic stations. Onsite inspections could be carried on with the precautions mentioned by Ambassador Dean against any misuse of control for purposes of espionage.

We believe that now the road to agreement is straight and clear. Beginning from January 1 of the new year of 1963 the world can be relieved of the roar of nuclear explosions. The peoples are waiting for this, this is what the U.N. General Assembly has called for. With the elimination of the Cuban crisis we relieved mankind of the direct menace of combat use of lethal nuclear weapons that impended over the world. Can't we solve a far simpler question—that of cessation of experimental explosions of nuclear weapons in the peaceful conditions? I think that we can and must do it. Here lies now our duty before the peoples of not only our countries but of all other countries. Having solved promptly also this question—and there are all the preconditions for that—we shall be able to facilitate working out an agreement on disarmament and with even more confidence proceed with solving other urgent international problems, which we and you unfortunately are not short of.

Sincerely,

N. KHRUSHCHEV.

DECEMBER 19, 1962.

DECEMBER 28, 1962.

DEAR MR. CHAIRMAN: I was very glad to receive your letter of December 19, 1962, setting forth your views on nuclear tests. There appear to be no differences between your views and mine regarding the need for eliminating war in this nuclear age. Perhaps only those who have the responsibility for controlling these weapons fully realize the awful devastation their use would bring.

Having these considerations in mind and with respect to the issue of a test ban, I therefore sincerely hope that the suggestions that you have made in your letter will prove to be helpful in starting us down the road to an agreement. I am encouraged that you are prepared to accept the principle of onsite inspections. These seem to me to be essential not just because of the concern of our Congress but because they seem to us to go to the heart of a reliable agreement ending nuclear testing.

If we are to have peace between systems with far-reaching ideological differences, we must find ways for reducing or removing the recurring waves of fear and suspicion which feed on ignorance, misunderstanding or what appear to one side or the other as broken agreements. To me, the element of assurance is vital to the broader development of peaceful relationships.

With respect to the question of onsite inspections I would certainly agree that we could accept any reasonable provision which you had in mind to protect against your concern that the onsite inspectors might engage in "espionage" enroute to the area of inspection. In a statement at the United Nations, Ambassador Stevenson suggested that the United States would accept any reasonable security provision while the inspectors were being taken to the site, so long as they had reasonable provision for satisfying themselves that they were actually at the intended location and had the freedom necessary to inspect the limited designated area.

With respect to the number of onsite inspections there appears to have been some misunderstanding. Your impression seems to be that Ambassador Dean told Deputy Minister Kuznetsov that the United States might be prepared to accept an annual number of onsite inspections between 2 and 4. Ambassador Dean advises me that the only number which he mentioned in his discussions with Deputy Minister Kuznetsov was a number between 8 and 10. This represented a substantial decrease in the request of the United States as we had previously been insisting upon a number between 12 and 20. I had hoped that the Soviet Union would match this motion on the part of the United States by an equivalent motion in the figure of 2 or 3 onsite inspections which it had some time ago indicated it might allow.

I am aware that this matter of on-site inspections has given you considerable difficulty although I am not sure that I fully understand why this should be so. To me, an effective nuclear test ban treaty is of such importance that I would not permit such international arrangements to become mixed up with our or any other national desire to seek other types of information about the Soviet Union. I believe quite sincerely that arrangements could be worked out which would convince you and your colleagues that this is the case.

But in this connection, your implication that on-site inspections should be limited to seismic areas also gives us some difficulty. It is true that in the ordinary course we would have concern about events taking place in the seismic areas. However, an unidentified seismic event coming from an area in which there are not usually earthquakes would be a highly suspicious event. The United States would feel that in such a circumstance the U.S.S.R. would be entitled to an on-site inspection of such an event occurring in our area and feels that the United States should have the same rights within its annual quota of inspections.

Perhaps your comment would be that a seismic event in another area designated for inspection might coincide with a highly sensitive defense installation. I recognize this as a real problem but believe that some arrangement can be worked out which would prevent this unlikely contingency from erecting an insuperable obstacle.

Your suggestion as to the three locations in the Soviet Union in which there might be unmanned seismic stations is helpful but it does not seem to me to go far enough. These stations are all outside the areas of highest seismicity and therefore do not record all of the phenomena within those areas. These stations would be helpful in increasing the detection capability of the system but I doubt that they would have the same value in reducing the number of suspicious seismic events by identifying some as earthquakes. For this purpose unmanned seismic stations should be in the areas of highest seismicity, not outside them. To achieve this result there would be need for a number of stations in the vicinity of the Kamchatka area and a number in the Tashkent area. It might be possible, of course, to reduce somewhat the number actually in the Soviet Union by arranging stations in Hokkaido, Pakistan, and Afghanistan. If the stations on Soviet territory were sited in locations free from local disturbances and could be monitored periodically by competent United States or international observers who took in portable seismometers and placed them on the pedestals it would be very helpful in reducing the problem of identification.

You have referred to the discussion of the "black box" proposal at the 10th Pugwash Conference in London in September of this year as a United Kingdom proposal to which the United States has agreed. I do not believe that this was the situation. This proposal was reported to me as a Soviet proposal which was discussed with some U.S. scientists. Of the U.S. scientists who signed the statement none represented the U.S. Government or had discussed the matter with responsible officials. All were speaking as individuals and none were seismologists. Their agreement does not signify anything other than that this was an area which justified further study. The U.S. Government has given it that study and the results have been the conclusions which I have indicated above.

Notwithstanding these problems, I am encouraged by your letter. I do not believe that any of the problems which I have raised are insoluble but they ought to be solved. I wonder how you think we might best proceed with these discussions which may require some technical development. It occurs to me that you might wish to have your representative meet with Mr. William C. Foster, the Director of our Arms Control and Disarmament Agency, at a mutually convenient place, such as New York or Geneva. I will be glad to have your suggestions. After talks have been held we will then be in a position to evaluate where we stand and continue our work together for an effective agreement ending all nuclear tests.

JOHN F. KENNEDY.

JANUARY 7, 1963.

DEAR MR. PRESIDENT: I received your reply to my message of December 19, 1962. I am satisfied that you have appraised correctly the Soviet Government's proposals set forth in that message as directed to securing in the very near future a ban on all tests of nuclear weapons.

We understand your answer as meaning that you do not object that national means of detection together with automatic seismic stations should be the basis for control over an agreement banning underground nuclear tests. We note your agreement that installation of automatic seismic stations will prove useful from the point of view of increasing the effectiveness of control over cessation of underground nuclear explosions. During the Geneva talks it was justly observed, also by your representatives, that installation of such seismic stations would serve as good means of verifying the correctness of functioning of national seismic stations. It is precisely by these considerations that the Soviet Government was guided in proposing that the idea of installing automatic seismic stations put forward at the Pugwash meeting of scientists be utilized.

In my message of December 19, 1962 I indicated those three areas where in the opinion of our scientists automatic seismic stations should be set up on the territory of the Soviet Union. Those areas were selected after a thorough study with comprehensive consideration being given to geological and seismic conditions in those places.

In the areas of Kokchetav and Bodaibo automatic seismic stations would be located, according to our suggestion, at the exposures of crystalline rocks while in the Yakutsk area—in the zone of eternal congelation. As is known on crystalline rocks and on grounds frozen deep down always only minor seismic hindrances are noticed which facilitates reliable detection of underground nuclear explosions. In combination with seismic stations abroad, on territories adjacent to the seismic zones in the Soviet Union automatic stations located in the above-mentioned points will be adequate means capable of removing possible doubts of the other side with regard to the correctness of functioning of the national seismic station network.

You did not make any comments on the location of an automatic seismic station for the Altai zone in the region of the city of Bodaibo, and thus we could consider this question as agreed upon.

However, you have doubts as to the location of automatic seismic stations for the other seismic zones in the Soviet Union—far eastern and central Asian ones. As far as those zones are concerned, in your opinion, it would be expedient to place such stations in the Kamchatka area and in the area of Tashkent. In the opinion of Soviet scientists placing automatic seismic stations in the areas of Tashkent and Kamchatka would be a worse variant as compared to the one that we propose because in those areas function-

ing of automatic stations will be seriously handicapped by seismic hindrances. But if you believe it more expedient to relocate those stations we will not object to that. In my message to you I have already pointed out that the Soviet Union is prepared to seek a mutually acceptable solution also in the question of location of automatic seismic stations. We would agree to relocate the automatic seismic station for the central Asian zone of the U.S.S.R. to the Tashkent area placing it near the city of Samarkand and for the far eastern zone—to place the automatic station at Seimchan which is part of the Kamchatka seismic area.

Location of an automatic seismic station on the Kamchatka peninsula itself seems, in the opinion of Soviet scientists, clearly unacceptable in view of strong hindrances caused by the proximity of the ocean and strong volcanic activity in the peninsula itself which will inevitably hamper normal functioning of a station. It appears to us that thus we could consider as agreed upon also the question of the location of automatic seismic stations for the central Asian and far eastern zones of the U.S.S.R.

The Soviet Government having consulted its specialists came to the conclusion that it is quite enough to install three automatic seismic stations on the territory of the Soviet Union. The more so that in your message, Mr. President, a possibility is envisaged of setting up automatic seismic stations on territories adjacent to the seismic zones in the Soviet Union—on Hokkaido, in Pakistan, and Afghanistan, naturally with the consent of respective governments.

The Soviet Government has named definite areas for the location of automatic seismic stations on the territory of the U.S.S.R. Moreover, Mr. President, taking into account your wishes we agree to relocate two stations to new places. We are entitled to expect therefore that your side also will name definite areas where such stations should be set up on the territory of the United States and that in reaching an agreement on the sites where stations are to be placed the American side will take into account our wishes.

Mr. President, we are convinced that all conditions exist now for reaching an agreement also on the question of inspection. It is known that all the recent time we heard not once from the Western side—agree in principle to inspection and then the road to agreement will be open. We believed and we continue to believe now that, in general, inspection is not necessary and if we give our consent to an annual quota of 2–3 inspections this is done solely for the purpose of removing the remaining differences for the sake of reaching agreement.

As you see we have made a serious step in your direction. The quota of inspections on the territory of each of the nuclear powers that we propose is sufficient. Indeed, in the negotiations your representatives themselves recognized that there is no need to verify all or a greater part of significant suspicious phenomena to restrain the states from attempts to violate the treaty. And they gave figures of annual inspections practically equaling the quota proposed by us. Naturally it is most reasonable to carry out inspection in seismic areas where the biggest number of unidentified seismic phenomena may occur. However, if you consider it necessary, we have no objection to inspections being carried out also in nonseismic areas provided such inspections are conducted within the annual quota indicated by us.

I noticed that in your reply you agree with the necessity of taking reasonable measures of precaution which would exclude a possibility of using inspection trips and visits to automatic seismic stations for the purpose of obtaining intelligence data. Of course, in carrying out on-site inspection there can be circumstances when in the area designated for inspection there will be some object of defense importance. Naturally, in such a case it will be necessary to take appropriate measures which would exclude a possibility to cause damage to the interests of security of the state on the territory of which inspection is carried out. In this respect I fully agree with the considerations expressed in your message.

Mr. President, in your message you suggest that our representatives meet in New York or in Geneva for a brief preliminary consideration of some of the problems you touched upon.

We have no objections to such meeting of our representatives. The Soviet Government for that purpose appointed N. T. Fedorenko, U.S.S.R., permanent representative to the U.N., and S. K. Tsarapkin, U.S.S.R., representative to the 18-Nation Disarmament Committee, who could meet with your representative Mr. William C. Foster in New York on January 7 to 10. We proceed here from the assumption that meetings of our representatives should lead already in the very near future to agreement on questions still unsettled so that upon the reopening of the 18-Nation Committee session our representatives could inform it that the road to the conclusion of agreement banning all nuclear weapons tests is open.

Sincerely,

N. KHRUSHCHEV.

Mr. GORE. The principal issue in the discussion between the very able and distinguished senior Senator from Georgia and me yesterday was whether the pending treaty represented an abandonment of U.S. insistence upon inspection to assure compliance with the treaty.

It was my view then, and, upon reconsideration, it is still my view, that instead of representing an abandonment of the principle of inspection, the fact that the United States refused to enter into an agreement involving underground testing without effective inspection serves to reassert this country's dedication to the principle of adequacy of inspection in areas where inspection is needed.

The limited test ban treaty makes no concession with respect to the principle of onsite inspection. It does not give up onsite inspection for any kind of testing where such inspections are necessary to carry out the fundamental principle which underlies the U.S. position in all disarmament negotiations, which is that any disarmament measure must be implemented under such strict and effective controls as to provide firm assurance that all parties are honoring their obligations.

The United States has been unswerving in its support of this position; and where onsite inspections are necessary, we have insisted upon them. Because we were unable to obtain them, we refused to enter into a treaty involving underground tests.

Thus, the Joint Statement of Agreed Principles for Disarmament Negotiations, agreed to between the United States and the Soviet representatives on September 20, 1961, provides that "inspectors should be assured unrestricted access without veto to all places as necessary for purposes of inspection."

Here again is an assertion of a principle by the United States, an agreement "in principle" by the Soviet Union. But it is when specifics are required that we find difficulties developing. That was the case with respect to onsite inspections to detect possible cheating in connection with underground tests.

The limited test ban agreement now before the Senate prohibits only tests in the atmosphere, underwater, and in outer space. It does not prohibit tests underground unless they cause radioactive debris to be present outside the country where the test takes place.

Inspection within the borders of another country at the site of a possible explosion has never been proposed for atmospheric, ocean, or outer space tests; only for those underground.

Neither the 1959 limited test ban proposal of President Eisenhower nor the 1961 and 1962 limited test ban proposal of President Kennedy required onsite inspection.

Secretary Rusk said of all these proposals:

> The concept has remained the same—to take a first step toward the control of nuclear weapons by prohibiting testing in those environments where our national systems are capable of detecting significant violations, leaving for subsequent steps the elimination of those tests that can be detected and identified only with an adequate system of inspection.

Thus, far from having abandoned the principle of onsite inspection, the limited treaty now before the Senate was offered by the United States to preserve that principle, and yet to prohibit testing in as many environments as possible while doing so.

The failure to obtain an agreement for onsite inspection does not represent an abandonment of the principle. We have asserted it. We have insisted upon it. This Government has not failed at any time during the administration of former President Eisenhower or during the administration of President Kennedy to insist upon inspection as a vital part of verification for underground tests or as a principle for the disarmament negotiations.

The fact that we are now discussing a limited, rather than a comprehensive, test ban treaty results from the insistence by the United States that an effectively verified ban on underground tests requires onsite inspections.

The United States does not intend to give up onsite inspections where they are needed, insofar as I am advised with respect to intentions of the Kennedy administration. It is certainly not the intention of the Senator from Tennessee to abandon the principle of onsite inspection to verify compliance with treaty obligations.

No one would suggest onsite inspections for the Washington to Moscow direct communications link. Inspection is not necessary there.

On the other hand, in the case of the comprehensive ban on nuclear weapons testing and other military activities in Anarctica, onsite inspections are needed. We insisted upon them, and the treaty which the Senate ratified provided for them.

Given this record, no other nation, in my view, can effectively contend that the United States has abandoned the principle of onsite inspection.

I reassert, insofar as I am privileged to speak, dedication to the principle; and I believe this view will be held by all Senators who vote for approval of the treaty.

I entered the discussion with the able senior Senator from Georgia [Mr. RUSSELL] on this point yesterday because I regarded it as an important point which he had made in his speech. I said to him then, and I say to the Senate now, that if I believed approval of the pending treaty would in fact constitute abandonment of the principle of inspection, not only with respect to nuclear weapons tests but in the disarmament conferences which are to come, I would not be able to give my consent to it.

I should like to read now from the statement of Gen. Maxwell Taylor, speaking for the Joint Chiefs of Staff. This appears on page 274 of the hearings:

> However, the dangers of detection and the cost and difficulty of testing in outer space would tend to impose severe restrictions upon such clandestine testing. Other clandestine tests in the atmosphere or under water, depending upon their size, would involve a fairly high probability of detection by our conventional intelligence or our atomic energy detection system. Moreover, the Joint Chiefs of Staff consider the resulting progress which the Soviets might make clandestinely to be a relatively minor factor in relation to the overall present and probable balance of military strength if adequate safeguards are maintained.

Mr. President, some of my colleagues have indicated that they will vote against ratification of the pending treaty on the grounds that the treaty would pose unacceptable military risks for this country. I am confident that those who take this position are sincere in their views which have been formed after lengthy study of the treaty and the factors relating to it. Military implications incident to ratification of the treaty are quite properly a legitimate matter for consideration.

I daresay that probably every Senator has given consideration to this point. Perhaps the differing conclusions which Senators have arrived at on this point may result from the focus, the perspective, and the relative weight they attach to the various elements deserving consideration and having a bearing upon the pending treaty.

The military implications of this treaty quite obviously bear upon the present and future military strength of the United States. But they also bear upon the present and future military strength of the Soviet Union. The self-limiting features of this treaty obviously apply to both of the great nuclear powers and will apply to all other nations who have adhered to the treaty.

Surely we would not wish to limit ourselves unless others were similarly limited. That has been the central thesis of all our negotiations with the Soviet Union on this subject since the days of the Baruch plan submitted to the United Nations immediately following World War II. We have sought assurance that we are not binding ourselves without an effective means of verifying that other signatory nations were likewise meeting their obligations under any proposed agreement.

The argument that the treaty should be rejected because of asserted military disadvantages really boils down to an argument that this Nation cannot afford to enter into any agreement at all on this subject. Such an argument, whether wise or unwise, runs counter to what has been the stated policy of the past three administrations, a policy which I believe has been supported by the American people.

In its very essence, this treaty is a political document. There is no way, however, in which political considerations can be divorced from military implications. Indeed, military considerations are an important element in the formulation of all aspects of our foreign policy. Consideration by the Senate of military implications in the discharge of its constitutional responsibility of advising and consenting to this treaty is proper and necessary. But it is also necessary that these military considerations be placed in proper perspective as they relate to the overall decision which Senators must make.

It is generally agreed by proponents and opponents alike that the United States enjoys a clear margin of superiority over any other power in nuclear arms. We are superior, I believe, both quantitatively and in terms of variety of weapons. On this point, I refer my colleagues to the statement of the Secertary of Defense which is found on page 97 of the printed hearings. I refer also to the statement of the Joint Chiefs of Staff who informed the Committee and the Senate as follows:

> As to net superiority in ability to inflict damage on the enemy, the Joint Chiefs of Staff consider that the United States at present is clearly ahead of the U.S.S.R. in the ability to wage strategic nuclear war.

If we clearly possess overall nuclear superiority—and those whom we have charged with responsibility in such matters so state—what then are the asserted military risks incident to ratification of the treaty?

Opponents cite the problem of ultra-high yield nuclear weapons. I regard anything in the one to five megaton range as high yield. Weapons of such yield are more than sufficient to take out virtually any military or civilian target should this ever become necessary. Moreover, as professional military and scientific witnesses told the Committee, weapons in this range can be delivered in greater numbers and with more accuracy than the ultra-high-yield bombs, the single category in which the Soviet Union is conceded to have the lead in yield to weight ratios.

It is true that Russia has conducted atmospheric tests of weapons in the ultra-high-yield area while we have not. It is also true that as long as the treaty should be in force we would be precluded from testing such weapons in the atmosphere.

But, Mr. President, we have not heretofore been so treatybound, and we are not so treatybound now, prior to approval of the treaty. We have not conducted such tests. Our failure to test such weapons has been the result of a deliberate decision on our part that weapons of such awesome destructive power were not of sufficient military significance to justify the effort to develop them.

I cannot see the justification for rejecting this treaty on the grounds of military disadvantage based upon the fact that we would be precluded under the treaty from doing something we had already decided not to do anyway.

Of course, it should be recognized that future events might cause the United States to change its mind.

But such future events, if they seriously affected the security of this country, would permit the United States to remove any binding effect of the treaty in this regard. Secretary McNamara, the Joint Chiefs of Staff, and several scientific witnesses all agreed that these weapons have very little military significance for the United States; and that, in any case, the United States could develop a 50- to 60-megaton weapon without further testing, if that should become advisable.

The second risk, the one which appeared to cause the greatest concern for some, involves antiballistic missile development. After exhaustive testimony on this question, the committee agreed with the Secretary of Defense, the Joint Chiefs of Staff, the Chairman of the Atomic Energy Commission, and the weight of knowledgeable scientific opinion that, first: The development of an antiballistic missile system sufficiently effective to justify the extremely high cost of such development and deployment is not likely.

Second, that the United States must continue intensive research and development in this field. Indeed, the Department of Defense is currently seeking $450 million for this specific purpose, both because the purpose of the program is of such obvious importance and because, as Dr. York and others observed, antiballistic missiles perform a useful service in testing the penetration capabilities of our offensive missiles.

Third, it is generally agreed, as the Joint Chiefs of Staff testified, that "in the antiballistic missile field, the development of the U.S. system does not depend on atmospheric testing."

Virtually every scientific witness testified that the ability of offensive nuclear weapons to saturate and overwhelm defensive missile systems is decisive. The view was expressed that in all likelihood this situation would remain constant. The committee report noted that neither of the chief critics of the treaty, among scientists—Dr. Foster and Dr. Teller—

> Appeared to be convinced that further unrestricted testing would guarantee or necessarily promote significant progress in ABM development.

The other area of risk concerns the effect of induced phenomena on nuclear weapons systems and the possibility that the Soviet Union might have greater knowledge in this area.

I have chosen at this late date in the debate to deal with military risks, not because I feel any particular competence in this field, but because of two factors—

first, the weight of the evidence which I have studied during the years I have been closely identified with the atomic energy program, including the hearings on this treaty; and because so much importance has been attached in the debate in the Senate to the military risks involved.

Information about the relative degree of knowledge in the area of the effect of induced phenomena on nuclear weapons systems is hardly precise, and must be regarded as more or less speculative. The informed consensus appears to be that the United States and the Soviet Union are in roughly comparable positions in terms of knowledge of such nuclear phenomena as blackout and disturbance of communications. Under the treaty, both sides would have to "design around" some of these uncertainties, as a number of witnesses put it, and make extrapolations from known data.

This leads us into a complicated, unknown field—a field difficult for even our most competent and talented scientific geniuses. It is difficult for Senators who had only a limited science course in high school and college to reach a judgment upon these uncertainties, and these complicated and technical factors. Yet it is upon Members of the Senate that the constitutional responsibility for reaching a judgment and a decision devolves with respect to the pending treaty. What shall we do? What have I done? I have listened to the most competent witnesses and have read most of the competent authorities available. My judgment accords squarely with what I regard as the judgment of the preponderant majority of those most competent persons.

