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Congressional Record

PROCEEDINGS AND DEBATES OF THE 88th CONGRESS, FIRST SESSION

SENATE

THURSDAY, APRIL 25, 1963

(Legislative day of Wednesday, April 24, 1963)

The Senate met in executive session at 12 o'clock meridian, on the expiration of the recess, and was called to order by the Vice President.

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

O Thou God of our salvation, for a sense of whose presence our restless spirits ever yearn, for these moments we would hush our busy thoughts to silence as we seek to discern Thy will.

'Mid all the traffic of the ways,
Turmoils without, within,
Make in our hearts a quiet place
And come and dwell therein.

For void of Thee, all is vanity and life itself is barren, joyless, robbed of its wonder, its dignity, and its beauty.

Even as draining duties, tied to the Nation's welfare, demand the utmost in time and energy of Thy servants here, in the fellowship of the world unseen more real than the tangible things about us, may there come to our questing spirits light out of darkness, peace out of discord, strength out of struggle, forgiveness out of guilt, and faith out of fear.

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

EXECUTIVE MESSAGES REFERRED

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.)

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. BYRD of Virginia, from the Committee on Finance:

Alfred C. Dumouchel, of Rhode Island, to be collector of customs for customs collection district No. 5, with headquarters at Providence, R.I.

By Mr. McNAMARA, from the Committee on Public Works:

Frank E. Smith, of Mississippi, to be a member of the Board of Directors of the Tennessee Valley Authority.

NOMINATIONS—NEW REPORTS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of the new reports on the Executive Calendar.

The motion was agreed to.

The VICE PRESIDENT. The clerk will proceed to state the new reports on the Executive Calendar.

CIVIL SERVICE

The Chief Clerk read the nomination of L. J. Andolsek, of Minnesota, to be a Civil Service Commissioner for the term of 6 years expiring March 1, 1969.

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

DEPARTMENT OF JUSTICE

The Chief Clerk read the nomination of Charles B. Fulton, of Florida, to be U.S. district judge for the southern district of Florida.

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

POSTMASTERS

The Chief Clerk proceeded to read sundry nominations of postmasters.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the postmaster nominations be considered en bloc.

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

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

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

Mr. MANSFIELD. Mr. President, I am delighted that the distinguished senior Senator from Arkansas has shown such an active and personal interest in the postmaster nominations which have been considered and confirmed unanimously by the Senate.

TRANSACTION OF LEGISLATIVE BUSINESS

By unanimous consent, the following legislative business was transacted:

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, April 24, 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. Jones, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 2440) to authorize appropriations during fiscal year 1964 for procurement, research, development, test, and evaluation of aircraft, missiles, and naval vessels for the Armed Forces, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. VINSON, Mr. RIVERS of South Carolina, Mr. PHILBIN, Mr. HÉBERT, Mr. ARENDS, Mr. GAVIN, and Mr. NORBLAD were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

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

H.R. 5338. An act to enact the Uniform Commercial Code for the District of Columbia, and for other purposes.

HOUSE BILLS REFERRED

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

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

H.R. 5338. An act to enact the Uniform Commercial Code for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

LIMITATION ON STATEMENTS DURING MORNING HOUR

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

COMMITTEE MEETINGS DURING SESSION OF THE SENATE

On request of Mr. PASTORE and by unanimous consent, the Committee on Aeronautical and Space Sciences and

the Antitrust and Monopoly Subcommittee of the Committee on the Judiciary were authorized to meet during the session of the Senate today.

On request of Mr. MANSFIELD, and by unanimous consent, the Merchant Marine and Fisheries Subcommittee of the Commerce Committee was authorized to meet during the session of the Senate today.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, for the information of the Senate, I wish to state that I understand that the distinguished senior Senator from Oregon [Mr. MORSE] intends to make, at the conclusion of morning business, a point of order dealing with the constitutionality of the nominations of incorporators of the Communications Satellite Corp. It is the intention of the leadership at that time to suggest the absence of a quorum.

On behalf of the distinguished minority leader and myself, I wish to serve notice to the attachés of the Senate that it will be a live quorum. We hope all Senators will be on the floor at the conclusion of the quorum call, because at that time an announcement will be made in regard to the business which will be pending at that time.

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON TRANSFER OF RESEARCH AND DEVELOPMENT FUNDS, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

A letter from the Deputy Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, on the transfer of fiscal year 1962 research and development funds to the fiscal year 1962 construction of facilities appropriation for the revised construction of the liquid hydrogen facility at the Marshall Space Flight Center; to the Committee on Aeronautical and Space Sciences.

REPORT ON OFFICERS ASSIGNED TO PERMANENT DUTY IN THE EXECUTIVE ELEMENT OF THE AIR FORCE AT THE SEAT OF GOVERNMENT

A letter from the Secretary of the Air Force, reporting, pursuant to law, that as of March 31, 1963, 2,196 officers were assigned or detailed to permanent duty in the executive element of the Air Force at the seat of government; to the Committee on Armed Services.

REIMBURSEMENT OF THE TREASURY BY THE PANAMA CANAL COMPANY

A letter from the president, Panama Canal Company, Balboa Heights, C.Z., transmitting a draft of proposed legislation to provide for reimbursement of the Treasury by the Panama Canal Company for the annuity paid to the Republic of Panama (with an accompanying paper); to the Committee on Armed Services.

AUDIT REPORT ON WASHINGTON NATIONAL AIRPORT

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Washington National Airport, Federal Aviation Agency, fiscal years 1959–61 (with an accompanying report); to the Committee on Government Operations.

AMENDMENT OF AUTHORIZATION TO APPROPRIATE MONEY FOR MAINTENANCE AND OPERATION OF EXPERIMENTAL STATIONS OF DEPARTMENT OF THE INTERIOR

A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to amend the authorization to appropriate money for the maintenance and operation of three experimental stations of the Department of the Interior, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

AMENDMENT OF SECTION 1871, TITLE 28, UNITED STATES CODE, TO INCREASE CERTAIN ALLOWANCES OF GRAND AND PETIT JURORS

A letter from the Director, Administrative Office of the U.S. Courts, Washington, D.C., transmitting a draft of proposed legislation to amend section 1871 of title 28, U.S. Code, to increase the per diem and subsistence, and limit mileage allowances of grand and petit jurors (with an accompanying paper); to the Committee on the Judiciary.

REPORT OF NATIONAL INSTITUTE OF ARTS AND LETTERS

A letter from the Assistant Secretary, the National Institute of Arts and Letters, New York, N.Y., transmitting, pursuant to law, a report of that Institute, for the year 1962 (with an accompanying report); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

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

By the VICE PRESIDENT:

A joint resolution of the Legislature of the State of Colorado; to the Committee on the Judiciary:

"SENATE JOINT MEMORIAL 9

"Joint memorial memorializing the Congress of the United States to call a convention for the purpose of proposing an amendment to the Constitution of the United States, concerning taxation

"Whereas during the past 30 years the proportion of each dollar of taxes paid by residents of the State of Colorado has changed from a ratio of 77 percent for State and local government purposes and 23 percent for Federal Government purposes to a ratio of 73 percent for Federal Government purposes and 27 percent for State and local government purposes; and

"Whereas in many instances the tax structures of the Federal and State governments result in dual taxation upon the same class of transaction, especially in the field of transfer of property by gift or by devise; and

"Whereas the Federal tax structure is complicated by the allowance of numerous exemptions, exclusions, exceptions, and credits, which are available to some taxpayers but unavailable to others, whereby the burden of Federal taxation is not equitably borne by all taxpayers, even in cases where their gross income is precisely equal: Now, therefore, be it

"Resolved by the Senate of the 44th General Assembly of the State of Colorado (the House of Representatives concurring herein), That we the members of the General Assembly of the State of Colorado respectfully make application to the Congress of the United States of America, under article V of the Constitution of the United States, to call a constitutional convention for the purpose of proposing an amendment limiting the amount of tax that may be levied and collected by the United States of America on the net income of any person, except in time of grave national emergency so declared by the Congress, and to permit a fair and more scientific approach to the levying of taxes and the division thereof between the Federal and local governments, and to prohibit income tax avoidance now and in the future, and to prohibit the Federal Government from levying any tax, duty, or excise, upon the transfer of property upon or in contemplation of death or by way of gift; be it further

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

"ROBERT L. KNOUS,
"President of the Senate.
"MILDRED H. CRESSWELL,
"Secretary of the Senate.
"JOHN D. VANDERHOOF,
"Speaker of the House of Representatives.
"DONALD H. HENDERSON,
"Chief Clerk of the House of Representatives."

A resolution of the Senate of the State of Hawaii; to the Committee on Appropriations:

"SENATE RESOLUTION 3

"Resolution requesting the U.S. Congress to aid the State of Hawaii in the development of Waikiki Beach

"Whereas the Congress of the United States has passed legislative measures granting aid to the States for the improvement of the beach resources of the Nation; and

"Whereas the State of Hawaii, being an island State, has a large share of the beach resources of the Nation; and

"Whereas the U.S. Army Corps of Engineers has made studies and plans concerning the most efficient development of Waikiki Beach in the State of Hawaii, which beach is subject to continual erosion of sand especially during the winter months; and

"Whereas the State of Hawaii, recognizing the importance of the project, desires to proceed without delay with the improvement of Waikiki Beach: Now, therefore, be it

"Resolved by the Senate of the Second Legislature of the State of Hawaii, regular session of 1963, That the Congress of the United States be and is hereby respectfully requested to appropriate $2 million, or so much as may be necessary, for the U.S. Army Corps of Engineers to aid the State in improving Waikiki Beach in accordance with the plans developed by the U.S. Army Corps of Engineers; and be it further

"Resolved, That the Congress of the United States be and is requested to authorize the State of Hawaii to proceed, prior to project authorization, with the improvement of Waikiki Beach in accordance with the plans approved by the Corps of Engineers and that the amount expended by the State shall be credited to its ultimate contribution toward the project; and be it further

"Resolved, That duly certified copies of this resolution be forwarded to the President of the Senate and the Speaker of the House of Representatives of the U.S. Congress, the Hawaii delegation in the U.S. Congress, and the Chief of Engineers, U.S. Army."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HILL, from the Committee on Labor and Public Welfare; without amendment:

H.R. 4549. An act to amend section 4103 of title 38, United States Code, with respect to the appointment of the Chief Medical Director of the Department of Medicine and Surgery of the Veterans' Administration (Rept. No. 156).

By Mr. BYRD of Virginia, from the Committee on Finance, without amendment:

H.R. 199. An act to amend title 38 of the United States Code to provide additional

compensation for veterans having the service-connected disability of deafness of both ears (Rept. No. 157);

H.R. 211. An act to amend title 38, United States Code, to provide increases in rates of dependency and indemnity compensation payable to children and parents of deceased veterans (Rept. No. 158); and

H.R. 214. An act to amend title 38 of the United States Code to provide additional compensation for veterans suffering the loss or loss of use of both vocal cords, with resulting complete aphonia (Rept. No. 159).

By Mr. BYRD of Virginia, from the Committee on Finance, with amendments:

H.R. 2053. An act to provide for the temporary suspension of the duty on corkboard insulation and on cork stoppers; (Rept. No. 160).

By Mr. HAYDEN, from the Committee on Appropriations, without amendment:

S. Res. 128. Resolution to provide additional funds for the Committee on Appropriations; referred to the Committee on Rules and Administration.

REPORT ENTITLED "OPERATIONS OF SMALL BUSINESS INVESTMENT COMPANIES"—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. NO. 161)

Mr. SPARKMAN. Mr. President, from the Select Committee on Small Business, I submit a report entitled "Operations of Small Business Investment Companies." I ask that the report be printed, together with the individual views of the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Kentucky [Mr. COOPER], and the Senator from Pennsylvania [Mr. SCOTT].

The VICE PRESIDENT. Without objection, the report will be received and printed, as requested by the Senator from Alabama.

BILLS INTRODUCED

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

By Mr. YOUNG of North Dakota:

S. 1361. A bill relating to eligibility requirements for enrolling in the Reserve Officers' Training Corps and the Air Force Reserve Officers' Training Corps; to the Committee on Armed Services.

By Mr. YOUNG of North Dakota (for himself, Mr. MUNDT, Mr. MCGOVERN, and Mr. BURDICK):

S. 1362. A bill to provide that certain lands shall be held in trust for the Standing Rock Sioux Tribe in North Dakota and South Dakota; to the Committee on Interior and Insular Affairs.

By Mr. METCALF:

S. 1363. A bill to increase the participation by counties in revenues from the National Wildlife Refuge System by amending the act of June 15, 1935, relating to such participation, and for other purposes; to the Committee on Commerce.

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 1364. A bill to remove for and on behalf of the State of Montana a cloud on the title of a certain island in the Yellowstone River; to the Committee on Interior and Insular Affairs.

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

By Mr. KEATING (for himself and Mr. JAVITS):

S. 1365. A bill to establish the Fire Island National Seashore, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. JOHNSTON:

S. 1366. A bill for the relief of Panagiotis Leontaritis;

S. 1367. A bill to provide for improved administrative practices and procedures in the U.S. courts, and for other purposes; and

S. 1368. A bill to provide for the appointment of an additional judge for any of the U.S. courts of appeals, district courts, Court of Claims, Court of Customs and Patent Appeals, or Customs Court upon the attainment of age 70 by any judge hereafter appointed to such court; to the Committee on the Judiciary.

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

By Mr. JOHNSTON (by request):

S. 1369. A bill to amend the Federal Employees Health Benefits Act of 1959 so as to authorize certain teachers employed by the Board of Education of the District of Columbia to participate in a health benefits plan established pursuant to such act and to amend the Federal Employees Group Life Insurance Act of 1954 so as to extend insurance coverage to such teachers; to the Committee on Post Office and Civil Service.

By Mr. JOHNSTON (for himself and Mr. BREWSTER) (by request):

S. 1370. A bill to amend title 39 of the United States Code to increase the area within which the Postmaster General may establish stations, substations, or branches of post offices, from 10 to 20 miles; and

S. 1371. A bill to amend the automatic separation provisions of the Civil Service Retirement Act; to the Committee on Post Office and Civil Service.

By Mr. DIRKSEN:

S. 1372. A bill to correct a technical omission in the enactment of the Internal Revenue Code of 1954; to the Committee on Finance.

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

By Mr. JACKSON:

S. 1373. A bill to promote the orderly transfer of the Executive power in connection with the expiration of the term of office of a President and the inauguration of a new President; to the Committee on Government Operations.

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

By Mr. BARTLETT (for himself and Mr. GRUENING):

S. 1374. A bill to amend the act providing for the admission of the State of Alaska into the Union with respect to the selection of public lands for the development and expansion of communities; to the Committee on Interior and Insular Affairs.

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

By Mr. CASE:

S. 1375. A bill for the relief of Manuel Brandao Guimaraes; to the Committee on the Judiciary.

RESOLUTION

REPORTS ON CERTAIN TRAVEL EXPENSES BY SENATE COMMITTEE MEMBERS AND EMPLOYEES

Mr. DIRKSEN submitted the following resolution (S. Res. 129); which was referred to the Committee on Rules and Administration:

Resolved, That (a) the chairman of each standing or select committee of the Senate or joint committee the expenses of which are disbursed by the Secretary of the Senate, any of the members or employees of which travel on official business of such committee outside the fifty States (including the District of Columbia), shall file with the Secretary of the Senate an itemized report showing all amounts expended from appropriated funds or other moneys (including foreign currencies) of the United States for lodging, meals, transportation, entertainment, tips, and other purposes in connection with such travel.

(b) Each member or employee of a standing or select committee of the Senate, or of a joint committee the expenses of which are disbursed by the Secretary of the Senate, who travels on official business of such committee outside the fifty States (including the District of Columbia) shall file with the Secretary of the Senate an itemized report showing all amounts expended by him or in his behalf from appropriated funds or other moneys (including foreign currencies) of the United States for lodging, meals, transportation, entertainment, tips, and other purposes.

(c) A report required by this resolution shall be filed within thirty days following the completion of the travel covered by the report, and shall be in addition to any reports required by section 502(b) of the Mutual Security Act of 1954, as amended. Any failure by a committee or member or employee thereof to file a report required by this resolution, which comes to the attention of the Secretary of the Senate shall be reported by him to the Committee on Rules and Administration for such action as it deems appropriate.

(d) Reports filed under this resolution shall be made available by the Secretary of the Senate for inspection at reasonable times by any interested person.

REMOVAL OF CLOUD IN TITLE TO A CERTAIN ISLAND IN YELLOWSTONE RIVER

Mr. METCALF. Mr. President, on behalf of my colleague, the senior Senator from Montana [Mr. MANSFIELD], and myself, I introduce, for appropriate reference, a bill to remove, for and on behalf of the State of Montana, a cloud on the title of a certain island in the Yellowstone River.

I ask unanimous consent that the text of the bill and letters from Montana's attorney general, Forrest H. Anderson, and from Solicitor Frank J. Barry, of the Department of the Interior, be printed at this point in the RECORD.

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

The bill (S. 1364) to remove for and on behalf of the State of Montana a cloud on the title of a certain island in the Yellowstone River, introduced by Mr. METCALF (for himself and Mr. MANSFIELD), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to remove a cloud on the title of a certain island situated in the Yellowstone River, in section 17, township 14 north, range 55 east, Montana Principal Meridian, containing 36.30 acres more or less, the Secretary of the Interior is authorized and directed to quitclaim to the State of Montana, without

consideration, any right, title, and interest of the United States in and to such island.

The letters presented by Mr. METCALF are as follows:

STATE OF MONTANA,
OFFICE OF THE ATTORNEY GENERAL,
Helena, Mont., January 11, 1963.

Hon. LEE METCALF,
Senate Office Building,
Washington, D.C.

DEAR LEE: I am writing to ask your assistance in clearing Montana's title to a certain island located in the Yellowstone River in section 17, township 14 north, range 55 east, Montana principal meridian and containing about 205.02 acres.

The State of Montana has exercised dominion over this island since June 3, 1952, when it granted an oil and gas lease covering the island to Edward M. Catron of Casper, Wyo.

Montana claims title to this island on the basis that it was formed after the date of our admission into the Union.

In 1953, the Department of the Interior claimed Federal ownership of this island. The Northern Pacific Railway Co. protested this claim, contending that the island was given to the Northern Pacific under the land grant to that railroad. The Department held administrative hearings to determine ownership of this island and decided in favor of the Federal Government's claim to the island. Because of a lack of funds available at that time, Montana was unable to participate in the administrative appeal to the Secretary of the Interior. Only the Northern Pacific took that appeal and their position in the proceeding was necessarily that the island in question was formed before 1889, the year of Montana's admission to the Union.

Consequently, the basis of Montana's claim to this island, viz, that it was formed after November 8, 1889, was never considered by the Secretary. Since 1957, we have made repeated attempts to have this matter reopened by the Interior Department but to no avail. The Federal Government's immunity from suit leaves us with no forum in which to fully try Montana's right to this island.

In view of these facts, I am asking you and the other members of our congressional delegation to introduce legislation to recognize Montana as the rightful owner of this island. I will be happy to fully explain the factual and legal basis of this claim to you at any time.

Because of its presence in a proven oil field, this island is extremely valuable to the people of Montana. I believe our claim is just and factually correct. Your assistance in securing title to this island for Montana will be a tremendous service to Montana.

Thanking you for your consideration of this matter, I remain

Very truly yours,
FORREST H. ANDERSON,
Attorney General.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SOLICITOR,
Washington, D.C., April 10, 1963.

Hon. LEE METCALF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR METCALF: This is in further reference to your inquiry of January 15, 1963, regarding ownership of an island in the Yellowstone River in section 17, township 14 north, range 55 east, Montana principal meridian.

Mr. Forrest H. Anderson, the attorney general of the State of Montana, wrote you on January 11, 1963, concerning title to this island and requested you to introduce legislation which would recognize Montana as its rightful owner. After careful review of our records we are of the opinion that, in the circumstances here present, it would be necessary for the Congress, in order to establish the ownership in the State, to make a grant of the island by specific legislation.

This Department has already decided that the island in question is a part of the public domain (*Northern Pacific Railway Company, Ralph L. Bassett,* 62 I.D. 401 (1955)). It is presently subject to Petroleum Reserve No. 43. The State of Montana was a protestant in the case, at least so far as its appeal to the Director, Bureau of Land Management; but the State did not pursue an appeal to the Secretary.

As the above cited decision notes in footnote 1 at page 402: "The State of Montana has also filed a protest against the lease after it had been issued, which was dismissed by the manager. The State appealed this action to the Director, who affirmed it. The State has not appealed to the Secretary and thus must be deemed to have acquiesced in the Director's decision."

Moreover, on April 8, 1958, Deputy Solicitor Frity wrote to Mr. Anderson: "I have considered carefully the documents entitled 'Notice of Appeal' and 'Appellant's Brief' filed by you in connection with oil and gas lease Montana 011522, the validity of which was upheld by the Department in *Northern Pacific Railway Company, Ralph L. Bassett,* 62 I.D. 401 (1955).

"As an appeal from the Acting Director's decision of September 28, 1954, which affirmed the dismissal of the State's protest against the lease, it has been filed far too late to be considered.

"However, the documents, in effect, also seek to have the Department reconsider its decision of October 20, 1955 (supra). In this light I have reviewed the points raised in the brief and have concluded that they do not warrant any change in the Department's decision.

"Therefore, the decision of October 20, 1955, will remain the Department's final determination in this matter."

The basis for the Department's decision was that the evidence supported the conclusion that the island was in existence at the time Montana was admitted to the Union; that it was, therefore, public land; and that it did not pass to the railway as grant lands under its 1896 patent to section 17 because it was unsurveyed at that time. Further, it was concluded that the railway's inchoate claim to the island was released in 1941 under the terms of the Transportation Act of 1940 (54 Stat. 954, as amended).

Under the circumstances, we can reach no different conclusion.

Sincerely yours,
FRANK J. BARRY,
Solicitor.

FIRE ISLAND NATIONAL SEASHORE BILL

Mr. KEATING. Mr. President, on behalf of my distinguished colleague from New York [Mr. JAVITS] and myself, I introduce, for appropriate reference, a bill to establish a national seashore at Fire Island, N.Y.

Only 50 miles from New York City, and within hours of approximately 20 percent of the population of this country, there is a long sand reef protecting the shores of Long Island. This beach—Fire Island—has been enjoyed by generations of Americans who appreciate the isolated quiet of its dunes and the peace of its natural beauty.

In other parts of the country—in Massachusetts, California, and Texas—the Federal Government has acted in the interest of all Americans to preserve seashores in their natural state. There are, at the present time, three such national seashores, and we believe Fire Island should be designated as the fourth. In the opinion of the National Park Service, the Fire Island area is "of extreme importance because of its natural features and its close proximity to large centers of population. It is one of a constantly narrowing group of exceptionally important, relatively undeveloped seashore areas on the Atlantic coast that rates high priority for acquisition and conservation by a public agency. It should be preserved as a substantially natural area because of its special qualities and character."

The Department of the Interior has expressed its concern that Fire Island not become a part of "our vanishing shoreline," and recommended that its beaches be set aside for public use and enjoyment. The creation of a national seashore has also been urged by the residents of the island themselves, by the Suffolk County Board of Supervisors and by the two local governments directly concerned—Brookhaven and Islip. Conservationists, sportsmen, and scores of citizens concerned over the disappearance of unspoiled recreation areas on the east coast have written to me concerning the need for this legislation.

In the 87th Congress, our distinguished colleague in the other body, Representative JOHN LINDSAY, of New York, took the initiative in proposing this legislation. Although there has been unanimous agreement on the need for creating a national seashore in this area, it cannot be denied that there are divergent views concerning the exact boundaries which the preserve should encompass. We have chosen to incorporate in our bill, the areas specified by Representative LINDSAY—that is, the land between the Fire Island Lighthouse and Moriches Inlet—in the interest of getting an early start on this legislation. It is expected, however, that interested parties, particularly the Department of the Interior, will submit suggestions for the exact demarcation of this area which we, the sponsors, will gratefully receive and carefully consider.

America has been criticized for spoiling its God-given scenic beauty with commercial enterprise, soiling its landscape with billboards and neon signs. For the people of New York—in fact for all the residents of the great megalopolis which stretches from Boston to Richmond—Fire Island offers respite from the demands of the city and repose near the calming sea, which might be very welcome to some Members of this body in their more tense moments. Before this, too, is spoiled, let us act to preserve this haven for our fellow citizens, and for the generations yet unborn.

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

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

The bill (S. 1365) to establish the Fire Island National Seashore, and for other purposes, introduced by Mr. Keating (for himself and Mr. JAVITS), was received,

read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of preserving certain unspoiled shoreline areas for the enjoyment and inspiration of the people of the United States, the Secretary of Interior (hereinafter referred to as the "Secretary") is authorized, in accordance with this Act, to establish the Fire Island National Seashore on the Great South Beach in the towns of Islip and Brookhaven, Suffolk County, New York, in the area between the westerly boundary of the Federal Reservation at Fire Island Lighthouse and Moriches Inlet.

SEC. 2. The Fire Island National Seashore shall consist of not more than seven thousand five hundred acres of land designated by the Secretary in the area described in the first section, including the shore front and such adjoining waters and submerged lands as the Secretary shall deem necessary to carry out the purposes of this Act.

SEC. 3. (a) The Secretary is authorized to acquire real property and any interest therein in the area described in the first section by gift, purchase, condemnation, or otherwise, in order to carry out the purposes of this Act.

(b) Any property of the United States not within the jurisdiction of the Secretary shall be transferred to the Secretary for the purposes of this Act by the head of the department, agency, or instrumentality of the United States having jurisdiction of such property upon request of the Secretary.

SEC. 4. (a) Whenever the Secretary has acquired five hundred acres of the real property referred to in this Act, he shall declare the establishment of the Fire Island National Seashore by publishing in the Federal Register notice of such establishment. Establishment of such national seashore by such publication shall not be deemed to prevent the Secretary from acquiring other property for inclusion within such national seashore, subject, however, to the acreage limitation provided in section 2 of this Act.

(b) Access to such national seashore shall be provided at such points as the Secretary may direct.

SEC. 5. In order that the seashore shall be permanently preserved in its present state, no development or plan for the convenience of visitors shall be undertaken therein which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing: *Provided,* That the Secretary may provide for the public enjoyment and understanding of the unique natural, historic, and scientific features of Fire Island within the seashore by establishing such trails, observation points, and exhibits and providing such services as he may deem desirable for such public enjoyment and understanding: *Provided further,* That the Secretary may develop for appropriate public uses, such portions of the seashore as he deems especially adaptable for camping, swimming, boating, sailing, fishing, and other activities of a similar nature.

SEC. 6. The Secretary shall administer, develop, and protect the Fire Island National Seashore in accordance with and subject to the Act entitled "An Act to establish a National Park System, and for other purposes", approved August 25, 1916, as amended and supplemented (16 U.S.C., section 1 and others).

SEC. 7. The sum of $50,000, or so much thereof as may be necessary, is authorized to be appropriated for such surveys and studies as the Secretary may deem necessary to determine the area suitable for inclusion in the Fire Island National Seashore.

SEC. 8. There are authorized to be appropriated such sums as may be necessary for the acquisition of real property to carry out the purposes of this Act, and such further sums as may be necessary for improvement and administration.

Mr. JAVITS. Mr. President, with respect to the bill to create a national seashore at Fire Island, I am honored to join with my colleague from New York. I have actually lived on Fire Island, in successive summers, for 4 years, and know it well personally.

When the matter first arose as an issue as to what should be done with it, whether a road should be built on it, as contemplated by plans by Mr. Moses, then chairman of the New York State Park Commission, or whether it should be left in its present condition, where there are some 18 cottage communities, I gave the matter considerable thought and consulted with many who lived there, and gave the place my personal inspection again, though I knew it well.

In the course of the whole inquiry I came to the conclusion that the establishment there of a national seashore was the most logical one. I therefore joined with my colleague from New York [Mr. KEATING] in the sponsorship of this bill with great personal conviction.

Fire Island is a 31-mile sandbar off the south shore of Long Island—an area of mostly unspoiled natural beauty just 50 miles from New York City. It is only about 2,000 feet wide at its widest point and in many places is less than 500 feet wide. Yet it is one of the most magnificent and most famous strips of oceanfront in the world.

Fire Island is one of the last unspoiled stretches of natural beach left on the east coast, and unspoiled beach is becoming one of the greatest rarities in the United States. The growth of income and population has speeded up commercial development and increased real estate values to the point where time is running out on opportunities to preserve such areas for the enjoyment of all the people of the United States.

If action is not taken soon, this priceless piece of real estate will disappear forever under the encroaching forces of development.

That is the reason I have joined with Senator KEATING today in sponsoring this legislation to establish a Fire Island National Seashore.

The total acreage involved in our bill is 7,500 acres of shorefront, vegetation, submerged and wetlands which are not developed, extending from the Federal reservation at Fire Island Lighthouse to Moriches Inlet. In my view, this is the soundest approach, for it would preserve as much of Fire Island as possible. But I recognize that there are varying views as to the area on Fire Island which should be included in a national seashore park. I am confident, however, that a consensus will be arrived at, on the basis of the recommendations of the Interior Department, as well as the testimony of the various experts in the field before the appropriate congressional committees.

The 7,500 acres involved is not a large area when you consider the 36,000 acres in the newly formed Cape Cod National Seashore. But because Fire Island is so narrow and long, there is as much ocean shoreline on Fire Island as there is on Cape Cod and even more, if the Great South Bay is included. This area—the Great South Bay, between Fire Island and the south shore of Long Island—is not only a mecca for boating, fishing, and sheltered swimming, but is a major migratory bird center and contains several areas, including the unique Sunken Forest, with some of the most ancient holly on the continent.

Most proposals for national seashores have stirred major controversies in the past. Happily, except for details, this is not true in the case of Fire Island.

Under this and several preceding administrations, the National Park Service has consistently singled out Fire Island as part of "our vanishing shoreline" worthy of preservation. In 1955, during the Eisenhower administration, the National Park Service conducted a survey of 3,700 miles of gulf and Atlantic shoreline and recommended taking Fire Island into the national park system.

Secretary of the Interior Stewart L. Udall has indicated his strong support for creation of the Fire Island National Seashore and has said he would prefer that the island be kept as much as possible in its natural state while protecting the area for maximum public use.

The residents, themselves, of the 18 summer cottage communities on the island are also in favor of the national seashore as well as the Suffolk County Board of Supervisors and the administrations of the two townships most directly affected, Islip and Brookhaven.

The local chambers of commerce, leagues of women voters, sportsmen and conservationist groups, and the leading newspapers in New York are also behind this movement.

With such support, we should be able to move rapidly toward establishment of the Fire Island National Seashore.

The Federal Government has already made a major investment in this property. The U.S. Army Corps of Engineers is now embarked upon an 83-mile Federal-State beach erosion control and hurricane protection project which will involve, according to present plans, substantial work on Fire Island. By 1965, more than $11 million of Federal, State, and local funds will be spent on Fire Island in order to protect hundreds of millions of dollars worth of property on the mainland for which the island serves as a barrier beach against the onslaughts of the Atlantic Ocean. This is another reason why the entire dune and oceanfront should be preserved for the public instead of having these public funds benefit commercial developers.

Secretary Udall has said that "we need diversity of recreational opportunity. And in particular, we need to provide for the preservation of natural open spaces free of automobile traffic, parking lots and hot dog stands." Fire Island is one of the last remaining opportunities to provide diversified recreational facilities easily accessible to almost 20 percent of the population of the United States. It is within a few hours' traveling distance of the entire metropolitan complex extending from Boston to Washington.

The cost per acre of Fire Island is probably higher than the costs of other national parks, but the actual cost in terms of potential use is considerably lower. Preservation now of this natural treasure for all the people is one of the greatest economic bargains available to us. In a few years, at the present rate of development, we no longer will have the chance. The farsighted planners who acquired Central Park and Jones Beach for the public are vindicated today. Robert Moses has estimated that Jones Beach land today would be worth $10,000 an acre and will probably be three to five times that amount in another generation.

As one who has had the pleasure of spending several summers on Fire Island with my family, I can personally testify that this represents a rare opportunity for our Nation to preserve a stretch of oceanfront which our grandchildren and succeeding generations will be able to see and enjoy as God created it.

With time so short, I fervently hope this administration, the Interior Department and Congress will act promptly to preserve a natural asset which is slipping away and can never return once lost.

APPOINTMENT OF AN ADDITIONAL JUDGE FOR CERTAIN COURTS UNDER CERTAIN CIRCUMSTANCES

Mr. JOHNSTON. Mr. President, I introduce, for appropriate reference, a bill to provide for the appointment of an additional judge for certain courts under certain circumstances.

This is a matter which has concerned the members of the Judiciary Committee of the Senate for some time. In my opinion it requires careful consideration, primarily by the Judicial Conference of the United States.

The purpose of this bill is to provide for the appointment of an additional judge for any of the U.S. courts of appeals, district courts, Court of Claims, Court of Custom and Patent Appeals, or Customs Court upon the attainment of age 70 by any judge hereafter appointed to such court.

I ask unanimous consent to have printed in the RECORD a table showing the retirement periods of 293 district judges on active duty in the U.S. district courts according to age and length of service, as of December 31, 1962.

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

The bill (S. 1368) to provide for the appointment of an additional judge for any of the U.S. courts of appeals, district courts, Court of Claims, Court of Customs and Patent Appeals, or Customs Court upon the attainment of age 70 by any judge hereafter appointed to such court, introduced by Mr. JOHNSTON, was received, read twice by its title, and referred to the Committee on the Judiciary.

The table presented by Mr. JOHNSTON is as follows:

Retirement periods of 293 district judges on active duty in the U.S. district courts according to age and length of service as of Dec. 31, 1962

	Number of judgeships	Vacancies	Active judges	Age					Length of service in years						Eligible to retire—				
				Under 55	55 to 59	60 to 64	65 to 69	70 and over	0 to 4	5 to 9	10 to 14	15 to 19	20 to 24	25 and over	As of Jan. 1, 1963	In 1963	1964 through 1967	1968 through 1972	After 1972
Total 89 districts	304	11	293	93	74	58	30	38	137	65	39	23	12	17	44	3	30	90	126
1st circuit, 5 districts	11	2	9	2	1	2	3	1	2	2	1	1	2	1	3	-------	1	3	2
2d circuit, 6 districts	41	1	40	12	11	8	6	3	17	10	8	2	1	2	5	1	5	14	15
3d circuit, 5 districts	33	2	31	8	14	6	1	2	15	10	3	2	1	-------	2	-------	2	11	16
4th circuit, 10 districts	22	2	20	9	2	6	1	2	13	4	1	-------	-------	2	2	1	-------	7	10
5th circuit, 17 districts	44	1	43	20	7	5	3	8	21	8	5	6	1	2	8	-------	3	11	21
6th circuit, 9 districts	31	-------	31	12	3	8	2	6	15	5	3	2	1	5	7	-------	5	5	14
7th circuit, 7 districts	23	-------	23	6	7	3	4	3	10	6	4	-------	2	1	3	-------	3	8	9
8th circuit, 10 districts	24	1	23	11	5	1	2	4	12	6	-------	3	1	1	4	-------	1	6	12
9th circuit, 11 districts	43	1	42	9	13	13	4	3	21	7	8	3	1	2	4	-------	4	17	17
10th circuit, 8 districts	17	-------	17	4	5	5	-------	3	8	5	2	1	-------	1	2	-------	3	5	7
District of Columbia	15	1	14	-------	6	1	4	3	3	2	4	3	2	-------	4	1	3	3	3

NOTE.—Territorial courts for Guam, Virgin Islands, and Canal Zone are not included.

DEDUCTIONS ALLOWED IN COMPUTING TAXABLE INCOME OF CERTAIN INSURANCE COMPANIES

Mr. DIRKSEN. Mr. President, I introduce, for appropriate reference, a bill to correct an apparent omission in the Internal Revenue Code with respect to deductions which affect qualified pension, profit-sharing, and annuity plans of insurance companies.

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

The bill (S. 1372) to correct a technical omission in the enactment of the Internal Revenue Code of 1954, introduced by Mr. DIRKSEN, was received, read twice by its title, and referred to the Committee on Finance.

THE PRESIDENTIAL TRANSITION ACT OF 1963

Mr. JACKSON. Mr. President, I introduce for appropriate reference, a bill entitled "The Presidential Transition Act of 1963." The purpose of the bill is to promote the orderly transfer of the Executive power in connection with the expiration of the term of office of a President and the inauguration of a new President.

This bill will carry out a recommendation made to the Congress by President Kennedy on May 29, 1962, as one of a group of proposals dealing with the financing of presidential election campaigns. Those bills were initially introduced as a group by Senator HOWARD CANNON by request last session. At this session, the relevant bills are being introduced individually, by a number of different Senators. Those bills, including the one I am introducing today, are based on a report, "Financing Presidential Campaigns" prepared by the President's Commission on Campaign Costs. The bipartisan Commission was asked by the President to make "recommendations with respect to improved ways of financing expenditures required of nominees for the office of President and Vice President." It consisted of nine members with varied and extensive experience in political finance, including Alexander Heard—chairman, V. O. Key, Dan A. Kimball, Malcolm Moos, Paul A. Porter, Neil Staebler, Walter N. Thayer, John M. Vorys, and James C. Worthy.

Traditionally the political parties have had to pay the costs of a President-elect and Vice President-elect during the transition period. I know, because I was chairman of the Democratic National Committee during the transition of 1960–61. The cost to the national committee on behalf of President-elect Kennedy and Vice President-elect Johnson from election day 1960 until Inauguration Day 1961 was at least $360,000. In 1952–53, the cost to a special Republican committee of the transition period exceeded $200,000. In both cases these funds were used largely to pay for office space, comunication, staff salaries, and transportation but in neither case did these funds take care of some expenses that rightfully should not have to be covered from private funds: the cost of an individual who is called to Washington to discuss potential appointments or policies with the President-elect; the costs of Cabinet and other appointees who need to live in Washington for a number of weeks while assembling their staffs and preparing to take office following the inauguration; the costs of preparing position and policy papers for the President-elect.

In the 1960–61 period, I know of the personal sacrifice involved for many individuals of limited means who were called to Washington by President-elect Kennedy, who paid their own transportation and other expenses, who maintained two residences while seeking per-

manent housing in Washington and who worked without pay until taking office. I know of special studies requested by the President-elect where the participants not only drew no pay but paid out of their own pockets the clerical and administrative costs involved.

This situation clearly demands remedy. The American public has an enormous stake in the orderly transfer of Executive power and there are important reasons, aside from cost, to institutionalize the changeover from one administration to another. With the many pressing international and domestic problems facing the country it is imperative that there be continuity in the execution of the laws and the conduct of the Government. In order to avoid any disruption, it is manifestly in the public interest to provide Federal funds to facilitate the orderly conveyance of political power and help an incoming President in his preparations to assume that power on January 20. The work of a President-elect begins as soon as the ballots are counted and he must have the means to prepare himself for the possibility of the gravest crisis once he assumes office. The size and complexity of the Federal Government make it essential that the transfer of power be effected smoothly and efficiently in ways that do not interfere with the conduct of essential governmental functions.

It is a tribute to both Presidents Truman and Eisenhower that they gave cooperation to their successors, but it is now fitting and proper that we establish a formal process supported by law.

This is a matter of the national interest and it is not a partisan matter. Too much is at stake to risk continued reliance upon party or private funds for this purpose. Too much is involved to permit continuance of a system requiring that party solicitors seek out private contributions to support the necessary activities of a President-elect of the United States.

The bill I am introducing would accomplish the following:

Section 1 of the bill gives the title: "The Presidential Transition Act of 1963."

Section 2 declares its purpose to promote the orderly transfer of Executive power during the several months of transition from one administration to the other.

Section 3 authorizes certain services to be provided by the General Services Administration to Presidents-elect and Vice Presidents-elect, such as office space, compensation for staff personnel and experts, travel expenses, communications, postage, and so forth. The Administrator of General Services is to ascertain the apparent successful candidates following the general elections.

Section 4 authorizes necessary services, office space, and so forth, to outgoing Presidents and Vice Presidents for a period of 6 months in order to wind up their affairs.

Section 5 authorizes the Congress to appropriate such funds as may be necessary to carry out the purposes of the act.

Mr. President, I want to conclude by noting that the recommendations of the Commission on Campaign Costs, upon which this bill is based, received the endorsement of President Kennedy and former Presidents Truman and Eisenhower and of former Presidential candidates Thomas E. Dewey, Adlai E. Stevenson and Richard M. Nixon. In addition, the chairmen of the two major political parties, John M. Bailey and Congressman WILLIAM E. MILLER, have endorsed the proposals.

Mr. President, in these times of challenge I think it is our responsibility to ease and facilitate the taking of office by a new President by providing the means, as this bill does, to insure that there be no disruption or interference in the orderly conduct of the Federal Government.

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

The bill (S. 1373) to promote the orderly transfer of the Executive power in connection with the expiration of the term of office of a President and the inauguration of a new President, introduced by Mr. JACKSON, was received, read twice by its title, and referred to the Committee on Government Operations.

AMENDMENT OF ALASKA STATEHOOD ACT

Mr. BARTLETT. Mr. President, on behalf of myself and my colleague, the junior Senator from Alaska [Mr. GRUENING], I introduce, for appropriate reference, a bill to amend the act providing for the admission of Alaska into the Union.

Under the act, State officials are authorized to select some 103 million acres of land from national forest lands and other public lands of the United States in Alaska. Subsection 6(a) grants 400,000 acres of national forest lands and 400,000 acres of other public lands, "for the purposes of furthering the development and expansion of communities." Subsection 6(b) provides for general selections of 102,550,000 acres from public lands in Alaska.

According to subsection 6(g), the selections must be made in accordance with the laws of the State and the procedures for selection regulated by the Secretary of the Interior. In addition, subsection 6(g) requires:

> All selections shall be made in reasonably compact tracts, taking into account the situation and potential uses of the lands involved, and each tract selected shall contain at least five thousand seven hundred and sixty acres unless isolated from other tracts open to selection.

The State contends that the Congress did not anticipate the application of this minimum acreage requirement to community grants. It has been pointed out to me that if applied to the 800,000 acres granted for community expansion, the creation of new communities, and recreational areas, not nearly enough selections can be made to satisfy existing needs. Moreover, such large selections are impractical and wasteful. To select 9 square miles of land for the expansion of a small community or creation of campsite area does not seem reasonable. As a result the State has hesitated to make further selections under their community development program and at present this program is at a standstill.

The Interior Department held in a decision handed down October 30, 1962, rejecting a State selection of less than the 5,760-acre minimum under the community purposes grant:

> While it is possible to question the desirability of applying the minimum acreage rule to community purposes selections, the language of the statute and the committee report leave no doubt that this must be done.

In that same decision it was stated:

> The difficulties envisioned by the State are real and serious in their import.

Mr. President, though the Department of the Interior recognizes the problems faced by the State, relief apparently is not possible under the present language contained in subsection 6(g) of the Statehood Act. The bill my colleague and I present to the Senate today, we feel, would make the necessary changes and allow Alaska to get on with her community development program which is such an important part of the growth and progress of Alaska.

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

The bill (S. 1374) to amend the act providing for the admission of the State of Alaska into the Union with respect to the selection of public lands for the development and expansion of communities, introduced by Mr. BARTLETT (for himself and Mr. GRUENING), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

SUPPLEMENTAL APPROPRIATION BILL—AMENDMENTS

Mr. PROXMIRE submitted amendments, intended to be proposed by him, to the bill (H.R. 5517) making supplemental appropriations for the fiscal year ending June 30, 1963, and for other purposes, which were ordered to lie on the table and to be printed.

ADDITIONAL COSPONSORS OF BILLS

Under authority of the orders of the Senate of April 11, 1963, the following names have been added as additional cosponsors for the following bills:

S. 1316. A bill to provide for the establishment of a National Council on the Arts and a National Arts Foundation to assist in the growth and development of the arts in the United States: Mr. COOPER, Mr. METCALF, Mr. RANDOLPH, and Mr. SCOTT.

S. 1318. A bill to amend the Antidumping Act, 1921: Mr. ALLOTT, Mr. BARTLETT, Mr. BAYH, Mr. BENNETT, Mr. BIBLE, Mr. BYRD of West Virginia, Mr. CARLSON, Mr. CLARK, Mr. CURTIS, Mr. ENGLE, Mr. GRUENING, Mr. HARTKE, Mr. HRUSKA, Mr. KEATING, Mr. KUCHEL, Mr. LAUSCHE, Mr. MOSS, Mr. RIBICOFF, Mr. SYMINGTON, Mr. THURMOND, and Mr. YARBOROUGH.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc.,

were ordered to be printed in the RECORD, as follows:

By Mr. DODD:

Address delivered by him on April 17, 1963, at opening of New College Theater on campus of University of Connecticut, Storrs, Conn.

COMMITTEE STAFF MEMBERS FOR REPUBLICAN SENATORS

Mr. PROUTY. Mr. President, I desire to state that earlier this year I submitted Senate Resolution 81, which would guarantee Republican Senators more staff members on Senate committees and subcommittees.

Presently, the minority labors under a serious handicap in the Senate because of a staffing situation. Republican Senators at the present time constitute approximately one-third of the Senate; yet they have at their command only a small percentage of the total number of committee and subcommittee staff members.

In preparing for hearings, in studying bills, and in developing new concepts and new policies, Republican Senators thus labor under a great disadvantage.

This whole problem was brought sharply to focus by the distinguished junior Senator from Pennsylvania [Mr. SCOTT] in an article published in Advance magazine. 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:

THE DEMOCRATS' LOADED DICE

(How the majority mistreats the minority. Why the minority needs more staff workers. The threat to two-party government.)