Undoubtedly, there is much that we do not yet know about nuclear explosions, their effects, and the means of defense against nuclear attack. There is no question that further development work in this field would be somewhat inhibited under the terms of the treaty. Such work would be more difficult and more expensive—more difficult for us, more difficult for the Soviets; more expensive for us, more expensive for the Soviets. Progress would likely be slower—slower for us and slower for them. Results probably would be less conclusive than if unrestrained and unrestricted nuclear testing were to continue.

But what about the other 25 or 30 nations whose industrial capacity gives them the ability to develop nuclear weapons? Except for Red China, most of them have already adhered to the treaty. They, too, would be inhibited. Indeed, they would be inhibited by the lack of much of the scientific knowledge which the Soviet Union and the United States already have.

Among assertions that have been made during the course of the debate is the statement that the pending treaty would be to the advantage of the Russians. It has been stated that Mr. Khrushchev said the treaty was in Russia's own interest.

What two nations in the world would be most likely to be destroyed in the event of a nuclear holocaust? Obviously, the two nuclear powers that are armed with nuclear warheads already in place on missiles aimed at each other's vital industrial and population centers. The loosing of nuclear weapons tonight would rain destruction upon the United States and the Soviet Union. The United States and the Soviet Union obviously would suffer most from a nuclear war. What greater mutual interest could two nations have than the avoidance of nuclear war by the two nations most likely to be destroyed? This situation involves a real mutual interest, a mutual interest of self-preservation.

Yes, Khrushchev has said the treaty is in the interest of the Soviet Union. President Kennedy has also said it is in the interest of the United States. Do we believe the Soviets would have signed the treaty unless they regarded it as being in their interest? Do we believe President Kennedy would approve the treaty unless he regarded it as being in the interest of the United States of America? All treaties—unless forced upon one of the parties—come about only because of mutual interests.

In case of total nuclear war and the destruction of the United States and the Soviet Union, the other great goliath, Red China, might inherit the earth on foot.

So I am prepared to support a treaty that is in the interest of the United States and in the interest of the Soviet Union—a treaty in which we have the greatest possible mutual interest: self-preservation.

The central point is that it is not here proposed that the United States unilaterally subject itself to these restrictions and allow the Soviet Union to be free of them. The restrictions will apply to both countries. We refused, let me repeat, to enter into a treaty involving underground testing, because the Soviets would not permit inspection adequate to guarantee against cheating. But the proposal before us contemplates that the limitations and restrictions will apply equally to all the signatory powers.

Let us concede, for the sake of argument, that there are some areas in which Soviet knowledge, gained as a result of prior tests, exceeds ours—for example, as to the effects of ultra-high-yield weapons.

However, Mr. President (Mr. WALTERS in the chair), there are other areas in which our knowledge exceeds theirs, advantages we have gained from our own atmospheric testing. Unless we are prepared to reject the advice of all who claim overall U.S. nuclear superiority, then I believe this is a reasonable conclusion. It is not just now that I have heard the authorities thus testify. This has been the case throughout the development of the nuclear era.

For myself, I do not accept the theory that the Russians already know all they wish to know, and have agreed to this treaty only to entrap us into a position where we will be unable to catch up. This is not to say, Mr. President, that the Soviets do not consider the treaty to be in their best interests. As I have said, I assume they do. Indeed, they assert that they do; and I claim the same for my country. But if we must wait for an agreement that is entirely to our advantage, then I fear we must wait forever. If we must wait for an agreement of that type, we must be prepared to accept the prospect that no agreement on anything affecting the security of nations would ever be reached.

There are those who contend that the Russians have no intention of living up to the terms of the treaty. In the light of our past experience in such matters, this could well be true. But here, again, if we must wait until the Russians have demonstrated conclusively and to the satisfaction of all that they will keep their word, we shall wait forever.

Mr. President, as I said yesterday, on some aspects of this issue, Senators must ultimately choose between an investment in faith or living in fear. I have chosen to invest in faith—faith in our own leadership, faith in our own capacities, faith in the will and the determination of our own people, faith that this international concert, now adhered to by more than 90 nations, will be abrogated only upon the greatest of provocation by any nation.

I know it is said that it does no good to reach an agreement with the Soviets. Unfortunately, the Soviets' record with respect to fidelity to trust is not very good.

I cite, however, the instance of one agreement. The treaty with respect to Austria. A fellow townsman—in some respects a political mentor and friend in former days, former Secretary of State Cordell Hull—talked with me about this subject immediately after the end of World War II. One of his priority goals and aims was to seek an agreement to bring freedom to Austria. It was difficult to achieve it. The negotiations were tedious and long; the Soviets were devious and misleading. They treated the negotiations as an exercise in propaganda, somewhat as they have done in connection with the negotiations leading to the pending treaty. Eventually, however, an agreement was reached.

Not long ago, I enjoyed a visit to Vienna, where I heard free Austrians play beautiful Viennese music. I witnessed the freedom they had obtained as a result of the agreement between the United States and Russia—freedom which their neighbors—Hungary and Bulgaria—missed because of failure to obtain a similar agreement. So I am not prepared to say that no treaty will be kept by the Soviets.

I also recall that there is an international concert against the use of poison gas. Many nations had canisters of poison gas during World War II. They were not used by either side in either the European or the Pacific theaters of war. It may well be that future historians will compare the pending treaty—adhered to already, as I have said, by more than 90 nations—to the pact which outlawed the use of poison gas.

In that connection, Mr. President, let me say that nuclear weapons constitute only one of the means of mass destruction. The populations of cities can now be quickly destroyed, not only by nuclear weapons, but also by gases, radiological

warfare agents, or bacteriological warfare.

What we are dealing with is one of the means of mass destruction, and we are dealing with it in a limited way at that. But even so, the treaty represents, not disarmament, but a pause in a conflict between societies on a collision course. I welcome that pause. I invest faith in the human race and faith in the *ability* of the United States to maintain a position of moral and political leadership, of technological and military superiority, and I invest faith in the will and the determination of our people to take whatever steps may become necessary to preserve their freedom.

No, I do not say that we should rely solely upon the good intentions of the Soviet leaders or their pledges to adhere to the terms of the treaty. Indeed, we must not. But this treaty is as nearly capable of unilateral verification as we could reasonably expect any treaty on this subject to be. I do not contend that it is impossible for a signatory nation to cheat without being caught, but the consensus of expert testimony is that the chances of detection of a clandestine test would be very great, and that those chances would increase with the size of the yield of the weapon tested. Admittedly, there will be some risk of undetected cheating, but this is, I think, a minimal risk which, under the terms of the pending treaty, has been reduced to the lowest level that might be expected.

The possibility of failure of the Russians to abide by the terms of the treaty, whether by clandestine tests or by open abrogation, must be met, not by rejection of the treaty, but by our maintenance of a state of readiness to test should Soviet action require it. We have been assured by the Executive that that would be done. Congress is not without means and influence to see that it is done.

It is not my view that there are no military implications at all incident to the ratification of the treaty. Of course, there are. There are military risks involved in many decisions which the Senate makes. The distinguished senior Senator from Oklahoma [Mr. MONRONEY], who does me the courtesy of his attention, is a leader in the development of civil aviation. We take a military risk when we decide to improve our airports or decide not to. We take a military risk when we choose between building 10 or 20 atomic submarines. We take an economic risk with our economy on the question of full employment and tax reduction. Those who are afraid to choose between relative risks need not apply for membership in this body because they must live with risk and decisions.

We are now confronted with one of the most important decisions that it has been our responsibility to make in a long while.

Should the Senate, in its wisdom and in the exercise of its independent judgment, reject the treaty, we shall have put the world on notice that we are committed to a relentless competition to develop ever more powerful weapons of destruction. What other conclusion could the Soviets, the French, the Scandinavians, or any other people reach? We shall have declared to the world that our enunciated policies of seeking some measure of agreement in this field were nothing more than the wishes or the propaganda policies of chief executives who could not obtain the support of the Senate in this vital field. We shall have cast doubt on the sincerity of our professed desire for peace. We shall, in some measure, have forfeited our claim to leadership in the search for an alternative to a world ruled by force, for an alternative to an ever-growing danger of nuclear destruction.

Mr. President, those who would reject the treaty or destroy it by reservations must be prepared to accept the hazards of its rejection. Once the treaty has been entered into by all the nations which have signed it, the Senate is hardly free to reach its decision without consideration of those factors and the consequences which would flow therefrom.

It may well be that Nigeria, or other signatory nations, will not be able within the century to build nuclear weapons. But the people of Nigeria, the largest country in Africa, have an interest in stopping nuclear weapons tests in the atmosphere because the fallout hazard lays an indiscriminate hand upon human beings of whatever race or of whatever country. It not only has an indiscriminate effect among races of people but also an indiscriminate effect on all biological life.

Mr. President, we are hardly free to consider the treaty separate and apart from the world community of which we are a part—indeed, of which I am proud to say we are a leading part. Our country took the lead in creating this problem; I am proud that it has taken the lead in the search for a solution to this awful power that has been unloosed.

What are some of the hazards of rejection?

There is the hazard of a rapprochement or reconciliation between the Soviets and the Red Chinese.

If Mr. Khrushchev is not able to move toward a minimum accommodation with the West he may desire to ameliorate the tension in the East. Instead of promoting division within the enemy of communism, as I think the treaty might well do, as the Red Chinese daily testify to, rejection of the treaty might tend to bring them together and to solidify the Communist alliance, the greatest strength of which has been its monolithic unity.

I think there may be a hazard of military control of the Soviet Union. I am not a champion of Mr. Khrushchev, but I shall never forget that when he was in political difficulty at home because of the U–2 incident, he came to the Paris Conference with a big marshal, who shadowed his every step, and overheard his every word.

I do not pretend to have any psychic powers or any penetrating understanding of the Soviet society, but I raise this question. We have heard scholars of the Soviet society many times allude to the contest between the military domination on the one hand and civilian domination on the other. This is a problem not unknown in our own country, as referred to in the parting advice of former President Eisenhower.

There is the hazard of an outraged—if not outraged, a very disappointed—world opinion. Some Senators do not think this a subject worthy of consideration. I have heard disparaging remarks made about those who do not wish to bring about unfavorable world public opinion.

Although there are those who belittle the influence of world opinion, there is little doubt that rejection of this treaty now would be the single most important act the United States could take to destroy American influence throughout the world. It would be a blow to American leadership and to American prestige. We would thus isolate ourselves from the sentiment of a large proportion of mankind.

I should like to mention another hazard, the hazard of proliferation of atomic weapons into the hands of many nations.

In my opinion, and according to informed testimony, at least eight nonnuclear powers have the capacity to develop nuclear weapons of their own. Perhaps 25 or 30, given a little more time, could develop them.

Rejection of this treaty and the consequent interpretation that the United States, instead of taking this first step—this pause—would travel the other route toward greater and greater atomic armaments, would operate to invite all those nations to build for themselves atomic weapons, thus multiplying the danger of a planned or accidental precipitation of a nuclear exchange.

Whether nuclear missiles start flying through the atmosphere into space and falling to the earth because fired from a small nation or from a great one might not be easily and quickly determined. The first burst might mean the touching of many buttons and the incineration of millions of people.

I repeat, the leading two atomic powers are those which would suffer most. Is there mutual interest? What greater mutual interest could the Soviets and the Americans have?

I do not suggest, Mr. President, that the Senate should ratify this treaty merely because the President has negotiated and approved it or merely because nearly 100 nations have signed it. The Senate, under the Constitution, has an obligation to reject an improvident agreement which would imperil the national security.

As I said in the Senate yesterday, I repeatedly advised the President, both personally and from the floor of the Senate, that in my opinion the most disastrous thing which could occur in this connection would be the approval of a treaty by the President on this subject which would be rejected by the Senate. I also advised as best I could that in my opinion the Senate would reject an improvident treaty on underground testing which did not provide for an adequate system of detection and inspection to verify compliance with the treaty.

But the Senate has an obligation to weigh and consider the risks of rejection as well as the risks of ratification.

This I have attempted to do. I have concluded to support the treaty.

It has long been my view that a treaty ban on nuclear weapons tests to be acceptable to the United States, must by its terms provide an effective means of verification. I have long been concerned about proposals for a comprehensive test ban agreement because I do not believe the Soviets would ever agree to a degree of onsite inspection which would bring the risks of verification within manageable limits. The elimination of underground tests from the terms of the treaty has, in large measure, eliminated this problem.

There are few certainties in this complex world in which we live. Rapid change is the earmark of our time. There is some risk, as I have said, in every action we take, or in every step we take or fail to take in the fields of military policy and foreign affairs. We must be prepared to accept minimal and manageable risks if such action would be helpful as a first step toward reducing the threat of nuclear war. We have a duty to avoid ill-advised action that might increase the threat of nuclear war.

Our highest military authorities assured the Senate and the American people that the terms of the pending treaty pose no unacceptable military disadvantage. On balance, both militarily and politically, the evidence before us and the political realities of the world in which we live strongly support ratification of the pending treaty.

With this I close. I shall vote with the deepest of conviction that the approval of the pending treaty is in the interest of the United States, in the interest of humanity, in the interest of the people of every nation in the world, be that nation small or large.

Mr. RANDOLPH. Mr. President, as a boy I often stood atop a West Virginia hill and traced a rainbow through a storm. I stand today in this forum of debate and decision. I sense a rainbow of promise as we come nearer to the rollcall which will, I believe, bring the ratification of the nuclear test ban treaty. The promise must not be in vain.

The debate on the treaty has demonstrated the function of the Senate in one of its most fundamental duties. Individual Senators have maintained a high level of seriousness and have exercised a deep sense of loyalty to their personal convictions and have translated the convictions of the constituents in their States as well.

It is with this recognition and respect for the views held on both sides of the issue that I am constrained also to state that the debate has demonstrated the remarkable capacity of the human mind to adjust to almost any extremity and to clothe an inherent lunacy in the garb of rationality.

The scholarly chairman of the Foreign Relations Committee [Mr. FULBRIGHT], in presenting the test ban treaty to the Senate on September 9, declared:

> There is a kind of madness in the dialog of the nuclear age, an incredulous response to terrors beyond our experience and imagination.

This "madness," Mr. President, lies near the heart of the debate, not only in the Senate, but in the continuing dialogs of almost two decades.

Eighteen years ago last month, the world vaulted into the nuclear age in terms not of theory but of operations. The response then to the almost instant incineration of more than 60,000 people in Hiroshima was that mankind had finally overreached itself—that the final and ultimate horror of war would eradicate war itself.

The popular response in America to the apocalyptic vision revealed in the fireball over Japan was characterized in the widely read book of that day, "No Place To Hide." Since then we have had lengthy and learned debates on "places to hide," and serious economists and nuclear strategists have discussed plans for placing a large part of our industrial system underground in preparation for a prolonged nuclear exchange.

There has been consideration of the possibility of putting some industry under the mountains of West Virginia. Certain surveys have been carried forward looking toward that possibility.

Seventeen years ago, the official response of the American Government to the nuclear age was presented in the plan of that grand American, Bernard Baruch, to "entrust all phases of the development and use of atomic energy" to an international atomic development authority. Yet today—in the name of military security—we hear the proposed test ban treaty opposed partially on the grounds that it will prevent our testing a 60-megaton bomb in the atmosphere—a bomb with 3,000 times the explosive yield of the machine that wiped out Hiroshima. In 18 years we have moved from the shock and horror of contemplating the death of 60,000 persons to an almost casual and academic consideration of the prospect of 70 million or 100 million Americans being wiped out in a nuclear war with the Soviet Union.

Since the mind cannot possibly comprehend such universal chaos and destruction, we have developed a new and protective lexicon composed of such terms as "the principle of imposed, involuntary reaction," "vulnerability of the retaliatory force," and "systems of mobile dispersal." Somewhere in the process, Mr. President, our perspective has become unhinged from the human realities which are obscured by this kind of language. Whether or not this is the kind of "madness" to which the chairman of the Foreign Relations Committee referred earlier last week, it qualifies for the term in my opinion. And I confess some difficulty in perceiving any enhancement of our national security in this escalation of destructive power and in our emotional and intellectual accommodation to the present condition.

I am not a member of the Foreign Relations Committee. Nor have I had the benefit of sitting on the Armed Services Committee. But I have read the hearings with care. I have followed the previous debate in this forum and in the RECORD, and I have pondered the issues with the most serious deliberation.

The question of arms control in the broad sense is not an entirely new issue to the senior Senator from West Virginia. As a Member of the U.S. House of Representatives, I introduced on June 29, 1945, a bill to create a Department of Peace at the Cabinet level. Former Senator Alexander Wiley introduced a slightly different measure in the Senate on July 6 of that year. We believed then—and I continue to believe—that this Nation must give as much attention, at a high executive level, to the attainment of peace as to the art and science of military pursuits.

I was one of the cosponsors of the measure in 1961 to establish the Arms Control and Disarmament Agency in the Department of State, which I believe has received not enough credit for the unglamorous spadework which preceded the final negotiations of the pending treaty.

I note the presence of the Senator who had more to do with the sponsorship and leadership of that law than any other Member of Congress, the senior Senator from Minnesota [Mr. HUMPHREY], and assistant majority leader. I know and he knows that the Arms Control and Disarmament Agency has not received its due credit for the unglamorous spadework which preceded the final negotiations on the pending treaty.

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

Mr. RANDOLPH. I am glad to yield to the Senator from Minnesota.

Mr. HUMPHREY. I am very pleased that the Senator from West Virginia has made this comment about the Arms Control and Disarmament Agency and the work of Mr. Foster and Mr. Fisher and the other persons who are associated with these two distinguished governmental officials.

A good deal of work went into the preparations of the treaty which is now before us. Much of that work was undertaken under the guidance and direction of Mr. Foster and the able legal counsel of Mr. Fisher. Several days ago in the debate in the Senate, one of our colleagues asked me what great international lawyer was present at Moscow to protect our rights and to look out for the interests of the United States at the time of the negotiations on the treaty.

The Senator from Minnesota was not quick enough in his response and not very adequate. I did mention the fact that a man of the stature and ability and experience and maturity of the Under Secretary of State Mr. Harriman was present. I should have also added at that time that Mr. Adrian Fisher, former General Counsel of the Atomic Energy Commission, and one of the most able lawyers in this country and dedicated to public service, was also present.

I mention this only because very often we tend to forget that the Arms Control and Disarmament Agency people had a very singular role to play in the negotiation of the treaty.

I wish to say one further word to the Senator from West Virginia. I heard his comments on the subject of the development of the art of peacemaking, or of the role of seeking a just and enduring peace. The Senator from West Virginia will be long remembered for his dedication to peace without appeasement, to

strength for our country without arrogance and belligerence. I am very happy that it has been my privilege to be associated with him in many of these endeavors on the part of our Government as we reach out to find ways and means of protecting the freedoms that are ours and extending these freedoms to others, while at the same time attempting to relieve and to limit the tensions in the world which could lead to a terrible catastrophe, a world war. The Senator can be very proud of his efforts, as indeed I know his constituents are proud of what he has done.

I congratulate him upon his genuine leadership throughout the years, in private life and in public life, in the interest of the security of our country and a genuine, lasting peace in the world.

Mr. RANDOLPH. I shall cherish the generous remarks of the Senator from Minnesota. All too often in this restless world, we fail to express the appreciation we feel. To what the Senator has said with reference to the men in the Agency to which I have given my endorsement, I add only this expression, "Ingratitude is the most reprehensible of vices." I have never found the Senator from Minnesota lacking in his expression of appreciation to those who work for enduring goals and for the benefit of mankind.

More recently, in April of last year, the Senator from West Virginia now speaking served as a representative of this body at the Interparliamentary Union Conference in Rome. There I participated in the sessions of the Disarmament Committee; and in October 1962, I also was among those representing the Senate at the NATO Parliamentarians' Conference in Paris. I draw attention to these matters, Mr. President, to indicate that while I am not a member of either of the committees which has submitted its report to the Senate on the test ban treaty, I have long maintained a deep-seated and thoughtful regard for the issues which comprise the substance of the treaty.

However, I do not hesitate to admit that this experience does not qualify me independently to evaluate the technical problems related to the test ban treaty. For this, I must rely on the testimony of the military and scientific experts presented in the hearings.

The Senator from Washington [Mr. JACKSON], in his closely reasoned address to the Senate on September 13, referred to the need for hope as well as vigilance in the acceptance of the treaty. I would also point to the operation of faith—the faith that each of us must have in the competency of the technical judgments on which we base our final decision.

Few of us, perhaps not even the knowledgeable Senators who serve on the Armed Services Committee, possess the independent scientific and technical knowledge to appraise all the implications of the nuclear test ban treaty. In a previous era, when military strength was a matter of tanks, of guns, and of battleships, militarily educated and experienced Members of the House or Senate could cope with our strategists on their own terms and in a common language.

Today, however, the military sciences and technology, like other sciences, have become fractured into a number of increasingly esoteric and specialized branches in which only the experts seem to have the answers. And because many of the issues involve a degree of speculation and the weighing of different variables, we discover even the experts in disagreement.

Thus, it is with some relief that one reads in the hearings of the Committee on Foreign Relations the testimony of Dr. George Kistiakowsky, at page 855, that Dr. Harold Brown, Director of Defense, Research, and Engineering of the Department of Defense is "the only witness so far heard who can speak with real authority regarding the total ABM problem, and the related developments in offensive system. He has access to all the intelligence regarding Soviet activities and all of the expertise in the United States on our future capabilities that relate to the problem."

Therefore, on the basis of my faith in the knowledge, integrity, and experience of Dr. Kistiakowsky, I turn to the testimony of Dr. Harold Brown in order to resolve the doubts created by the testimony of Dr. Teller. In reading the testimony of Dr. Brown, I find that his carefully phrased and frequently qualified statements indicate the areas of uncertainty and speculation in the field of nuclear strategy and systems development.

These areas of ambiguity in the technical and military spheres therefore justify our weighing the political and historical considerations in the total balance. And they justify our right to hope that we may somehow break through the vicious spiral of nuclear buildup.

Risks are involved in the test ban. But risks are involved in any course of action in this world. Those that would be incurred under the test ban appear to me to be less mortal in the long sweep than those we would confront with a continuation of uncontrolled testing.