(By Senator HUGH SCOTT)

A most important problem faces the Congress if it is to meet its obligation to provide adequate research and staff assistance on a fair and equitable basis to Members of both parties. As one who has served as a Member of both the House of Representatives and the Senate, I know that this situation has too long suffered from neglect and indifference.

According to the Legislative Reorganization Act of 1946, committee staffs were to be nonpartisan, selected and prompted solely on the basis of merit. The report accompanying the act, recommended that committee staff personnel "should be appointed without regard to political affiliation * * * and should not be dismissed for political reasons." The intention was to establish a type of legislative civil service headed by a director of congressional personnel. Later the act was amended to empower each committee of the Senate and House to choose its staff by majority vote. The ideal of the professional nonpartisan staff remained as the basis for the selection of both committee staffs and the Legislative Reference Service and Legislative Counsel.

Certainly, there has been a failure to live up to the spirit of the Legislative Reorganization Act, but was the nonpartisan staff concept adequate in the first place? Our system of committee government within the Congress is based on a differentation of majority and minority roles. We cannot expect committee staffs to function in an isolated nonpartisan world. Rather, it is my firm belief that we must broaden our concept of congressional staffing to recognize the two-party basis of the committee system, and the necessity for equitable control of staff resources between majority and minority. I am in no way suggesting that we move away from a professional competent staff, but, that we insure a fair distribution of such staff resources as exists and work to increase the number of qualified staffs across the board. Such a move will improve, not impair, the effectiveness of congressional government.

UNHEALTHY IMBALANCE

However, an unhealthy imbalance between majority and minority staff has replaced the original, though inadequate, goal of nonpartisan staffs. This situation has an important bearing on the future of the two-party system in this country. For the first time since 1952, the Republican Party finds itself without control of either the executive or legislative branch. It has had to learn anew the role of the loyal opposition. In this experience it has been gravely handicapped by its lack of staff resources.

There are some who deny that the problem even exists. Chairmen of several committees have challenged assertions that the nonpartisan staff concept has broken down. They have also challenged tabulations of majority and minority staffs compiled in the House by Representative FRED SCHWENGEL, and in the Senate by Senator CARL T. CURTIS of Nebraska, and further researched by Roscoe Drummond, Congressional Quarterly, North American Newspaper Alliance, and Advance.

If the problem does not exist, why are so many of my Republican colleagues so exercised about it? In the past few months there have been speeches on the floors of the House and Senate by numerous Members. Representative FRED SCHWENGEL of Iowa has received letters supporting his stand for more equitable minority staff from ranking Members the Congress and outstanding Republicans across the country. These are indications of a real discontent, not an imagined inequity.

THE NEED

The problem is real. One could point out a number of instances in the various Senate committees where more staffing is needed. A few examples will illustrate where the lack of staffing has limited the effectiveness of the Senate and Congress. The Aeronautical and Space Sciences Committee is moving into new, virtually unexplored policy areas, yet it reviewed the $3.9 billion NASA budget in less than a week of cursory hearings. Observers have commented on the lack of critical discussion of major policy problems before various committees.

The Appropriations Committee has assumed a new importance with the increasingly frequent requests on the part of the Executive for greater authority and discretionary power. The minority needs adequate resources if it is to find out what the administration is doing and planning. Without sufficient minority staff, the majority will have unchecked control of the power of the purse.

The Armed Services Committee, with a defense budget of almost $48.5 billion, with the rapidly changing technology of weapons and weapon systems, with the recent charge of President Eisenhower to adopt a more critical attitude to defense spending, has perhaps the most demanding requirements for staff.

The committees with major responsibilities for domestic and foreign economic policy; Banking and Currency, Finance, Public Works, and Joint Economic, may be called upon in the next 6 to 12 months to face the first recession of this administration. Will they have sufficient staff, both the majority and minority, to assess the adequacy of the administration policies? Will the minority, which has already made a major contribution toward the solution of the unemployment problem through a House Republican task force, have the resources to develop new approaches to the vexing long-term problems of our economy? The minority has at present only one professional economist on the Joint Economic Committee.

One could go on at length, but these illustrations should give us a sufficient indication of the magnitude of the problems we face.

One hears too often that the Republican Party has few ideas, few alternatives, and little vision, or that it is merely the party of blind opposition and obstruction. This is a myth spread by our opponents, but it can also be a self-fulfilling prophecy when the party in power denies the minority adequate staff to develop distinctive constructive policies.

IMPORTANCE OF STAFF

The most severe limitation to the effectiveness of a Representative or Senator is time. Faced with a busy schedule of committee work, speaking, correspondence, and legislative duties, he must have staff assistance if he is to develop and express sound positions on the major issues of the day. Staff is essential for the research, preparation, and presentation of major policy speeches. Staff is required for a coordinated effort among colleagues within the Congress and for the effective use of radio and TV time.

The limitation of time is doubly acute for the Republican minority in the Senate. As a distinct minority, we Republicans have an extra burden in adequately covering our committee assignments. If we find it difficult for an individual Senator to do his homework in comparison to a Congressman, how much more difficult is it for a Republican Senator to do his job properly, covering more area per man, with less staff, than his Democratic colleagues. Deprived of competent, adequate professional staff, and in such a statistical minority, we cannot begin to match the resources of the bureaucracy downtown, or of a much better staffed Democratic majority on the Hill.

The minority in the Senate is also faced by a geographical imbalance. We have lost key seats in the North and West and we are just beginning to see the emergence of a genuine two-party system in the South. Many of these States have Republican Governors and/or Congressmen. If we, the Republican Party in the Senate, are to give adequate representation to Republicans in these areas, we need more staff. If we are to study such crucial problems as conservation, water resources, and reclamation we need staff authorized to make field trips and carry out investigations to fill in the broad gaps of our knowledge. The ideal of good government requires that we be a national party with a national vision serving the national interest, not a regional party hamstrung by a glaringly deficient number of minority staff assistants.

We of the minority are greatly concerned because the means of offering constructive alternatives, through adequate help in researching policy problems, is presently unavailable to us. Many of us have supported Republican initiative on a number of fronts, including for example, the fields of employment, worker retraining, and civil rights. But, without adequate staff, good ideas die for lack of public airing. In our system of government, we cannot rely on one party, the majority party, to produce all the ideas. By the very nature of politics, there are areas of public policy where the party in power cannot or will not act. The minority party must prod the majority party into action. It must nurse the neglected orphans of majority politics.

The most glaring example of majority party paralysis is civil rights, but on every issue

there will be some facets the majority will ignore or deemphasize in terms of its own party interests. This is simply politics, and this is the reason the minority must be in a position to think out and develop its own position on every major public issue. It must have the resources to provide a real competition of ideas in the political marketplace. It should have a staff to read and study the CONGRESSIONAL RECORD, the latest books and magazines, professional journals, and learned papers; to monitor news broadcasts and analyses, to channel ideas to appropriate party spokesmen; to think out what should be the role of the minority in each particular area of policy.

Where possible, minority staffs should be available to all the members of the minority, not just to the actual membership of a particular committee. Where a member has a particular interest, say in foreign policy, agriculture, public works, or economic policy, he should be able to tap the expertise of minority staff familiar with that area. When staffing is kept to a bare minimum, this kind of cooperation in pooled resources among the minority is not possible.

Apart from proposing new programs or alternatives to the administration's proposals, much of the hard work of legislation and oversight rests in the sifting, evaluation, and reassessment of old programs.

NEEDED: OVERALL ANALYSIS

Too often in our budgeting and program development, we start with last year's base and merely weigh the proposed additions. We should be examining the historical basis of proposals as well, including support, where warranted, of existing programs which are serving their purpose, or the elimination or pruning of existing programs no longer useful as presently operated. Government is, or should be, a dynamic business, responsive to the genuine needs of the citizenry. Yet without the prodding and questioning of the Republican minority, who have no vested interest in the growth of the bureaucracy, these new empires of agency personnel may become frozen into the structure of government. Obviously, effective oversight and investigation of the administration's programs require adequate minority staffing.

An ambitious and attractive President can exploit the national media far more effectively than a numerical minority of individuals in Congress. If the minority is to cope effectively with its responsibility as to programs presented by the President and the majority, it must have resources to document its arguments. The real results of minority effort either in the form of constructive alternatives or sound criticism of administration policies, come in the committee reports, the speeches prepared by minority spokesmen, the amendments offered on the floor, and in other similar forms.

It is doubly important that the minority have these resources, for the editors and newsmen who control the news media of our country will tend to judge the minority and its actions by what it reads of their reactions on the wire services and receives from its own services. Mailings of minority views by the Republicans on the Joint Economic Committee, including my former colleague, Senator Prescott Bush, Representative CURTIS, of Missouri, and others, have been well received. The House Republican policy committee's release of the report of its task force on Operation Employment last year is an excellent example of what needs to be done much more often. The response of the press to this sort of thing has been encouraging, but it needs to be done on a regular, systematic basis. It is disturbing to me that many minority reports are never written, filed, or distributed for one basic reason: lack of adequate staffs.

The minority member needs information from sources other than the administrative departments and the majority controlled staffs. While it may be going too far to suggest that these sources are captive, it is not unreasonable to expect some will not go out of their way to volunteer information inimical or embarrassing to the policy objectives of the President and the majority party.

This need for independent information is particularly crucial in the field of foreign policy. There are policies concerning trouble spots in the world that need searching review and responsible constructive criticism from the minority. The strong pro-Arab bias in our Near East policy, and the troika experiment in Laos are two problems of deep personal interest to me. Yet, without the inclusion of minority staff members in connection with foreign policy surveys in Washington and abroad, the minority must depend on secondary and not always explicit sources for these policy reviews.

These arguments have all dealt with the more general problem of increasing the effectiveness of the minority in congressional government. They are set forth within the context of a need for greater congressional staffing regardless of majority and minority roles. We may disagree as to the exact form staffing arrangements should take, but we should all agree that good government suffers when the minority is deprived of the means to (1) develop constructive alternatives, (2) offer sound critcism and evaluation, (3) document and communicate its views, and (4) check information supplied by the majority against impartial sources. The fact that these minimal minority rights have not been achieved is by itself the most serious and disturbing aspect of the entire problem. It has serious implications for the future of our two-party system.

Our system of government was founded on the unwritten understanding that the party in power will not attempt to exterminate the party in opposition; that the ins and outs can exchange roles periodically; that the majority may press its advantage, but still will respect the integrity of the minority.

The majority is not playing by the rules of the game, and if the American people knew the full facts of the story, their sense of justice and fairplay would cry out against the shame of a loaded legislative procedure. Would they endorse a ratio of 14 or 12 to 1 between majority and minority staffs? Would they approve a system that places virtually complete control of congressional committee staffs under the majority chairmen? The chairman empowered to hire and fire, set salaries, and determine tenure? Would they condone the limitations placed upon the minority in terms of office space, travel, telephone calls, secretarial services, and other essentials to the mechanics of adequate staffing? Would they affirm the policy of some committee chairmen not permitting minority staff to question witnesses? Would they justify the power of a majority chairman to select witnesses to arrive at prearranged conclusions? Would they applaud the inaction of some of the minority who would rather keep the personal perquisites they have than risk losing them by rocking the majority boat too hard? I hardly think so. This is not a partisan issue. This is not a division between liberals and conservatives. It is a contest between those who are dedicated to achieving effective congressional government, and those who are complacently content with the inequities that breed inefficient committee work and detract from the power and prestige of the Congress. It is a cause that includes in its ranks representatives of business and labor, civic action groups, the individual voter—all those who are dedicated to good government above petty political gain.

Why then have we not corrected the wrongs? Why are the loaded dice still in play? No one can be against good government—or can they?

THE CUBAN QUARANTINE

Mr. LAUSCHE. Mr. President, I wish to make a statement in regard to the Cuban quarantine.

The question may be asked, What is the ultimate purpose of the Organization of American States?

What are its responsibilities? To what extent has it thus far been fulfilling them?

These are important questions which require from the members of the Organization positive answers insuring a course of conduct which will prevent a communization of nations in Central and South America and a continuation of the Castro Communist government in Cuba.

I am in complete agreement with the statements, made by the Senator from Montana [Mr. MANSFIELD], calling for a hemispheric quarantine of Cuba by the United States and other members of the Organization of American States.

This Organization has not been sponsored and approved by the citizens of the United States solely for the purpose of drawing upon their financial and moral support, without expectation that the members will follow a course of conduct which will insure Western Hemisphere solidarity opposed to communism and supporting governments pledged to democracy. Short of invasion, the least the Organization of American States can do is emphatically support the position it took, 6 months ago, for a complete quarantine against Cuba by the members of OAS.

Moreover, I am in agreement with the Senator from Montana [Mr. MANSFIELD] that the economic sanctions which the nations of the Western Hemisphere imposed upon the Dominican Republic in 1960, when Dictator Rafael Trujillo was in power, constitute a positive precedent and justification for the imposition of similar sanctions against Castro.

The position of Communist Castro in Cuba is weak. Poverty, squalor, disease, lack of medicine, lack of food, and lack of spiritual and intellectual liberty hang heavily over the people and have caused them to pray for emancipation and weep over the state of their native Cuba. Yet, there are in the Western hemispheric nations leaders of government knowing that what is happening in Cuba is vicious and wrong, but because of political expediency do not dare to proclaim to the world their condemnation of the injustices—political, economic, and social—that now prevail in Cuba.

The people of the United States are prepared to give economic aid to our neighbors in Central and South America providing there is a purpose on the part of the governments of these nations to genuinely participate in combating communism unequivocally and fully wherever it exists.

The people of the United States, on the basis of self-respect and the preservation of their system of government, will not and should not be giving aid to either Central or South American nations which are unwilling to assume in the fullest degree their responsibilities for the elimination of Communists and

the preservation of democratic governments throughout the world.

Since last October 22, the position of Castro has been markedly strengthened. With the advances made by Communist Castro, the position of our associates in the Organization of American States and the position of the United States has been weakened. The least that we can do at present, if the Organization of American States means anything at all, is to impose upon Communist Cuba a relentless and unyielding quarantine similar to the one which the Organization of American States imposed upon the government of Rafael Trujillo in the Dominican Republic. The request that this be done cannot be escaped by the members of the Organization of American States except by adopting arguments that cannot be supported by principle and truth.

OUR AFFLUENT UNCLE SAM

Mr. LAUSCHE. Mr. President, I desire to state that a few days ago there came to my office a letter the contents of which struck me with great force. I am sure that the letter, which comes from W. E. Munn of Toledo, Ohio, will be interesting to those who will hear me read it. He writes as follows:

THE RANSOM & RANDOLPH CO.,
Toledo, Ohio, April 12, 1963.

Hon. FRANK LAUSCHE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR LAUSCHE: I hate to tell you my troubles, but I have tried everything else I know. I feel that only you can help me now.

I have a dependent relative staying with me who has very little fiscal responsibility. He is very good natured and means well, but he keeps buying presents for my wife and me, and our three children. He charges these presents to my account. When he sees something that he thinks we need he buys it for us. Many of these things are not needed by us and in very few cases are they what we would have bought if we had bought these things ourselves. Because he doesn't work for a living, money doesn't mean too much to him and he tends to buy the first thing he sees and he doesn't shop around like I would do if I were purchasing items. He is also quite generous to the poor and needy, but often gives to those he doesn't know who feed him a soft line.

I just received a bill for his last spending spree and it gives me a sick, hopeless feeling. I keep thinking how much better off I would be if I could just spend that money for the things I want and could give to the people and charities I think are needy. Honestly, he does so much of my spending that I tend to give less money to charity.

He won't listen to me, but he will listen to you because he respects you. Please use your influence to cut the spending habits of my Uncle Sam.

Sincerely,

W. E. MUNN.

I sent an answer to Mr. Munn, which I should like to read.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator may have an additional 3 minutes.

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

Mr. LAUSCHE. I replied as follows to Mr. Munn:

APRIL 24, 1963.

Mr. W. E. MUNN,
President, the Ransom & Randolph Co.,
Toledo, Ohio

DEAR MR. MUNN: I am pleased to receive your letter of April 12 describing your deep concern over some of the actions of your dear "Uncle," who seems to have a mania for spending more and more; buying things that are unnecessary at this time, resulting in plunging you further and further into debt.

I deeply share your concern over the ultimate outcome of his thriftless ways unless they are curtailed and brought into balance commensurate with his income. I have talked to him upon many occasions about his overspending and have warned that he should mend his ways. He has always been courteous to me and listened, but I fear that he is being influenced by a few "nephews" who urge him to spend more and buy items and services that could well be delayed until his bank account is in better shape.

I know that "Uncle" likes to bestow gifts upon his "nephews and nieces," and I commend him for his spirit of generosity; but, in my opinion, he is overdoing it. I told him that he ought not to build the $10 million aquarium here in Washington now and also that he has no business sticking his nose into the multi-billion-dollar mass transportation problem.

I know that "Uncle" has been, upon occasion, rather liberal in the use of his credit cards. He ought to realize that while these cards have a gold backing, when he opens so many new charge accounts, he runs the risks that there may not be enough gold to guarantee his existing debts which could easily ruin his credit rating.

It appears that "Uncle" has forgotten the days when he, too, was young and had to be thrifty. What he needs right now is not a spring tonic or pep pills, but some old-fashioned discipline and a liberal dose of puritanical prudence.

I will continue to do my best to impress upon our "Uncle Sam" that he should live within his means.

Sincerely yours,

FRANK J. LAUSCHE.

COPYRIGHT PROTECTION—TRIBUTE TO GEORGE MIDDLETON

Mr. MORSE. Mr. President, I hold in my hand an article which is a reprint from the Bulletin of the Copyright Society of the United States entitled "Rights and Royalties of Foreign Authors and Composers in Wartime," written by a distinguished American, George Middleton.

This article details, for the first time, the overall record of a unique and little publicized copyright program, which the Government set up when the recent war broke. It initially took over and administered the copyright interests and royalties of all enemy authors and composers who then had existing contracts with American publishers. In addition, similar prewar agreements with the French and nationals of occupied countries were also vested under technical "protective custody." Their royalties were thus carefully safeguarded, and all moneys as and when due, were thus kept from falling even indirectly into enemy hands in Europe. These have now nearly all been returned to their original owners, with their values enhanced. But sums received from enemy properties have been credited to the war claims fund, to compensate for American losses at enemy hands. Enemy properties, not under prewar contracts, were vested and licensed profitably to both Government and American nationals who desired to exploit the material. In all, over $6 million was collected.

As I said, the author of this article is a distinguished American whom I have known for many years. In fact, when I was really still a boy I became acquainted with this great American. He happens to be the husband of Fola LaFollette. He is one of the distinguished men of Wisconsin. He has been an adviser of mine on many matters, as we have fought for the great causes for which the elder Bob LaFollette fought.

Before I conclude I shall ask unanimous consent to have the article printed in the RECORD.

Mr. President, George Middleton has been the author or coauthor of 30 plays professionally produced in this country, in Paris, and in London, where his "Polly With a Past," as well as "Adam and Eva," were also presented. Among the distinguished stars appearing in his plays were Julia Marlowe—who did his first play in New York soon after he was graduated from Columbia—E. H. Sothern, Margaret Anglin, Eva Le Gallienne, Alla Nazimova, Fay Bainter, Marjorie Rambeau, Robert Edeson, and Peggy Wood. Other distinguished actors who had roles in his plays during their early stage and screen careers, were Noel Coward, Dame Edith Evans, Katherine Hepburn, Claude Rains, Thomas Mitchell, and Henry Hull. During 3 years in Hollywood as a writer and executive, Mr. Middleton was associated in film productions with Will Rogers, Mrs. Pat Campbell, Humphrey Bogart, and Paul Muni. Among his adaptations from the French were plays by Sacha Guitry, Bourdet, and Brieux. David Belasco produced two of these plays in New York. Four volumes of his collected one-act plays have been published and widely performed here and abroad. An autobiography, "These Things Are Mine," covering his professional career, was also published by Macmillan.

A member of both the British and French Authors Societies, he was one of the original organizers and an early president of the Dramatists' Guild of the Authors' League of America. He officially represented it in 1928 at Berlin, as honorary vice president at the Confederation Internationale des Sociétés d'Auteurs et Compositeurs, which discussed all problems affecting professional creators of copyright material. Based on this background and knowledge of trade customs, as a professional writer himself, he offered his services in 1942, to the Office of Alien Property, later taken over by the Department of Justice, to map out a copyright program. He remained for 16 years, as technical specialist in copyrights. For his many contributions and innovations, the Department of Justice awarded him a sustained superior performance award, previous to his recent mandatory retirement.

Mr. President, I consider it a great personal privilege and a distinct honor and pleasure to ask the Senate for unanimous consent to print in the CONGRESSIONAL RECORD this article, "Rights and Royalties of Foreign Authors and Composers in Wartime." It is with some feeling of sentiment and emotion that I make the request, because this is an article which sets out, I think, for anyone who will read it, a pretty clear example of what dedicated public service can do. I ask unanimous consent that it may be printed in the RECORD.

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

RIGHTS AND ROYALTIES OF FOREIGN AUTHORS AND COMPOSERS IN WARTIME

(By George Middleton) [1]

The President has approved legislation to amend the War Claims Act of World War II, largely divesting to former owners, subject to claims, certain enemy properties which had been taken over (vested) when war broke, by the Office of Alien Property (OAP) now in the Department of Justice.[2]

Since the United States obtained no reparations under the treaty of peace, the net proceeds, to the extent of nearly $230 million, derived from the administration of these properties during the Government's ownership, have been transferred to the War Claims Fund. This fund has been used generally to satisfy claims of American prisoners of war, civilian internees, and others who had suffered from their enemy captors. Further sums will also be transferred to this fund to pay for additional claims against Germany.

Among the various categories of vested assets were copyrights. The story may now be revealed of the Government's unique and little publicized program—with its picturesque overtones of famous works and personalities—to administer the copyright interests and royalties of enemy authors and composers, who had prewar contracts with American publishers. In addition, the similar prewar interests of French and nationals of other occupied countries were also vested under technical "protective custody." Such properties were carefully safeguarded, and all royalties due on them were thus kept from falling, even indirectly, into enemy hands in Europe. These copyrights were all eligible for return under an existing claims procedure and many already have been returned with their values substantially increased. The return of enemy property, however, was prohibited by the Trading With the Enemy Act.[3] Under the new legislation, which goes into effect in 90 days from October 23, 1962, all copyrights will simply be divested; but royalties collected up to that date will be retained by the Government. Complicated problems of extensive renewals and ultimate ownership will thus be avoided.

The necessary administrative problems were formidable. Initially, to some 1,800 American publishers or organizations known to have foreign literary or musical connections under copyrights, demands were sent for all current contracts. By vesting the foreign interest in these contracts the Government had stepped into the shoes of the former owner, proceeded to collect all royalties and took complete control though protecting the continuing contractual American interest.

Since the potential financial value of any copyright can never be predetermined (in the face of additional royalty-bearing rights coming into existence) OAP never sold a single copyright—as was unfortunately done in World War I. Instead, a licensing apparatus was devised, for a limited period only, following customary trade practices. Many other enemy properties, not under prewar contracts, were also vested and licensed profitably, both to the Government and the American nationals who desired to exploit the material.

LICENSES

When war broke, the need to obtain current results of foreign research was urgent. The OAP "assumed the responsibility of reproducing enemy-originating scientific publications." Operating under President Roosevelt's authority, an advisory committee of distinguished scientists and librarians obtained, through ultrasecret channels, 125 German journals, which were offered by subscription to 8,000 American firms. By 1945, 3,200 issues had been republished. As the printing costs were less than the gross subscription of $311,293, the main objective of helping in the war effort was thus accomplished at no expense to the Government.

But this subscription effort did not include foreign copyrighted scientific books; 1,100 licenses were granted to republish those works which were vital to Army and Navy technicians engaged in war activities. Surreptitiously obtained by the Office of Strategic Services, these included sets and compilations, of which 759 were reproduced by photo-offset. On the usual trade royalties $376,210 has been paid, in spite of numerous royalty-free copies allowed to offset manufacturing costs. All books were sold at less than the original German price. Beilstein's "Handbuch der Organischen Chemie," a German classic in 57 volumes, was originally imported at $2,000 a set. This had put it beyond the reach of many American laboratories. The republication price was at first $400 a set and the royalties to date have been $193,200.

In all, 1,800 licenses were granted on films, books, sheet music publication and other types of vested properties, yielding over $1,300,000. Of this, $500,230 has come from items found in 25 million feet of captured enemy films, which contain 4,500 individual titles. Among those which presented copyright problems of ownership or remake rights, were "M," "The Cabinet of Dr. Caligari," "The Last Laugh," and "The Blue Angel," that made Marlene Dietrich a star. Hundreds of German and Italian films were also licensed to exhibitors for showings at neighborhood theaters in their original language. On these, OAP retained 50 percent of the rental fees. Stock shots on such serials as "Victory at Sea," "Crusade in the Pacific," "20th Century," and the Churchill series, newsreels and shorts have been in constant and now increasing demand by commercial companies, colleges and study groups. On these the standard fee was $2.50 a foot. As most film licenses have provided income from enemy property, further substantial revenue was credited to the War Claims Fund. Under the new legislation all film prints will be transferred to the Library of Congress, to be retained or disposed of at its discretion. Thus any film of historical or other value will be preserved.

PREWAR CONTRACTS

Some 634 prewar contracts were reported and copyright interests vested. The accounting habits of each firm were not disturbed and their office forms were accepted. Royalty payments were scrupulously checked and followed up. Any exclusivity granted in a contract was recognized and no raiding of any rights by a business competitor was tolerated. In addition, no deviation from the contractual terms was allowed, except to enhance the Government's financial interest or the interest of those nationals sheltered under protective custody. In the loose program followed by the custodian in World War I, only 3,166 copyright interests were taken over and about $250,000 collected. In World War II—so extended in duration and territory, plus a great expansion of new rights in music and films—several hundred thousand copyrights were vested. Nearly $5,963,010 was received through September 30, 1962, from licenses and prewar contracts.

Of the 300 books vested, only a few samples will indicate the scope and variety of the program. Oswald Spengler's famous classic, "The Decline of the West," originally published by Knopf in 1924, had been active before and since vesting in 1943, and $17,725 royalties were reported. OAP cooperated, also, in making possible a recent condensed edition. "Count Ciano's Diaries," which brought $36,332 royalties, had been artfully smuggled out of Italy into Switzerland by his widow, the daughter of Mussolini, who put the script under her garment, as she escaped into Switzerland. "Babar the Elephant," a children's classic, earned $26,402, while the late Isak Dinesen's celebrated African tales added up to the unusual $33,558. There were also books by Gide, Bergson, Malraux, Romain Rolland, and plays by Giraudoux and Werfel, among others. Small sums only were often involved; but each account was carefully kept and fitted into the administrative pattern. Some idea of the continuing interest in Marcel Proust is evidenced in the royalties on "The Remembrance of Things Past." Of the $33,000 paid for Gallimard, the French publisher, on his entire catalog, $13,000 was credited to Proust.

MUSIC

The sturdiest return of all, however, came from music and with it the most administrative copyright problems. From its various sources over $4 million was paid OAP; the composer's share is now a far cry from days when he lived on the crumbs of a patron's table. He then generally sold his composition outright to a publisher; but the ethical standards were low because neither could be supervised by the other. Both plagiarism and duplicate outright sales took place. Even as late as 1859, Charles Gounod, of "Faust" fame, had turned over the French and foreign rights to his celebrated "Ave Maria," based on Bach's "Prelude," for 500 francs, as a photostat in OAP's files attests. But within this half-century the entire financial status of composers changed, beginning with the advent of "player piano" rolls. Until 1909, when the revised copyright law came into effect, no composer was paid for the uses of his composition. Due to the march of mechanical inventions, however, a single composition began to proliferate into specific separate fee-earning rights: sound films,[4] perfected disks, radio

[1] The author of this interesting firsthand account is the distinguished writer of many well-loved American plays, the translator of Brieux's "Accused," and similar works, and one of the founders and a past president of the Dramatists' Guild of the Authors' League of America. The author offered his services at the start of World War II to the Office of Alien Property, where, though not a lawyer, he acted for the next 16 years as a "technical specialist" in the administration of vested copyrights. For his many contributions and innovations, the Department of Justice awarded him a "Sustained Superior Performance Award." The facts and figures employed in this article have all been taken, with permission from official files.

[2] Public Law 87–861, 87th Cong., Oct. 23, 1962, 76 Stat. 1139.

[3] 62 Stat. 1246, 50 U.S.C. App., sec 39.

[4] As an instance, in another field, of how the income from stage production, beyond the usual royalties, has been increased by the invention of talking pictures, the powerful Dramatists Guild reported that on 600 picture sales (1926–56) nearly $43 million was collected for distribution.

broadcasting, and television, plus performance and concert rights, each springing from an initial copyrighted sheet music publication. Even here the contractual relations between publisher and composer are now formalized.

Generally speaking, the complexities in monitoring the fees from each of these separate rights had best been handled through large groups or associations, often international in scope. To funnel the Government's share from such varied sources of musical income, which represented only the vested foreign national's interest, OAP did not disturb the workable structure of such commercial exploitation laboriously evolved over the years. One of the most effective of these was ASCAP, which has paid the Government $1,150,832, mainly from broadcasting.

In 1914, when Victor Herbert strolled into Shanley's Broadway restaurant, he heard its orchestra playing the waltz hit from his own opera, "Sweethearts." As this competed with the play itself at a nearby theater, he brought an infringement suit. In using Herbert's music, without permission or fee, Shanley was following a well-established pilfering custom. It claimed this was not a performance for profit, within the meaning of the 1909 Copyright Act, since no admission was charged. In 1917, Justice Holmes wrote an opinion momentous to both native and foreign composers:

"If music did not pay it would be given up. If it pays it pays out of the public's pocket. Whether it pays or not the purpose of employing it is profit and that is enough." [5]

Before this copyright decision, no American composer had received a penny for the use of his music in any theater, dancehall, cafe, circus tent, night club, or cabaret. With radio's later arrival in 1922, every legal device was again employed to avoid paying for music. In 1941, Justice Brandeis handed down another epochal copyright decision: that broadcasting music through a radio, which distributed it in a hotel, was also a public performance for profit and constituted an infringement.[6] This was climaxed by a series of similar decisons that any use of copyrighted music in films, on records or other mediums must be paid for.

In 1917, as a result of Holmes' decision, the nonprofit Association of American Composers, Authors, and Publishers, was formed. They assigned to the organization, ASCAP, their nondramatic public performance rights, and it ultimately leased its entire repertoire for fees to be divided among its members. Blanket licenses have since been periodically negotiated with radio broadcasting chains, individual stations, orchestras, theaters, wire services, etc. Millions have literally been snatched from the air.

This was of special concern to OAP because it had immediately vested 12 prewar reciprocal agreements, which ASCAP had made with similar European societies in enemy and enemy-occupied countries. It had thus previously protected the revenue of its own American members abroad and, in return, reciprocally monitored and collected fees for the use of foreign compositions in the United States. On OAP's demand, ASCAP turned over all such sums due the foreign nationals with its usual certified breakdowns of each work and its original composer; $629,266 alone was credited to the account of the French société des Auteurs, Compositeurs et Editeurs de Musique (SACEM), the granddaddy of all such protective groups.

INDIVIDUAL COMPOSITIONS

Since war conditions prevented contact with enemy-occupied France, its enormous musical repertoire, largely published under contract with American firms, had, like SACEM, been similarly vested. Among those world-famous individual compositions were Debussy's "Clair de Lune," and "Bolero," written for the ballerina Ida Rubenstein, by Ravel. The contracts between their publishers and Elkan-Vogel, the American agent, in each case, required executive determination and will best illustrate the efficiency of OAP's protective custody policy. Jobert had only granted the rights to exploit the sheet music sale of Debussy's masterpiece; all other rights had to be submitted to Paris for approval. As war no longer made this possible, when Paramount offered $5,000 for its use as "background music" in the film, "Frenchman's Creek," OAP itself immediately granted permission. The sheet music sales were thus greatly increased, resulting, from all extended rights, to over $160,000 when it was returned. The popular "Bolero" was included in the Durand et Cie. catalog, but its contract had expired just before America entered the war. Knowing this, numerous competitors sought nonexclusive licenses from OAP to exploit it. As Durand, however, had renewed the original contract several times, OAP decided to continue Elkan-Vogel's exclusivity. The catalog earned over $100,000, after the deduction of the American agent's legitimate commission, the protection of which had likewise been within OAP's policy.

Among those composers who had become naturalized American citizens, Stravinsky, Schoenberg and Hindemith demanded and recovered their royalties which OAP had collected. Their early compositions had been included among the vested catalog of leading European publishers. Some of these composers had been for years under contract with Associated Music Publishers, Inc. (AMP). As this important firm, owned by Broadcast Music, Inc. (BMI), controlled all exploitation rights, including radio, OAP obtained, during nearly 20 years, over $820,000 on its German items alone.

Richard Strauss and Sibelius were still alive when the United States entered the war. Both wrote personal letters for the return of their accumulating royalties. Sibelius himself sent a long list of his works, "trusting it may be of use in making your decision." But Sibelius was a Finn. During early days his country was part of Russia, which afforded no copyright protection. Some of his compositions, however, had been published by a German firm which had owned the copyrights OAP vested. A very human problem rose as to how these works could legally be returned to the great composer.

This and similar cases led to OAP's most dynamic administrative decision. It had already been forced to consider the tragic lot of many destitute refugees who had escaped to this country. To meet the obvious injustice of retaining their needed royalties, as well as those of naturalized Americans, OAP relied on the equitable servitude doctrine. This implicitly recognized that the author or composer had a continuing title interest in the seized property, even though the legal copyright had previously been held by a German firm. Only with such title interest could one be eligible, under the then existing regulations, to file a claim for its return. Many thousands of royalties, augmented by OAP's administration, were thus ultimately given back to war victims. To Sibelius personally went a net of $9,500, shortly before his death.

RICHARD STRAUSS AND OPERAS

An unpublished letter [7] of biographical value, written by Richard Strauss 2 years before he died, will best present the complicated personal and copyright problems of nationality which the OAP faced:

LAUSANNE, LE,
February 2, 1949.

CUSTODIAN OF ENEMY PROPERTY,
Washington, D.C.

DEAR SIR: I trust you will forgive this direct approach in a matter of vital importance to me which may receive your sympathetic consideration in view of the somewhat unusual circumstances.

My name is certainly well known to you. And you may know that I am 85 years of age. The American rights in my works are vested in you and all my income from the numerous performances, mechanical reproductions and broadcasts is being seized by your office. All this is right and I recognize without complaint the justification. If I was able to earn my livelihood by other means such as conducting, I would do so and raise no questions about any income from my works. But I cannot conduct any more being too old and too ill. Therefore the income from my works is all that is left to me after having lost all my funds. And the major proportion of this income is seized by various custodians in various countries. What I still can draw is not sufficient to keep my wife and myself and to meet the doctors' bills.

The British custodian very kindly released my income from Great Britain as from the February 1, 1948. Would it not be possible for you to entertain the idea of releasing my American income as from some appropriate date?

You may want to be satisfied that my attitude to the National Socialist regime in Germany was not such as to justify a personally punitive quality of the seizure of my income. I beg you to spare an old man to go through the formalities of questionnaires which are not altogether applicable. I know that there is a certain amount of misrepresentation which ignores the fact that I was so prominent that what would have led to a prison or a concentration camp with others led only to a boycott with me. My family connections, the dedication of my works, my friendship with so many people all over the world should dispel any suspicion about my own attitude and convictions. I went, as you may know, through the formal denazification procedure and was cleared without a hearing. I helped many people in Germany to save their lives and property and never took part in any party matters In fact, I am one of the very few who never belonged to the Nazi Party in any form whatsoever.

I do hope you will accept these assurances. In all modesty I may say that my works have given and are giving many happy hours to many American listeners. Could you consider then to allow me a modest participation by releasing the income from the American performances and so let me have what happiness a man of my age can still have? I would be most grateful if you could give this matter your kind attention and if you would grant under unusual circumstances this unusual request.

I am,

Yours very truly,

DR. RICHARD STRAUSS.

In spite of this moving appeal, the chain of title of his famous works led back to his German publishers, all rights in which had been automatically vested. Under existing law, which differs from British regulations, his property could not then be returned until his non-German citizenship—at time of vesting—could be established. In the meantime, though Strauss had originally sold outright all publication rights in "Der Rosenkavalier," "Salome," and "Elektra," their performing and other rights plus his tone poems and songs have earned $90,550.

[5] *Herbert* v. *Shanley Co.*, 242 U.S. 591, 595 (1917).

[6] *Buck* v. *Jewell-La Salle Realty Co.*, 283 U.S. 191 (1931).

[7] The manuscript letters from Strauss and Sibelius, among others, as well as photostats of numerous other documents, including many opera contracts, are deposited for study in the Music Division, Library of Congress.

Opera agreements in Europe, as with Strauss, were generally made between composer and music publisher, who in turn leased them separately to each opera house, at fees depending on its status. For this reason, OAP had obtained photostats of all vested opera contracts, since they indicated the division of the respective share due on U.S. performances, when handled by American agents. These were paid to OAP. SACEM's terms and conditions, generally controlling French operas, facilitated the administration of performances of "Thais, Mignon," "Louise," and "Pelléas et Mélisande," written and composed by Maeterlinck and Debussy, among others.

OAP's copies of David Belasco's contracts, however, indicate that he sold the "opera rights" in his plays, "Madame Butterfly" and "The Girl of the Golden West," for $1,250 each. But when Puccini wrote "Tosca," founded on the Sardou play, "La Tosca," Sarah Bernhardt's greatest success, the French author's estate obtained, through OAP, a share of performance fees, plus a percentage from both rental of scores and libretto sales, amounting to $10,000. Until all the Italian property was returned, under treaty, the Ricordi catalog, largely on Puccini royalties from "La Boheme," "Tosca," and "Madam Butterfly," had paid OAP $320,000. This included fees even on arias (such as "Un Bel Di" and "Vissi d'Arte"), concert performances and films each of which OAP had licensed and on which it had collected a fee.

Though much pleasure, on a different level, has been given American audiences from the strains of European operettas, their administration faced a tangle of copyright ownerships, assignments, shifting royalty percentages on stage performances, with every possible accounting headache which such international works are heir to. However, they were all encouraged by OAP to sing out their famous melodies to considerable profit. "Blossom Time," a hardy perennial back to World War I, paid on its annual tours over $50,000; "The Merry Widow," "The Waltz Dream," and "Die Fledermaus" "Rosalinda") added lesser amounts. "The Chocolate Soldier," by Oskar Straus (based on Shaw's "Arms and the Man"), with its celebrated "My Hero Waltz," brought nearly $100,000.

As a foonote to popular songs, $150,000 was also gathered from the sentimentally titled "I Kiss Your Hand, Madame"; "Speak To Me of Love"; "You Can't Be True, Dear," and "Jealousy." To which is added the most famous German woman the war produced, "Lili Marlene," on which some 60 licenses had been granted. Starting as the sentimental yearning of Hitler's soldiers for the girl friend he left behind, its torrid tempo was turned by its publisher, Paul Lincke, the noted composer of "Glow Worm," into a popular soldiers' marching song.

HITLER AND GOEBBELS

Shortly after Hitler's marching troops had failed to conquer Europe, there was found, in a rubbish heap, a carbon copy, on elegant paper, of "Goebbels' Diary." Following a series of fantastic happenings, including extensive oversea investigations—much of which is still restricted—OAP claimed the common law copyright. After wide newspaper serialization, it became a book-of-the-month selection. With the consent of the Government, Louis Lochner's English translation and commentary was published by Doubleday. The script as found, which had not been vested, now rests in the Hoover War Library, the gift of former President Hoover. Dr. Paul Joseph Goebbels, so linked in the Hitler venture, was a witness with Martin Bormann to Hitler's last private will, written in the besieged Berlin bunker, and signed at 4 a.m., April 29, 1945. In this authenticated will, a copy of which OAP obtained from the official court records in Munich, Hitler had dictated:

"Since in the years of my struggle I did not feel justified in assuming the responsibility of marriage, I have only now, before termination of my earthly career, decided to marry the girl who after long years of faithful friendship voluntarily came into this almost besieged city to share the same fate as myself. At my desire she will die with me as my wife. In death we shall find what my work in the service of my people robbed us of."

Like his master, Goebbels killed himself, two spectacular endings to the Nazi saga which concerned OAP, since royalties from each work will continue to be paid, already on the Diary $81,796 and on "Mein Kampf" $43,945.

In 1942, the English translation of Hitler's "Mein Kampf" was almost the first to be vested. Published by Houghton Mifflin 10 years previously, the abridged version had rough legal going. Challenged by another publisher, who brought out and sold extensively a complete unauthorized version, it was claimed the basic copyright was invalidated since Hitler was a stateless person. A protracted lawsuit followed until the second circuit finally sustained Houghton Mifflin's legal contention that copyright protected even a stateless citizen.[8] The court's decision greatly helped OAP's administration of the property of refugees to this country, who themselves were later to be made stateless by Hitler.

The new 1962 law specifically forbids "Mein Kampf" to be divested, as well as the "Diary of Goebbels," the "Memoirs of Alfred Rosenberg, Otto Skorzeny, and other Nazi leaders. Also to be retained are the 123,000 items in the extensive photographic history of the Nazi Party by Heinrich Hoffmann, its official photographer.

Among the great variety of contrasting documents OAP received may be added Paderewski's last will. The great musician and former Premier of Poland died in 1941. He was buried, by President Roosevelt's direction, in Arlington National Cemetery—the second foreigner to be so honored. His amazing will of 20 pages, written in his own hand, was not found until 3 years later. Its photostat became part of OAP's records since some of his copyright interests had been vested.[9] In its final few sentences he voiced his indignation at what was then happening to his beloved Poland:

"For the wrongs which I have suffered, and I have suffered many, I forgive in a Christian spirit. I cannot forgive those haughty and vile persons who, thinking only of their personal advantage and their own aggrandizement, led and are leading the fatherland to perdition and the nation to degradation. God himself will not forgive them."

TRAGEDY IN ALABAMA

Mr. KEATING. Mr. President, William L. Moore's tragic death during his pilgrimage for civil rights has shocked the Nation.

There have been and will be many martyrs in the fight for civil rights. William Moore's murder puts to shame those who have insisted that civil rights is solely a Negro cause. Civil rights obviously is not a Negro or a white man's cause, but an American cause, in which every citizen concerned about enforcing the Constitution should be joined. Every resource, not only of the State of Alabama in which this crime occurred, but also of the Federal Government, should be enlisted in making certain that those responsible for this terrible crime are punished. If the Federal Government has no jurisdiction in cases such as this, as the President suggested at his news conference yesterday, then there may be a need for new legislation.

I have no doubt whatever that the decent people in Alabama are as outraged by this case as are Americans in other parts of the Nation. It must be said, at the same time, that the pattern of unpunished lawlessness, intimidation, and reprisals prevalent in some areas of our country is bound to breed exactly this kind of violence. Massive resistance is not merely a theory, but a practice which encourages contempt for and defiance of the law. So long as the rights of Americans under the Constitution can be flouted and disregarded with official connivance, we must all share in the responsibility for this terrible incident.

Mr. President, our hearts go out to the wife and children of William L. Moore in Binghamton, N.Y., in their hour of grief. He died courageously, and let us pray that he has not died in vain.

NEW YORK'S NEW CIVIL RIGHTS LEGISLATION

Mr. JAVITS. Mr. President, I am pleased to call the Senate's attention to the signing on April 22 by the Governor of New York, Nelson A. Rockefeller, of two measures maintaining New York's place in the forefront of the States in the field of civil rights. One broadens the New York law against discrimination in housing, which previously covered the sale or rental of housing accommodations in multiple dwellings and in developments of 10 or more houses on contiguous land. It also barred discrimination by real estate brokers with respect to housing covered by the law. The new measure prohibits discrimination in the sale or rental of any housing accommodation, except rentals in an owner-occupied one- or two-family home, and it also extends to all housing the provision relating to real estate brokers.

A second bill signed by the Governor makes it an unlawful discriminatory practice to retaliate against any person because he has opposed any discriminatory practice or because he has filed a complaint, testified, or assisted in any proceeding before the State commission for human rights. The first law against discrimination in New York in 1945 made such retaliation unlawful in all cases involving discrimination in employment. This measure brings the rule against retaliation into step with the many other constructive advances made in the State since that time toward eliminating racial discrimination in issues cognizable under the State constitution. It should also be noted that the city of New York is this month celebrating the fifth anniversary of the enactment of its fair housing practices law.

[8] *Houghton Mifflin Co.* v. *Stackpole Sons, Inc.*, 104 F. 2d 306 (2d Cir.), cert. denied, 308 U.S. 597 (1939).

[9] Royalties amounting to $4,172, on Paderewski's vested copyright interest in his "Memoires" and famous "Minuet," are being returned to the University of Cracow, Poland.

These are indeed auspicious steps in the continual effort being made in New York State and in many other States to achieve the goals which we proclaim in the Constitution of the United States for all our citizens and hold out to the world in the hope of emulation of our way of life. What is needed is a comparable effort at the Federal level to obtain meaningful civil rights legislation in the Congress.

I am proud to say that New York State practices what it preaches through its two Senators, and that it remains in the forefront of those who wish to guarantee equal rights to every citizen in all areas in which civil rights are concerned, without regard to race, color, or creed.

RATIFICATION BY IOWA OF ANTI-POLL-TAX AMENDMENT TO CONSTITUTION

Mr. HOLLAND. Mr. President, I am very glad to report to the Senate that the State of Iowa has ratified the anti-poll-tax amendment to the Constitution, which eliminates the requirement for the payment of a poll tax or any other tax for voting in Federal elections. Iowa thus becomes the 32d State to ratify this important amendment.