The interim report of the Preparedness Investigating Subcommittee of the Senate Armed Services Committee presented eight military and technical disadvantages which would be encountered by the United States if the treaty is ratified. With the exception of the eighth point—regarding the lessening of accessibility to information on Soviet capabilities—these objections have been answered to my satisfaction by the testimony of Dr. Brown and others, as well as by the assurances and safeguards mentioned by the Senator from Washington [Mr. JACKSON] in his comprehensive remarks. It should be emphasized that the Preparedness Subcommittee quite explicitly stated in its report that it avoided an appraisal of "political considerations, and matters involving foreign and international affairs." The subcommittee's report closed with the admonition to Senators that "each individual must reach his own judgment on the basis of personal philosophy, past experience, current knowledge, and the relative weight which he assigns to the various factors involved."

In this respect, my personal philosophy is guided by the axiom that the only changeless fact in life is change itself. The art of government, in this context, is to help to channel the forces of change in the direction that will best fulfill the aspirations of our society. Today, the overwhelming aspiration of the American people, of the Soviet people, and of most humanity, is for world peace.

In my campaign of 1958, as I talked with people about bread and butter issues in the mountains of West Virginia, they spoke about jobs too often denied them through the technological changes; about mechanization and automation within industry. They spoke about schooling for their children, and a decent life.

Yet if I tarried beyond a quick handshake or a hurried conversation, I found they wanted to talk with me about peace and a world in which their sons, growing to manhood, would not have to go out and bear the burden of warfare and perhaps give their lives. The distinguished Senator from Hawaii [Mr. INOUYE], who is sitting beside me, has known the bitter fruit of war as a much decorated combat infantry officer who saw action during World War II in France and Italy.

The proposed test ban treaty offers a slight but significant move in the direction of world peace, and for this reason I shall vote for its approval.

Mr. President, there are many aspects of a future under the test ban treaty which we cannot know with certainty. Indeed, there is little in this life about which we have absolute and certain knowledge. But of one prospect I believe we can be certain: That we cannot maintain the status quo of our present nuclear deterrent vis-a-vis the Soviet Union. Every new test brings new knowledge and an accelerated effort by the other party to duplicate or surpass that knowledge. With every test, the prospect of proliferation of nuclear arms to other countries increases, and with it the prospect of accidental war, war by miscalculation, or war precipitated by the actions of an irresponsible dictator of a minor power. Thus, especially in recent years, the long-term security of the United States has not been strengthened by the development of nuclear technology.

We have never been so strong, yet seldom has peace been less secure.

Most certainly, risks are involved in the ratification of the treaty—risks that have been pointed out by knowledgeable Senators, especially the distinguished Senator from Georgia [Mr. RUSSELL] and the distinguished Senator from Mississippi [Mr. STENNIS]. One may not lightly dispense with the precautions advanced by those who have participated so extensively in the development of our nuclear deterrent. Yet I would prefer to live with these uncertain elements than with the almost certain prospect of eventual nuclear holocaust, if the present tendency is not altered.

Nor am I expounding the cliche that an armament race inevitably creates or leads to war. We have seen many instances—not the least of which occurred

last October—when military strength has been a deterrent to war. The test ban treaty, however, is not addressed solely to a situation in which two protagonists are poised against one another; it is also designed to help forestall or prevent the time when the present so-called "nuclear club" of three or four members is joined by a 5th, a 6th, or a 16th. Those who would argue against the eventual prospect of nuclear war under such conditions as these take a more sanguine view of human nature than I can summon.

There is a curious irony in this regard, in that those who are concerned solely with U.S. military strength, and who avow that "you can't trust the Russians," are viewed as "hardheaded" and "realistic." Perhaps, in another age, it was realistic to declare, as Justice Holmes did, that:

> Now, at least, and perhaps as long as man dwells upon the globe, his destiny is battle, and he has to take the chances of war.

That, however, was the martial and heroic temperament of another age. Today, with the capacity for universal destruction, one who takes a realistic view must acknowledge that man has little longer to dwell upon the globe unless he takes measures to alter his destiny of battle.

Approval of the test ban treaty is a small, concrete step in the direction of a possible new destiny for all mankind. But it is a step of major symbolic purpose in the contribution that it may make toward a new climate of understanding between the United States and the Soviet Union. This does not require that we trust the Soviet leaders, but only requires that we assume they are rational men not bent on self-destruction. This is the same assumption of rationality which guides our military strategy.

The ratification of this treaty will signify for the first time since World War II that the interest in survival which we hold in common may, on occasion, override the issues which separate us. Perhaps this recognition of mutual self-interest in the test ban treaty can, in the future, guide us toward other areas of accommodation, and thereby advance the realization of our desire for peace. The goal is worth the hazard, Mr. President; and I reaffirm my support of approval of the treaty.

Rejection of the treaty might thwart the concerted efforts of men and nations in the quest for peace. We must not allow the crucifixion of humanity on the cross of a nuclear conflict which conceivably could destroy our civilization.

Mr. HUMPHREY. Mr. President, will the Senator from West Virginia yield?

Mr. RANDOLPH. I am glad to yield.

Mr. HUMPHREY. I commend the Senator for his moving and eloquent address. It is one of several I have heard that touch one's heart, move one's spirit, and appeal to the mind and the sense of reason. The Senator's concluding words were most eloquent; and I assure him that his speech will be very helpful in the cause for which we work.

I regret very much that I was out of the Chamber briefly at the time when the distinguished Senator from Tennessee [Mr. GORE] completed his remarks and the Senator from West Virginia began his. Certainly the Senator from Tennessee fully merits the commendation, the praise, and the respect of each and every one of us. I am confident that the Senator from West Virginia will agree with me that it was a very persuasive and thoughtful address by a Senator who has given many years of his life to the consideration of the intricate and difficult problems relating to our defensive strength, our foreign policy, the development of nuclear power and nuclear weapons, and the control of those weapons.

Mr. RANDOLPH. I certainly do agree.

Mr. HUMPHREY. Mr. President, we are about to hear from the distinguished Senator from Hawaii [Mr. INOUYE], who has given so much thought to the issue before the Senate. We shall be privileged to hear the words of this distinguished Senator, who has had long experience in the matters of foreign policy and defense; and I look forward to hearing his address.

Mr. INOUYE, Mr. President, I am somewhat hesitant about addressing myself to a subject on which so much expert testimony has been delivered in the various committees by so many persons with such thorough knowledge. I have heard equally impressive arguments on the floor of the Senate, both for and against the approval of the test ban treaty with the Soviet Union. It would take either a person with highly informed technical knowledge or one very deeply committed to attempt to cover the same ground. I feel that although I speak essentially as a result of the latter stimulus, there are many other Americans who feel the same way I do. We are not experts, but we have listened to them carefully, and we feel that the choice must now be made.

During the various committee hearings on the subject, I indicated in a speech to my constituents that if I found myself personally convinced that the treaty would reasonably and adequately safeguard the national interests of our people, then I would do everything possible to secure its approval and ratification. Although the Senate deliberations are yet to be completed, I now find myself convinced that ratification is imperative to our national interests.

I have listened to expert witnesses in committee. I have thoroughly studied the reports of the Foreign Relations Committee and the Preparedness Investigating Subcommittee, and have sat through many a session of the Armed Services Committee.

I have sat and listened to distinguished Senators as they have spoken in the Senate—some with years of experience in the field of weapons development, others with invaluable insight into the intricacies of diplomatic relationships. I have listened to the statement by the President, to the learned exposition by the chairman of the Foreign Relations Committee, and to the truly magnificent extemporaneous remarks of the distinguished leader of the minority party. They have all been eloquent, and have shown remarkable perception of the possible military, technological, and political consequences of ratification or nonratification.

I need not review all the arguments either for or against the treaty. We have all heard them here on the Senate floor. Moreover, anyone who has taken the time to read the 1,000-page report of the Committee on Foreign Relations, with arguments ranging the entire spectrum from Secretary of Defense McNamara to Dr. Edward Teller, or who has studied the tightly argued and technical 25-page report of the Preparedness Investigating Subcommittee, knows full well the testimony of the experts. He should also have more than a layman's understanding of how multimegaton, low-megaton, and submegaton weapon capabilities may or may not be hindered by the ratification. He should understand the arguments and counterarguments on how the treaty may affect U.S. development of very high yield atomic warheads equal to or surpassing Soviet achievements.

And if he has heard or read Dr. Teller's testimony and compared it with that of the Secretary of Defense, he should have some notion of the arguments revolving around the question of the effects of the treaty on our ability to develop further our antiballistic missile defense capabilities.

Frankly, I must confess that I am not enough of a military weapons expert or an applied physicist to understand thoroughly all of the various technical points raised in these arguments and counterarguments. Moreover, I must confess that I am not completely at home in the legal technicalities concerning international law and the theory of abrogation of treaties, so ably covered by Senator FULBRIGHT in his opening remarks. However, I am painfully aware that the Soviets have not established a particularly enviable reputation for adhering to treaties.

I do know the thesis which underlies practically every military and scientific argument against the ratification of the treaty. That thesis, variously stated, is that the Soviets would not have agreed to the test ban treaty unless it was to their advantage and clearly detrimental to the United States; that the Soviets have already attained the knowledge required for an effective antiballistic missile defense complex; that they have already developed advanced technical data on high yield blast, shock, communications blackout, and radiation and electromagnetic phenomena through their 1961–62 series of nuclear-fission tests called by Dr. Teller "the most powerful, the most plentiful, the most repetitious, the most solid ever carried out by any nation"; that the Soviets will not be prevented from cheating because of their ideology but that we will suffer because we will be honest due to our moral commitments; and, finally, that we simply cannot trust the Soviets.

I think that those who have argued for ratification have not dismissed these

theses lightly. Rather, they have seriously considered them and have pondered their consequences. But in the end, I must agree with the Secretary of State who has said:

> If there may be marginal risks in it, they are far less * * * than the risks that will result if we accept the thought that rational man must pursue an unlimited competition in nuclear weapons.

The risks that will result from an unlimited nuclear arms race are clearly apparent. At the worst, it may mean staring ultimately into the inferno of thermonuclear destruction. At the least, it means bequeathing to still unborn generations the fallout from additional nuclear blasts, the precise number of which we may never know in our time.

I think it is logical to conclude that the very worst may be anticipated because a spiraling arms race can only result ultimately in a confrontation of adversaries. And a spiraling arms race is inevitable in the argument of those who say the treaty will prevent the United States from engaging in this experiment or that test to further develop ABM capabilities, or nuclear warhead reentry into the atmosphere, or any number of military nuclear capabilities.

At the very least, we can expect the cumulative residue from nuclear explosions past, present, and future, to add up to proportions with which statistics and statisticians need not bother. This would be especially so if in the absence of a test ban, more and more countries would eventually conduct more and more tests. What makes this possibility even more foreboding is the fact that countries entering the nuclear arms race in the future may have neither the technical means nor the necessary incentive to try to control excessive fallout. As has been said: "We have a high obligation to safeguard life and health and the genetic integrity of the human race." In many ways, the test ban treaty is as close a guarantee which we can have today that future generations will not be required to meet costly installments in genetics for thermonuclear experiments today.

It is a rather interesting and significant fact to me that although we most certainly have had conflicting testimony both in the present discussions on this treaty and in the past, I can recall no one who has in any way intimated that continued exposure to radiation has no harmful effects. Grand promises of a more bountiful future are completely devoid of any meaning if we simultaneously bequeath to the future radioactive pollution of the essentials of life on earth.

I am not willing to leave this legacy of contamination.

I am not eager simply to increase the potential of each megaton to kill more effectively.

I am deeply concerned that we renew with increased vigor the attack on the problems of human misery in this Nation and throughout the world.

In short, I am very much disturbed that we should emphasize the art of war rather than the art of peaceful living.

Last week, the President informed us that more than 90 nations, excluding Communist China and France, have already ratified the test ban treaty. The collective eyes of the rest of the world are focused upon the Senate of the United States. In an important sense, we are also staking our position of international leadership. We have been continuously asking for some sort of modus vivendi on the problem of nuclear tests between East and West. This marks the third administration which has attempted to do so. Both political parties have been on record to reach some sort of accord. We have never been closer. If we do not ratify this treaty, we can never rest assured that nations not now involved in nuclear development and testing will not enter, however reluctantly, the mad race to attain nuclear capabilities. The secrets of thermonuclear fission are surely not perpetually secure from the rest of the world.

The chain reaction first conceived in the Manhattan project, then given birth on the sands of Alamogordo, received its fiery baptism at Nagasaki and Hiroshima. Since then, it has reached across the Siberian wastelands of the Soviet Union, tropical Christmas Island in the Pacific, and into the desert of the Saharas. From what we now know, it may reverberate in the hinterlands of Red China in the near future.

How soon will we see the ominous mushroom clouds over the horizons of other nations? We will see them as certainly as we now see the setting sun. We will see them just as soon as these countries reach scientific maturity and technical competence. Yes, we will see them so long as there is no test ban agreement among the leaders of the world.

But, by then, it may be too late. In the collective quest for nuclear proficiency, the world might be just a step away from total annihilation. In chasing the thermonuclear tiger's tail, we may all just melt away.

The ratification of this treaty by all the three major powers involved may, therefore, have a salutary effect not only amongst these signatory nations but upon the nuclear and military ambitions of the entire world. At least, I think that this is a legitimate hope. The National Council of the Churches of Christ thinks so:

> The treaty is a first step—

Says the council:

> It does not halt production or reduce existing stockpiles of nuclear weapons; but it may slow up the nuclear arms race and will diminish the health hazards from radioactive fallout to this and future generations.
>
> Of itself it does not prevent the spread of nuclear weapons to nations without them but it does prohibit assistance to other nations in making tests in the environments which it specifically proscribes. It does not end the threat of nuclear war or outlaw the use of nuclear weapons; but it opens the way to further agreements and thereby reduces the threat of war.

Certainly, these are words of eminent theologians. But there will be those who will ask, rather understandably: "Are there any scientific minds supporting a similar position? After all, is this not ultimately a scientific and technological question?"

Some of the Nation's top scientists have issued a very similar statement, although much more tersely worded as perhaps befits their objective nature. This statement issued by a group of 54 scientists, including 19 Nobel laureates, from Harvard and MIT to Stanford and Cal-Tech, state:

> We have widely divergent views on almost every conceivable subject. But all of us agree on the importance and urgency of supporting the nuclear test ban treaty. What is it that unites us on this issue? These inescapable facts:
>
> 1. The treaty will reduce the likelihood of nuclear war.
>
> 2. The treaty will discourage the spread of nuclear weapons to nonnuclear powers.
>
> 3. The treaty will create a better climate on both sides for a slowup of the arms race.
>
> 4. The treaty will protect us and our children from exposure to additional doses of contamination from radioactive fallout.
>
> 5. The risk of continued testing is greater than the risk of a test ban. The treaty will protect the national security of the United States. Furthermore, under the terms of the treaty, we can resume testing if we ever feel our national security is threatened.

This is as succinct a statement as I have ever read nailing down the precise reasons why ratification must be had. Included in the list of eminent scientists who have signed their names to the foregoing statement are Dr. James R. Killian, Dr. George Kistiakowsky, and James J. Wadsworth, all names highly respected for their scientific and social objectivity.

After all has been said and resaid, I think that it is reasonable to conclude that the basis of most of the objections to ratification of the treaty is that the Soviets cannot be trusted—that the record of past duplicity in diplomatic negotiations should lead us to suspect the Soviet motive in the signing of the test ban treaty.

Let me repeat here that the Soviet's past record in this regard is not especially encourging. But the Senator from Arkansas [Mr. FULBRIGHT], in his remarks to this Senate, indicated that in order to obtain a proper perspective on this question, it should be noted that the Soviets have satisfactorily observed a significant number of multilateral and bilateral agreements to which it has been a party. The distinguished Senator from Arkansas went on to say that the Soviets indeed have used the criterion of national interest in adhering to or abrogating treaties. However, the Senator reminded us of various factors which he considered definitely to the interests of the Soviet Union in adhering to the conditions of this treaty.

These factors of national interest to the Soviets included the conclusion that they have achieved a position of comparable technical parity with the United States in nuclear weapons development as a result of the 1961–62 tests, that the Cuban crisis forced the Soviets to realize how close they were to nuclear holocaust, that the Soviets are concerned over the Chinese Communists' position of intransigence.

And then, of course, he concluded:

> I do not think we can be so self-righteous as to say this country has never violated a treaty. I did not follow it closely, but I

believe the Seneca Indians have been saying that this Government violated its treaty with the Seneca Indians in New York.

For half a century, we in Hawaii, like the Seneca Indians, had almost come to believe that the promise of eventual statehood was never to be fulfilled, until that glorious day in 1959 finally arrived.

But I think that the most compelling argument against the charge that this treaty rests purely on trust of the Soviets has already been delivered by Secretary of State Rusk in answer to a question during the Senate Foreign Relations Committee hearings. Let me remind Senators of it, for I think it is the best answer that I have heard throughout the hearings as well as the deliberations on this floor. Said the Secretary:

If we thought that we could rely upon trust, we should probably be discussing a comprehensive test ban treaty rather than one in the atmosphere, outer space, and under water. I do not believe that an agreement of this sort can rest upon the element of faith and trust, because it relates deeply to our own elementary security needs. I do think that we must ask ourselves two questions: Is this treaty, if it is complied with, in the interests of the United States, and are the arrangements in the event the treaty is not complied with adequate for our safety and security? I think the answer to both those questions is "Yes." We will know if there are significant violations of this treaty, we will be free to do whatever is necessary in our own security, and I would think that this is not a matter of trust.

I can personally conceive of no better or more effective way to close my remarks today than by quoting the masterful and moving speech by the leader of the minority party on Wednesday, September 11, 1963, a date on which I was privileged to preside over this body. Said the Senator:

I want to take a first step, Mr. President. I am not a young man; I am almost as old as the oldest Member of the Senate, certainly am older than a great many Senators. One of my age thinks about his destiny a little. I should not like to have written on my tombstone: "He knew what happened at Hiroshima, but he did not take a first step."

Mr. President, I support the ratification of this limited test ban treaty, without reservations or amendments.

LOOKING AHEAD TO THE 18TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS

Mr. HUMPHREY. Mr. President, the United States should take the initiative, at this session of the United Nations General Assembly, to create a constructive and conciliatory climate which could lead to a serious discussion between the United States and the Soviet Union of the basic political issues of the cold war. During this session of the United Nations, consideration should be focused on five problem areas offering some possibility of progress:

First. The area of financial support for the United Nations and its peacekeeping functions.

Second. The field of outer space.

Third. The field of lunar exploration.

Fourth. The field of educational, cultural, scientific, and economic exchange.

Fifth. The field of East-West trade.

If progress can be made toward achieving greater cooperation in these functional areas, the chances will be improved for successfully tackling the more delicate political questions later.

In the wake of the test ban treaty, our U.S. delegation to the United Nations should prod the Soviet Union to show a greater willingness to share in the financial burdens imposed upon the United Nations: specifically it can take measures to pay up its regular United Nations assessments and can contribute its proper share to the United Nations peacekeeping operations in the Congo and the Near East. The Soviet Union should cease harassing the United Nations, and, instead, should strengthen its role as a peacemaker by strengthening its financial position.

We should make clear our willingness to cooperate with the Soviet Union and with other nations in the field of outer space. The whole question of exploration of outer space and of the law that will govern outer space are ripe for further discussion and bold new actions.

I am encouraged by recent statements by Soviet officials on outer space policy. In a statement last week in the United Nations Committee on Outer Space, Dr. Nikolai Fedorenko indicated that progress could be made in drafting a declaration of legal principles to govern space activity, and acceded to the Western view that space exploration could be undertaken by private companies as well as by States. Given the previous Soviet insistence on applying Socialist principles to outer space law, this represents a significant modification. This would seem to indicate that the Soviet Union is willing to compromise on the most important disputed areas in the outer space field.

In my view it would be advisable for the United Nations to focus considerable attention during this session on problems of outer space.

Much of the credit for the progress that has been made in outer space law up to the present time belongs to the United Nations. A General Assembly resolution has affirmed that international law applies to outer space and that celestial bodies are not subject to national appropriation. This resolution has laid the cornerstone for the greatest area of agreement among nations on the subject of outer space law. It is indeed a step forward that a consensus has been reached on this important principle.

However, up until now, there have been many points of unsettled disagreement. Beyond the point of general consensus as described by the United Nations resolution, the Soviet Union has adopted an all or nothing attitude toward international agreements concerning space. The U.S.S.R. has insisted that there can be no further agreement on any legal question until a comprehensive code of space law is adopted. This comprehensive code would have to adhere to the principles set forth by the Soviet Government, several of which we find not acceptable. This policy now appears to be changing.

Up until now there have been four major points of difference between the United States and the Soviet Union on this point. First, there has been the Russian demand that nations be barred from using outer space for propaganda purposes. Most experts are skeptical that the Soviets would let this demand stand in the way of an eventual agreement if a consensus on other issues could be reached.

Second, the Soviet Union has contended that space activities should be carried out "solely and exclusively by states"—a clear attempt to impose Socialist principles on the exploration of outer space. As I noted before, Mr. Fedorenko's statement of this past week indicates that the Soviet Union has altered its position on this important point.

Third, the Soviets have insisted that prior discussion and agreement must precede any measures by a state which will affect any other state's exploration of outer space. This proposal is of course an effort to effectively extend the veto into space. We cannot allow such an extension. We can, however, agree to undertake appropriate international consultations before embarking on any space venture which might endanger another nation's efforts in space.

Fourth, the Russians have demanded a ban on all military uses of outer space, particularly on the use of space for the collection of intelligence data. This demand assumes that it is possible to make a meaningful distinction between military and non-military uses of space. This distinction is dubious, at best. As Richard N. Gardner, Deputy Assistant Secretary of State for International Organizations, has stated in a perceptive speech on outer space law:

There is, in any event, no workable dividing line between military and non-military uses of space. A navigational satellite in outer space can guide a submarine as well as a merchant ship. Thus the United States has military space programs, but all of our space activities will continue to be for peaceful, i.e., nonaggressive and beneficial, purposes.

If both sides agree to only peaceful uses of space, it will make little difference whether space operations come under military direction or not.

We must also realize that the future uses of outer space will belong not only to the United States and the Soviet Union, but to all the nations of the world. Any two-power agreement would have to take into account the future uses of space by many nations who are now devoting most of their resources to the development of their own internal economies. Any effective outer space law would have to apply to these countries as well.

No state has any national claim on any celestial body or on any sector of outer space, nor will any such claims be permitted according to the existing concensus on outer space law. In the light of this fact, it seems quite proper to expect that the United Nations, the body which engineered the existing consensus, will play an important role in any future deliberations. In my view, this

meeting of the United Nations Assembly should provide the forum for development of a consensus on outer space law.