I wish to express my profound appreciation to both distinguished Senators from Iowa, the senior Senator [Mr. HICKENLOOPER] and his colleague [Mr. MILLER], both of whom not only strongly supported passage of my resolution proposing this amendment in the 87th Congress, but have since worked diligently to obtain ratification by the legislature of their great State, the most gratifying results of which I am so happy to announce today.

I was informed a few minutes ago that the Iowa House this morning, by a vote of 92 to 4, approved the resolution ratifying the amendment. This completed action by the Iowa Legislature, the Iowa Senate having approved ratification of the amendment on March 28, 1963, by a vote of 48 to 0. This action again demonstrates the completely bipartisan nature of the support which this amendment is receiving.

I am indeed hopeful, Mr. President, that we shall soon have good news from several of the seven other States whose legislatures have not acted on ratification of the amendment but which are presently in session. As Senators are aware, ratification by 38 States is required before the amendment will become valid.

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

Mr. HOLLAND. I yield to the Senator from Iowa.

Mr. MILLER. Let me say that it is little enough for my distinguished colleague [Mr. HICKENLOOPER] and myself to have joined with the distinguished Senator from Florida in furthering the passage or ratification of the constitutional amendment in our State legislature. Having formerly served in our State legislature, both of us recognize that there is an area in which sometimes Members of the National Congress should not intrude when it comes to State legislation, but the members of our legislature also know that they are very much concerned about the improvement of our human relations in this country, and they recognize that, while there is a basic right, which is very precious, of States to determine the qualifications of their voters, that right should not be abused. There has been a recognition of the fact down through the years that the poll tax had served as a vehicle for abuses in some cases.

So this action is a recognition by the legislature of my great State that we can always improve, and that in the field of human relations, this is a landmark. So I say it was a pleasure for us to have joined with the Senator from Florida. We trust a few additional States will join with Iowa and the other 31 States in having the constitutional amendment ratified.

Mr. HOLLAND. Mr. President, I not only thank my distinguished colleague for his most generous statement, but I would like for the RECORD to show the fact that Florida and Iowa are moving together in this matter. Florida approved the amendment a few days ago as the 31st State, and Iowa has done so today as the 32d State. Those two States came into the Union together under the same resolution, Iowa at that time as a free State, and Florida at that time as a slave State, under the Missouri Compromise. We in Florida have felt particularly close to Iowa through the years. We are glad to be moving together now toward a goal which we both believe to be worthwhile.

Mr. MILLER. I thank my colleague. Let me add that what he has just said is shared by us in our attitude toward his great State. One reason why Florida is such a fine tourist attraction in the wintertime is that so many of our Iowa residents go there to visit and to stay.

So the sentiments he has expressed are shared by us, and we appreciate the opportunity of again joining him on this great occasion.

Mr. HOLLAND. I thank my friend from Iowa.

TRIBUTE TO Y. FRANK FREEMAN, GREAT AMERICAN

Mr. KUCHEL. Mr. President, more than 1,200 leading citizens of Hollywood and California will gather together this weekend to honor Y. Frank Freeman, one of the outstanding architects of my State's most famous industry, and a dedicated and devoted American patriot.

Mr. Freeman, often called Mr. Motion Picture Industry, is chairman of the board of the Association of Motion Picture Producers and vice president of Paramount Pictures.

Frank Freeman has been more than just a titan in the motion-picture business He has rendered distinguished service to his community, State, and Nation. He has never failed to respond to a worthy cause for his country or for people.

He has given generously of his time, effort and resources over the years to the Los Angeles Chamber of Commerce, the Community Chest, the Red Cross, and the World Affairs Council. He has been active in the campaigns of the Motion Pictures Permanent Charities and has served on the board of trustees of the Motion Picture Relief Fund. And he is a trustee of my alma mater, the University of Southern California.

These are just a few of the reasons why his friends in both the industry and community of Hollywood are holding a Y. Frank Freeman testimonial dinner.

I shall not be able to attend, but from a distance of 3,000 miles I shall be there in spirit to pay a just need of praise to an outstanding fellow citizen.

I ask unanimous consent to have printed in the RECORD at this point in my remarks the text of a concurrent resolution adopted by the California Legislature.

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

ASSEMBLY CONCURRENT RESOLUTION 52

Concurrent resolution commending Y. Frank Freeman

Whereas Y. Frank Freeman, board chairman of the Association of Motion Picture Producers and vice president of Paramount Pictures, is being honored on April 28 for his long and distinguished service to the Hollywood motion picture industry; and

Whereas for nearly 25 years Mr. Freeman as a respected and beloved leader of the Hollywood community has been one of the State's leading citizens; and

Whereas for all of this time he has devoted himself to innumerable civic, charitable and worthwhile endeavors for the betterment of his industry, community, State, and country; and

Whereas for 16 years as chairman of the Association of Motion Picture Producers, he has helped make Hollywood, Calif., synonymous with the best in entertainment for millions of people throughout the world; and

Whereas his devotion to the highest principles of Americanism have been an example and inspiration to his fellowmen; and

Whereas his industry and his community have chosen to honor him for all of these and many more of his magnificent contributions during the past quarter century: Now, therefore, be it

Resolved by the Assembly of the State of California, (the senate thereof concurring), That the members of the legislature join with his thousands of friends throughout the State and Nation in paying tribute to Y. Frank Freeman as one of Hollywood's foremost citizens and statesmen; and be it further

Resolved, That the chief clerk of the assembly is directed to transmit a suitably prepared copy of this resolution to Y. Frank Freeman.

Mr. RUSSELL. Mr. President, I wish to add a few words to the statement of the distinguished minority whip, the senior Senator from California [Mr. KUCHEL], with respect to the honor being shown in Hollywood this weekend to a distinguished native of my State, who now is a citizen of California—Hon. Y. Frank Freeman.

It has been my privilege to know Mr. Freeman practically all my life, and to enjoy my friendship with him and also with a number of the members of his family.

He is an outstanding American who not only has made outstanding contributions to public entertainment of the highest and cleanest sort in this country,

but also has made outstanding contributions to good government. He has interested himself in government at every level, from the local community and the city to the Government in the Nation's Capital. No man is more deserving of being honored at the capital of the motion-picture world than is Y. Frank Freeman.

CUBA

Mr. MORTON. Mr. President, in response to a question at his press conference yesterday, President Kennedy said this:

I know there is a good deal of concern in the United States because Castro is still there. I think it is unfortunate that he was permitted to assume control in the 1950's and perhaps it would have been easier to take an action then than it is now. But those who were in position of responsibility did not make that judgment.

Whatever may have been Mr. Kennedy's intentions, his statement yesterday has distinct political overtones. Perhaps the record should be set straight.

During the 1950's there were few, if any, Republican voices raised in support of Castro and there were few, if any, Democratic voices raised in condemnation of Castro. This record is clear.

Let us not forget that Castro, the revolutionary, was admired by many in this country and throughout the hemisphere. This undoubtedly was the case because of the unpopularity of the Batista administration and the corruption and ruthlessness which characterized that administration.

President Kennedy while a U.S. Senator recognized that. I quote from "The Strategy of Peace," by John F. Kennedy, dated January 1, 1960:

The wild, angry passionate course of the revolution in Cuba demonstrates that the shores of the American Hemisphere and the Caribbean islands are not immune to the ideas and forces causing similar storms on other continents. Just as we recall our own revolutionary past in order to understand the spirit and the significance of the anti-colonial uprisings in Asia and Africa, we should now reread the life of Simon Bolivar, the great liberator and sometime dictator of South America, in order to comprehend the new contagion for liberty and reform now spreading south of our borders. On an earlier trip throughout Latin America, I became familiar with the hopes and burdens which characterize this tide of Latin nationalism.

Fidel Castro is part of the legacy of Bolivar, who led his men over the Andes Mountains, vowing war to the death against Spanish rule, saying, "Where a goat can pass, so can an army." Castro is also part of the frustration of that earlier revolution which won its war against Spain but left largely untouched the indigenous feudal order. "To serve a revolution is to plow the sea," Bolivar said in despair as he lived to see the failure of his efforts at social reform.

Whether Castro would have taken a more rational course after his victory had the U.S. Government not backed the dictator Batista so long and so uncritically, and had it given the fiery young rebel a warmer welcome in his hour of triumph, especially on his trip to this country, we cannot be sure.

Let me also quote from a program on May 14, 1960, on WRC–TV in Washington sponsored by the District of Columbia Kennedy-for-President Committee:

Question: Should the United States try to retaliate against the Cuban Government?

Kennedy: Well, the situation in Cuba, of course, continues to deteriorate but for the present I think the administration's policy is the right one. * * * For the time being, I would conduct our policy on the basis that it is being conducted. The situation could change at any time. * * * For the present, I support the administration policy.

Two quotations from former President Harry S. Truman might be of interest to my colleagues:

Harry S. Truman (New York Times, Apr. 29, 1959): I think the boy (Castro) means to do right. Let's wait and see.

Harry S. Truman (North American Newspaper Alliance, July 31, 1959 in New York Times): I think that Fidel Castro is a good young man, who has made mistakes, but who seems to want to do the right thing for the Cuban people, and we ought to extend our sympathy and help him to do what is right for them.

Again let me quote President Kennedy during the closing weeks of his campaign in 1960. On October 15 he said:

We must end the harassment, which this Government has carried on, of liberty-loving anti-Castro forces in Cuba and in other lands. While we cannot violate international law, we must recognize that these exiles and rebels represent the real voice of Cuba, and should not be constantly handicapped by our Immigration and Justice Department authorities.

On October 20 he said:

We must attempt to strengthen the non-Batista democratic anti-Castro forces in exile and in Cuba itself who offer eventual hope of overthrowing Castro.

How strange these words strike us in view of recent actions taken by this administration in connection with the group of brave and patriotic Cubans in Florida today.

The facts are that those who were in position of responsibility did make a judgment and did take action. In March of 1960 under the Eisenhower administration steps were begun to train and equip an expeditionary force of Cuban exiles to invade the island. For various reasons, among them the difficulty of finding the proper leadership, that invasion could not be implemented during the remaining months of the Eisenhower administration. It was attempted in April of 1961 under the Kennedy administration. It failed. Most people agree that its failure was caused by Castro's air superiority. The Attorney General says that the invaders were never promised air cover. Yet the evidence is clear that the invaders were assured that there would be no air opposition. It is also generally accepted that militarily Castro's forces are 10 or 15 times as effective today as they were in April 1961.

When the President finally took his firm stand against the Russian missile installations in Cuba, I supported him to the hilt as did most Republicans. Some Republicans and some very important Democrats asked for even stronger measures. In any event, the United States was hailed throughout South and Central America and, indeed, throughout most of the free world for seizing the initiative. Unfortunately, in conforming our Cuban policy to expediency, we have seen the edge of our blade dulled. The bold initiative of last fall has become a wishy-washy policy of backing and stalling this spring.

I repeat, the statement made by President Kennedy yesterday cannot go unchallenged.

SUPPLEMENTAL APPROPRIATIONS, 1963

Mr. PROXMIRE. Mr. President, I submit an amendment reducing the amount of the supplemental appropriation bill, H.R. 5517, which is expected to be taken up by the Senate tomorrow. The amendment would reduce the amount of the bill as reported to the Senate by approximately $52 million and would reduce the bill as passed by the House by approximately $3.5 million.

With obviously necessary exceptions, the Senate committee increases in the bill as passed by the House have been eliminated, and Senate decreases in House-approved amounts have been retained. All increases in estimated budget amounts have been eliminated save for such necessary Senate and House expenses as payments to relatives of deceased Members, including the relatives of the late Senators Dworshak, Chavez, and Kerr.

Other Senate additions which have not been cut in my amendment are items which the Senate traditionally adds to the bill for housekeeping purposes and salaries of employees.

An increase in claims and judgment funds of $3.5 million over the House bill has been retained in the amendment because it covers enforceable judgments against the United States.

Mr. President, I submit the amendment and ask that it be printed.

The VICE PRESIDENT. The amendment will be received and printed, and will lie on the table.

THIRTIETH ANNIVERSARY OF TENNESSEE VALLEY AUTHORITY

Mr. KEFAUVER. Mr. President, this month marks the 30th anniversary of the Tennessee Valley Authority, the greatest approach to integrated development of the resources of an entire region that the world has ever known.

I note with great pleasure that the distinguished Secretary of Agriculture, the Honorable Orville L. Freeman, is in my State today inspecting TVA's Beech River watershed development project. According to an article in the April 9 issue of the Memphis Commercial Appeal, Secretary Freeman is making this trip in order to "study the means by which the Agriculture Department's rural areas development program can be utilized within the framework of TVA's regional development program."

All too few people outside the Tennessee Valley realize that TVA is much more than the Nation's biggest producer of electricity. Indeed, if there was one thing that spurred the creation of TVA, it was that the Tennessee River once

was a wild, unpredictable destroyer of life and property whose onslaughts could not be tolerated by a modern nation.

For years now the Tennessee has been tamed, thanks to the TVA. On March 20, 1963, there appeared in the Chattanooga News-Free Press an Associated Press article about TVA's success in preventing floods over the area drained by the Tennessee and its tributaries. It is a remarkable story of the science of flood control and of the millions of dollars saved because of this vast operation.

Mr. President, I ask unanimous consent that this article and an excerpt on the same subject from the TVA Weekly News Letter of March 27, 1963, be printed at this point in the RECORD.

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

[From the Chattanooga News-Free Press, Mar. 20, 1963]

TVA EXPERTS JUGGLE RIVER WATER TO PREVENT FLOODS OVER WIDE AREA

KNOXVILLE.—When floods threaten, the Tennessee Valley Authority's river control branch makes decisions on measures to be taken to meet the danger.

These decisions involve hours of tedious paperwork, split-second figuring by man and computer, perhaps hurried messages by microwave radio during the night, and juggling of waters behind more than two dozen dams.

One of the big decisionmakers is Alfred Cooper, chief of TVA's river control branch, who sums up his job thusly:

"We fight time."

If conditions call for it, white haired, bespectacled Cooper can figuratively twist the technical faucets that can turn off the Tennessee where it enters the Ohio at Paducah, Ky.

The Tennessee was stopped dead in its tracks in 1958, 1960, and 1961 to control flooding on the lower Ohio and down the Mississippi. By its own figures, TVA has averted about $31.5 million damages along those areas by regulating the Tennessee's flow.

AT CHATTANOOGA

But at Chattanooga alone TVA also estimates it has prevented $148 million losses from 31 potentially damaging floods.

Cooper generally is responsible in the operation, and, as a TVA spokesman put it: "He's the only man in the world with a river job like that."

If Cooper had any simple formula for controlling a runaway river, it would be this:

Clear the mainstream of as much water as possible ahead of an expected flood crest, and hold back waters from the tributaries until the flood crest passes.

The hitch is deciding which of TVA's nine mainstream dams to open and which of its five major tributary dams to close, how much and for how long.

The answers are determined at TVA's 25-man flood control office beginning about 7:30 a.m. when the faxwriter—a reproduction machine—begins reeling out sheets filled with data on rainfall, reservoir elevations and discharges at each dam.

Minutes later, a teletype begins spelling out forecasts from the Weather Bureau, where TVA pays the salaries of three meteorologists. TVA receives two special forecasts daily, with additional advisories with significant weather changes.

STREAM OF REPORTS

About 8:05 a.m., a steady stream of information begins pouring in from 10 area offices where field engineers have received reports from 200 rainfall stations and 43 stream gages throughout the valley.

With other data, the rainfall measurements are fed into a computer—rented for $1,500 a month—which spits forth averages and such technical information as runoff indexes.

Armed with an array of computations, three or four men huddle in the seventh floor of a TVA building in Knoxville to discuss where the critical flood points are. There's Cooper; perhaps Reed Elliott, the water control planning engineer (and, technically, Cooper's boss); and Alfred Blickensterfer, head of the forecasting section; plus an aide.

After brief discussion, they decide to begin preliminary discharges. An office in Chattanooga is alerted:

"Increase discharges 20,000 cubic feet per second at Watts Bar, Chicamauga, 20,000; Guntersville and Wheeler, 25,000; and Pickwick, 40,000."

The order is relayed to the dams via a hot line on TVA's transmission lines, by microwave or by commercial telephone.

At one dam—within half an hour of the decision—the push of a button starts a motor that lifts the gate that spills the water * * * at another, a man jumps into a crane, wheels along the top of the dam and wields a big mechanical hand to lift the gate.

That's the beginning of what may be repeated in the next day or so: empty the mainstream for storage capacity, hold back the tributaries.

In the case of a new flood crest coming down the Ohio, TVA Tuesday curtailed the Tennessee flow from 350,000 cubic feet per second—or 160 million gallons a minute—to 250,000 cubic feet per second. It may be cut to 200,000 cubic feet per second.

The whole idea is to slice the Tennessee flow to a minimum when the Ohio flood crest passes Paducah—about Thursday—and then allow the Tennessee's pent-up waters to flow in behind.

With such a vast flood control operation, why then does Tennessee have floods. The answer is simply that the flooding occurs largely along creeks and streams where there are no dams.

[From the TVA Weekly News Letter, Mar. 27, 1963]

Total benefits from TVA flood control now exceed total flood control costs by about 60 percent, just 27 years after its first multiple-use dam was closed, TVA said today.

The agency's flood control facilities represent an investment of $184 million, most of it flood control's share of the overall cost for multiple-use dams and reservoirs. Accumulated operating and enginering costs over the years, plus an allowance for interest on the investment, bring total present flood control costs to $285 million.

On the benefit side of the ledger, total estimated benefits now stand at about $456 million including those resulting from this month's flood control operation, TVA said. These benefits are of two types—damages prevented during floods and increases in land values resulting from flood protection.

TVA has made a preliminary estimate of more than $100 million in damage saved at Chattanooga during the early March flood regulation. This pushes the total damages which have been prevented in the Tennessee Valley to about $275 million.

Outside the Tennessee Valley, flood losses along the Ohio and Mississippi Rivers (outside the levees) have been reduced $31 million by the effects of TVA regulation, not counting additional benefits this month that cannot be estimated accurately until the flood recedes.

These prevented losses add up to $306 million in the two areas. In addition, greater security provided by TVA regulation to 6 million acres behind Mississippi and Ohio River levees has increased the value of those lands by an estimated $150 million.

When flood crests come down the Ohio and Mississippi Rivers, as they did last week, TVA uses the vast storage in 184-mile-long Kentucky Reservoir to hold back part or all of the Tennessee River's flow and keep it off the Ohio crest. Last week discharges at Kentucky Dam were reduced from 350,000 to 200,000 cubic feet per second during the Ohio crest. Kentucky Reservoir rose about 10 feet as waters pouring down the Tennessee River were stored there.

TVA said this month's flood and the one in 1957, while not the largest in Tennessee River history, were potentially the most destructive because of the urban development and economic growth that has taken place. Without regulation, a single flood today like the one in 1957 would cause damage in Metropolitan Chattanooga greater than the entire $184 million investment in TVA flood control facilities.

TVA pointed out that the investment figures for its reservoir system include the value of the land which was purchased for the permanent reservoirs.

Prevented damages in the Tennessee Valley have averaged over $10 million a year since Norris Dam was closed in 1936, and prevented losses along the Ohio and Mississippi have averaged another $1.5 million a year since Kentucky Dam was closed in 1944 (aside from land enhancement benefits). In contrast, the cost of TVA flood control operations—including depreciation on the original investment—is currently running about $3½ million a year.

Mr. KEFAUVER. Mr. President, I also ask unanimous consent that an article published in th Knoxville Journal of April 6, 1963, concerning TVA's plans to replace Hales Bar Dam because of a worsening leakage problem, be printed at this point.

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

TVA TO REPLACE HALES BAR DAM

Directors of Tennessee Valley Authority yesterday announced their decision to build a new dam and navigation lock on the Tennessee River to replace the 50-year-old Hales Bar Dam west of Chattanooga, at which a leakage problem is gradually getting worse.

Preliminary plans are to build the new dam downstream from the existing one between Hales Bar and the mouth of the Sequatchie River. TVA said details of design and cost were not yet available.

"The decision to replace Hales Bar with a new dam was reached after a detailed review of efforts which have been carried on over the past several years to reduce leakage under the old dam," the TVA board said. "Recent engineering studies reveal that improvements required at Hales Bar would be more extensive than previously indicated and their success in completely sealing and stabilizing the dam could not be assured."

The agency said there is no current danger of a failure of Hales Bar Dam, which it purchased from Tennessee Electric Power Co. in 1939, but that there are indications of "a continued worsening of the leakage. It explained that a dam in that vicinity is necessary to maintain a continuous navigation channel.

The old dam "has been plagued with foundation problems since construction began in 1905," TVA said, asserting that preliminary study indicates a favorable site with good foundation condition can be found downstream.

ANNUAL REPORTS BY SUBCOMMITTEES OF COMMITTEE ON THE JUDICIARY

Mr. KEFAUVER. Mr. President, I wish to express my attitude toward "An-

nual Reports" of Senate Judiciary Subcommittees as required by identical provisions in all authorization resolutions.

These are necessarily filed as reports of the Committee on the Judiciary, U.S. Senate, "made by its subcommittees" pursuant to the particular resolutions authorizing investigations and studies in the preceding year. Perhaps we are all in general agreement that these are annual reports of the subcommittees, nothing more, even though they must technically be filed from the full Judiciary Committee. But misunderstanding can arise from time to time, by the nature of the subject matter or the tone of the presentation.

As a member of the Committee on the Judiciary, I feel that these annual subcommittee reports—as distinguished from reports on specific bills or resolutions—should be filed as approved by a majority of the subcommittee members. If there are to be dissents, or minority or separate views, these should normally be made by other members of the subcommittee involved, rather than by members of the full committee who are not on the subcommittee. This is not to abdicate responsibility by members of the full committee; this is a method of assuring that the Senate will receive the language chosen by the subcommittee in each instance to describe its own work of the past year. In some situations, of course, members of the full committee may suggest revisions to the subcommittee, but I do not favor this as a standard practice.

Therefore, it should be understood that the fact that I do not submit dissenting or separate views with regard to any annual report does not mean that I am in agreement with the report; as I obviously do not agree with the exposition nor the conclusions reached in all of the annual reports that have been or will be submitted by the 14 standing and special subcommittees.

JOINT AUTHORITY OF THE SENATE AND HOUSE OF REPRESENTATIVES TO ORIGINATE APPROPRIATION

Mrs. SMITH. Mr. President, it was my pleasure and privilege to appear this past Sunday on what has become a widely acclaimed television program—the weekly telecast of Senator KENNETH KEATING. On that program Senator KEATING asked me if there was any action Congress could take to shorten its lengthy sessions. My answer was that if it permitted the Senate to originate half of the appropriation bills the session could be shortened significantly.