I ask unanimous consent that Secretary Gardner's remarks on "Outer Space: Problems of Law and Power" be printed in the RECORD at the end of my remarks.

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

(See exhibit 1.)

Mr. HUMPHREY. Mr. President, the third area where we should take the initiative is in regard to the lunar probe, which is of course closely related to the question of control of outer space. This morning's New York Times indicates that the Soviet Union has recently become more willing to cooperate in this field too. A prominent member of the Soviet Academy of Science, Dr. Anatoly A. Blagonravov, has suggested that it might be advisable to discuss the possibility of cooperating between the United States and the U.S.S.R. in the assault on the moon. Despite the technical problems that might be involved in such a cooperative venture, it is my view that such proposals on the part of Soviet officials should not be hostilely rejected. Rather they should be given careful consideration.

Fourth, we should take the initiative in expanding our cultural, educational, economic, and scientific exchange programs with the Soviet Union. This is the time to push for more exchange in the fields of art, music, agriculture, and science.

Fifth, we must initiate a bold review of our restrictive trade policy. The Canadian wheat agreement announced this week indicates that there are very definite possibilities for extending East-West trade in nonstrategic products. The Soviet bloc does have available hard currency for certain nonstrategic products which we desire to sell. The extent of possible East-West trade is unknown, since our outdated trade restrictions have discouraged any genuine exploration of the potential for expanded trade with the Soviet bloc. The time for a review of U.S. trade restrictions is overdue. The time for exploring the possibility of increased East-West trade has arrived.

If the efforts to reach a consensus with the Soviet Union in these five functional areas of U.N. finance, outer space, the lunar probe, educational, cultural, and scientific exchange and trade are productive, then we might be in a position to test Soviet intentions on more delicate political questions. With the deepening of the Sino-Soviet rift it may soon be a propitious time to explore the Soviet intentions in the Far East. Surely it would be in the interest of U.S. foreign policy to know the Soviet Union's true intentions in southeast Asia. If the Soviet Union's policy were to evolve in the direction of containing Chinese imperialism and restoring peace to southeast Asia, that would indeed represent a significant step toward improving East-West relations.

As the German Foreign Minister, Gerhard Schroeder, said yesterday, we should take the initiative in proposing solutions to the major international problems. The test ban treaty represents a successful Western initiative. Its successful negotiation could well be a prelude to the negotiation of other outstanding world issues if we can combine imagination, foresight and resoluteness of purpose that made the test ban treaty possible. Now is the time to begin.

Mr. President, I also ask unanimous consent to have printed in the RECORD an editorial on the United Nations, published in the New York Times of September 17; articles on outer space, from the New York Times and Washington Star; a New York Times article on the moon probe; and a New York Times editorial on wheat.

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

[From the New York Times, Sept. 17, 1963]

THE EXPENSIVE U.N.

At 18 years of age the United Nations is very much alive and kicking. Those who are going to be kicked at the General Assembly session opening today—especially the colonial powers—will not enjoy the process; but the vitality of the U.N. gives reason for satisfaction.

There is a freshness and newness about the organization that stems from the large number of countries that have just come into existence. To the old and established nations they seem—and sometimes are—not so responsible or practical as they ought to be, too impatient, too demanding, too arbitrary. The United Nations gives the impression, sometimes, of a growing youth whose clothes are bursting at the seams.

This is partly a result of the fact that when the U.N. was formed in 1945 there were 51 members. Today 111 members are gathered in the audience at the General Assembly. It has been obvious for some years that the United Nations has outgrown its Charter. Chapter V begins by saying: "The Security Council shall consist of 11 members of the United Nations." Eleven for 51 was a reasonable number; 11 for 111 is inadequate. Five of the 11 are permanent seats, so there are only 6 nonpermanent seats, chosen every 2 years by an "equitable geographical distribution."

In 1946 there was a "gentleman's agreement" to give two seats to Latin America and one each to the British Commonwealth, Middle East, Western Europe, and the Communist bloc. This left out all the African and Asian countries outside the Commonwealth. Russia is proposing to rectify this maldistribution by allotting one seat each to Africa, Eastern Europe, Western Europe, Asia, Latin America, and the Middle East. One trouble with this arrangement is that it would leave out such major countries as Canada, Australia, and New Zealand.

There is no way of cutting such a little pie into fair slices for everybody. A bigger pie must be made for the Security Council, which, in this case, means altering the United Nations Charter, as unanimously recommended by a special committee of the U.N. But the Soviet Union continues to block such revision unless Communist China replaces Nationalist China as a permanent member of the Council.

The General Assembly is also far from perfect in its methods of operation. Its powers need clarification. There is much waste motion and wasted time. There are doubts about the validity of the one-nation-one-vote procedure that gives equal weight to—let us say—India and Peru.

The dynamism of the contemporary world means that the U.N. must and will change and grow. Anything so vital needs a bigger and better structure—one suitable to the 1960's.

[From the New York Times, Sept. 14, 1963]

SOVIET RELAXES U.N. SPACE STAND

(By Kathleen Teltsch)

UNITED NATIONS, N.Y., September 13.—The Soviet Union yielded a point to the West today by agreeing that out of space activities could be undertaken by private companies—under certain conditions.

Previously, the Soviet Union had insisted that only governments should be permitted to pursue space activities. The United States had opposed this prohibition on private enterprise as an "attempt to extend Soviet economic practices into space."

Dr. Nikolai T. Fedorenko, indicated the more flexible Soviet attitude on this point in a statement in the 28-nation Committee on Outer Space which ended its session on an uncommon note of harmony.

CONCESSIONS URGED

In his statement Dr. Fedorenko again emphasized that progress could be made in drafting a declaration of legal principles for space activity—if both sides made concessions.

Both Dr. Fedorenko and Francis P. Plimpton of the United States have indicated that private negotiations between the two major space powers to work out the legal principles are likely soon.

Until now the two have been at odds on four major points: One of these, but not the most significant, was the question of barring private interests in space.

The Soviet Union also insisted on a ban against using space for propaganda to incite war or racial hatred. More significant to Western officials has been the Soviet demand that any planned experiment deemed potentially hazardous be discussed—and approved—in advance. This has been opposed by the West as an attempt to exercise a veto over space explorations.

SPYING KEY ISSUE

The most controversial issue has been Soviet insistence on prohibiting the use of satellites for collecting intelligence data. In previous committee meetings, Soviet members have been bitter in their attacks on so-called "spy satellites."

Dr. Fedorenko made no mention of this Soviet demand today and only passing reference to it in his earlier policy statement Monday which also was marked for its conciliatory tone in contrast to past Soviet performances.

On the role of private companies, he said today that agreement could be reached if it was accepted that governments would continue to control such operations and bear responsibility for them internationally.

The United States has stressed these conditions in trying to overcome the Soviet objections with the assurance that no private company could undertake any activity without strict government regulations.

The United States has fought the Soviet prohibition because it could have barred such activities as the communications satellite "Telstar" of the American Telephone & Telegraph Co.

The harmonious spirit of the week-long session was reflected in the final report. It spoke of the "narrowing of differences" that took place in the last few days and asked that "contacts and exchanges of views" continue so that agreements could be worked out on the remaining unsettled questions.

[From the Washington (D.C.) Star, Sept. 14, 1963]

SPACE AND THE DETENTE

An encouraging hint that the Kremlin may be beginning to call its policy signals in accordance with the new "spirit of de-

tente" passed almost unnoticed at the United Nations this week. It happened when Ambassador Fedorenko gave a soft answer to our proposals on legal problems in the uses of outer space.

Soft Russian answers have not been common in this tricky area. A U.N. subcommittee got nowhere with the issues last April in New York, largely because of Russia's belligerently take-it-or-leave-it attitude. In July, however, after President Kennedy's "Strategy for Peace" speech at American University, the United States quietly urged Moscow to take another look at the problem, concentrating on what could actually be agreed to.

The Soviet answer has taken the form, so far, of a statement of purpose only—it remains to be seen what details can be worked out in the U.N. session beginning Tuesday. But Mr. Fedorenko listed important areas where the two Governments are in agreement, and he indicated an eagerness to explore disputed points on a give-and-take basis. He went out of his way to assert that there now is a "much more favorable atmosphere" for progress toward understanding.

We find ourselves now apparently as one with the Russians on these extraterrestrial principles: (1) Outer space should be for everybody to enjoy; (2) celestial bodies are not available for worldly annexation; (3) earthlings in space should conduct themselves in accordance with international law and the U.N. Charter; (4) astronauts (or cosmonauts) and space vehicles in distress should be helped without regard to national origin.

Small straws in the wind, to be sure. But this new Soviet mood of responsiveness is being carefully noted by the straw-watchers. It suggests precisely the sort of psychological thaw that the test ban treaty is aimed at producing, and it could portend better things to come. If real cooperation in space should become feasible, the rewards could be very great indeed.

[From the New York Times, Sept. 18, 1963]

U.S. Aid Rebuffs Soviets' Moon Bid

(By John W. Finney)

WASHINGTON, September 17.—The Director of the Manned Spacecraft Center ruled out as impractical today suggestions that the United States and the Soviet Union cooperate in sending a manned expedition to the moon.

The position taken by the Director, Dr. Robert R. Gilruth, assumed particular significance because in recent days Soviet scientists have raised the idea of a cooperative assault on the moon.

In a luncheon meeting last Wednesday with Dr. Hugh L. Dryden, Deputy Administrator of the National Aeronautics and Space Administration, Dr. Anatoly A. Blagonravov suggested that in the future it might be desirable to discuss the possibility of cooperating on the lunar project.

SOVIET SPACE SPOKESMAN

Dr. Blagonravov is a prominent member of the Soviet Academy of Sciences and is regarded as the leading scientific spokesman on the Soviet space program. During the last year he represented the Soviet Union in negotiating an agreement for limited cooperation with the United States in space research.

The luncheon meeting provided an interesting insight into the Soviet space program, particularly its lunar projects, and into apparently a changing Soviet attitude about cooperating with the United States on the peaceful exploration of space.

From a somewhat general conversation, U.S. officials gathered that there is a debate within the Soviet Academy over the desirability of undertaking a manned lunar expedition at this time.

SIMILAR DEBATE IN UNITED STATES

The debate is apparently similar to one that has gone on in this country ever since the lunar expedition program was undertaken in 1961.

On one side are Soviet scientists, urging that priority be given at this point to scientific exploration of the moon with unmanned spacecraft.

On the other side, apparently is an engineer faction urging that any exploration of the moon include manned expeditions.

Some observers feel that the Soviet Union, unlike the United States, has not yet committed itself to a manned lunar expedition. This view appeared to gain support from Dr. Blagonravov's comment that a Soviet decision on the lunar expedition would have to await a "soft landing" of an instrumented spacecraft on the moon to ascertain the characteristics of the lunar surface.

VIEW IS RESISTED

This view, however, is one that U.S. space officials are reluctant to accept. It runs contrary to their persistent theme that the United States is in "a race" to the moon. This theme has proved useful in selling the costly Apollo lunar project on Capitol Hill.

Only last Friday, Dr. Edward C. Welsh, the executive director of the National Aeronautics and Space Council, asserted that all evidence pointed to a Soviet attempt at a manned lunar landing.

The Blagonravov comments are not seen as necessarily conflicting with this conclusion.

Instead of announcing several years in advance that it intends to land a man on the moon before the end of the decade, as the United States has done, the Soviet Union is viewed as following a step-by-step program pointed toward a manned landing on the moon.

SOVIETS SHIFT INDICATED

What is viewed as particularly significant in the Blagonravov comments, however, is the apparent Soviet willingness to cooperate more fully in the peaceful exploration of space.

The agreement reached this spring after a year of negotiation is limited to coordinated launchings of magnetic survey and meteorological satellites, the exchange of cloud-cover pictures taken by satellites and Soviet experiments with a passive communications satellite to be launched by the United States.

Until recently, the Soviet representatives had been taking the position that any closer cooperation in space research would have to await a change in the political climate.

A response to the Soviet overtures may come in President Kennedy's speech before the United Nations on Friday.

The attitude being taken by high officials in the space agency is that the United States should be willing to discuss, on a no-advance-commitment basis, the possibility of cooperating on the lunar expedition.

But at this point they are pessimistic, on security and technical reasons, that it would be possible to work out a cooperative arrangement.

This view was reflected in the comments of Dr. Gilruth in a speech before the National Rocket Club.

Emphasizing that he was speaking as an engineer and not as an international politician, Dr. Gilruth said "I tremble at the thought" of the technical problems involved by just the difference on measurement used by the two nations; feet and inches in the United States and the metric system in the Soviet Union.

[From the New York Times, Sept. 18, 1963]

Opportunity in Wheat

The significance of the huge Russian purchases of Canadian wheat goes far beyond the immediate economic consequences to both countries. It reflects serious internal difficulties for the Soviet Union, already beset by its intense ideological struggle with China. It affords an opportunity for the West, particularly for the United States, to carry out our objective of expanding world trade.

Ten years ago this month Nikita Khrushchev won the center of the stage in post-Stalin Russia for the first time by delivering a slashing speech exposing Soviet agricultural weaknesses and proposing radical reforms. Since then Soviet farming has constantly been his main domestic concern. Now Premier Khrushchev has had to take the radical—and for him personally humiliating—step of buying $500 million worth of wheat and wheat flour from Canada after all his torrent of words about the "superiority" of socialist agriculture.

The money Moscow is spending for this wheat will be unavailable to buy the Western machinery needed for Premier Khrushchev's ambitious industrialization goals. Consequently, there may well have to be some cutbacks in the new 2-year plan for 1964–65 now in preparation. Furthermore, the impact of this defeat upon the political structure of Soviet Russia raises intriguing possibilities. Every Soviet citizen knows how many panaceas for Russia's agricultural ills Khrushchev has offered this past decade. He has spent immense sums to open up the virgin lands of Kazakhstan and Siberia, promising that oceans of wheat would be grown there. He has wiped out the old machine tractor station, raised the prices paid to farmers, overhauled the agricultural administrative apparatus time and again, and introduced new systems of crop rotation wholesale.

But in 1963, after all this, he has had to turn to Canada for the grain the Soviet Union's socialist agriculture could not grow. We may be sure that the Chinese Communists will use his failure to undermine Khrushchev's authority as the final arbiter of Communist policy. It will be surprising if there are not ambitious men in the Kremlin who will try to do the same.

The United States cannot take an active part in the fight behind the Kremlin's walls. But Washington can make constructive use of the sale of wheat by Canada. We will directly benefit from Russian sales of gold, which will mean less pressure on our own gold stock. The indirect benefits, however, are incalculable.

With Western Europe short of grain, the United States is now in a position to dispose of a major part of our own surplus, which has been so expensive and seemingly so permanent a burden. Our aim should not be to make a quick killing simply to improve our balance of payments. Rather, we now have the bargaining power to persuade the European Economic Community to abandon its effort to achieve self-sufficiency in agriculture by increasing its protectionist policies.

To accomplish this end, the United States must be prepared to turn away from our own artificially high agricultural price supports. The support program has given the Common Market an excuse to reject the American demand for a more liberal European attitude. Moreover, our huge and continuing surpluses have served as a deterrent against change, for there seemed no rational way to reduce them. But the administration now has an opportunity to adopt more flexible policies, geared to the new conditions, that will encourage an expansion in foreign trade.

If persistent agricultural failure is the Achilles' heel of the Soviet economy, the United States has never been able to exploit the Herculean strength of our own capacity to produce on the farms. The Canadian-Russian deal offers a chance to move out of the rut created by rigid adherence to artificial prices and by European countermeasures.

The path to trade expansion and greater integration in industry and agriculture is now open. We should not hesitate to undertake new policies that will hasten progress toward these objectives.

EXHIBIT 1

OUTER SPACES PROBLEMS OF LAW AND POWER

(Address by Richard N. Gardner, Deputy Assistant Secretary of State for International Organization Affairs, before the Section of International and Comparative Law of the American Bar Association, Conrad Hilton Hotel, Chicago, Ill., Aug. 10, 1963)

At 12 noon on April 22, 1889, President Harrison threw open several million square miles of Government land for settlement in the Oklahoma Territory. Some eager "sooners" sneaked into the territory too soon, but the vast majority crowded along the border. Long lines of trains nosed right up to the starting line. Detachments of cavalry held back the mob until the blast of a bugle at noon sent a wild stampede into the new territory. One train rider—the trains, by the way, had to run at a set speed so their occupants didn't obtain an unfair advantage—described the scene:

"I saw excited men jump from the windows of crowded coaches even before the train stopped and rush off to stake out claims in a cornfield that by noon the next day was a busy tent city of 10,000 people."[1]

As one historian quipped: "Within a few hours virtually every tract had one claimant, and most had three or four."

Seventy-four years after this event we find ourselves on the borders of space. We are now in year 6 of the spage age and each month brings more astounding progress in the conquest of outer space. Six years ago an orange-sized object in orbit filled the headlines. Today men live in orbit for days in spacecraft weighing thousands of pounds. Six years ago a vehicle launched hundreds of miles into space was a sensation. In 1962 the United States sent a vehicle to Venus to find out what the planet was like. After 110 days of flight at 15,000 miles per hour the vehicle sent radio impulses 36 million miles back to Earth with the following message:

"Venus is hot, 800° Fahrenheit. There is heavy cloud cover; it is impossible to see the landscape. The atmosphere contains no oxygen or water. Life as we know it is generally impossible."

Clearly our scientific capacity is permitting us to rush into space with impressive speed. Is our capacity for law and organization in space equal to the challenge? The first "sooners", as it were, are already in outer space. Can we avoid a space "stampede" and achieve orderly progress?

Lest anyone take this analogy too literally, I hasten to add that I do not envision a flood of settlers leaving shortly for outer space. Washington is uncomfortable this time of year, but Venus appears to be even more so.

The question of concern to lawyers and diplomats is whether nations as they increase their activities and interests in outer space, can develop adequate ground rules to prevent conflicting claims and international violence.

These ground rules may be embodied in articulated legal principles. But, especially in the beginning, much of the law of outer space may grow quietly out of the mutual restraints and reciprocal concessions which nations accept tacitly out of enlightened self-interest. Law will also grow out of specific projects of functional cooperation.

When the question is approached from this broad perspective, one sees considerable progress in developing law for outer space:

General Assembly Resolution 1721 (XVI) affirmed that international law, including the U.N. Charter, applies to outer space and celestial bodies and that outer space and celestial bodies are free for exploration and use by all states and are not subject to national appropriation.

The members of the U.N., responding to another part of this same resolution, have started an ambitious program of worldwide weather forecasting and research making use of satellites as well as earth-based instrumentation.

U.N. members have also begun, through the International Telecommunication Union, to tackle the technical problems involved in using outer space for telephone, radio, and television communication. Following creation of the U.S. Communication Satellite Corporation, we have begun discussions on the creation of a single global satellite communication system—with wide participation in ownership and management—and operated so as to realize economic and political benefits to all nations.

The United States and the Soviet Union have concluded a bilateral agreement calling for the coordinated launching of weather satellites and the exchange of weather information, the coordinated launching of satellites to map the earth's magnetic field, and cooperative experiments with communication satellites.

This record hardly confirms the view that "no law" is being made to govern the relations of states in outer space. And yet it is true that the efforts in the United Nations to reach agreement on specific legal principles beyond those contained in Resolution 1721 have so far been in vain.

What has been the cause of the difficulty? Is there any way it can be resolved?

As most of you know, the Soviet Union insists that there can be no further agreement on any legal questions unless and until there is agreement on a comprehensive code of space law along the lines of the Soviet "Declaration of Basic Principles." Thus the drafting of agreements on specific questions such as liability for space vehicle accidents and assistance to and return of space vehicles and their personnel—matters on which a broad consensus already exists—is being held up by the Soviets pending agreement on more controversial political issues.

Until recently the Soviet Union adopted a similar attitude in the test ban negotiations. It refused to consider an agreement to ban tests above ground until a comprehensive ban was achieved embracing underground testing as well. Happily it has now changed its position and a treaty banning tests above ground has been signed. The Soviets could do much to defrost the cold war if they dropped their "all or nothing" attitude in other fields as well. Cooperation in framing legal principles for outer space would be one good place to start.

The United States would like to conclude international agreements at an early date on both liability and assistance and return. We would also welcome a General Assembly resolution covering the general principles of law which should govern the activities of states in outer space. If there is a willingness on all sides to concentrate on the principles which unite rather than divide us, we can speedily get unanimous agreement for a resolution on general principles at the next General Assembly.

Such a resolution could contain the following elements on which a consensus already exists:

The freedom of outer space for exploration and use by all states.

The unavailability of celestial bodies for national appropriation.

The applicability of international law, including the Charter of the United Nations, to relations among states in outer space.

The retention by the launching authority of jurisdiction over the ownership of space vehicles.

Assistance to astronauts in distress and return of space vehicles and their personnel.

Liability for injury or damage caused by space vehicle accidents.

So much for the principles on which there is general agreement. Let me turn now to the four principles included in the Soviet Declaration which cause problems for us and most other members of the U.N.

First. There is the Soviet principle which would prohibit the use of outer space for "propagating war, national or racial hatred, or enmity between nations." The United States is understandably skeptical about discussing this subject in view of the fact that the Soviet Union, after initiating lengthy negotiations on war propaganda in the 18-nation disarmament conference in Geneva, refused at the last minute to sign the Declaration which had been unanimously agreed upon. We cannot believe the Soviets would let the question of war propaganda stand in the way of agreement if other questions could be resolved.

Second. There is the Soviet principle that space activities shall be carried out "solely and exclusively by states." This provision, which would bar private enterprise from space activities, is an attempt to impose socialist principles on an important sector of human activity and is an obvious attack on Telstar and our communication satellite legislation. The United States sees no reason why private enterprise should be prevented from flying in space any more than it is from sailing on international waters.

On the other hand, we can certainly reaffirm our view that a state bears international responsibility for its activities and for the activities of its nationals. We can also reaffirm that space operations carried on by private parties require Government authorization and supervision. A principle phrased along these lines meets the problem of liability and prevents any irresponsible use of outer space by private parties.

Third. There is the Soviet principle that prior discussion and agreement must take place on any measures to be undertaken by a state which "might in any way hinder the exploration or use of outer space for peaceful purposes by other countries." While this provision might appear innocent enough at first glance, it would effectively extend the veto into space.

One can imagine the difficulties that would result from a multilateral clearance system. Space exploration could be slowed down or halted entirely by red tape or political obstructionism. We cannot accept a Soviet veto over anything we do in space.

The partial test ban has eliminated testing in outer space from the list of issues to which this Soviet principle is addressed. On the potentially harmful effects of other space experiments some agreement may be possible. We are prepared to support the principle that a state should undertake appropriate international consultations before proceeding with a space activity if it has reason to believe that its activity may create a significant risk of harm.