There are two schools of thought in opposition to the proposal of dividing the initiation of appropriations bills between the House and Senate. One school of thought advocates the abolition of the House Appropriations Committee and the abolition of the Senate Appropriations Committee—and their replacement with a Joint Committee on Appropriations.

I do not agree with this suggestion. It may appear to have much logic on its face—but when you probe beneath the surface it has potentialities that could lead to far reaching changes that perhaps even its proponents would not like.

It is true that we have joint committees between the House and Senate, but with the exception of those on Atomic Energy, Defense Production, Immigration and Nationality Policy, and Internal Revenue Taxation, and the Joint Economic Committee, the activity of joint committees is limited and rarely do they hold hearings.

Of these exceptions, only the Joint Committee on Atomic Energy has any legislative jurisdiction. The others may hold hearings and make studies, but proposed legislation is never referred to them for action. And even the Joint Committee on Atomic Energy is limited to being an authorization committee, and has no jurisdiction over appropriations for atomic energy. That jurisdiction is retained by the Appropriations Committee.

There are two basic legislative functions: the first is to authorize; the second is to appropriate. In recent years, a third function has emerged—to investigate. But for practical purposes, the backbone of legislation is authorization and appropriation—and not investigation.

In short, roughly half of the work of the House—and half of the work of the Senate—half of the work of the Congress—is appropriations. To appropriate through a joint committee and follow the precedent of the relatively young Joint Committee on Atomic Energy would, in effect, to a great extent make Congress a unicameral legislature instead of the bicameral character given it by our Constitution.

Thus, the spirit—if not, the letter—of the Constitution would be amended by indirection in the creation of a Joint Committee on Appropriations—rather than by the direct method of amending the Constitution by a constitutional amendment requiring not only two-thirds approval of both the House and Senate but also three-fourths of the States. Frankly, I think this would be an unacceptable shortcut.

Furthermore, if the function of appropriating—which accounts for half of the work of Congress—is to be vested in a joint committee, then what valid answer is there to the logic of "what is good enough for appropriating is good enough for authorizing, for legislating" and in all consistency make all the authorizing or legislating committees of the House and Senate joint committees.

For if the logic for a Joint Committee on Appropriations is valid and acceptable, surely it is just as acceptable and valid for the creation of Joint Committees on Agriculture and Forestry, on Armed Services, on Banking and Commerce, on Aeronautical and Space Sciences, on Commerce, on Revenue and Finance, on Foreign Relations, on Government Operations, on the Judiciary, and so forth.

Yes, if you start with appropriations, where can you logically draw the line? And then where do you end up—with neither the House nor the Senate having its separate committees—with all committee work being done on a unicameral basis. And if you have all committee work done on a unicameral basis, then why not have the actual debate and voting on a unicameral basis? Why not just have one legislative body instead of two?

But if you do this, then several complex and difficult questions arise. First, the Constitution will have to be amended. Second, the concept of balances and checks within the legislative branch of our Government will have been abolished. Third, the balance between direct representation of the people by population in the House and the representation of the States, without reference to population, in the Senate, will have been eliminated.

If representation of the States—the balance against representation of the population—is eliminated, then what kind of compromise can be effected? Unless representation by States is to be abolished completely and arbitrarily, what workable compromise is there?

I do not think the American people want a unicameral Congress—but that is exactly the direction of the proposal of abolition of the House Appropriations Committee and the Senate Appropriations Committee and replacement of them with a Joint Committee on Appropriations.

If such an attempt is to be made, then I propose that it be done the direct and straightforward way through a constitutional amendment in which the States can have their say, rather than the back door, indirect and shortcut way of Congress taking such action by resolution to the exclusion of a direct voice of the people through their States.

The other school of thought that opposes equal division of the initiation of appropriation bills by the House and Senate—of giving the Senate the right to start half of the appropriation bills instead of the House retaining that privilege exclusively—bases such opposition on the contention that the Constitution reserves such an exclusive right to the House.

An analysis of this contention has been made by one of the most learned men to ever serve on the staff of Congress—Dr. Eli E. Nobleman, a member of the professional staff of the Senate Committee on Government Operations for more than 15 years. It is incorporated in a memorandum dated April 3, 1963.

Dr. Nobleman, who holds an earned doctorate in public law, has prepared a number of studies of this type for the committee, dealing with various aspects of constitutional law and public law. It was my privilege to serve on the Committee on Government Operations for several years and to have the opportunity to witness the excellent work of Dr. Nobleman.

He is undoubtedly one of the foremost authorities in our country on the subject of Federal-State-local relations and has performed tremendously valuable service to the committee, the Senate, and the country in this very important field.

And while I am making reference to Dr. Nobleman, I also want to pay tribute to the staff director and the professional staff members of the full Senate Government Operations Committee, for in my opinion they constituted one of the most outstanding staffs in the entire history of

Congress—at least in the 23 years that it has been my privilege to serve in Congress.

Dr. Nobleman's learned study is most impressive. But it is more than that. It is readable and understandable rather than being couched in complex legalistic terms. I invite the attention of every Member of this body to it. While it was printed in the hearings on S. 537, to create a Joint Committee on the Budget, as an appendix to the record, I ask unanimous consent that it be placed in the body of the RECORD at this point.

I also ask unanimous consent that the April 16, 1963, column of distinguished columnist Arthur Krock, of the New York Times, be placed in the RECORD immediately following the study of Dr. Nobleman. Columnist Krock takes appropriate notice of the importance of the Nobleman study.

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

SENATE COMMITTEE ON GOVERNMENT OPERATIONS,
April 3, 1963.

Staff Memorandum No. 88–1–27.

Subject: Authority of the Senate to originate appropriation bills.

During the hearings on S. 537, to provide for more effective evaluation of the fiscal requirements of the executive agencies of the Government of the United States, held on March 20, 1963, reference was made to the position of some Members of the House of Representatives that this bill, which would establish a Joint Committee on the Budget, might in some manner, infringe on alleged constitutional prerogatives of the House of Representatives to originate appropriation bills. Taking note of this issue, the chairman directed the staff to prepare a summary and analysis of the debates and actions of the Constitutional Convention of 1787, with particular reference to the authority of the Senate to originate appropriation measures.

Since the birth of the Republic, a controversy has existed as to whether article I, section 7, clause 1, on the Constitution of the United States vested in the House of Representatives the exclusive authority to originate appropriation measures.

Article I, section 7, clause 1 provides: "All bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills."

Although no mention is made of appropriations in this clause, the House of Representatives has, during the entire course of the history of the Nation, frequently asserted the position that this clause conferred upon it the exclusive authority to originate appropriation measures. The Senate has, from time to time, contested this position, contending that it has equal authority to originate such bills. However, for the most part, the Senate has acquiesced in the position of the House and, as a matter of practice and procedure, all appropriation measures do originate in the House of Representatives. This, however, is a matter of practice and not of constitutional right.

At this point, it may be stated unequivocally that there is nothing either in the language of the Constitution or in the debates of the delegates to the Constitutional Convention of 1787 which, in any way, lends support to the position of the House. On the contrary, the evidence is abundantly clear that various attempts in the Constitutional Convention to vest in the House of Representatives the exclusive authority to originate appropriation bills were defeated on several occasions, following extensive debate and discussion.

This position is supported conclusively by a statement of George Mason, delegate from Virginia, author of the Virginia Declaration of Rights, member of the Continental Congress, and one of the three men who refused to sign the completed Constitution. Mason, who participated actively in the debates, having spoken 136 times, was unalterably opposed to vesting any authority over either revenue or appropriation measures in the Senate. In assigning his reasons for refusing to sign the Constitution, he said, "The Senate have the power of altering all money-bills, and of originating appropriations of money * * * although they are not representatives of the people or amenable to them."[1]

Supporting data will be found in the debates and actions of the Constitutional Convention, as reported by James Madison and reprinted in (1) Elliott, "Debates on the Adoption of the Federal Constitution" (rev. ed., Philadelphia, 1861), vol. 5; (2) Farrand, "The Records of the Federal Convention of 1787" (New Haven, 1911), vols. I, II and III; (3) "Documents Illustrative of the Formation of the American States," House Document No. 398, 69th Congress (1927); and the following materials, all of which have been carefully analyzed: A report of the House Committee on the Judiciary entitled "Power of the Senate To Originate Appropriation Bills" (H. Rept. 147, 46th Cong., 3d. sess., 1881); a comprehensive article, entitled, "History of the Formation of the Constitution," by John A. Kasson, President of the Constitutional Centennial Commission, contained in the "History of the Celebration of the 100th Anniversary of the Promulgation of the Constitution of the United States" (Philadelphia, 1889), volume I; W. W. Willoughby, "The Constitutional Law of the United States" (2d ed., 1929), volume II; a memorandum submitted by Representative Robert McClory, based upon Charles Warren's "The Making of the Constitution" (Boston, 1937); a monograph, entitled, "Creation of the Senate," published as Senate Document No. 45, 75th Congress; and the testimony of Mr. Lucius Wilmerding, authority on the Federal spending power. See also Selko, "The Federal Financial System" (Brookings Institution, 1940). The report of the House committee was published in the CONGRESSIONAL RECORD, volume 108, part 10, pages 12904–12911, and was also inserted in the appendix to the record of the hearings on S. 537 as exhibit 1. The pertinent portion of the publication of the Constitutional Centennial Commission is attached hereto as exhibit 2. The materials submitted by Representative McClory and Mr. Wilmerding are found in the hearings on S. 537.

The balance of this memorandum will be devoted to a discussion of the arguments of the House of Representatives and evidence refuting these arguments, as contained in the Madison Journal and the other materials referred to above.

POSITION OF THE HOUSE OF REPRESENTATIVES[2]

The position of the House of Representatives appears to be based upon (1) the practice of the English Parliament at the time of the adoption of the Constitution, under which the lower House, the House of Commons, exercised full and complete control over all money bills, both appropriation and revenue-raising or tax bills; (2) the terminology of the period, under which the terms "money bills" and "bills for raising revenue" allegedly referred to and included appropriation bills; and (3) the alleged intention of the Constitutional Convention to retain authority over all financial matters in the House closest to the people.

DEBATES AND ACTIONS OF THE CONSTITUTIONAL CONVENTION OF 1787

Analysis of the debates of the Constitutional Convention clearly refutes the position of the House of Representatives. An authoritative account and analysis of these debates, with special reference to the right of the Senate to originate appropriations, is found in an article, entitled, "History of the Formation of the Constitution," published in a two-volume work, entitled, "History of the Celebration of the 100th Anniversary of the Promulgation of the Constitution of the United States," under the direction and authority of the Constitutional Centennial Commission in 1889, and referred to above.

The article in question was written by former Representative John A. Kasson, president of the Constitutional Centennial Commission, and a distinguished lawyer and scholar, who served six terms as a Member of the House of Representatives from Iowa. In addition, Mr. Kasson served as First Assistant Postmaster General in President Lincoln's Cabinet, as United States minister to Austria-Hungary and Germany, and as U.S. member and representative at numerous international conferences and commission negotiations.

In a section of his article entitled "The Legislative Right to Originate Money Bills" (pp. 101–105), reprinted in full as exhibit 2 of this memorandum, Mr. Kasson reviewed the debates, discussions and votes of the delegates to the Convention, and demonstrated conclusively (1) that the delegates considered and rejected the practice of the English Parliament; (2) that they were fully aware of the distinction between revenue bills and appropriation bills; (3) that they refused to extend the exclusive power of the House of Representatives beyond bills to raise revenue; and (4) that they deliberately and expressly voted to vest in the Senate equal authority with the House over appropriation measures.

In the scheme of government, as originally approved in the Committee of the Whole, equal power to originate legislation was given to the two Houses of Congress by unanimous consent. On June 13, during consideration of the Virginia Resolutions, Gerry moved to insert the words, "except money bills," which shall originate in the first branch of the national legislature." Butler saw no reason for such discrimination: "We were always following the British Constitution, when the reason for it did not apply. There was no analogy between the House of Lords and the body (Senate) proposed to be established. If the Senate should be degraded by any such discriminations, the best men would be apt to decline serving in it in favor of the other branch." Madison observed "that the commentators on the British Constitution had not yet agreed on the reason of the restriction on the House of Lords in money bills. Certain it was there could be no similar reason in the case before us. The Senate would be the representatives of the people as well as the first branch. If they should have any dangerous influence over it, they would easily prevail on some Members of the latter to originate the bill they wished to be passed. As the Senate would be generally a more capable set of men, it would be wrong to disable them from any preparation of the business, especially of that which was most important, and in our Republic, worse prepared than any other." He concluded that if the proposal was to be advocated at all, it

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[1] Elliott, "Debates on the Federal Constitution" (2d ed., Philadelphia, 1861), vol. I, p. 494; Ford, ed., "Pamphlets on the Constitution of the United States," New York, 1888, p. 329.

[2] See, Williams, "The Supply Bills," S. Doc. No. 872, 62d Cong., 1st sess., 1912; report of the House Committee on the Judiciary, "Minority Views," H. Rept. No. 147, 46th Cong., 3d sess., 1881, "Luce, Legislative Problems," Boston, 1935, pp. 391, ff.

must be extended to amending as well as originating money bills. Sherman stated, "We establish two branches in order to get more wisdom, which is particularly needed in the finance business. The Senate bear their share of the taxes, and are also the representatives of the people." Pinckney said, "This distinction prevails in South Carolina, and has been a source of pernicious disputes between the two branches." The motion was then defeated by a vote of 7 to 3, and both Houses retained equal rights in all legislation.

Subsequently, during the debate on equality of State representation in the two Houses, it was urged by delegates from the larger States that questions of revenue ought to be determined by a proportional representation, otherwise, a minority of population, represented by a majority of States, might impose burdens on the majority of both wealth and population. This led to an offer by the small States that "all bills for raising or appropriating money * * * shall originate in the first branch of the legislature, and shall not be altered or amended by the second branch; and that no money shall be drawn from the Public Treasury but in pursuance of appropriations to be originated in the first branch." This offer was conditioned upon the acceptance of an equal vote in the Senate; and a committee, of which Gerry was chairman, so reported the plan on July 5. This plan was opposed by Madison, Gouverneur Morris, and Wilson, but the clause was adopted on July 6, by a vote of 5 to 3, with the understanding that it was still an open question. On July 16, following debate on the compromise as a whole, which included other matters, the plan was carried by a vote of 5 to 4, with the understanding that it was still an open question, and it went to the Committee of Detail, still unsupported by a majority of the States.

In its report on August 6, the Committee of Detail provided that "All bills for raising or appropriating money, and for fixing the salaries of the officers of Government, shall originate in the House of Representatives, and shall not be altered or amended by the Senate. No money shall be drawn from the Public Treasury, but in pursuance of appropriations that shall originate in the House of Representatives." In another section of the report, it was provided that "Each House shall possess the right of originating bills, except in the cases aforementioned."

When the Convention took this section up for debate, on August 8, Pinckney moved to strike it out, on the ground that it gave no advantage to the House of Representatives, and "if the Senate can be trusted with the many great powers proposed, it surely may be trusted with that of originating money bills." Gouverneur Morris said, "It is particularly proper that the Senate shall have the right of originating money bills. They will sit constantly, will consist of a smaller number, and will be able to prepare such bills with due correctness; and so as to prevent delay of business in the other House." Mason opposed Pinckney's motion to strike out the section stating that the purse strings should never be put into the hands of the Senate. Mercer thought that without this power the equality of votes in the Senate was rendered of no consequence. Madison also favored the motion, thinking the power to be of no consequence to the House and likely to involve the two branches in "injurious altercations." Mason, Butler, and Ellsworth opposed the motion, on the ground that it would add to the already too great powers of a Senate and promote an aristocracy. Thereafter, the Convention proceeded to vote to strike out the clause which vested exclusive power over revenue and appropriations in the House by a vote of 7 to 4.

On August 9, Randolph gave notice that he would move to reconsider this vote, stating that he thought it was not only "extremely objectionable", but also "as endangering the success of the plan." The plan he referred to was a part of the so-called Great Compromise of July 16, under which the right of the House to originate all revenue bills had been given as a concession to the large States in return for equality of representation in the Senate for the small States.

Williamson said that his State of North Carolina "had agreed to equality in the Senate, merely in consideration that money bills should be confined to the other House, and he was surprised to see the smaller States forsaking the condition on which they had received their equality." Mason said that unless this power should be restored to the House, "he should, not from obstinacy, but from duty and conscience, oppose throughout the equality of representation in the Senate." Gouverneur Morris, on the other hand, considered the section relating to money bills as "intrinsically bad"; and Wilson said that the two large States of Pennsylvania and Virginia had uniformly voted against it.

On August 11, on a motion to reconsider the vote striking out the money bill clause, Randolph made an elaborate speech in support of vesting the power over money bills in the House. It will make the plan "more acceptable to the people because they will consider the Senate as the more aristocratic body and will expect the usual guards against its influence be provided according to the example in Great Britain." He thought also that the restraint of the Senate from amending was of particular importance and he proposed to limit the exclusive power to "bills for the purpose of revenue", to obviate objection to the term "raising money", which might happen incidentally, not allowing the Senate by amendment to either increase or diminish the same. Reconsideration was agreed to by a vote of 9 to 1.

On reconsideration, Randolph's motion, made on August 13, was in the following words: "Bills for raising money for the purpose of revenue, or for appropriating the same, shall originate in the House of Representatives; and shall not be so amended or altered by the Senate as to increase or diminish the sum to be raised, or change the mode of levying it, or the objects of its appropriation."

This motion led to a heated debate. Mason supported Randolph fully. It was opposed, however, by Wilson, who said, "it would be a source of perpetual contentions where there was no mediator to decide them. The President here could not, like the executive in England, interpose by a prorogation or dissolution. This restriction had been found pregnant with altercation in every State where the Constitution (State) had established it. The House of Representatives will insert other things in money bills, and by making them conditions of each other, destroy the deliberate liberty of the Senate. * * * With regard to the purse strings (referred to by Mason), it was to be observed that the purse was to have two strings, one of which was in the hands of the House of Representatives, the other in those of the Senate. Both Houses must concur in untying, and of what importance could it be which untied first, which last. He could not conceive it to be any objection to the Senate's preparing the bills, that they would have leisure for that purpose and would be in the habits of business (referring again to Mason's remarks). War, Commerce, and Revenue were the great objects of the General Government. All of them are connected with money. The restriction in favor of the House of Representatives would exclude the Senate from originating any important bills whatever."

Gerry stated that "taxation and representation are strongly associated in the minds of the people, and they will not agree that any but their immediate representatives shall meddle with their purses. In short the acceptance of the plan will inevitably fail, if the Senate be not restrained from originating money bills." Madison thought that if Randolph's substitute is to be adopted "it would be proper to allow the Senate at least so to amend as to diminish the sum to be raised. Why should they be restrained from checking the extravagance of the other House. One of the greatest evils incident to republican government was the spirit of contention and faction. The proposed substitute, which in some respects lessened the objections against the section, had a contrary effect with respect to this particular. It laid a foundation for new difficulties and disputes between the two Houses. The word 'revenue' was ambiguous. In many acts, particularly in the regulation of trade, the object would be twofold. The raising of revenue would be one of them. How could it be determined which was the primary or predominant one; or whether it was necessary that revenue should be the sole object, in exclusion of other incidental effects." Madison then went on to show that it is difficult to determine whether a bill which was sent to the House by the Senate was or was not an amendment or alteration of a House revenue bill. He noted further the difficulties in determining what was an amendment or alteration, and what was the meaning of the words "increase or diminish." Continuing, he stated, "If the right to originate be vested exclusively in the House of Representatives, either the Senate must yield against its judgment to that of the House, in which case the utility of the check will be lost—or the Senate will be inflexible and the House of Representatives must adapt its money bill to the views of the Senate, in which case, the exclusive right will be of no avail."

After Dickinson and Randolph had defended further Randolph's motion, Rutledge stated that "he would prefer giving the exclusive right to the Senate, if it was to be given exclusively at all. The Senate being more conversant in business, and having more leisure, will digest the bills much better, and as they are to have no effect until examined and approved by the House of Representatives, there can be no possible danger. * * * The experiment in South Carolina, where the Senate cannot originate or amend money bills, has shown that it answers no good purpose; and produces the very bad one of continually dividing and heating the two Houses. Sometimes, indeed, if the matter of the amendment of the Senate is passing to the other House they wink at the encroachment; if it be displeasing, then the Constitution is appealed to. Every session is distracted by altercations on this subject. The practice now becoming frequent is for the Senate not to make formal amendments; but to send down a schedule of the alterations which will procure the bill their assent." Carroll said, "the most ingenious men in Maryland are puzzled to define the case of money bills, or explain the Constitution on that point; though it seemed to be worded with all possible plainness and precision. It is a source of continual difficulty and squabble between the two Houses."

At the close of this debate, three votes were taken. First, on the exclusive right in the first House to originate money bills; defeated, 4 to 7; second, on originating by the first House and amending by the Senate; defeated, 4 to 7; and third, on the clause, "No money shall be drawn from the Public Treasury, but in pursuance of appropriations that shall originate in the House of Representatives"; defeated, 10 to 1.

Warren, in commenting on the action taken by the Convention on August 13, notes that "the Convention adhered to its vote of August 8; and thus a victory was again

scored by the supporters of the power of the Senate."[3] Kasson observes that "here, for the first time, appears a very strong conviction of the Convention that a distinction should be made between bills for raising revenue and bills for appropriating money."[4]

On August 14, Williamson referred to the money bill section as dead, but "its ghost he was afraid would notwithstanding haunt us. It had been a matter of conscience with him, to insist upon it as long as there was hope of retaining it. He had swallowed the vote of rejection with reluctance. He could not digest it. All that was said on the other side was that the restriction was not convenient. We have now got a House of Lords which is to originate money bills."

On August 15, Strong proposed the following amendment: "Each House shall possess the right of originating all bills, except bills for raising money for the purposes of revenue, or for appropriating the same and for fixing the salaries of the officers of the Government which shall originate in the House of Representatives; but the Senate may propose or concur with amendments as in other cases." Mason seconded Strong's motion, stating that "He was extremely earnest to take this power from the Senate, who he said could already sell the whole country by means of Treaties." Gorham said the amendment was of great importance. "The Senate will first acquire the habit of preparing money bills, and then the practice will grow into an exclusive right of preparing them." Gouverneur Morris opposed it as unnecessary and inconvenient. Williamson said, "Some think this restriction on the Senate essential to liberty, others think it of no importance. Why should not the former be indulged? He was for efficient and stable Government but many would not strengthen the Senate if not restricted in the case of money bills. The friends of the Senate would therefore lose more than they would gain by refusing to gratify the other side." He thereupon moved to postpone the subject until the powers of the Senate had been reviewed, and further action was then postponed.

On September 5, the Committee of Eleven, to which had been referred certain portions of the proposed Constitution upon which action had been postponed, filed a report recommending, among other things, that "All bills for raising revenue shall originate in the House of Representatives, and shall be subject to alterations and amendments by the Senate; no money shall be drawn from the treasury, but in consequence of appropriations made by law."