Such a principle would be in accord with existing U.S. practice as reflected in the handling of our West Ford experiment. Project West Ford placed a large number of tiny filaments in a short-lived orbital belt around the earth. The purpose was to determine the feasibility of using such filaments as passive reflectors to relay communications.

Project West Ford was carefully considered in advance by both the President's Science Advisory Committee and the Space Science Board of the National Academy of Sciences. The full details of the experiment were made known well in advance to all interested scientists from other countries. While some expressed concern, there was no serious scientific objection to the experiment on the grounds that it would impede radio astronomy or other scientific research.

[1] National Geographic, March 1941; p. 271.

The Soviet Union, of course, attacked the experiment bitterly and circulated a U.N. document calling it a criminal experiment, a contamination of outer space, and a step in the preparation for nuclear war. It was wrong on all counts.

West Ford is now almost 3 months old and to date there has not been a single report of interference or damage to space activities and experiments. The results of the West Ford experiment will be distributed for the information and use of the international scientific community. In a recent press release the Soviets repeated, in somewhat milder form, their opposition to West Ford, but, significantly, they chose not to request circulation of this statement as a U.N. document.

Fourth. There is the Soviet principle that the collection of intelligence from space is "incompatible with the objectives of mankind in the conquest of outer space." The fact is, of course, that observation and photography from outer space are consistent with international law and the U.N. Charter, as are observation and photography from the high seas. Moreover, space observation can contribute to the reduction of the risk of war by accident or miscalculation inherent in dealings with a closed society. Observation from space may someday help the U.N. to monitor an armistice or patrol a border. It may play a part in the verification of a disarmament agreement. Even Premier Khrushchev, according to C. L. Sulzberger in the New York Times of July 15, admits that satellites can be used for disarmament inspection.

Quite apart from the undesirability of banning observation from space for military purposes, it is becoming increasingly difficult to make meaningful distinctions on this subject. Maj. Gordon Cooper believed he could distinguish roads, fires, and even his own home while he was in orbit. Equipped with a spyglass and a Brownie camera, could Major Cooper be classified as a reconnaissance satellite? What about the Soviet astronauts who were members of the Red Air Force and carried cameras when they passed over U.S. territory? What about satellites for mapping and weather observation?

Clearly all these forms of observation from space are legally permissible and socially desirable. We cannot agree to any principle which casts doubt on this proposition.

This brings me naturally to some concluding remarks about the military uses of outer space. It should be obvious that the attempt to build peaceful space cooperation and a regime of law for outer space does not eliminate the need for military space programs to maintain the security of the United States and the entire free world. There is no inconsistency in moving simultaneously on both fronts. For the foreseeable future, we need military space programs to help keep the peace, and civilian space programs to help us live better in peace.

The test of the legitimacy of a particular use of outer space is not whether it is military or nonmilitary, but whether it is peaceful or aggressive. Russian cosmonauts are members of the Soviet Air Forces, but this is no reason to challenge their activities. There is, in any event, no workable dividing line between military and nonmilitary uses of space. A navigational satellite in outer space can guide a submarine as well as a merchant ship. Thus the United States has military space programs, but all of our space activities will continue to be for peaceful, i.e., nonaggressive and beneficial, purposes.

Space is not a new subject, only a new place where all the old subjects come up. Whether we are speaking of meteorology, communications or military uses, the things that take place in space are inextricably bound up with the things that take place on the surface of the earth. Those people are living in a dream world who think that space can be wrapped up in a nice new sanitary package and insulated from the harsh realities of the cold war.

In the interest of the security of the free world the United States cannot refrain unilaterally from all military activities in space until military activities on earth have been regulated by disarmament agreements.

When the military problems on earth are solved, the military problems in space will be solved: they are part of the same problem.

This does not mean that nothing can be done to save outer space from the arms race on earth with all its dangerous features. On the contrary, if we cannot insulate space completely from earthly tensions, we may at least be able to prevent a stampede of space weapons into orbit.

Today both the United States and the Soviet Union have the capacity to place thermonuclear weapons in orbit. But, according to the best military advice available, there is now no rational military purpose in doing so. To put it another way, any purely military advantage that might be gained by either side from placing weapons of mass destruction in orbit could now be achieved with less cost through alternative weapons systems—hardened ICBM's or missile-firing submarines.

To be sure, the deployment of a thermonuclear weapon in orbit would have a serious political and psychological effect. If international tensions are to be reduced and world peace assured, it is necessary that countries refrain from making use of terror weapons of this kind.

The United States, for all these reasons, has no intention of placing weapons of mass destruction in orbit unless compelled to do so by actions of the Soviet Union. We earnestly hope that the Soviet Union will likewise refrain from taking steps that will extend the arms race into outer space.

Some critics have charged that statements to this effect by American leaders are tantamount to unilateral disarmament in outer space. Nothing could be further from the truth.

Such critics have failed to distinguish between preparation and deployment. What we are saying is that we hope to avoid an arms race in space and will not precipitate one ourselves. We are not saying that we are neglecting preparations in the event that our hopes are disappointed. On the contrary, the United States is taking measures to insure that we will be in a position, if need be, to deal with threats to our security from outer space.

For the record you might like to know that the budget for fiscal year 1962 included $1.1 billion for military space projects. For the fiscal year just ended, this amount was raised 36 percent to $1.5 billion. These figures do not include expenditures on fundamental research done by the National Aeronautics and Space Agency. In addition to these amounts, a considerable portion of the Pentagon's research and development budget—a proposed 20 percent for this fiscal year—is devoted to the military uses of outer space.

In outer space, as on earth, the conduct of American diplomacy requires the coordinated use of law and power. Those who emphasize the one without the other do no service to the national security of the United States.

LET US NOT DENATURE HUMAN RIGHTS—PUBLIC ACCOMMODATIONS

Mr. PROUTY. Mr. President, the Nation has been shocked by the needless and senseless death of children in Birmingham. They have been sacrificed to the times.

There is nothing more tragic than the death of a child.

A child is innocence and excitement, goodness and mischief, loved and loving. He skirts the shadows of maturity and plays among the expectations of tomorrow. When a child dies, springtime is stolen from the earth.

Were these children taken from us because we were too late in acting? In good conscience I cannot say "yes" because men's hearts can move distorted deeds under the most just law. But I can say that had we undertaken to assure to all men what is due them under the Constitution we might have salted down the breeding ground for demagogs who thrive on inciting men to break just laws.

These children are gone from the land of the free—they are dead because their race was not truly free.

What ought we to do to mark their passing? There are now pending before Congress various bills which have as their objective removing the causes of strife between our peoples. These bills are not perfect. They are not ideal, but they are purposeful and should be given the earliest possible consideration by the Congress. As the author of one of these proposals I feel compelled to urge its passage at this time. My bill, S. 2037, is currently before the Senate Commerce Committee as an amendment in the nature of a substitute. I hope my colleagues on the committee will see fit to give it their most expeditious consideration.

The bill would make available to victims of discrimination in the use of public accommodations the injunctive powers of the Federal courts. The owners of the public accommodations enumerated in the bill would be subject to a Federal court order enjoining further discrimination against the complainant or his class when such discrimination is based on race, color, religion, or national origin and first, is a vestige or historical outgrowth of the slavery sought to be abolished by the 13th amendment to the Constitution of the United States; or, second, serves to deny or impair the right of any citizen or group of citizens to travel freely from State to State or within a State, or to deny or impair any privilege incidental to such travel where such a practice would unduly burden the effective exercise of the right to travel; or, third, serves to deny or impair any right or incident of citizenship protected by the 14th amendment to the Constitution of the United States.

First, the bill recognizes the ancient personal right of unhindered mobility of the person and seeks to protect it.

Secondly, the bill relies on the 13th amendment which abolishes slavery, involuntary servitude, and their historical consequences.

Thirdly, the bill seeks to protect rights of citizenship which necessarily attach to the declaration of citizenship under the first clause of the 14th amendment.

These constitutional bases throw into proper contrast the approach taken by the administration bill.

Phrased most concisely, my bill deals with the rights of man as man. The

administration bill deals with the rights of Congress to remove obstructions to interstate commerce.

The administration bill speaks of the burdens imposed on interstate commerce by such discriminatory practices and obstructions to the free flow of commerce; it speaks of restrictions on the normal distribution of goods in the interstate market; it speaks of the reduction in mobility of the national labor force; it speaks of the restrictions on allocation of national resources and the interstate movement of industries. It treats the Negro as "goods in transit."

But, the issue as I see it is not the right of a dollar to pass from State to State but the right of man to pass freely across a great Nation whatever his race may be.

Nor is the issue whether this great Nation suffers a diminishment in its gross national product, but whether the dignity and humanity of man as man shall be forever shackled to slavery's progeny.

My bill's constitutional foundations are firm. It is supported by the legislative history of the 13th and 14th amendments, an assemblage of case law, the concurrence of noted commentators on the law, and is consonant with the jurisprudential principles of our legal heritage. To my way of thinking, this approach is much more fitting and proper because it treats man as man, with rights inherent in him as a creature of divine origin. The fact that he has rights in commerce is treated only as incidental thereto.

PUBLIC ACCOMMODATIONS—BRIEF IN SUPPORT OF THE AMENDMENT PROPOSED BY SENATOR WINSTON L. PROUTY, REPUBLICAN OF VERMONT, TO S. 1732

I. THE HUMAN RIGHT TO MOVE ABOUT

The fundamental right of the people of the United States to move freely and easily from place to place is a right older than the Constitution itself.

The wide-open spaces of the American colonies had great appeal for English subjects who were the victims of restrictions on freedom of movement in the mother country.

Great unhappiness and frustration was caused by the Statute of Apprenticeship passed in Queen Elizabeth's reign which kept a man from going to a new town where workmen were badly needed. Indeed, on the eve of our Declaration of Independence it was said of England:

> [It] is often more difficult for a poor man to pass the artificial boundary of a parish, than an arm of the sea or a ridge of high mountains. (Smith, Wealth of Nations, Book 1, near the end of ch. 10.)

Although freedom of movement was universally recognized in the new country, relatively little legislation was enacted by the colonists on this basic freedom. One of the more significant provisions was put into the Massachusetts Body of Liberties in 1641:

> Every man of or within this jurisdiction shall have free libertie, not with standing any civill power, to remove both himselfe and his familie at their pleasure out of the same.

This generous attitude about outgoing settlers was accompanied by liberality toward incoming persons:

> If any people of other nations professing the true Christian religion shall flee to us from the Tiranny or oppression of their persecutors, or from famyne, warres, or the like necessary and compulsarie cause, They shall be entertayned and succoured among us, according to that power and prudence God shall give us.

The people of Rhode Island, viewing the right to move about freely as a fundamental right, got a clause inserted in their charter which gave each person the lawful right "to passe and repasse with freedome, into and through the rest of the English Collonies, upon their lawful and civill occasions."

With or without sanction in law, freedom of movement within the Colonies was nurtured and came into full bloom.

It was given formal recognition in and was guaranteed by the Articles of Confederation. The crystal clear language of the fourth of these articles clothes the right to pass freely from State to State with all those incidents which are necessary to make it a practical, as distinguished from a theoretical, freedom. The language speaks for itself:

> The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States * * * shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce.

In exercising his free ingress and egress to and from other States, the free citizen, under the Articles of Confederation, was entitled to all privileges and immunities of free citizens in the several States and was empowered to enjoy all the privileges of trade and commerce.

The framers of the Articles of Confederation knew that the right to pass freely from State to State would be an empty right if it did not carry with it as an inseparable incident "all the privileges of trade and commerce."

The traveler, however far he journeys, may need food, drink, and repose. The inns and other places of public accommodation of the time were few and far between and one of the necessary privileges of trade and commerce was the privilege of ready access to public accommodations.

It had been well settled for hundreds of years prior to the Articles of Confederation that the innkeeper was absolutely bound to receive and serve persons applying for food and lodging unless he had some reasonable ground for refusing to furnish them. This common law principle was recognized as early as the reign of Henry VI, 1422–61, in an anonymous case, as well as in 14 Henry VII, folio 21, in the case of Rex against Bishop of Chester.

The principle was also upheld as the law by courts in many of the several States, including Delaware, Virginia, North Carolina, and Alabama.

The most often cited case with respect to the common law duty of innkeepers is *Rex* v. *Ivens*, 7 Car. & P. 213, which states simply: "The Innkeeper is not to select his guests."

In *Beale* v. *Posey*, 72 Ala. 323, 1882, the Alabama court likened the innkeeper to the common carrier and noted that "each is engaged in public employment, bound, in the absence of reasonable grounds for refusal, to serve all having a necessity for their services."

It is obvious that even prior to the adoption of the Constitution of the United States, a free inhabitant thereof could pass freely and easily from State to State and enjoy all the privileges of trade and commerce.

Article IV, section 2 of the Constitution, like article IV of the Articles of Confederation, was designed to guard the liberty of each citizen to travel unhampered and unobstructed throughout the several States.

Opinions of the courts vouchsafe this conclusion. For example, *Corfield* v. *Coryell*, 6 Fed. Cas. 546, 551; *Passenger cases*, 7 How. 283, 492; *Crandall* v. *Nevada*, 6 Wall. 35, 49; *Paul* v. *Virginia*, 8 Wall. 168, 180; *Ward* v. *Maryland*, 12 Wall. 418, 430; *Slaughter-House cases*, 16 Wall. 36, 76; *United States* v. *Wheeler*, 254 U.S. 281, 290, 297; *Truax* v. *Raich*, 239 U.S. 33.

The first paragraph of the second section of the fourth article of the Constitution is in these words:

> The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

The legal consequences of this provision depend first, on the personal application of the words, "the citizens of each State," and, second, on the rights encompassed within the phrase, "all privileges and immunities of citizens."

The interpretation of the term "citizens of each State" in article IV, section 2 of the Constitution, was, in the early history of this country, judicially considered only in cases where the question was: Can persons of the Negro race be citizens within the meaning of this clause?

There were a number of State statutes prohibiting the immigration of free colored persons—see references at bottom of page 279, Hurd, "Law of Freedom and Bondage in the United States," volume 2—and their validity was discussed in a number of cases.

According to the cases interpreting these statutes, it was the unanimous view that they would be unconstitutional were Negroes to be held citizens of a State within the meaning of article IV, section 2.

The questions of the constitutionality of those State laws which prohibited the immigration of free colored persons, or of those of some seaboard States which subjected free colored persons on board vessels, while within their harbors, to imprisonment, and so forth, were never brought before the tribunals of the National Government even as late as 1862.

In the case of *Dred Scott* v. *Sanford*, 19 Howard 404, et seq. Chief Justice

Taney, delivering the opinion of the court, held that slaves and descendants of slaves were not intended to be included under the word "citizens" in the Constitution and could, therefore, claim none of the rights and privileges which that instrument provides for and secures to citizens of the United States.

Basically, it was the view of Chief Justice Taney that both the Congress and the States were without power to make the Negro a citizen within the meaning of that term in article IV, section 2. He was of the opinion that Negroes were not in the minds of the framers of the Constitution "when they were conferring special rights and privileges upon the citizens of a State in every other part of the Union"—page 412, Dred Scott decision.

Yet Taney did admit that if colored persons were entitled to the privileges and immunities of citizens, they would be exempt from the operation of the special laws and from the police regulations which affected them.

It would give—

He said—

to persons of the Negro race, who were recognized as citizens in any one State of the Union, the right to enter every other State whenever they pleased, singly or in companies, without pass or passport, and without obstruction, to sojourn there as long as they pleased, to go where they pleased at every hour of the day or night without molestation.

Although Taney erred in deciding what persons were entitled to the protection of article IV, section 2 of the Constitution, he was correct in assessing the broad scope of this provision.

This is brought sharply to focus in his dissenting opinion in the *Passenger Cases, 7 Howard, 283, 492:*

We are all citizens of the United States; and as members of the same community, must have the right to pass and repass through every part of it without interruption, as freely as in our own States.

The right to travel as seen by Taney was the right to move with freedom both between and within the several States.

Justice Curtis in the Dred Scott case took sharp issue with the views of Chief Justice Taney. On pages 573 and 574 of the decision, he pointed out that the constitutional law of several of the States made Negroes citizens of such States at the time of the ratification of the Articles of Confederation. He goes on to discuss events that took place when the Articles of Confederation were under consideration by the Congress, and he has this to say:

The fourth of the fundamental articles of the Confederation was as follows: "The free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice, excepted, shall be entitled to all the privileges and immunities of free citizens in the several States."

The fact that free persons of color were citizens of some of the several States, and the consequence, that this fourth article of the Confederation would have the effect to confer on such persons the privileges and immunities of general citizenship, were not only known to those who framed and adopted those articles, but the evidence is decisive, that the fourth article was intended to have that effect, and that more restricted language, which would have excluded such persons, was deliberately and purposely rejected.

On the 25th of June 1778, the Articles of Confederation being under consideration by the Congress, the delegates from South Carolina moved to amend this fourth article, by inserting after the word "free," and before the word "inhabitants," the word "white," so that the privileges and immunities of general citizenship would be secured only to white persons. Two States voted for the amendment, eight States against it, and the vote of one State was divided. The language of the article stood unchanged; and both by its terms of inclusion, "free inhabitants," and the strong implication from its terms of exclusion, "paupers, vagabonds, and fugitives from justice," who alone were excepted, it is clear that, under the Confederation, and at the time of the adoption of the Constitution, free colored persons of African descent might be, and by reason of their citizenship in certain States, were entitled to the privileges and immunities of general citizenship of the United States.

While Justices Taney and Curtis differed in their interpretation of the words "the citizens of each State," in article IV of the Constitution, they were not at odds on the rights encompassed within the phrase, "all privileges and immunities of citizens."

There remains then to ask whether the right of free movement was an incident of State citizenship or of national citizenship prior to the adoption of the 14th amendment in 1868.

Certainly, in the earlier cases there are statements suggesting that the right to move about freely is an incident of State citizenship, guarded against discriminatory State action by article IV, section 2, of the Constitution. See: *Corfield* v. *Coryell,* 4 Wash. C.C. 371, 381, *Paul* v. *Virginia,* 8 Wall, 168, 180; *Ward* v. *Maryland,* 12 Wall, 418, 430; *United States* v. *Wheeler,* 254 U.S. 281, 298.

According to the dicta of those cases, a State could not hinder the free movement of persons who were not residents of that State. This is true because the fourth article forbids a State to discriminate against citizens of other States in favor of its own.

What happens, however, if a State imposes restrictions on freedom of movement which apply alike to both residents and nonresidents? This question arose in the case of *Crandall* v. *Nevada,* 6 Wallace 35, which was decided in 1867 prior to the adoption of the 14th amendment.

The Legislature of Nevada enacted that "there shall be levied and collected a capitation tax of $1 upon every person leaving the State by any railroad, stagecoach, or other vehicle engaged or employed in the business of transporting passengers for hire," and that the proprietors, owners, and corporations so engaged should pay the said tax of $1 for each and every person so conveyed or transported from the State.

Crandall, who was employed by a stage company, refused to pay the tax. He was arrested and convicted. From the highest court of Nevada, he appealed on the ground that the State law violated the Constitution of the United States. The U.S. Supreme Court struck down the State tax imposed upon "every person leaving the State."

Mr. Justice Miller, in writing the opinion, did not rely upon article IV, section 2. Indeed, he could not so rely because the State statute applied to both citizens and noncitizens.

The reach of the Crandall case is at once long and significant. Its holding meant that freedom of movement was not a freedom protected solely by article IV, section 2. It meant as well that a State may not restrict the locomotion of its own citizens.

Crandall had, too, an even greater signification because it held that the right to move anywhere in the land without impediment was a right of national citizenship. The right was seen as essential to the national character of our Government and was no less real because it was implied rather than expressly stated.

Nowhere in the Crandall opinion is it said that the right of free movement is a right of State citizenship safeguarded only by article IV, section 2. The right secured in this case was a right of national citizenship, finding its origin in the "implied guarantees" of the Constitution.

This view of the Crandall case is reaffirmed in the Slaughter-House cases, 16 Wallace at pages 75–79.

What then may Congress do to shield the liberty of transit which Mr. Justice Miller declared to be "protected by implied guarantees" of the Constitution?

We find our answer in the "necessary and proper" clause of article I, section 8 of the fundamental charter, as elucidated by Marshall's classic opinion in *McCulloch* v. *Maryland,* 4 Wheaton 316:

Let the end be legitimate—

he wrote—

let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional.

Indeed, it has been uniformly held that the Federal Government has the power, whether expressly given or not, to secure and protect rights conferred or guaranteed by the Constitution. *United States* v. *Reese,* 92 U.S. 214; *Strauder* v. *W. Va.,* 100 U.S. 303.

In using such power, Congress can enact laws for the protection of citizens both as against the States and individuals in the States.

In the clear language of Mr. Justice Burton:

Cases holding that those clauses [of the 14th amendment] are directed only at State action are not authority for the contention that Congress may not pass laws supporting rights which exist apart from the 14th amendment. (*Collins* v. *Hardyman,* 341 U.S. 664, dissenting opinion of Mr. Justice Burton with whom Mr. Justice Black and Mr. Douglas concur.)

Since there is a right guaranteed by the Constitution to pass freely throughout this broad land of ours, it must be seen as a right in full measure and not as a right in vacuo. In the words of

Mr. Justice Field, who spoke for the Supreme Court in Cummings against Missouri:

> The Constitution deals with substance, not shadows.

We come now to the query: Does the vitality of liberty of transit, a liberty of national citizenship, ebb and flow with every whim of the State and every caprice and bias of the lunchcounter proprietor?

Or to put it another way, is freedom of movement an elusive and ephemeral thing whose journey's end is reached when the citizen traveler is hungry and cannot purchase food or is weary and can find no repose?

Certainly the right of locomotion, on Main Street and on the great highways of the Nation, carries with it the right to secure the sustenance and sleep upon which further locomotion may depend. If liberty of transit means less than that, then it "is only a promise to the ear to be broken to the hope, a teasing illusion like a munificent bequest in a pauper's will."

II. THE THIRTEENTH AMENDMENT AND THE POWER OF CONGRESS

I have shown that before and under the Constitution of the United States as originally adopted, it was the right of each citizen to pass freely from place to place and to enjoy as an attribute of that right all the privileges of trade and commerce.

The purpose of this article is to examine the 13th amendment and to determine whether consistent with its spirit and scope, Congress may pass a valid law to prevent discrimination or segregation in public accommodations where such discrimination or segregation is a vestige or historical outgrowth of slavery.

In construing this constitutional provision, let us follow the precept of *Ex-Parte Bain*, 121 U.S. 1, 12, that "it is never to be forgotten that, in the construction of the language of the Constitution, as indeed in all other instances where construction becomes necessary, we are to place ourselves as nearly as possible in the condition of the men who framed that instrument."

The safest rule of interpretation will be found to be to look to the nature and objects of the particular powers, duties, and rights, "with all lights and aids of contemporary history"—*Priggs* v. *Com.*, 16 Peters 60.

So then shall we proceed to consider the state of things which existed before and at the time the 13th amendment was adopted, the mischiefs complained of or apprehended, and the remedy intended to be provided for existing or anticipated evils.

When the Civil War erupted, slavery of the African race existed in 15 States of the Union. The legal code fettering persons in that condition was everywhere harsh and severe. *U.S.* v. *Rhodes*, 27 Fed. Cas. p. 793. A distinguished writer said:

> They cannot take property by descent or purchase; and all they find and all they own belongs to their master. They cannot make contracts, and they are deprived of civil rights. They are assets for the payment of debts, and cannot be emancipated by will or otherwise to the prejudice of creditors (2 Kent. Comm. 281, 282).

Indeed, it was held in South Carolina that an indictment would not lie for the homicide of a slave unless a statute so directed. *State* v. *Fleming* (1847) 2 Strobhart's R., 464.

Bizarre and cruel punishments were an accepted fact. In Maryland, slaves could have their ears cropped on order of a justice, and in another State, rewards were given for the scalps of fugitive Negroes—the former was made possible in Maryland by an act of 1723, the latter by a South Carolina act of 1740 "for the better ordering and governing Negroes and other slaves in this province."

The eminent Kent, cited previously, tells us that colored persons who tried to write or to read the Scriptures could be punished by flogging. I quote him in part:

> In Georgia, by an act of 1829, no person is permitted to teach a slave, a Negro, or a free person of color to read or write. So in Virginia, by a statute of 1830, meetings of free Negroes to learn reading or writing are unlawful, and subject them to corporal punishment; and it is unlawful for white persons to assemble with free Negroes or slaves to teach them to read or write. The prohibitory act of the legislature of Alabama passed at the session of 1831–32, relative to the instruction to be given to the slaves or free colored population, or exhortation, or preaching to them, or any mischievous influence attempted to be exerted over them, is sufficiently penal. Laws of similar import are presumed to exist in the other slaveholding States, but in Louisiana the law on the subject is armed with tenfold severity. It not only forbids any person teaching slaves to read or write, but it declares that any person using language in any public discourse from the bar, bench, State, or pulpit, or any other place, or in any private conversation, or making use of any sign or actions having a tendency to produce discontent among the free colored population or insubordination among the slaves, or who shall be knowingly instrumental in bringing into the State any paper, book, or pamphlet having a like tendency, shall, on conviction, be punishable with imprisonment or death, at the discretion of the court.

Those who now hold that slavery meant only a "condition of enforced compulsory service of one to another" have turned their eyes from history and their hearts from human rights.

A truer estimate of slavery's scope was possible for judges at the time than distorting distance is likely to vouchsafe.

In the Dred Scott case, Mr. Justice Curtis gives us such an estimate:

> The status of slavery embraces every condition, from that in which the slave is known to the law simply as a chattel with no civil rights, to that in which he is recognized as a person for all purposes, save the compulsory power of directing and receiving the fruits of his labor. *Scott* v. *Sanford*, 19 Howard 393, 623 et seq.

Involuntary servitude, then, is not synonymous with slavery. Rather it is only one of its conditions. That more than involuntary servitude is abolished by the 13th amendment is obvious from reading its provisions.

> SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.
>
> SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

The black codes of the first half of the 19th century are indeed a guide to what slavery was all about and to what the 13th amendment was designed to abolish.

I have made an extensive survey of the State laws in existence prior to December 1865, when ratification of the 13th amendment was proclaimed. In areas where slavery subsisted, all States had on their books statutes restrictive and oppressive of the Negro—both slave and free—for a complete and detailed analysis of these black codes, an excellent study is "The Law of Freedom and Bondage in the United States," by John Codman Hurd, Little Brown & Co., Boston, 1862.

Especially limited was the free mobility of the slave and even the free Negro. He could not ride horseback or leave the plantation of his master without permission duly signed. He was prohibited from assembling to learn, and whites were prohibited from teaching him.

Here in the District of Columbia, the slave had a 10 o'clock curfew and could not frequent the Capitol square without business to perform. The free Negro could not settle where he pleased due to laws which would return him to slavery or make it financially prohibitive to stay.

In Virginia, a free Negro or a slave was prohibited from going at large, and free Negroes could not immigrate into the State.

In Kentucky a slave could not work for hire.

Maryland prevented not only slaves, but also free Negroes from using boats for purposes other than that of the master on the Potomac River.

In North Carolina, a slave could not own or attempt to sell cattle.

In Missouri, Negroes meeting to hold instruction—going to school—was an unlawful assemblage.

And, these "black codes" were not confined solely to the States of the South.

The District of Columbia provided for 40 lashes for any meeting of Negroes at night.

The common law made no distinction on account of race or color; and slavery, being contrary to natural right, was developed only by State and local law. Whatever conditions shall attend the status of slavery must depend on the law which creates and upholds it.

Mr. Justice Curtis informs us:

> Not only may the status of slavery be created and measured by (State and local) law, but the rights, powers, and obligations, which grow out of that status, must be defined, protected, and enforced by such laws.

If then the status of slavery may be measured by State and local law, it would serve us well to examine that law in order to determine what rights slaves had in respect of the facilities of public accommodations.

Under the laws of Georgia, white persons were prohibited from selling provisions or any other commodities to any

slave unless the slave could produce a ticket from his or her owner, manager, or employer. This was by reason of a statute enacted in 1765.

In South Carolina, peddlers were forbidden to deal with slaves. Any slave could not be absent from home without a ticket or purchase any commodity without a ticket from his master. Slaves without tickets could be seized and punished by any white person.

Tennessee prohibited trading with slaves, and North Carolina even prevented slaves from trading with free Negroes.

In Arkansas, tavern keepers and other managers of public accommodations were not permitted to sell liquor and other commodities to slaves.

These and numerous other examples of laws restricting the Negro in his use of public accommodations were part and parcel of the institution of slavery; and as Mr. Justice Curtis said, that institution may be measured by the statutes which created and protected it.

> Slaves were imperfectly, if at all, protected from the grossest outrages by the whites. Justice was not for them. The charities and rights of the domestic relations had no legal existence among them. The shadow of the evil fell upon the free blacks. They had but few civil and no political rights in the slave States. Many of the badges of the bondman's degradation were fastened upon them. Their condition, like his, though not so bad, was helpless and hopeless. *U.S.* v. *Rhodes,* 27 Fed. cases, 793.

Here, then, is the state of law and here the state of things which existed before and at the time the 13th amendment was adopted. We have reviewed the mischiefs complained of and we shall later look at the remedy intended to be provided for these evils.

Throughout the Civil War, Negroes had shown great sympathy with the Union cause. By the time it was ended, 200,000 had become soldiers in the Union armies. The colored race had strong claims upon the justice and generosity of the Nation. Immense considerations of policy, decency, and right were added factors.

The simple abolition of involuntary servitude, "leaving—antislave—laws and this exclusive power of the States over the emancipated in force, would have been a phantom of delusion." Legislative burdens on the Negro would have been exacerbated.

> Under the guise of police and other regulations, slavery would have been in effect restored, perhaps in a worse form, and the gift of freedom would have been a curse instead of a blessing to those intended to be benefited. *U.S.* v. *Rhodes,* 27 Fed. cases 794.

Thus far we have endeavored "to place ourselves as nearly as possible in the condition of the men who framed the 13th amendment," using the lights and aids of contemporary history.

Although the Supreme Court has relegated that amendment to a position of insignificance, indicating that it did nothing more than to abolish the ownership of one man by another, such a view does not square with the legislative history of the 13th article.

Few, if any, of the judges who have given the amendment a limited scope have thought it worth while to review the proceedings of the Congress which proposed it in order to determine what it was that they were seeking to accomplish.

> There is hardly a question raised as to the true meaning of a provision of the old, original Constitution that resort has not had to Elliott's debates, to ascertain what the framers of the instrument declared at the time that they intended to accomplish. (*Royall,* 4 So. L. Rev. (N.S.) 558, 563 (1879).)

My study of the unhappy events that led up to the 13th amendment, and the statements of those who sponsored and favored, as well as those who objected to its submission and passage, convinces me that one of the chief objects that the provisions of the amendment were intended to accomplish was to establish freedom and to protect all men, black and white, bond and free, fully and equally, in the enjoyment of all the essential rights which inhere in and constitute that freedom.

It may be that the Civil War was the immediate cause of the courage of the Congressmen who brought about the adoption of the amendment; but it was the amendment itself, and not the war to which the Negro both slave and free might look for the assurances he needed that, as a man with dignity, he would now be afforded the dignity of man.

Senator Trumbull, of Illinois, the leader of the proponents of the amendment, and chairman of the Senate Judiciary Committee, left no doubt about it. As he saw it, the task of Congress was "to abolish slavery, not only in name but in fact." Because "it is idle to say that a man is free who cannot go and come at pleasure, who cannot buy and sell, who cannot enforce his rights," Congress must "give effect to the provision making all persons free—Congressional Globe, 39th Congress, 1st session, page 43, 1865.

Note with care that Trumbull saw in the emancipating amendment congressional power to protect the right of the Negro to come and go, to buy and sell. He did not conceive the right to be so narrow as to exclude the privilege of access, on an equal basis with whites, in the use of public accommodations.

The indictment of the slavery the 13th amendment was intended to abolish was dramatically set forth by Henry Wilson, an eloquent abolitionist Senator from Massachusetts. Wilson declared:

> If this amendment shall be incorporated by the will of the nation into the Constitution of the United States, it will obliterate the last lingering vestiges of the slave system; chattelizing, degrading and bloody codes; its dark, malignant barbarizing spirit.

The object of the amendment, then, was to do away with all vestiges of the institution of slavery and not simply to abolish but one of its conditions.

That the opponents of the amendment in Congress recognized this intention is clear from the statements of Representative William S. Holman, of Indiana, an ardent foe of the amendment:

> The amendment confers on Congress the power to invade any State to enforce the freedom of the African in war or peace. What is the meaning of all that? Is freedom the simple exemption from personal servitude? No, sir; mere exemption from servitude is a miserable idea of freedom. (Congressional Globe, 38th Cong., 1st sess., page 2692.)

Other opponents knew perfectly well that the 13th amendment had within it the means by which the slave would be free in every sense of that term.

Specifically, one opponent of the 13th amendment, Anson Herrick, of New York, contended that with the 13th amendment—

> The slavery issue * * * is legitimately merged in the higher issue of the right of the States to control their domestic affairs. (Congressional Globe, 38th Cong., 1st sess., p. 2615.)

Perhaps more succinctly, and more clearly, Robert Mallory, of Kentucky, a bitter opponent of the amendment, concluded:

> You propose to leave them—the emancipated Negro—where they are freed, and protect them in their right to remain there. You do not intend, however, to leave them to the tender mercies of those States. You propose by a most flagrant violation of their rights to hold the control of this large class in these various States in your own hands. (Congressional Globe, 38th Cong., 1st sess., pp. 2982–2983.)

One by one the opponents of the 13th amendment made eloquent declamations about its sweeping scope. They particularized their fears and apprehensions and viewed the measure as utterly revolutionary.

Fernando Wood, Democrat, of New York thought the new article would subvert the whole constitutional system.

The remarks of Representative Kelley, of Pennsylvania, did nothing to quiet the fears of those who felt the amendment represented a great extension of the power of the Central Government. Kelley had this to say:

> This proposed amendment is designed * * * to accomplish the very purpose with which they charged us in the beginning, namely, the abolition of slavery in the United States and the political and social elevation of Negroes to all the rights of white men. (Congressional Globe, 38th Cong., 1st sess., p. 2987.)

From all this, are we to conclude that there is no end to the authority of the Congress under the 13th amendment? The Democrats in Congress also feared that the 13th amendment clothed the Congress with limitless power to interfere with the administration of justice and law within the States. Not so, said Representative Joseph Grinnell, of Iowa. He insisted that the amendment did not include political enfranchisement of the Negro. Natural rights, to which the amendment speaks, is one thing but political franchises are quite another. The right to vote is not a natural right, not a right of citizenship.

If—

Said Grinnell—

> political rights must necessary follow the possession of personal liberty, then all but male citizens in our country are slaves. (39 California Law Review, 181, ten Broek "The 13th Amendment," Congressional Globe, 38th Cong. 2d sess., 302 (1865).)

What the 13th amendment actually meant is perhaps best determined from

the debates and speeches of Senator Lyman Trumbull. The Senator from Illinois leaves no doubt as to precisely what that amendment actually means: It recognizes in all citizens of the United States the right to freedom, to the exercise of natural rights of man which exist independently from the adoption even of the Constitution itself, and it provides to the Congress the implements necessary to guarantee and to enforce these special rights for any aggrieved individual.

In a word, the paramount purpose of article XIII was to abolish slavery and to secure for men those rights which slavery denied.

Among those rights which slavery denied the Negro was the right to buy a meal, a loaf of bread, or even a hoe in the accommodation of his choice.

Senator William Stewart, moderate from Nevada, said that after the 13th amendment Congress could forever more guarantee the freedman "a chance to live, a chance to hold property, a chance to enjoy his civil rights, a chance to rise in the scale of humanity, a chance to be a man"

> We have given him freedom—

He said—

> and that implies that he shall have all the civil rights necessary to the enjoyment of that freedom.

Observe the use of the word "all." It is found again in the remarks of Senator Henry S. Lane, from Indiana, who argued:

> They—the Negroes—are free by the constitutional amendment, and entitled to all the privileges * * * of other free citizens of the United States.

He declared that it is the especial duty of Congress by the second section of that amendment, by appropriate legislation to carry out that emancipation.

Senator Lane continued in this vein:

> If that second section were not embraced in the amendment at all your duty would be as strong, the duty would be paramount, to protect them in all rights as free and manumitted people.

Senator John Sherman, of Ohio, maintained that the amendment would protect "the right to go anywhere within the United States" and gave Congress "the power to secure all rights of freedom by appropriate legislation."

The slavery which was within the scope of the 13th article moved way beyond the personal burden of the slaves and the characteristics of immediate bondage. Congressional debates reiterated what the history of the abolition drive had already made unmistakably clear. The free colored person, South and North, was only little less oppressed, imposed upon and restricted than his enslaved brethren. He was bowed by the weight of all the incidents, burdens, and badges of slavery save only one, the condition of compulsory labor. The great crusade had as its object the freedom of the so-called free Negro as well as that of the "hapless bondman" and the liberty of both was intended to be secured by the 13th amendment—the Work of tenBroek previously cited, at page 179.

The liberty which the 13th article would bring into being was itemized time and time again in the congressional debates. According to the men in Congress at that time the amendment would "convert into a man that which the law had declared to be a chattel." It would "bring the Constitution into avowed harmony with the Declaration of Independence." It would "secure to the oppressed slave his natural and God-given rights," "the rights of mankind." The amendment would signify that the "rights of mankind without regard to color or race are respected and protected."

Let us turn again to the actual text of the 13th amendment:

> SECTION 1. Neither Slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.
>
> SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

That the first clause of the 13th amendment was self-executing presents no problem to any man who can read. Without any other provision than this section, Congress would have had authority to give complete effect to the abolition of slavery, thereby decreed. It would have been authorized to put in requisition the executive and judicial, as well as the legislative power, with all the energy needed for that purpose.

In the words of Judge Swayne:

> The second section of the amendment was added out of abundant caution. It authorizes Congress to select, from time to time, the means that might be deemed appropriate to the end (*U.S.* v. *Rhodes*, 27 Fed. Cases, 793).

The second section was intended to give expressly to Congress the power to bestow "practical freedom" upon the Negro and to leave no room for doubt or cavil upon the subject.

Judge Swayne declared that the results have shown the wisdom of this action:

> Almost simultaneously with the adoption of the amendment, a course of legislative oppression was begun and the Black Codes, customs and practices of the late 19th century became as harsh and severe as those slave codes of the 18th and early 19th centuries.

At least two of the Justices of the Supreme Court, in opinions delivered at circuit before the post-Civil War reaction had set in, took the view that the 13th amendment was broad in scope and carried with it ample authority to undo the continued oppression of the colored people—Justice Swayne in *United States* v. *Rhodes*, 27 Fed. cases 785; Chief Justice Chase in matter of Elizabeth Turner, 1 Abb. 85 (U.S. 1867). The Rhodes case involved the right of a Negro to testify against a white man in the courts of Kentucky, denied by the laws of that State. In the Turner case, the Chief Justice struck down under the "full and equal benefit of the laws" provision of the Civil Rights Act, a Maryland system for apprenticing freed Negro children to their former masters under conditions more rigorous than those applied to other apprentices. See also *Smith* v. *Moody*, 26 Ind. 299, 306 (1866); *People* v. *Washington*, 36 Cal. 658 (1869).

It was a Supreme Court nearly two decades removed from the institution of slavery that shafted the heart of the 13th amendment in the civil rights cases.

It was a court that, save Harlan, paid no heed to the legislative history of that amendment, a practice that had been adhered to by jurisconsultants from the first days of the original Constitution.

Even the misguided decision in the civil rights cases concedes that:

> Under the 13th amendment the legislation, so far as necessary or proper to eradicate all forms and incidents of slavery and involuntary servitude, may be direct and primary, operating upon the acts of individuals, whether sanctioned by State legislation or not.

I believe with Senators Trumbull, Stewart, and Lane, and indeed, the overwhelming majority of the men of the 38th and 39th Congresses that the 13th amendment gave the Negro freedom and the legislative branch power to protect all the civil rights necessary for the enjoyment of that freedom. And that high on the scale of these rights is the full and free use of public accommodations, devoid of any discrimination or segregation which is a vestige or historical outgrowth of slavery.

We meet now to consider whether the 13th amendment has all the majesty and force which its authors intended it to possess. We meet to consider a proposal offered pursuant to that amendment which strikes at a type of discrimination and segregation that had its origin in the weltering agony of slavery.

The overriding issue is whether the 13th amendment protects a right which slavery denied.

In evaluating the proposal I have submitted, I ask that Senators bear clearly in mind the principle in our jurisprudence: That an act of Congress is not to be declared unconstitutional unless the lack of power to pass it is so clear as to admit of no doubt. Every cavil is to be resolved in favor of the validity of the law.

> The opposition between the Constitution and the law should be such, that the judge feels a clear and strong conviction of their incompatibility with each other. (*Fletcher* v. *Peck*, 6 Cranch 128.)
>
> The presumption, indeed, must always be in favor of the validity of laws, if the contrary is not clearly demonstrated. (*Cooper* v. *Telfair*, 4 Dall. (4 U.S.) 18.)
>
> A remedial power in the Constitution is to be construed liberally. (*Chisholm* v. *Georgia*, 2 Dall. (2 U.S.) 476.)

Liberty and slavery are opposed one to the other, and if we undo only one of the conditions of slavery, the condition of compulsory labor, we have the shadow of the former and the substance of the latter.

The Constitution, as amended by the 13th article, dedicated this Nation to more than the absence of involuntary labor. It consecrated the Republic to freedom in every inch and corner of its vast expanse. Freedom in full measure, freedom for all ages and times, freedom in all public places—these are the aims of the mighty and majestic instrument of the 13th amendment.

Is it, indeed, too much to say that the amendment holds within it a power sufficient to prevent a man from being denied a ham sandwich when he is hungry and has the price to pay for it?

III. THE 14TH AMENDMENT AND THE RIGHTS OF CITIZENS

The scope and purpose of the 14th amendment must be gathered, said the *Slaughter House* cases, 16 Wall. 67, 68, from "the history of the times."

Before that amendment became the law of the land, the Constitution did not declare what persons born within the several States were citizens of the United States and Congress had no express power so to declare.

The only power specifically given Congress to legislate concerning citizenship was confined to the removal of the disabilities of foreign birth.

The Constitution left to the States the determination what persons, born within their respective limits, would acquire by birth citizenship of the United States.

The States rights argument was that insofar as there was a Federal citizenship, it arose out of State citizenship and was subordinate to it.

In debate on the "Force bill," Mr. Calhoun said in the Senate:

If by citizen of the United States he (another Senator) means a citizen at large, one whose citizenship extends to the entire geographical limits of the country without having a local citizenship in some State or Territory, a sort of citizen of the world, all I have to say is that such a citizen would be a perfect nondescript; that not a single individual of this description can be found in the entire mass of our population. Notwithstanding all the pomp and display of eloquence on the occasion, every citizen is a citizen of some State or Territory, and as such, under an express provision of the Constitution, is entitled to all the privileges and immunities of citizens in the several States; and it is in this and no other sense that we are citizens of the United States. Mr. Calhoun's argument on the "Force bill." (See his Works, II, 242.)

Afterward came the Dred Scott decision, *Scott* v. *Sanford,* 19 Howard 393 (U.S. 1857). Its effect was to deny that national citizenship was a necessary result of State citizenship; and it held that no State could confer citizenship upon one of African blood, at birth, or later, so as to bring him within the protection of the constitutional provision for the enjoyment of privileges and immunities in the several States on a par with those enjoyed in the State of his citizenship.

The celebrated 14th amendment brought into the Constitution a definition of national citizenship and it made that citizenship the dominant and paramount allegiance among us—*Edwards* v. *California,* 314 U.S. 160, 182, Jackson concurring.

Justice Jackson, in Edwards against California, spoke of the object of the citizenship clause when he declared:

The power of citizenship as a shield against oppression was widely known from the example of Paul's Roman citizenship, which sent the centurion scurrying to his higher-ups with the message: "Take heed what thou doest: for this man is a Roman." I suppose none of us doubts that the hope of imparting to American citizenship some of this vitality was the purpose of declaring in the 14th amendment: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."

Note carefully how the first clause of that amendment gave national citizenship supremacy. By its very terms one could be a citizen of the United States without being a citizen of any State.

Why this sweeping change in the concept of citizenship unless it carries with it certain fundamental rights, the abridgement of which—by man or State—the Constitution would no longer tolerate?

It is to those fundamental rights arising out of the citizenship clause of the 14th amendment that this article will be addressed.

True, there are other provisions of the 14th amendment, but they are largely negative in character and seek to prohibit the States from interfering with the privileges and immunities of citizens of the United States or from denying to any person due process of law or equal protection of the law.