Gouverneur Morris moved to postpone consideration, noting that "it had been agreed to in the committee on the ground of compromise, and he should feel himself at liberty to dissent to it, if on the whole he should not be satisfied with certain other parts (of the report) to be settled." Sherman "was for giving immediate ease to those who looked on this clause as of great moment, and for trusting to their concurrence in other proper measures." Morris' motion carried by a vote of 9 to 2 and the matter was postponed.

It should be noted, at this point, that here, for the first time, we have an official recommendation from a special committee, directed to report with respect to matters which had been postponed, which retains in the House exclusive authority to originate measures for raising revenue, while authorizing the Senate to alter or amend such measures, but which eliminates the exclusive power in the House to originate appropriations. It is perfectly clear, from the previous debate, that the elimination of the exclusive power in the House to originate appropriation bills was not accidental, inadvertant, or due to any lack of understanding on the part of the delegates as to the difference between bills to raise revenue and bills to appropriate funds. In fact, the vote on August 13, previously described, makes it quite clear that the distinction between revenue and appropriation measures was well understood. What is reflected in the proposal of the special committee is an attempt to reach a compromise which would placate those who wanted to see more power vested in the Senate and who had opposed the origination of revenue measures in the House exclusively.

Commenting on this proposal of the special committee, Warren states that "this new compromise satisfied some of the delegates from the smaller States and some from the larger States, who had hitherto opposed the origination of revenue bills in the House; * * *."[5]

On September 8, the postponed proposed section was again considered. After adopting an amendment to the first clause which incorporated the language of the Massachusetts constitution, the section was adopted by a vote of 9 to 2. As amended and adopted, it reads as follows: "All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments, as in other bills. No money shall be drawn from the Treasury but in consequence of appropriations made by law."

On the same day, a committee of five was appointed "to revise the style of and arrange the articles which had been agreed to * * *", referred to as the Committee on Style and Arrangement.

On September 12, the Committee on Style and Arrangement made its report on a final and revised draft of the Constitution. Section 7 of this final draft contained the provision: "All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills." The last clause of the version adopted on September 8, forbidding money to be drawn from the Treasury except in consequence of appropriations made by law, had been removed from section 7 and appeared as clause 6 of section 9.

SUMMARY OF DEBATES IN THE CONSTITUTIONAL CONVENTION

Summarizing the debates, it appears (1) that originally each House was to have full and equal authority to originate all bills; (2) an attempt to except money bills and require them to originate in the House of Representatives was rejected; (3) as a result of a compromise between delegates from the small and large States, all States were given an equal vote in the Senate, in return for vesting in the House of Representatives exclusive power to originate both revenue and appropriation measures, and this was tentatively approved on two occasions; (4) subsequently, a provision to vest exclusive authority in the House over both revenue and appropriation bills was proposed by the Committee on Detail and rejected on two occasions; (5) this rejection was in three parts; one rejected the exclusive authority in the House to originate money bills; the second rejected the exclusive authority in the House to originate, with amendment by the Senate; and the third rejected exclusive origination of appropriation measures in the House of Representatives; (6) subsequently, a special committee, in an attempt at conciliation, recommended that the House have exclusive authority to originate revenue measures, with amendment by the Senate, and exclusive authority to originate appropriation measures was dropped; and (7) finally, the Convention adopted the language now contained in the Constitution, except that the clause requiring appropriations made by law prior to drawing money from the Treasury was moved to another section of the Constitution, probably in order to avoid the confusion and misunderstanding generated by the earlier language, and as a matter of style.

Kasson, commenting on the final product, says, "It thus appears by express votes the Convention refused to extend the exclusive power of the House beyond bills for raising revenue, and by express vote decided to leave in the Senate an equal power to originate bills making appropriations of public money * * *."[6]

REPORT OF HOUSE COMMITTEE ON THE JUDICIARY, 46TH CONGRESS (1880)

Further substantiation for this view is found in the report of the House Committee on the Judiciary, made in 1881, referred to above (H. Rept. 147, 46th Cong., 3d sess.). It appears that a Senate bill, authorizing the Secretary of the Treasury to purchase certain land, and further authorizing the appropriating of funds therefor, had passed the Senate and was referred to the appropriate House committee which reported it favorably. Having determined that the matter involved the making of an appropriation, it was referred to the House Committee on the Judiciary with instructions to inquire into the right of the Senate under the Constitution to originate appropriation bills. This committee made a searching examination of the entire question and concluded that the Senate had such authority and that the power to originate appropriation bills is not exclusive in the House of Representatives.

After reviewing the British Parliamentary practice at the time of Constitutional Convention, the House committee observed, "* * * if they (the Founding Fathers) had intended to secure to the House the sole right to originate appropriation bills * * * it is but reasonable to suppose that they would have done so in perfectly plain and unequivocal terms."

Following an examination of a portion of the debates in the Constitutional Convention, the House committee stated:

"From this brief summary it will be seen that the proposition was more than once presented to the Convention to vest in the House of Representatives the exclusive privilege of originating 'all money bills' co nomine, which was so often rejected. It would seem obvious, therefore, that the framers of the Constitution did not intend that the expression 'bills for raising revenue', as employed by them, should be taken as the equivalent of that term as it was understood in English parliamentary practice; for, if they had so intended, they would surely have used that term itself, which had already received a fixed and definite signification from long and familiar usage, instead of the one they chose to employ."

Thereafter, the House committee observed that it could not be said that the framers of the Constitution acted under any misapprehension or want of proper deliberation. Not only did they specifically reject language which would have vested in the House of Representatives the exclusive privilege of originating appropriation bills, but

"No provision in the entire Constitution was more elaborately discussed or more carefully considered. The policy of investing the House of Representatives with the exclusive privileges exercised by the English House of Commons in relation to 'money bills' was persistently and ably urged by such distinguished and patriotic statesmen as George Mason, Elbridge Gerry, and Benjamin Frank-

[3] Warren, "The Making of the Constitution" (Boston, 1937), p. 435.

[4] Kasson, "History of the Formation of the Constitution," in "History of the Celebration of the One Hundredth Anniversary of the Promulgation of the Constitution of the United States" (Phila., 1889), p. 104.

[5] Warren, "The Making of the Constitution," op. cit., p. 670.

[6] Kassan, "History of the Formation of the Constitution, op. cit., supra, p. 105.

lin; and the impropriety of making any discrimination whatever between the two Houses as to their power to originate any bills was forcibly presented by Madison, Gouverneur Morris, Oliver Ellsworth, James Wilson, and Roger Sherman."

Continuing, the House committee states:

"To say that the illustrious men who composed the Federal Convention were incapable of declaring in clear and unmistakable language that the House of Representatives should have the sole right to originate appropriation bills, if such had been their intention, would be an insult to their intelligence, which, in view of the precise and perspicuous terms used in the resolution reported by Mr. Gerry, the substitute offered by Mr. Randolph, and the amendment proposed by Mr. Strong, could only stultify the person who might hazard such an insinuation; and it would be no less an imputation upon their integrity and candor, as well as a gross abuse of construction, to suppose that they intended to be understood as meaning precisely what they repeatedly refused to say in plain words, especially when such a meaning cannot be inferred by any possibility from the language they actually employed, if that language is taken according to its natural and ordinary import."

The House committee came to the conclusion that it was never the intention of the framers of the Constitution to withhold the power of originating appropriation bills from the Senate, and that this was clearly shown from the language used in the instrument and the circumstances under which that language was employed.

Concerning the argument that usage and customs should govern, the committee said:

"* * * if the Senate was ever invested with that power by the Constitution, it cannot be said to have lost it by nonuser. Fortunately for us, that is not the way in which our constitutional provisions are changed, nor can they be altered by mere parliamentary practice. They must remain in the plain words in which they are written until amended by the concurrent votes of two-thirds of each branch of Congress and the legislatures of three-fourths of all the States in the Union, and while they remain they must be construed according to the simple and well settled rules of interpretation applicable to all other written language.

"If the mere practice of the two Houses or of either of them can be said to affect in any way a clear constitutional principle, instances in which the House has passed, without objection, appropriation bills which have originated in the Senate, might be adduced in sufficient numbers to fill a volume."

In concluding its report, the committee stated:

"With the policy of such a provision your committee has nothing to do. That was a matter to be considered and determined by the convention which framed the Constitution and the States which ratified it. And whether they acted wisely or unwisely in that regard cannot alter the fact that there is nothing in the language of the Constitution to indicate an intention on their part to withhold from the Senate the power to originate bills for the appropriation of money or that they repeatedly rejected a proposition to confine that privilege to the House of Representatives, although presented in the most emphatic and unequivocal terms. Believing, therefore, from the plain letter of the Constitution, as well as from all the circumstances surrounding the adoption of the provision in question, that the Senate had the clear right to originate the bill, they report it back to the House, with the recommendation that it be referred to the Committee on Appropriations, and that the following resolution be adopted:

"Resolved, That the Senate had the constitutional power to originate the bill referred, and that the power to originate bills appropriating money from the Treasury of the United States is not exclusive in the House of Representatives."

This report, which was accompanied by minority views, was recommitted. The minority views contained the usual arguments advanced in support of the contention that the House of Representatives has exclusive power to originate appropriation bills.

VIEWS OF COMMENTATORS AND THE SUPREME COURT OF THE UNITED STATES

The precise question of the right of the Senate to originate appropriation bills has never been passed upon directly by the courts. However, it has been the subject of comment by several commentators and has been treated indirectly in several decisions of the U.S. Supreme Court.

Mr. Justice Story, writing in 1833, in his famous "Commentaries on the Constitution of the United States," stated: [7]

"* * * What bills are properly 'bills for raising revenue,' in the sense of the Constitution, has been a matter of some discussion. A learned commentator supposes that every bill which indirectly or consequent may raise revenue is, within the sense of the Constitution, a revenue bill. He therefore thinks that the bills for establishing the post office and the mint, and regulating the value of foreign coin belong to this class, and ought not to have originated (as in fact they did) in the Senate. But the practical construction of the Constitution has been against his opinion. And, indeed, the history of the origin of the power already suggested abundantly proves that it has been confined to bills to levy taxes in the strict sense of the words, and has not been understood to extend to bills for other purposes, which may incidentally create revenue. * * *"

More recently, an equally eminent authority on the Constitution, W. W. Willoughby, in his definitive work, "The Constitutional Law of the United States" stated: [8]

"The Constitution provides that 'all bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.'

"This provision has given rise to frequent controversies between the two Houses of Congress, but has but seldom been passed up by the courts. No formal definition of a revenue measure has been given by the Supreme Court, but in *Twin City National Bank* v. *Nebeker,* the Court, in effect, held that a bill, the primary purpose of which is not the raising of revenue, is not a measure that must originate in the House, even though, incidentally, a revenue will be derived by the United States from its operation."

Concerning appropriations acts, Mr. Willoughby stated: [9]

"It would seem that the Senate has full power to originate measures appropriating money from the Federal Treasury.

"This right has at times been denied by certain Members of the House, but the House has not itself formally adopted this negative view."

In *Twin City Bank* v. *Nebeker,*[10] the Supreme Court of the United States upheld the validity of a statute providing a national currency secured by a pledge of bonds of the United States and imposing a tax on the notes in circulation of the banking associations organized under the statute, in furtherance of that object and to meet the expenses attending the execution of the act. It was contended that since the act imposed a tax, it was a revenue raising measure; and that since the amendment which imposed the tax originated in the Senate, it was void. The Court held that this was not a revenue bill "which the Constitution declares must originate in the House of Representatives."

In disposing of this contention, Mr. Justice Harlan (202–3) stated:

"Mr. Justice Story has well said that the practical construction of the Constitution and the history and origin of the constitutional provision in question proves that revenue bills are those that levy taxes in the strict sense of the word, and are not bills for other purposes which may incidentally create revenue. * * *"

BASES FOR THE POSITION OF THE HOUSE OF REPRESENTATIVES

The position of some Members of the House of Representatives, that the Constitution vests in that House exclusive authority to originate appropriation bills, appears to have received its principal support from Asher Hinds and Representative CLARENCE CANNON, both former House Parliamentarians, and a considerable amount of material on the subject is found in "Hinds' and Cannon's Precedents." Additional material is found in Luce's "Legislative Problems," and in the minority views attached to the report of the House Committee on the Judiciary (H. Rept. No. 147, 46th Cong.), referred to above. However, the major work purporting to support this position is found in an article by former Senator John Sharp Williams, written in 1912 and published as Senate Document No. 872 (62d Cong., 1912).

In this article, Mr. Williams, after reviewing briefly the debates in the convention, arrives at the events of September 8, 1787. Noting the adoption by a vote of 9 to 2 of the language "All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments, as in other bills. No money shall be drawn from the Treasury but in consequence of appropriations made by law," he says, "no discussion. Evidently nobody thought that it made a difference from previous drafts. Why? Because the phrase 'raising revenue' was equivalent to the phrase 'raising money and appropriating the same'."

In coming to this conclusion, Mr. Williams ignored completely the fact that on two occasions a provision by the Committee on Detail to vest exclusive authority over both revenue and appropriation bills was rejected. Furthermore, at the time of the second rejection, a vote was taken on the following language: "No money shall be drawn from the Public Treasury, but in pursuance of appropriations which shall originate in the House of Representatives"; and it was defeated by a vote of 10 to 1.

How Mr. Williams was able to conclude after that action and the debate surrounding it that the phrase "'raising revenue' was equivalent to the phrase 'raising money and appropriating the same'" is not readily apparent and is merely based upon his own personal views and interpretations, rather than on historical facts and events.

Mr. Williams also made much of the fact that the final draft, which omitted any reference to "appropriations," was the work of the "Committee of Revision of Style," concluding that it "seems still evident that to 'raise revenue' meant to raise money and appropriate it." He made no reference to the fact that this committee moved the last clause of the version adopted on September 8, dealing with appropriations, from section 7 of the final draft to section 9 of the final draft. It is certainly just as valid to assume that the committee took this action in order to separate, once and for all, the appropriation provision from the revenue provision, in order to avoid the conflict and misunderstanding which existed throughout a considerable portion of the debate. Mr. Williams' implication, that the omission of

[7] Vol. 2, pp. 342–343.
[8] (2d ed., 1929), vol. II, p. 656.
[9] Ibid., p. 657.
[10] 167 U.S. 196 (1897).

any reference to "appropriations" was purely one of style and arrangement, certainly finds no justification in the facts reviewed, and must be treated as mere conjecture on his part.

Mr. Williams proceeded to review the debates in some of the State conventions on the ratification of the Constitution. His references to the language used, however, are inconclusive, since all or most of them are to "money bills," a term which, although used in the debate by the framers, was later discarded in favor of the more precise term—"bills to raise revenue," and "appropriations." By tortured interpretations of the terms, "money bills," "revenue bills," and "supply bills," he attempts to show without any noticeable basis, that they really mean "appropriation bills."

Mr. Williams states further that "if you will read the proceedings of the Constitutional Convention at Philadelphia very carefully, you will find that the whole argument there was whether the Senate should or should not have the right to amend. There never was one moment spent in discussion as to whether the House should or should not have the right to originate."

It is apparent that Mr. Williams did not read the debates with the care he requested of others. As early as June 13, 1787, when Gerry moved to change the equal right in both Houses to originate all legislation, so as to except money bills "which shall originate in the House of Representatives," Butler, Madison, Sherman, and Pinckney took issue with him. Madison specifically observed that "the Senate would be the representatives of the people as well as the first branch," and "as the Senate would be generally a more capable set of men, it would be wrong to exclude them from any preparation of the business, especially of that which was important, * * *." Sherman said, "We establish two branches in order to get more wisdom, which is particularly needed in the finance business. The Senate bear their share of the taxes and are also representatives of the people." Pinckney noted that this distinction in South Carolina has been a source of "pernicious disputes between the two branches." After the debate, Gerry's motion was defeated by a vote of 7 to 2.

Subsequently, on August 6, the Committee on Detail, in its report, provided for the origination in the House of Representatives of "all bills for raising or appropriating money * * *." In the debate on this provision on August 8, Gouverneur Morris said, "it is particularly proper that the Senate shall have the right of originating money bills. They will sit constantly, will consist of a smaller number, and will be able to prepare such bills with the due correctness; and so as to prevent delay in the other House." Following further debate, the provision was rejected by a vote of 7 to 4. In further debate, several days later, Wilson said that "the purse was to have two strings, one of which was in the hands of the House of Representatives, the other in the Senate. Both Houses must concur in untying, and of what importance would it be which untied first, which last." He could not conceive "it to be any objection to the Senate's preparing the bills," and "the restriction in favor of the House of Representatives would exclude the Senate from originating any important bills whatever."

In the light of the foregoing, it certainly cannot be said with any degree of accuracy, that "there never was one moment spent in discussion as to whether the House should or should not have the right to originate."

Finally, we have the clear statement of George Mason, a delegate from Virginia, who gave, as one of his reasons for refusing to sign the Constitution, the fact that "the Senate shall have the power of altering all money bills, and of originating appropriations of money." [11]

CONCLUSIONS

As stated at the outset of this study, an examination of the debates of the framers of the Constitution and of the principal commentators and authorities on the subject reveals, beyond any doubt, that the Senate has constitutional authority to originate appropriation bills. This conclusion is based upon the following findings:

1. The language of the Constitution itself makes it perfectly plain that the exclusive authority of the House of Representatives refers only to "bills for raising revenue" which term means "levying taxes." If the delegates to the Convention had desired to vest sole authority over appropriations in the House of Representatives, it may be assumed, in the light of their intellectual capacities and stature, that they would have done so in plain and unequivocal terms, particularly in view of the fact that attempts to confine that authority to the House were rejected repeatedly. This position is further supported by the refusal of Delegate George Mason to sign the Constitution because it gave the Senate power to originate appropriations, quoted in the preceding paragraph.

2. The practice of the English Parliament, at the time of the Constitutional Convention, under which the House of Commons controlled both revenue-raising and appropriation bills, was well known and understood by the delegates. The question of vesting the same powers in the House of Representatives was thoroughly debated and was ultimately rejected as inapplicable to the situation at hand, since the Senate bore no resemblance whatever to the hereditary House of Lords.

3. The framers of the Constitution deliberately discarded the term "money bills", used in English parliamentary practice, because of the confusion generated by this term. Furthermore, they understood fully the distinction between revenue-raising measures and appropriation measures, and, at no time was it intended that the term "bills for raising revenue" was to include bills for appropriating money.

4. Originally, each House was given equal authority to originate all bills, and an attempt to except money bills and require them to originate in the House of Representatives was rejected.

5. As the result of a compromise between the small and large States, all States were given an equal vote in the Senate in return for vesting in the House of Representatives exclusive power to originate both revenue and appropriation measures, and this was tentatively approved on two occasions.

6. Subsequently, a provision to vest exclusive authority in the House over both revenue and appropriation measures was proposed and rejected on two occasions. This rejection was in three parts: one vote rejected the exclusive authority in the House to originate money bills; the second rejected the exclusive authority in the House to originate, with amendment by the Senate; and the third rejected exclusive origination of appropriation measures in the House of Representatives.

7. Having reached an impasse on this question, a special committee, in an attempt at conciliation, recommended that the House have exclusive authority to originate revenue measures, with amendment by the Senate, and exclusive authority to originate appropriation measures was dropped, in order to placate those delegates who resented the attempt to exclude the Senate from a matter of such importance as appropriations.

8. The Convention finally adopted the language now contained in the Constitution, except that the clause requiring appropriation made by law prior to drawing money from the Treasury was moved to another section by the Committee on Style and Arrangement. It is obvious that this action could not have been inadvertent, since the committee in question had no authority to make substantive changes. Therefore, their action in dropping any reference to appropriation measures from article 1, section 7, clause 1, was done deliberately in order to carry out the desires of a majority of the delegates, and to eliminate any possible confusion which had been generated by the earlier language. Had this action been taken, merely as a matter of style, it would have exceeded the authority of the committee, and the Constitution would never have been ratified in that form.

9. Since the power to originate appropriation measures was clearly vested in the Senate by the Constitution, the fact that the Senate, as a matter of practice and procedure, has permitted the House of Representatives to originate general appropriation bills over a long period of time, cannot operate to divest the Senate of this important constitutional power. If this is desirable, it must be done by an amendment to the Constitution as prescribed by that document.

Approved:

ELI E. NOBLEMAN,
Professional Staff Member.
WALTER L. REYNOLDS,
Staff Director.

[From the New York Times, Apr. 16, 1963]

IN THE NATION—SOFT FOOTFALLS OF CHANGE IN NOISY TIMES

(By Arthur Krock)

WASHINGTON, April 15.—Considering the clamor of the disputes over domestic and foreign policy between the administration and its critics, and those among the free world nations over collective defense and economic programs, it is not surprising that, of two very important moves in the direction of fundamental change in our governing system, one has just come to national notice, and the other is advancing toward its goal without arousing the goal tenders.

APPORTIONMENT POWER

The first basic change, which 10 State legislatures have now invoked their constitutional right and privilege to set in motion, would be the return to all 50 States of the final power to apportion their legislative seats, denying all Federal court jurisdiction in this political area by an amendment to the Constitution. The second would be the assertion by the U.S. Senate of equal right with the House to originate appropriation bills, a fundamental broadening of procedure with great but unforeseeable effects on the future fiscal condition of the Government. This claim of Senate power, which the House has rejected ever since the beginning of the Government, has just been certified as constitutional in a staff study for the Committee on Government Operations headed by Senator MCCLELLAN, of Arkansas.

Since the courts have never decided this issue, and the Senate has acquiesced to the insistence of the House that it alone may constitutionally originate appropriations, the House has paid very little attention to previous Senate complaints. But if this study, prepared for Senator MCCLELLAN by Eli E. Nobleman of the committee staff, persuades the Senator to urge a showdown on the issue, and the Senate goes along with him, the House's long-prevailing treatment of it as a harmless exercise in constitutional research will end in a stalemate of appropriating that the Federal courts will be obliged to try to break.

ORIGINATING MONEY BILLS

This issue between the two branches has moved to the active from the inactive status

[11] See, supra, note 1.

with the new determination revealed by the Senate to establish a joint committee on the budget. That legislation, designed to provide overall congressional management of expenditure versus revenue, has passed the Senate five times, only to be killed in the House on the claim that it is a mechanism by which the Senate can originate appropriations and thereby elude the constitutional restriction of this function to the House. But now the bill, drawn in rejection of this claim on the basis of the Nobleman study, has 76 sponsors, more than three-fourths of the Senate.

Obviously, the preparation of a staff study is the quietest of all the originating phases of legislation. This sufficiently explains, though the product may be a bomb, as in this instance, the quiet of its target, the House, during the production stage. But it does not account for the fact that no national attention was drawn to the mounting procession of State legislatures, toward regaining from the Federal courts the power of the electorate of the States to fix their own formula of legislative representation, until the number of marchers had reached 10.