Since these propositions are negatively stated, the judiciary is their natural guardian and legislation is rarely needed for their implementation.

Clause 1, however, is positive in nature and must lean on an active legislative arm or else wither and lose its vitality. That it was meant to give more than mere nomenclature of citizenship is brought sharply to focus by Mr. Justice Harlan:

The first clause of the first section—"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside"—is of a distinctly affirmative character. In its application to the colored race, previously liberated, it created and granted, citizenship of the United States, as well as citizenship of the State in which they respectively resided." (Dissenting opinion by Mr. Justice Harlan in the *Civil Rights* cases 109 U.S. 3, 46 (1883).)

The citizenship thereby obtained, by the Negroes, as a result of an affirmative grant from the Nation, may be secured, note solely by the judicial branch of the Government, but by congressional legislation of "a primary direct character."

This is so, said Harlan:

Because the power of Congress is not restricted to the enforcement of prohibitions upon State laws or State action. It is, in terms distinct and positive, to enforce "the provisions of this article" of amendment; not simply those of a prohibitive character, but the provisions—all of the provisions—affirmative and prohibitive, of the amendment (op. cit. note 2).

The distinguished legal scholar, Horace Edgar Flack, who canvassed newspaper coverage and speeches concerning the popular discussion of the adoption of the 14th amendment asserts that:

The declarations and statements of newspapers, writers, and speakers * * * show very clearly * * * the general opinion held in the North. That opinion, briefly stated, was that the amendment embodied the civil rights bill and gave Congress the power to define and secure the privileges of citizens of the United States. (Flack, "The Adoption of the Fourteenth Amendment" (1908), see pp. 153–154.)

It is no novel theory then to suggest that the legislative branch has clear authority to define and protect the rights of citizens and to declare that among these rights is the right to full and equal enjoyment of public accommodations.

Representative Jonathan Bingham, who may without exaggeration be called the James Madison of the 14th amendment, since he wrote virtually all of it, pointed out that before the ratification of the 13th and 14th amendments it was forbidden by law and custom "to help a slave who was ready to perish; to give him shelter, or break with him his crust of bread"—Congressional Globe, 42d Congress, 1st session, 1871, Appendix, see pages 81–85.

The distinguished and able Bingham would not concede for a minute that the 14th amendment left Congress powerless to act against individuals who deny rights to free citizens. These are his words:

Who dare say, now that the Constitution has been amended, that the Nation cannot by law provide against all such abuses and denials of right as these in States and by States, or combinations of persons? (op. cit. note 5.)

Since clauses 2, 3, and 4 of the first section of the 14th amendment speak only of what a State may not do, it is patently clear that the Federal Government may move against "combinations of persons" only by virtue of the affirmativeiy stated citizenship clause and section 5 which gives Congress the power to enforce that clause.

It is small wonder then that Cooley says in his treatise on "Constitutional Limitations"—fifth edition, page 359, star page 294:

The most important clause in the 14th amendment is that part of section 1 which declares that all persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. This provision very properly puts an end to any question of the title of the freedman and others of their race to the rights of citizenship.

Mr. Dawes, a member of the 39th Congress, which adopted the 14th amendment, placed an equally high value on the citizenship clause of that amendment:

After the bloody sacrifice of our 4 years' war, we gave the most grand of all these rights, privileges, and immunities, by one single amendment to the Constitution, to 4 millions of American citizens who sprang into being, as it were, by the wave of a magic wand. Still further, every person born on the soil was made a citizen and clothed with them all.

Dawes went on to say:

It is all these, Mr. Speaker, which are comprehended in the words "American citizen," and it is to protect and to secure him in these rights, privileges, and immunities this bill (a civil rights measure) is before the House. (Congressional Globe, 42d Cong., 1st sess., pt. I (1871), 475, 476.)

Senator Howard was a coauthor of the 14th amendment in that it was a Howard modification that added the citizenship clause to that amendment. He gave an important speech on May 23, 1866, explaining what he had intended to accomplish. In summarizing Senator

Howard's words the Boston Daily Advertiser declared:

> The first clause of the first section was intended to secure to the citizens of all the States the privileges which are in their nature fundamental, and which belong of right to all persons in a free government. There was now no power in the Constitution to enforce its guarantees of those rights. They stood simply as declarations. The great object of the first section, fortified by the fifth, was to * * * throw the same shield over the black man as over the white, over the humble man as over the powerful.

I have said that the scope and purpose of the 14th amendment must be gathered from the history of the times. Perhaps nothing indicates more clearly the scope of that amendment than the nature of the civil rights statutes approved by the men who actually framed the constitutional modification.

As an appendix to my remarks there will be a short survey of these laws, the nature of which spotlights the original understanding of the 14th amendment.

One can cull from these legislative enactments the peripheral intendments of the framers of the 14th amendment. It must be remembered that these Civil Rights Acts above mentioned were enacted contemporaneously with the amendments in question by a Congress made up in good measure by the framers of these same amendments.

That the courts at subsequent times limited some of these enactments does not detract from the question of what was intended by the framers. The restrictive actions of the courts can be explained as the product of many forces, not the least of which was a feeling expressed by President Johnson and implied by Mr. Justice Bradley that the Congress was becoming inordinately powerful. The court undertook to redress the balance.

Another most important force at work was the oft-mentioned but clearly erroneous impression that oppressed Negroes had remedies available from the State.

One can readily see how a court, operating under these assumptions, might think the power balance of dominant importance.

Add to this consideration the fact that most of the statutes in question imposed criminal penalties for situations involving issues of morality and one can lend some sympathy to judicial hesitancy. But, however, these decisions may be viewed, "the court departed from the familiar rule requiring, in the interpretation of constitutional provisions, that full effect be given to the intent with which they were adopted"—Justice Harlan, dissenting in the *Civil Rights* cases, 103 U.S. 3, 26.

Despite the fact "that much of this legislation was born of that vengeful spirit which to no small degree envenomed the Reconstruction era—see *Screws* v. *U.S.*, 325 U.S. 91, 140 (1945)—it was worded to serve as a basis for safeguarding the rights of citizens, black or white, in all parts of the country. The rights singled out for protection were, with few exceptions, rights that enlightened persons have always regarded as fundamentally important to a citizen in a free society. Sectional malice and partisan hatred may have played their part in bringing about the enactment of these laws. But on their face they did no violence to the democratic principle—and offered many possibilities for constructive use in furthering the cause of individual rights—Carr, "Federal Protection of Civil Rights," page 40.

The fact that the Supreme Court gave too narrow an interpretation of the 14th amendment, where the rights of citizens are involved, has been recognized by the Court itself.

Mr. Justice Moody, speaking in the name of the Court in the famous case of *Twining* v. *New Jersey* (211 U.S. 78) said of the Slaughter House case:

> Criticism of this case has never entirely ceased, nor has it ever received universal assent by members of this Court. Undoubtedly, it gave much less effect to the 14th amendment than some of the public men active in framing it intended, and disappointed many others.

On the other hand, he said, if the views of the minority had prevailed, it is easy to see how far the authority and independence of the States would have been diminished.

In effect, Justice Moody was saying we did not give the 14th amendment the effect it was supposed to have because it would give too much power to Congress.

The argument, if a valid one, was one which ought to have been addressed to Congress when the amendment was discussed, or to the State legislatures when considered for ratification. It has no place in any court of law when the language of the Constitution under study contains no ambiguity. If the effect of the 14th amendment was to greatly enlarge the power of Congress, it was so because the American people had thus decreed and it was not the function of the court to defeat their will.

Both the majority and minority in the the Slaughter House cases were wrong. The true intention of the framers of the 14th amendment was to place all civil rights under the Federal Government but only to the extent of preventing infringement by discrimination—See "Government by Judiciary," Louis B. Boudin, page 121.

It should be made unmistakably clear that I have referred to the Slaughter House cases only to show how the Supreme Court has gone astray in failing to give the 14th amendment the full intendment of its framers.

Slaughter House dealt with the 2d clause of the 14th amendment, the "privileges and immunities" clause, which is not affirmatively stated as is the citizenship clause, around which my entire argument revolves.

One last word about the Slaughter House cases before we return to the citizenship clause.

We have discussed the narrow interpretation the Supreme Court gave the "privileges and immunities" clause in those cases. It is interesting to note, however, that about 2 years earlier an entirely different view had been taken by Mr. Justice Woods, who was holding a circuit court in the southern district of Alabama. The decision of this court is striking and takes into full account the objectives of the men who wrote the 14th amendment. What, asks the Justice, are the privileges and immunities of citizens of the United States? He gives this response:

> They are undoubtedly those * * * which belong of right to the citizens of all free States, and which have at all times been enjoyed by the citizens of the several States which compose this Union from the time of their becoming free, independent, and sovereign. (*U.S.* v. *Hall*, 26 Fed. Cases 79, 81, 82.)

Certainly it can be said that from the inception of the Union, citizens have had a right under the common law to partake of the advantages of public accommodations. Slaves, no, but citizens, yes; and by virtue of the 14th amendment the one-time slave became a citizen.

Chief Justice Taney, who was no great champion of human rights, declared that citizens had the right "to go where they pleased at every hour of the day or night."

As American citizens, all of us have the free and absolute right to move about freely in this great country of ours. No State or individual can interfere with this right without becoming subject to possible Federal sanctions. This right, flowing from the very nature of our national existence, has received the protection of our Federal courts.

As early as 1868 the Supreme Court held that a citizen had a right to pass freely through each of the several States. (*Crandall* v. *Nevada*, 6 Wallace 351, 1868.)

It ought to be remembered that the Crandall case arose before the adoption of the 14th amendment. Subsequent to the 14th amendment, the Supreme Court in *Edwards* v. *California* (314 U.S. 160, 1941) reaffirmed this right to pass freely from State to State.

Mr. Justice Jackson, in a concurring opinion in that case, expressed the same view which I hold with respect to the administration's civil rights bill.

After other members of the Court had sought to protect Edwards' rights within the scope of the commerce clause, Justice Jackson noted that "to hold that the measure of his rights is the commerce clause is likely to result eventually either in distorting the commercial law or in denaturing human rights."

He then stated that it was a privilege of citizenship of the United States to enter any State of the Union, either for temporary sojourn or for the establishment of permanent residence therein and for gaining resultant citizenship thereof.

In the words of Justice Jackson:

> If national citizenship means less than this it means nothing. (See also *Twining* v. *N.J.*, 211 U.S. 78 at 97.)

Taney, who spoke for the majority of the Court in the Dred Scott decision, had in earlier cases—Passenger Cases, 7 Howard 283, 292—said:

> We are all citizens of the United States; and as members of the same community, must have the right to pass and repass through every part of it without interruption, as freely as in our own States.

And from the language of Chief Justice Fuller in *Williams* v. *Fears*, 179 U.S. 270, 274:

> Undoubtedly the right of locomotion, the right to remove from one place to another according to inclination, is an attribute of personal liberty, and the right, ordinarily of free transit from or through the territory of any State, is a right secured by the 14th amendment and other provisions of the Constitution.

Therefore, clearly, the right I seek to protect is a right of longstanding judicial recognition.

The declaration of citizenship in the 14th amendment had a collateral effect on rights of persons arising out of residence in a State. Prior to the 14th amendment, a citizen of one State going into another State was to enjoy all the privileges and immunities of the citizens of the host State by virtue of article IV, section 2 of the Constitution.

But the Dred Scott decision denied that a Negro had such citizenship as would entitle him to all the privileges and immunities of the host State. So article IV, section 2, came to mean that every white citizen of one State shall have all the privileges and immunities of the white citizens of the several States. But, the 14th amendment abolished this distinction and now any citizen of any State shall be accorded the privileges and immunities of the citizens, be they black or white, of the several States.

Since our Constitution does not recognize such concepts as black citizen and white citizen, a Negro traveling from State to State shall have the right to the full and equal enjoyment of all the privileges extended to any citizen of the host State.

We have seen that the right to use inns and other places of public accommodation was a fundamental common law right. We now come to the question of how that right is related to other rights.

Clearly, the liberty to move about in this grand Nation of ours could not be exercised were it not for the availability of food and lodging at the convenience of the traveler. Where persons are denied food and lodging because of their race an arbitrary and irrational barrier is thrown across the road of travel, and these persons are effectively deterred from exercising this basic liberty. The incidental side effects to such deterrence are varied and of national concern.

The mobility of labor is impaired and unemployment in single areas grows inordinately high.

Education and the quest of knowledge are impaired because all our citizens cannot see our great country; they are not permitted to sow the varied seeds of our national character; nor are they able to reap the vast rewards of our geographical treasury.

Interstate commerce is burdened. But, all these harms are only incidental to the fact that an essential national right of one of our citizens is denied him solely because of his race.

Public accommodations are privileges extended, generally, to all citizens of the several States. History has considered as an essential privilege of any citizen the equal privilege of trade and commerce. The common law recognized this fact and offered enforcement machinery.

With the advent of slavery, some of our States saw fit to negate the common law. I have no doubt that but for slavery the law of most, if not all, of our several States would support this privilege today. In some 32 States the law does support that principle. The other States have historical familiarity with the principle and I am sorry they have chosen not to follow its dictates.

Congress has the power to protect a federally created right from all adverse forces. That Congress has this power was implied in *Collins* v. *Hardyman*, 341 U.S. 651, and sustained in *Reese's* case, 92 U.S. 214, at 217:

> Rights and immunities created by, or dependent upon the Constitution of the United States can be protected by Congress. The form and the manner of protection may be such as Congress in the legitimate exercise of its legislative discretion shall provide. These may be varied to meet the necessities of the particular right to be protected.

The fact that much of the 14th amendment speaks in terms of prohibitions upon the States does not negate all possible exercise of Federal legislative power against individual impairment of Federal rights. Federal power over State activities must be expressly given by the Constitution because of the nature of our Federal system. But the very nature of government itself permits the sovereign to protect against all comers the rights that naturally flow from the sovereign's existence. Congress may direct prohibitions against the impairment of certain civil rights by individuals. This does not preclude the State from enacting the same prohibitions. Congress is not now seeking to solely occupy the field of civil rights or trample upon State powers. It is only seeking to redress the infringement of the rights of national citizens in those instances where the States have failed to provide such protection in the 100 years allowed them.

As Justice Wood stated in the Hall case, the 14th amendment is broad enough to protect those privileges that "were at all times enjoyed by the citizens of the several States from the time of their becoming free, independent and sovereign" until the time of the adoption of the 14th amendment. Among these rights were the right to obtain food and lodging in a public establishment and the right to travel and enjoy all privileges of trade and commerce.

That the objectives of my bill are legitimate and soundly based on the constitutional powers of Congress itself is self-evident. With 13th and 14th amendment protections joined together—equal access to all the public accommodations enumerated in the bill becomes a valid legislative objective and Federal enforcement of this goal is clearly necessary and proper.

I hold, and it has long been held, that positive rights and privileges were intended to be secured and were in fact secured by the 14th amendment—*Strauder* v. *West Virginia*, 100 U.S. 303 and Ex Parte Virginia 100 U.S. 339. See also *Brewer* v. *Hoxie School District No. 46*, 238 Fed. 2nd 91. This stands for the proposition that the 14th amendment can be the basis of an action for an injunction against the actions of individuals when such individuals attempt to interfere with rights and duties prescribed by the 14th amendment.

The argument that the amendment contains only prohibitions upon the States entirely overlooks the language of the first clause of the first section which declares:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

Through this clearly affirmative provision, Congress, by virtue of section 5 of the 14th amendment, may pass legislation of a direct and primary nature to protect and enforce that status of citizenship and all its attendant rights.

Senator Howard, the author of the citizenship clause of the 14th amendment, saw its purposes to be large and magnificent. He described the crowning glory of the 14th amendment in these words:

> We desired to put this question of citizenship and the rights of citizens and freedmen * * * beyond the * * * power of gentlemen * * * who would pull the whole system up by the roots and destroy it, and expose the freedmen again to the oppressions of their old masters. (Congressional Globe, 1st sess., 39th Cong. p. 2896.)

APPENDIX—ENACTMENTS PURSUANT TO THE 14TH AMENDMENT BY CONGRESSES CONSTITUTED BY MANY OF THE FRAMERS OF THAT AMENDMENT

Within the historical context of the post-Civil War period, the 14th amendment might be viewed as a device to perfect and clarify the constitutional demands of the 13th amendment.

As I have previously pointed out, the 13th amendment was intended to have a much broader impact than the abolition of institutionalized slavery—the economic system. Not only was this purpose clearly stated in the language of the amendment itself, but legislation passed pursuant to the amendment was sweeping in scope.

On March 13, 1866, Congress passed a bill known as the Civil Rights or Enforcement Act. Entitled "An act to protect all persons in the United States in their civil rights, and furnish the means of their vindication"—14 Stat. 39 (1866)—it was aimed at outlawing the "black codes." All persons born in the United States were declared citizens thereof. The bill further sought to provide equality among the races as to their rights to make and enforce contracts, to sue, be parties, give evidence and inherit, purchase, lease, sell, hold and convey real and personal property and "to full and equal benefit of all laws and proceedings for the security of person and property." In several of its provisions, the bill was remarkably parallel to the 14th amendment, but it predated that amendment.

When the bill was presented to President Johnson for his signature, he returned it, vetoed. He objected to the bill on the several grounds that:

First, the Negroes were too newly freed to possess the requisite qualifications to entitle them to all the privileges and

immunities of citizens of the United States.

Second, the civil rights enumerated in the bill were already secured to all aliens, and it might be assumed that they were already secured to the Negro as well.

Third, if the principle of the bill were admitted, Congress could legislate *against racial* discrimination with regard to voting, officeholding, jury service, and the like.

Fourth, former Federal-State power relationships would be unduly uprooted.

Congress completely rebuffed Johnson's objections. The Senate repassed the bill by a vote of 33 to 15; the House of Representatives repassed it by a vote of 122 to 44 and the bill became law on April 9, 1866.

However, Congress, to eliminate reasonable doubt as to the constitutional basis for this bill, undertook within 2 months to frame the 14th amendment—Konvitz and Leskes, "A Century of Civil Rights," page 51. The 14th amendment passed the Senate on June 8, 1866, the House of Representatives on June 13, 1866 and ratification was completed on July 9, 1868. Upon ratification the Civil Rights Act of 1866 was reenacted. The adoption of the 14th amendment and the reenactment of the Civil Rights Act of 1866 do not demonstrate the inadequacy of the 13th amendment for the purposes sought of it by Congress. Rather, these events demonstrate that the 13th and 14th amendments read together empower the Congress to carry out the many aims and purposes expressed during the formulation of these amendments.

Thus, the adoption of the 14th amendment did more than provide a constitutional basis for one civil rights act. It was adopted to obviate objection to legislation of a similar character, extending the protection of the National Government over the common rights of all citizens of the United States. Accordingly, after its ratification Congress reenacted the act, under the belief that, whatever doubts may have previously existed of its validity, they were removed by the amendment—Mr. Justice Fields, *Slaughter House* case (16 Well. 96, 97).

A brief survey of contemporaneous post-14th amendment civil rights acts will further indicate the congressionally intended scope of that amendment.

The second Civil Rights or Enforcement Act was passed by Congress on May 31, 1870. It was later amended by the act of February 28, 1871. Both acts were designed to implement the 14th and 15th amendments by providing Federal machinery to supervise elections in the States. Stiff penalties were provided for interference with the exercise of the franchise based on race or color.

An act of April 20, 1871, the Ku Klux Klan Act, penalized action, under color of law, which deprived persons of their rights under the laws or Constitution of the United States. The bill levied penalties for conspiracy to overthrow the Government of the United States or to prevent the execution of its laws, and authorized the President to use military force to suppress unlawful action when States were unable or unwilling to prevent interferences with citizens' rights or the obstruction of the Federal Government processes.

The Civil Rights Act of March 1, 1875, was designed to guarantee the Negroes equal accommodations with white citizens in all inns, public conveyances, theaters, and other places of amusement. Refusal by private persons to provide such accommodations was declared to be a misdemeanor, and injured parties were given the right to sue for damages.

Two other acts, the Slave Kidnaping Act of May 21, 1866, and the Peonage Abolition Act of March 2, 1867, made criminal kidnaping any person with the intention of placing him in slavery or otherwise reducing a person to a condition of involuntary servitude.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 18, 1963, he presented to the President of the United States the enrolled bill (S. 1952) to extend and broaden the authority to insure mortgages under sections 809 and 810 of the National Housing Act.

ADJOURNMENT TO TOMORROW AT 10 A.M.

Mr. PROUTY. Mr. President, in accordance with the previous order, I move that the Senate adjourn until tomorrow, at 10 a.m.

The motion was agreed to; and (at 8 o'clock and 48 minutes p.m.) the Senate adjourned, in executive session, under the previous order, until tomorrow, Thursday, September 19, 1963, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate September 18, 1963:

MISSISSIPPI RIVER COMMISSION

Brig. Gen. Walter P. Leber, U.S. Army, to be a member of the Mississippi River Commission, under the provisions of section 2 of an act of Congress, approved June 28, 1879 (21 Stat. 37) (33 U.S.C. 642), vice Brig. Gen. Robert F. Seedlock, reassigned.

IN THE NAVY

Having designed, under the provisions of title 10, United States Code, section 5231, Rear Adm. Charles E. Weakley, U.S. Navy, for commands and other duties determined by the President to be within the contemplation of said section, I nominate him for appointment to the grade of vice admiral while so serving.

EXTENSIONS OF REMARKS

Foolishness of Area Redevelopment Administration

EXTENSION OF REMARKS
OF
HON. WILLIAM T. CAHILL
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 18, 1963

Mr. CAHILL. Mr. Speaker, I was surprised to read an announcement that the Area Redevelopment Administration had approved a $2,275,000 industrial loan to aid in the construction of a 320-room tourist motor hotel in Carolina, P.R.

I understand that this loan was made to the Howard Johnson Motor Lodges, Inc., which, to my knowledge, is building motels all over the country presumably through private financing.

Having visited Puerto Rico, I find it extremely difficult to classify it as a depressed area. Certainly there are sections of Puerto Rico which are depressed but there is a larger part that is the recipient of millions of dollars of investment in high-rise hotel apartments and gambling casinos.

This is another illustration of the foolishness of ARA. I find it hard to understand why the Area Redevelopment Administration would authorize this loan in view of the findings and admonitions of the House and Senate committees having jurisdiction over this bill. Why new hotels would be considered eligible in view of recent pronouncements by the committees is beyond me.

I flew over Puerto Rico and I saw a great many opportunities for aiding the average Puerto Rican. If any money is to be spent on that island, it certainly should not be spent for the construction of new luxury motels and hotels, since my information convinces me that the banks are more than pleased to advance, particularly to an institution with the financial stability of Howard Johnson, adequate funds for these projects.

The district that I represent, the First Congressional District of New Jersey, has a higher unemployment rate today than it has had in decades and yet it does not qualify for aid under ARA.

It would be interesting to hear an explanation on the Federal aid to Howard Johnson.

How To Succeed in Defense Business by Trying

EXTENSION OF REMARKS
OF
HON. RICHARD T. HANNA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 18, 1963

Mr. HANNA. Mr. Speaker, in all of the open and part of the somewhat subrosa discussions of distribution of defense contracts there rides a theme that

there is present in the pattern of contract awards an unfair preference for certain areas of our country. I would like to ask the House to examine for a few moments the central core of the situation which dictates the wisdom of our present distribution of defense work.

The technology of weaponry is and has recently been moving at a pace that has brought the laboratory into the shop. Conception of ideas for weapon systems are the basis of bids not defined and detailed plans and specifications. Such circumstances call for a high sophistication in research capability coupled with an experienced and updated technical know-how in the shops. Under these conditions a linkage with institutions of higher learning, where the skills of engineering, electronics, physics computers, and the like are on the knife edge frontier of experimentation and development, is required. In the United States, because of the interest, investment, and vision of the people of the area certain centers of leadership in these skills so desperately needed existed and flourished. They had, further, an already healthy and working rapport between the institutions of higher learning and the industrial activities busily engaged in the development of the art in their particular field. These centers were and are Boston, Mass., home for Harvard, MIT, and an array of other fine institutions of higher education; San Francisco Bay area, with the University of California, Stanford University, and several lesser sized but excellent colleges; Los Angeles, home of UCLA, USC, and California Institution of Technology again with a second echelon of other colleges and universities including the State colleges supplementing the efforts of the dominant institutions. Around these great centers of learning which had emphasized those fields so intricately involved in the new technology, that is, physics, chemistry, engineering, and related fields came to be located the research and development laboratories of great foundations and of leading industries.

The accommodation of the one to the other is mutual and to be expected. Then, when the fast-moving breakthrough into thermonuclear power and the emerging space age required the close linkage between research and production, it followed as the day the night that these centers came to be the shop locations of the leading industries wishing to follow up their development with production.

If there is a section or center in this country which seeks to improve its competitive position in the race for excellence and the pressure for superiority, here is the obvious pattern. Invest your people's money, time, and energies in establishing outstanding centers of higher learning. It is an investment which will yield high returns. There will be an undesirable but inescapable time lag for such centers are not created overnight. Such centers are the result of achievements of faculties and graduates; the result of continued support in dollars and concern on the part of governments of the State and local levels; the result of cultivation and maintenance of demand for quality and willingness to pay for it; the result of encouragement and support from local business and industry. It would seem obvious that such a pattern of the past placed those areas now enjoying healthy relations with the present defense effort in whatever privileged position they currently enjoy.

One other matter needs to be stressed. The demands made on industrial firms placed in the complex referred to above have not all been pleasant. A leading executive of one of the larger plants puts it this way:

> Our experience of instant expansion to fill the requirements of our contracts gave us no end of trouble. It early became clear that a business could choke to death trying to ingest a flood of new work just as readily as a business could starve to death failing to get enough business—and you would be just as dead. Our approach has been to look for businesses throughout the country that, on a joint effort, could help us handle the demands of the crash program in space.

What that executive was saying is dramatically demonstrated in a recent Wall Street Journal story about a $934.4 million award from NASA to North American. Although the prime work will be done out of the contractor's offices in Downey, Calif., and Fullerton, Calif., take note of this following quote from the article:

> It is believed that about 50 percent of the work will be performed by subcontractors and suppliers. North American has already negotiated $127 million of Apollo business with about 1,200 companies.

Obviously, then, the second less costly and more immediate way to succeed in defense business by simply trying is to find out what the problems of the prime contractor are and show him the best way to solve them. Hundreds of subcontractors all over the United States are doing just this. There has come, through such efforts, a quicker, a better solution to the problems and a superior product turned out for our national effort.

For the "Forgotten Men": $35 Billion

EXTENSION OF REMARKS
OF
HON. OLIN E. TEAGUE
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 18, 1963

Mr. TEAGUE of Texas. Mr. Speaker, on August 26, 1963, page A5471, there appeared in the daily CONGRESSIONAL RECORD an extension of remarks by our colleague, the gentleman from Pennsylvania, the Honorable JOHN H. DENT, with which was included an article entitled "The Crisis—The World War I Veteran: His Interest, Welfare, and Pension," by Mr. Julian R. Drake, of Albany, Ga.

Mr. Drake's article was critical of the House Veterans' Affairs Committee because it has not reported H.R. 2332, the billion-dollar pension bill of the World War I veterans' organization and it was Mr. Drake's contention that the World War I veteran has been neglected and mistreated. Nothing could be further from the truth. Included in my remarks is a copy of the letter which I have written to the gentleman from Pennsylvania, the Honorable JOHN H. DENT, and I commend its reading to those of you who are being inundated by letters from the World War I veterans, repeating the fictitious nonsense that World War I veterans have not been dealt with generously by our Government:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., September 16, 1963.

Hon. JOHN H. DENT,
Member of Congress,
House of Representatives,
Washington, D.C.

DEAR COLLEAGUE: On Tuesday, August 26, 1963, on page A5471 of the daily CONGRESSIONAL RECORD, you inserted an extension of remarks entitled, "The Crisis." This extension of remarks consisted principally of an article prepared by Julian R. Drake which was entitled, "The Crisis—The World War I Veteran, His Interest, Welfare and Pension."

In his article, Mr. Drake contended that the World War I veteran has been neglected and mistreated. The following statements were employed by Mr. Drake in his contention of mistreatment of the World War I veteran:

"Times are so good, except for the poor neglected World War I veteran who was the root of all such prosperity."

"Yet, why has this World War I veteran been so badly neglected? * * * The present Congress has done almost nothing in the way of getting a pension passed which would give World War I veterans a pension to offset any pauperism or become subjects of charity."

"Why has the Congress appeared so negligent or unconcerned? Why has even the President of the United States appeared so unconcerned?"

"Now the poor forgotten World War I veteran must wake up and fight for existence."

"Thousands of World War I veterans have had to turn to charity because they are unable to make ends meet on their meager incomes."

In your own remarks you said: "All of the major political issues are worthy of consideration and attention but this can be done without closing our eyes, our minds and our hearts—the ever-increasing problem of the World War I veteran who is truly becoming the forgotten soldier rotting away in the thrushes of crowding old age, unemployment, despair and in some cases abject need with all its miseries, worry, and personal degradation of spirit, pride and will."

In your remarks you referred to the author, Julian R. Drake, as your friend and termed his article as a masterful appeal. There is no basis in fact for the contention that the World War I veteran has been neglected or mistreated, and there is even less basis for the argument advanced by Mr. Drake that H.R. 2332 is a bill which is primarily intended to help needy World War I veterans.

To date, this Nation has spent $35,435,835,000 in benefits for World War I veterans. This exceeds $7,400 per man. World War I veterans comprise 15 percent of all participants of all of this Nation's wars. They have received 28 percent of all of this

Nation's expenditures for veterans. This year the Veterans' Administration's budget is almost $5½ billion. World War I veterans constitute 11 percent of the veteran population in America today. They will receive $2 billion, or 40 percent, of the money being spent on veterans this year. Listed below is a detailed compilation of the programs which have been available to World War I veterans and their dependents, and the costs:

Adjusted compensation (bonus)	$3,875,674,000
Death compensation or dependency and indemnity compensation	1,954,104,000
Disability compensation	7,869,270,000
Pensions:	
Veterans	8,443,687,000
Dependents	3,327,173,000
Medical care	5,841,474,000
Insurance	[1] 1,871,548,000
Vocational rehabilitation	644,865,000
Burial allowance	240,918,000
Housing for disabled	6,757,000
Others [2]	1,360,365,000
Total	35,435,835,000

[1] Excludes premium and other collections—$456,595,000. If at any age WWI veteran becomes totally and permanently disabled he may stop paying insurance premiums and start drawing benefits of $5.75 per month for each $1,000 of insurance in force. WWII veterans are entitled only to a waiver of premium for total disability which must begin before age 60.

[2] Includes administrative costs and capital expenditures.

About one-half of all living World War I veterans are now receiving a pension. On June 30, 1963, 1,015,835 World War I veterans were on pension rolls. Seventy-four percent of the Nation's expenditures this year for veterans' pensions are going to World War I veterans and their dependents. Forty-five percent of the patients in the Veterans Administration's billion-dollar hospital and medical program are World War I veterans, even though they comprise only 11 percent of the veteran population. A married World War I veteran, with less than $3,000 a year income and a single World War I veterans with less than $1,800 a year income may now receive pension assistance. World War I veterans in the low income brackets receive from $90 to $100 a month, depending upon the dependency status of the veteran. Those with serious health problems receive an aid and attendance allowance, making the maximum pension payable $170 per month. The contention that World War I veterans have been neglected or mistreated is utterly without foundation.

To understand clearly the nature of the demand of Julian R. Drake and the World War I Veterans' organization for enactment of H.R. 2332, it is necessary that the detailed provisions of the bill be considered. The clamor for the bill is in the name of the sick and needy. Mr. Drake's article is typical. H.R. 2332 actually does nothing for many of the sick and needy veterans and widows. A widow's pension is $75 a month if she has one dependent and an income of less than $1,000 a year. H.R. 2332 gives this widow no increase. A World War I veteran with two dependents and less than $1,000 a year income now receives $100 a month. This veteran gets no increase under H.R. 2332. A veteran so sick and disabled as to require aid and attendance now receives $70 a month in aid and attendance allowance. This veteran gets no increase in his aid and attendance allowance under H.R. 2332.

About two-thirds of the proposed additional expenditure under H.R. 2332 of $1,200 million per year goes to veterans in the top quarter of the age 65 income group, while the remaining one-third goes to provide small increases to some cases in the lower income brackets.

It is ironic, indeed, that the World War I Veterans' organization, and an individual such as Julian R. Drake, should launch a pressure campaign for pensions for the well-to-do, and do so in the guise of help for the needy. An examination of the individual circumstances of the author of the article you inserted in the RECORD clearly shows the nature of the deception which is being heaped upon the Congress. The author of the article served in World War I for nearly 2 years. He is married and is retired. He is currently receiving a non-service-connected pension of $90 a month and has been receiving this pension since February 19, 1962. This pension will continue until he has recouped all of his contribution to social security and the Federal Civil Service retirement system. In addition to the $1,080 per year which he receives from the Veterans' Administration, he receives $199 a month in civil service annuity and $45 a month from social security. He has in excess of $5,000 invested, yielding additional income of approximately $100 a year. Apparently, the author sees no reason to be grateful for the $90 a month he receives from the Veterans' Administration, but feels called upon to criticize the Congress and the administration in general, and the Veterans' Affairs Committee specifically, because he does not receive more.

The author is receiving $90 a month on a non-service-connected pension. A 50-percent disabled, service-connected veteran receives only $107 a month. An orphan child who lost a parent from a service-connected cause receives $77 a month. Two dependent parents living together, who lost a son and have $2,000 a year other income get $44 a month. A totally and permanently, service-connected, disabled veteran receives $250 a month, or $3,000 a year. This is $1,108 per year less than the annual income of the author of this article.

The author of the article's annual income of $4,108 compares with the median income for all families headed by a 65-year-old individual which is only $2,897 per year. One-half of the male population of this country has an income of only $4,081 per year. The author's annual income exceeds this figure even though he is retired.

He and the proponents of H.R. 2332 seek more. This bill raises income limits for most married individuals to $4,800 and for most single individuals to $3,600. In addition to these amounts, veterans would be eligible for $1,200 per year additional in a tax-free pension. Individuals in these income brackets are in the top 10 percent group at age 65. It is apparent, therefore, that neither the author of the article nor the proponents of H.R. 2332 have any real concern for veterans in need because of low income or serious health problems, but are really concerned in obtaining a pension for the upper income groups. Their attempt to obtain such a pension is being made in the name of the poor, sick, needy veterans. I view Mr. Drake's article and your endorsement and insertion of it in the RECORD as part of the campaign.

The Committee on Veterans' Affairs has repeatedly considered these questions and has rejected bonus-type pension bills. The committee is obligated to see that there is an equitable balance between benefits payable to the service connected and the non-service connected. It feels an obligation to the taxpayer who must bear the burden of payment. And the committee is convinced that first priority non-service-connected payments should go to those badly in need because of serious health problems and low incomes. For this reason, it has been rejecting bills such as H.R. 2332 and other similar attempts to secure pensions for the upper income groups in the guise of helping the needy.

I would be most interested in receiving the names and addresses of any World War I veterans known to you who are not receiving non-service-connected pensions and who are "rotting away in the thrushes of crowding old age, unemployment, despair * * * and abject need."

Sincerely yours,

OLIN E. TEAGUE,
Chairman.

Technion and Israel

EXTENSION OF REMARKS
OF
HON. EMANUEL CELLER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 18, 1963

Mr. CELLER. Mr. Speaker, under leave to extend my remarks in the RECORD, I am pleased to include an address I made at the dinner sponsored by the New Jersey State chapter of the American Technion Society, in honor of the national president, B. Summer Gruzen, in West Orange, N.J., Thursday evening, September 12, 1963.

The text of my statement follows:

Israel and Technion are indivisible. I do not say that one could not exist without the other, but I would say, without fear of challenge, that neither the State of Israel nor the Technion Institute would be the same. To Israel, Technion spells life and viability. To Technion, Israel—young, lusty but lacking in natural resources, is the spur.

It seems almost unbelievable, does it not, to speak of Technion's beginnings in the time of the Ottoman rule of Palestine. Yet, it was then that a group of German Jews, knowing that very few of the Jewish faith were engaged in any field of technology, hit upon an idea that influenced the very course of history. In 1924 when Technion opened, and by that time the British had assumed the mandate over Palestine, 30 young men entered. With the exodus from Germany, beginning in 1933, thousands of fleeing technologists and scientists sought the opportunities only Technion could give them. When the resources of Technion were stretched to the breaking point, the Government of Israel gave a 300 tract to Technion, and the American Technion Society gave close to $10 million for laboratories, workshops, classrooms, and other facilities for Technion's new campus in Mount Carmel.

Truly it has been said that the engineers of Israel are the builders of Israel. They control the flow of water, oil, gas, chart new industries, modernize existing industries, plan towns, and roads, and reservoirs, and harbors.

Every year, 600 men and women are graduated and, in a sense, their contributions mold the destiny of Israel. They already have reached toward the sun for energy, have found untapped wealth in Israel, have begun the desalinization of water, and harnessed atomic energy for peaceful uses.

The Technion's graduates have gone to the countries of Africa and have helped in their development and have come to the United States, in turn, to receive advanced training. There is no doubt in my mind that were peace to come to the Middle East the engineers, and the chemists, and the architects from Technion would spread learning and light throughout the area and cement, through science, the bonds of friendship. As Gen. Yaacov Dori, President of Technion, has said eloquently: "I hope that one day * * * our neighbors will send us their young men and their teachers, so that together we may pursue knowledge and science in an area of peace and progress."

As the graduates of Technion enter into the stream of life of Israel, they serve not only the people of Israel but the people of the world. For example, when the U.S. Air Force asked Technion to do research a few years ago on the problems of travel at high speeds, the Institute produced a revolutionary new pump known as the centripital pump. When Technion developed a refrigerator which is powered exclusively by the rays of the sun, every country close to the equator knew it must be the beneficiary thereof.

So we are not talking here of parochial achievements, we are talking of man's service to man and the good life that science can bring in its wake to all people.

What Technion is doing is exciting in every sense of the word. It stirs the blood to know that the mind and the heart of men are being put to such uses that even our imaginations, educated as they have been to the miracles of the space age, cannot quite grasp. As the men and women of Technion wrest from the earth, and the air, and the sea the secrets of nature, we, in our own way, must help them as they, in their own way, help us. Only the other day I read somewhere that there had been perfected at the Technion Institute a new technique for aiding the blind. So it is not only a matter of bridges, or pumps, or refrigerators, but it is likewise a matter of the most acutely humane of achievements.

More's the pity then that Israel, ready, willing, and able to serve scientific advance through Technion cannot pursue this course when its immediate range must be first and foremost—peace. Nor, again, is peace in the Middle East parochial. A war in the Middle East is unthinkable for all of the world. Thus the cynical vetoing, by the Soviet Union, of the censure of Syria for the needless slaughter of two Israelis, is a shocking display of immorality. When the United Nations reaches the degree of ethical responsibility to make its decisions on the basis of right and wrong rather than on the basis of the play for political power, then many of the problems which we assume today to be insoluble will be resolved. Another dismal note in the United Nations is the whitewash of the massacre of people in Yemen in the power play between Saudi Arabia and Egypt. What happens in Yemen is of immediate concern not only to the State of Israel but also to the world.

When the debate on the foreign aid bill was on the floor of the House, I felt it imperative to call the attention of the Members on the floor of the House to the following facts; I emphasized the provision of the foreign aid bill which reads as follows:

"(1) No assistance shall be provided under this or any other Act, and no sales shall be made under the Agricultural Trade Development and Assistance Act of 1954, to any country which the President determines is engaging in or preparing for aggressive military efforts directed against—

"(1) the United States,

"(2) any country receiving assistance under this or any other Act, or

"(3) any country to which sales are made under the Agricultural Trade Development and Assistance Act of 1954."

This is not a recommendation we can afford to dismiss. The testimony is clear that a dangerous condition exists in that area which is the bridge of three continents. Egypt presently is violating the substance of the provision referred to.

A billion dollars of foreign aid has gone to Nasser. While our dollars have been poured into the United Arab Republic, the Nasser regime has been receiving arms from the Soviet Union. President Nasser has weapons including supersonic Mig-21's, antiaircraft missiles, and an arsenal of Egyptian-made weapons.

Egypt is making jet aircraft and rockets with the help of foreign experts. Its regular army numbers from 60,000 to 100,000. To say that the world has nothing to fear from Egypt's military buildup plus Nasser's insatiable ambition to rule over all Arab governments is to turn our backs upon reality. Every dollar we send Egypt releases Nasser from the obligation of developing the economy of that country. He would have you believe that the main Arab enemy is Israel. Yes; Egypt has enemies; and these enemies are poverty, disease, illiteracy, and ambitious politicians. Were our dollars used to the productive end of wiping out disease and poverty and illiteracy of Egypt I would be the very last to suggest that any conditions be set upon aid to Egypt.

Tension in the Middle East, whether it springs from Nasser's desire for an Arab empire or from his hostility to Israel, brooks ill for the Western World. It is a completely resonable request that American dollars be used to promote peace. Offer after offer by the Israeli Government to sit down at the peace table with Nasser has been spurned. When Nasser's ambition to overcome other Arab governments fails, he turns his wrath toward Israel. Only recently, when Egyptian troops returned from Yeman, unable to admit to his discomfort, Nasser spoke to these troops, saying:

"Our armed forces are getting ready to wash out the shame of Palestine and face Israel and those who support her * * *. You must prepare to restore to the Palestinian Arabs their usurped rights. We must put aright the humiliation which the Arabs suffered in 1948 * * *. For us in Egypt, disarmament is impossible unless the rights of the Palestinian Arabs are restored."

Mark his language. I quote specifically the words, "and those who support her."

Our billion-dollar aid has not persuaded Egypt to refrain from getting military hardware from the Soviet Union. Our billion dollars have not persuaded Egypt to turn aside from her practice of vilification and hate aimed directly against Israel. Our billion dollars have not persuaded Nasser to turn his attention to the development of Egypt's economy and leave other Arab governments to work out their own destinies. In the words of the committee report:

"Any government which devotes its energies and its resources to the harassment of neighboring countries and to a military buildup directed against them reduces the effectiveness of its efforts to develop its resources and to improve the condition of its people. Funds provided by the U.S. taxpayer should not be used to make up for the money and effort diverted by the beneficiaries of our aid to such military activities. Furthermore, U.S. financial support to a government engaged in such activities must inevitably be regarded by those nations which are subjected to such harassment and military threats as evidence the United States is willing to tolerate, if not endorse, such action."

In the name of peace, these words merit the endorsement of every Member of the House. Peace in the world and the security of the United States are indivisible. The foreign assistance program recognizes this fact, but at no time shall it be said that the United States is for peace at any price. Thus, I am in wholehearted accord with the statement of the policy of the United States committed in the Foreign Assistance Act of 1963:

"To support the principles of increased economic cooperation and trade among countries, freedom of the press, information, and religion, freedom of navigation in international waterways, and recognition of the right of all private persons to travel and pursue their lawful activities without discrimination as to race or religion. The Congress further declares that any distinction made by foreign nations between American citizens because of race, color, or religion in the granting of, or the exercise of, personal or other rights available to American citizens, repugnant to our principles."

I have voted, and shall continue to vote, for foreign aid, because I believe that the reduction of world tension and insecurity is our greatest insurance for peace, but wherever there is the possibility that the purposes of our foreign aid may be perverted, we must demand that reasonable conditions be met.

What I have said on the political situation is not irrelevant to the work of Technion. The men and women of Technion work for survival in their area as we in the political arena work in other directions. I have no doubt that peace will come, and I have no doubt that when it does we will receive the full impact of how much the engineer, the chemist, the technologist has prepared the world to live and work in peace together.

Finally, I would emphasize one point which I think is central to all constructive thinking on the world in which we live today. Any educational institution represents an investment in the future and is therefore an expression of faith in the future. If this is true everywhere, it is particularly true in a small country like Israel which is beset with dangers and is almost surrounded by countries whose leaders continually announce their intention of driving it into the sea. I do not think that this evil intention is feasible. I do not think that the world will ever allow an intention like that to happen. But the basic reason for my conviction that it can never happen is the kind of spirit which exists in the Haifa Technical Institute, which led to its creation some 50 years ago and which has led ever since to its constant expansion and improvement. These are people who are not content to be buffeted by fate. These are people who determine their own future in freedom and who have demonstrated their capacity to do so. These are people who look to the future and live for the future and who are doing their best to teach their children the skills that they will need to create that future and enlarge the horizons of human freedom. People like that are unshakable. They will not be deflected from their course for they possess the greatest resource of strength that can ever belong to man—man's belief in himself and in his right and duty to realize his God-given capacities to the full. This is why I believe that the people of Israel will realize the prophecy which we read in our prayers every Sabbath: "The Lord will give strength to his people; the Lord will bless his people with peace."