CURIOUS LACK OF NOTICE

This lack of national notice is the more curious because the legislatures of States such as Missouri, with urban populations able in combination to control their politics, had joined the procession, and its objective had also been approved by one branch of the legislatures of other States in the same category—New Jersey and Illinois among them. Hence it may be that the rapid action in 19 States to conform to the Supreme Court's new assumption of authority over legislative apportionment had so convinced the zealous and highly articulate supporters the rule was established that they quit listening for the tread of State reaction in the increasing noise of the larger national and international policy battles.

In the alarm of their awakening, however, this group seems to be overlooking at least two aspects of the situation. (1) The 10 legislatures exercised their specific rights as stated in the Constitution. (2) There is no evidence as yet of an overall design to prevent an equitable register of urban and rural votes by referendums on State reapportionments if and when recovered from the jurisdiction of the Federal courts.

SHIPS TRADING WITH CUBA

Mr. GOLDWATER. Mr. President, Lloyd's Shipping Index gives a daily appraisal of shipping on the oceans of the world. I became interested in this available information, and I feel certain that my colleagues in the Congress will be interested in what a study of the index of of March 14 reveals.

It is interesting in an intriguing way to notice the number of British ships plying trade with Cuba, when they have been asked to assist our Navy in intercepting the small groups of Cubans trying to retake their own country. In fact, the whole study indicates that there is anything but a diminution of shipping to the Communist-dominated country immediately to our south.

I ask unanimous consent to insert the index in the RECORD.

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

Ships trading with Cuba

OTHER THAN RUSSIAN

[Partial list positions based on Lloyd's Shipping Index of Mar. 14, 1963]

Vessel	Flag registry	Year built	Gross tonnage	Net tonnage	From—	For—	Latest report
Angelos	Greek	1943	7,314	4,325	Cienfuegos	Osaka	Arrived Mar. 1.
Apollon	do	1957	9,744	5,628	Novorossisk	Havana	Arrived Feb. 5.
Ardmore [1]	British	1939	4,664	2,682	Niigata	do	In 22:30 N. 37 W. Mar. 8.
Arlington Court	do	1962	9,662	5,551	Havana Mar. 2	Vancouver	Passed Panama Canal Mar. 8.
Baltyk	Polish	1942	6,984	5,105	Havana Feb. 10	Sagua	
Banda	Dutch	1956	8,785	5,038	Calcutta	Havana	Arrived Kobe Mar. 13.
Bar	Yugoslav	1943	7,233	4,403	Havana Feb. 22	Antilla	
Batjian	Dutch	1956	8,789	5,045	Calcutta	Havana	Arrived Callao Mar. 8.
Bialystok	Polish	1942	7,173	4,287	Havana Mar. 2	Cardenas	
Birgit	Swedish	1928	5,907	3,350	Havana Jan. 12	Gothenburg	Arrived Jan. 31.
Bytom	Polish	1942	5,967	3,981	Hango Feb. 9	Havana	Arrived Mar. 11.
Ernst Moritz Arndt	East German	194	6,996	4,264		do	Arrived Feb. 24.
Glynafon	British	1953	7,021	4,131	Matanzas	Japan	In 8.56 N. 96.2 W. Mar. 6.
Himmerland	Danish	1956	8,774	5,130	Whampoa	Cienfuegos	Arrived Mar. 7.
J. G. Fichte	East German	1949	11,883	5,088	Havana Oct. 27	Nuevitas	
Karl Marx Stadt	do	1960	9,632	5,758	Cienfuegos Feb. 25	Rostock	
Kladno	Czechoslovak	1959	8,837	5,466	Havana Mar. 2	Nicaro	
Kongsgaard	Norwegian	1961	19,999	12,709	Tuapse	Cuba	Sailed Augusta Mar. 11.
Linda Giovanna	Italian	1940	9,985	6,064	Cienfuegos Feb. 25	Liverpool	Anchored Mersey Bar Mar. 13.
Linkmoor [1]	British	1961	8,236	4,583	London Feb. 28	Havana	Passed Deal Feb. 28.
London Confidence	do	1962	21,699	12,976	Havana Feb. 18	Novorossisk	Arrived Mar. 7.
London Pride	do	1950	10,776	6,277	Santiago Mar. 3	Black Sea	In 29:10 N, 41:20 W. Mar. 10.
Lord Gladstone [1]	do	1959	11,299	6,574	Novorissisk Mar. 10	Cuba	Passed Istanbul Mar. 11.
Maria Santa	Greek	1943	7,217	4,467	Piraeus Feb. 15	Havana	Sailed Freeport (Bahamas) Mar. 12.
Mastro-Stelios II	do	1943	7,282	4,674	Novorossisk	do	Arrived Feb. 11.
North Express	do	1957	10,904	6,294	Odessa	Cuba	Off Gibraltar, Mar. 2.
Ole Bratt	Norwegian	1945	5,252	2,948	Hsinkang	Havana	Arrived Feb. 11.
Overseas Explorer	British	1955	16,267	9,480	Santiago Feb. 20	Odessa	Arrived Mar. 10.
Pamit	Greek	1945	3,929	2,296	Rotterdam	Havana	Sailed Antwerp Feb. 20.
Polyclipper	Norwegian	1954	11,737	6,766	Havana Mar. 6	Black Sea	
Priamos	German	1959	3,027	1,609	Arrived New Orleans Mar. 7 from Cuba.		
Shienfoon	British	1944	7,127	4,343	Havana Mar. 10	Caribarien	
Spree	East German	1952	2,736	1,355	Havana Feb. 20	Nicaro	
Stylianos N. Vassopulos	Greek	1943	7,244	4,396	Odessa Feb. 1	Havana	Arrived Mar. 2.
Sirius [1]	do	1955	16,241	9,562	Novorissisk Feb. 28	do	Sailed Augusta Mar. 4.
Thomas Muntzer	East German	1937	5,345	2,961	Hamburg Mar. 1	Cuba	
Tulse Hill	British	1943	7,120	4,249	Novorossisk	Matanzas	Arrived Feb. 1.
Tine [1]	Norwegian	1930	4,750	2,702	Shanghai	Havana	Passed Gibraltar Mar. 7.

[1] Added to blacklist of Maritime Commission on Apr. 10.

RUSSIAN VESSELS

Vessel	Year built	Gross tons	Net tons	From—	For—	Latest report
Admiral Nachimov	1925	15,286	8,988	Odessa	Havana	Arrived Mar. 8.
Alapajevsk	1960	5,411	2,912		do	Arrived Mar. 9.
Almetjevsk	1959	5,411	2,951		do	Arrived Mar. 2.
Angarges	1957	5,494	2,856	Amsterdam Dec. 18	Cuba	Sailed Rotterdam Dec. 22.
Aragvi	1960	4,084	2,133	Havana Mar. 3		
Atkarsk	1960	5,411	2,916	Leningrad	Havana	Arrived Mar. 6.
Baikal	1962	4,800		Havana Feb. 21		
Baku	1943	7,176	4,380	Havana Mar. 9	Puerto Padre	
Baltika	1940	7,494	3,452	Havana Feb. 13	Riga	
Bolshevik Suchanov	1959	6,660	3,666	Odessa	Santiago	Arrived Mar. 9.
Bratsk	1957	5,518	2,952	Havana Mar. 2	do	Arrived Mar. 10.
Bucharest		21,255	11,676	Havana Feb. 28	Black Sea	
Cherniakhovsk	1961	5,382	2,889	Turku	Havana	Arrived Mar. 6.
Chernovski	1955	8,229	3,942	Havana Feb. 16	Antilla	
Dekabrist	1943	7,175	4,380	Guantanamo Bay Feb. 1		

Ships trading with Cuba—Continued

RUSSIAN VESSELS—Continued

[Partial list positions based on Lloyd's Shipping Index of Mar. 14, 1963]

Vessel	Year built	Gross tons	Net tons	From—	For—	Latest report
Deputat Lutski	1959	9,935	5,420	Cienfuegos Feb. 5	Odessa	Passed Istanbul Mar. 6.
Dobrolubov	1955	3,046	1,294	Havana Feb. 5		
Druzhba	1960	25,719	16,568	Havana Mar. 10	Black Sea	
Gogol	1955	3,050	1,289	Havana Jan. 10		
Ivanovo	1956	8,229	3,942	Havana Mar. 6	Black Sea	
Izhevsk	1958	5,513	2,951	Havana Feb. 11	Antilla	
Karachajevo Cherkessija				Santiago Mar. 4	Matanzas	
Kasimov	1962	9,250	5,500	Tunas de Zaza	Cienfuegos	Arrived Mar. 1.
Kimovsk	1962	9,250	5,500	Cuba	Rotterdam	Arrived Mar. 8.
Kirovsk	1957	5,518	2,952		Santiago	Arrived Mar. 8.
Kislovovsk	1959	5,419	2,946	Havana Mar. 10	Antilla	
Komiles	1960	4,639	2,349	Santiago Feb. 16	Manzanillo	
Kovrov	1962	9,250	5,163	Santiago Feb. 14	Cienfuegos	Arrived Feb. 16.
Krasnograd	1961	9,000	5,156	Havana Dec. 3		Passed Elsinore Dec. 19.
Labinsk	1960	9,820	5,261	Odessa	Havana	Sailed Gibraltar Jan. 10.
Lebedin	1962	22,226	15,360	Black Sea	do	Sailed Gibraltar Mar. 7.
Leninsky Komsomol	1959	12,016	6,718	Havana Feb. 2	Nuevitas	
Lenkoran	1962	23,159	14,575	Havana Feb. 18	Odessa	Arrived, Mar. 6.
Ljgov	1961	5,382	2,889		Havana	Arrived Feb. 20.
Maria Ulyanova	1960	4,720	2,061		do	Arrived Mar. 11.
Mikkail Kalinin	1958	4,722	2,061	Havana Mar. 3	Riga	
Nemirovich Danchenko	1957	3,385	1,577		Havana	Arrived Feb. 28.
Nikolaevsk	1962	4,870	2,060	Havana Nov. 5		Passed Elsinore Nov. 18.
Okkotsk	1962	11,106	6,337	Novorossisk	Cienfuegos	Arrived Feb. 5.
Praga	1961	21,255	11,676	Havana Feb. 28	Black Sea	
Pskov	1943	7,176	4,235	Novorossisk	Havana	Arrived Feb. 7.
Rionges	1957	5,494	2,856	Havana Feb. 13	Antilla	
Slavsk	1962	9,344	4,945	Rotterdam Feb. 18	Cuba	
Slutsk	1963	3,170	1,225	Santiago Feb. 20	Santiago	
Sovetsk	1962	9,344	4,945	Havana Feb. 16	Puerto Padre	
Sretensk	1959	5,419	2,946	Rostock	Havana	Arrived Feb. 20.
Stanislovsky	1956	3,385	2,577	Leningrad	do	Feb. 27.
Stepan Razin	1943	7,176	4,235	Havana Mar. 3	Cardenas	
Sverdlovsk				Havana Nov. 24		
Tsimly Anskges	1957	5,494	2,856	Havana Jan. 15	Puerto Padre	
Tukum	1962	3,128	1,553	Halifax Mar. 10	Havana	
Urjupinsk	1959	5,628	2,744	Odessa	do	Arrived Mar. 6.
Vilnus	1939	4,956	2,601	Leningrad	Santiago	Arrived Feb. 16.
Vladimir		8,229	3,942	Matanzas	Odessa	
Volgograd	1944	7,216	4,382	Havana Jan. 12	Vladivostok	

COMMUNIST DOMINATION OF ESTONIA, LATVIA, AND LITHUANIA

Mr. BREWSTER. Mr. President, Americans who contemplate the present status of the once proud nations of Estonia, Latvia, and Lithuania, cannot avoid a deep sense of regret and of sympathy for the injustices suffered by the citizens of these nations who must now live under Communist domination.

I rise today to pay my respects to the determination of these great peoples, and of their relatives here in the United States, in their efforts to regain the freedom and independence of their native lands.

I ask unanimous consent to have inserted in the RECORD, at this point, a noble resolution, recently framed by the sons and daughters of these countries who now make significant contributions to American society in Maryland, but are not unmindful of the needs of their relatives back home.

My concern, and the concern of all Americans for these people, has led me to forward copies of this resolution to the President of the United States, the Secretary of State, and our permanent Ambassador to the United Nations.

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

Whereas the greatness of the United States is in large part attributable to its having been able, through democratic process, to achieve a national unity and freedom of its people, even though they stem from the most diverse of racial, religious, and ethnic backgrounds; and

Whereas this national unification of the free society has led the people of the United States to possess a warm understanding and sympathy for the aspirations of peoples everywhere; and

Whereas so many countries under colonial domination have been or are being given the opportunity to establish their own independent states, the Baltic Nations having a great historical past and having enjoyed the blessings of freedom for centuries are now subjugated to the most brutal colonial oppression; and

Whereas the Communist regime did not come to power in Lithuania, Latvia, and Estonia by legal or democratic process; and

Whereas the Soviet Union took over Lithuania, Latvia, and Estonia by force of arms; and

Whereas Lithuanians, Latvians, and Estonians desire, fight, and die for national independence and freedom; and

Whereas the Government of the United States of America maintains diplomatic relations with the Governments of the Baltic Nations of Lithuania, Latvia, and Estonia and consistently has refused to recognize their seizure and forced incorporation into the Union of the Soviet Socialist Republics; and

Whereas no just peace and security can be achieved in the world while these and other nations remain enslaved: Now, therefore, be it

Resolved, That the Senate and House of Representatives of the United States of America request the President of the United States to bring up the Baltic States question before the United Nations and ask that the United Nations request the Soviets (a) to withdraw all Soviet troops, agents, and controls from Lithuania, Latvia, and Estonia; (b) to return all Baltic deportees from Siberia, prisons and and slave camps in the Soviet Union; and be it further

Resolved, That the United Nations conduct free elections in Lithuania, Latvia, and Estonia under its supervision.

BUSINESS EDUCATION NEEDS THE GI BILL NOW

Mr. YARBOROUGH. Mr. President, as chairman of the Senate Veterans' Affairs Subcommittee, I was deeply impressed by testimony recently presented before this committee in favor of the cold war GI bill, by Robert W. Sneden, of Grand Rapids, Mich.

Mr. Sneden is president of the Davenport Institute, a junior college of business, and is president-elect of the United Business Schools Association.

In this dual capacity, Mr. Sneden is very much aware of the importance of setting up a GI bill for education aid to veterans.

His testimony is a strong defense of educational programs for veterans, and also emphasizes the role business schools and colleges of the Nation would perform if this cold war GI bill were enacted.

Many times in arguing for passage of this GI bill, which I have introduced and reintroduced in three successive sessions of Congress, I have pointed out that veterans will more than repay the Government for their educational aid through increased earnings and payment of higher income taxes.

But this matter of self-financing is not by any means the major point in favor of enactment of a GI bill. In presenting his thoughtful and well-documented testimony, Mr. Sneden also discusses the inequity of present educational opportunities for veterans, the need for raising the level of education and skills of our work force, the advantage of making military enlistment more attractive, the need to relieve labor markets of non-

training and semitrained applicants, and the importance of giving these veterans an opportunity to become more valuable to the society in which they live. I urge every Senator to read the answering arguments to opponents of the bill which is summarized in fine, irrefutable arguments. The 10-point conclusion should reach the seat of knowledge of every American.

I ask unanimous consent that this fine statement from one of the Nation's leading authorities on education be printed in the RECORD.

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

STATEMENT ON S. 5 BEFORE THE SUBCOMMITTEE ON VETERANS' AFFAIRS OF THE COMMITTEE ON LABOR AND PUBLIC WELFARE, U.S. SENATE, BY ROBERT W. SNEDEN, PRESIDENT, DAVENPORT INSTITUTE, GRAND RAPIDS, MICH.

My name is Robert W. Sneden. I am president of the Davenport Institute, a junior college of business in Grand Rapids, Mich., which is accredited by the Accrediting Commission for Business Schools.

I appear before you as president-elect of the United Business Schools Association. United Business Schools Association, which I have the honor to represent, is the one educational association speaking for some 500 of the top independent business schools and colleges of the Nation which adhere to its standards and regulations. Its roots go back to 1912, and the present name is the result of the merger in May of 1962 of the National Association and Council of Business Schools, of which I am a past president, and the American Association of Business Schools. Its companion organization, The Accrediting Commission for Business Schools, has been recognized by the U.S. Office of Education as a "nationally recognized accrediting agency" under the Veterans Readjustment Assistance Act of 1952.

I have been associated for the past 17 years with the field of business education and have served on the board of directors of the National Business Teachers Association.

For the most part the schools which I represent are well established educational institutions which were founded from 25 to more than 50 years ago. Today there are more than 100,000 teachers employed in the various independent business schools and colleges, which have assets running well over a billion dollars. The independent business schools and colleges, in some cases being operated as private enterprises and in other cases as nonprofit institutions, currently enroll more than 500,000 students.

We feel that our schools are making a distinct contribution by serving the youth of America and providing trained personnel for commerce, industry, government, and national defense. The participation of our schools in the management counseling program of the Small Business Administration was commented upon in Report No. 2270 of the 87th Congress, 2d session, wherein the Senate Select Committee on Small Business noted that "* * * privately operated, non-tax-supported colleges and schools of business have a place within the federally sponsored management counseling program."

STATEMENT OF POSITION

It is a pleasure to appear before you today and express our support for the continuation of a program of veterans education along the lines of the successful Korean GI bill. The position of the United Business Schools Association is the result of association committee analysis, consideration by our board of directors and discussion at past conventions. This, of course, refers not only to S. 5 but also to S. 349 of the 87th Congress and similar measures introduced in the 86th Congress.

IMPORTANT GENERAL CONSIDERATIONS

In the development of the position of the United Business Schools Association on S. 5, we believe that the following general considerations are entitled to great weight as they are considered by your committee:

1. Conditions today are such that thousands of young men are required by the compulsory draft law to serve on active duty in the Armed Forces for a specific period of time. If there should be any question in the mind as to safety and lack of risk in the military service today, we need only to mention Vietnam, Berlin, Congo, Formosa, Korea, Greenland, and numerous satellite areas and other hot spots in the world. These serve as reminders that we must maintain a constant state of preparedness and must continue to expose our servicemen to the hazards of potentially explosive military incidents. Following this active duty, these young people are further compelled to perform additional services in the Active Reserve and, later, the Standby Reserve. Their total obligation, once entered upon active duty, generally extends for 6 years.

If these cold war conditions were not present, the majority of these men would not be entering military service but would be pursuing their own individual goals in civilian life. At the present time our Federal Government does not offer these young people any help in coping with the problems created for them by the cold war and their compulsory military service. They need the help of this legislation to catch up with those contemporaries who were not asked to serve in the Armed Forces.

2. Educational assistance to these young people is only fair based upon the student deferment policy. Many students were deferred due to the Government's recognition of the importance of education and it is inconsistent to deny educational benefits to those who have already served. If education is considered important enough to warrant deferment, by the same token, it is of comparable importance to justify post-service educational assistance.

It is also true that the student deferment policy placed college education in a highly preferred status. Persons who wish to pursue trade or other postsecondary education are not generally eligible for student deferment under Selective Service regulations. Students attending our private business schools or colleges are not eligible for deferment, as a general rule, under these regulations. Our goals as a nation require that our young people obtain as much advance training as possible, college or otherwise, and therefore educational assistance is desirable.

3. The relatively low educational attainment of veterans affected by this bill shows clearly the need for this legislation. A Veterans' Administration survey dated May 29, 1959, states:

"At the time of their separation from the Armed Forces, 6 percent had not completed elementary school; 10 percent had completed elementary school but had had no further schooling; 29 percent had had some high school education but had not graduated; 35 percent had graduated from high school but had had no college training; 8 percent had completed 1, 2, or 3 years of college work; and 12 percent had completed 4 or more years of college."

The final report of the Bradley Commission concluded that the interruption of education of post-Korean veterans would be their main handicap. They stated:

"The Commission recognized that the main handicap which may be incurred by the peacetime ex-serviceman, other than service-connected disabilities elsewhere discussed is the effect that a period of 2 year's mandatory service at an early age may have upon education. At the age of entrance into military service, schooling is the occupation of many, and military service will delay some young men from advancing their formal education and will perhaps cause some to drop their plans forever because marriage and other pursuits may interfere with their return to school or college."

4. An educational assistance bill will provide America with professional, technical and vocational skills that otherwise might be irreplacably lost. Our present critical shortages in certain essential occupations would be even more catastrophic except for the passage of the previous GI bills.

5. We have already recognized GI bills in the past; namely, in the World War II GI bill and the Korean GI bill, and the need to furnish our servicemen with opportunities to overcome in part the years lost from civilian life and to establish themselves in productive and useful occupations. In a press release issued on June 22, 1954, the 10th anniversary of the World War II bill, the Veterans' Administration stated:

"Through the GI bill, the World War II veterans have become the best educated group of people in the history of the United States.

"Because of their training they have raised their income level to the point where they now are paying an extra billion dollars a year in income taxes to Uncle Sam. At this rate, GI bill trained veterans alone will pay off the entire $15 billion cost of the GI education and training program within the next 15 years."

This means that the educational assistance given to the young servicemen will be self-liquidating. The Federal Government will be paid back the cost of the education through increased taxes on higher earnings resulting from the students' education. Therefore, ultimately the investment the Government makes in educational assistance will be completely repaid.

6. Actual hostilities in Korea ceased on July 27, 1953. The Korean conflict, for the purposes of educational assistance, was officially terminated by Presidential declaration of January 31, 1955. This arbitrary date cut off many men who are entitled to these educational benefits equally with those who were in service prior to January 31, 1955. It would not be fair to exclude these men from educational benefits as a result of this arbitrary cutoff date.

This is only a brief summary of some of the major considerations which we feel are important to your committee. There are undoubtedly many other considerations which we have overlooked but it is apparent that there is a need for this legislation now.

ANSWER TO ARGUMENTS IN OPPOSITION TO EDUCATIONAL BENEFITS FOR COLD WAR GI'S

Opposition to proposals for restablishing educational benefits seems to fall within seven major categories:

First, there are those who oppose this legislation because of cost. This group, not yet having fully analyzed the statistics published by the Veterans' Administration, look at the estimated $500 million annual cost of these benefits. And yet, data from the Veterans' Administration shows conclusively that veterans of World War II and the Korean conflict, as a result of educational benefits, have increased their income levels so that they now pay, in additional income taxes, over a billion dollars annually into the Treasury. At this rate the entire cost of GI benefits will be paid, by those who receive them, within the next few years. Thus, the initial cost, over a few short years, will be more than repaid into the Treasury.

In this connection we must note that in its first 4 years of operation, the Korean GI bill was instrumental in attracting approximately 155,000 veterans into scientific and

engineering careers, which in terms of our national manpower needs alone would make the program worthwhile.

A second group of individuals opposes this legislation because of the small number who are actually subjected to induction. This group fails to recognize that many individuals, facing induction, voluntarily enlist. Others, offered choice assignments, volunteer for service. For this reason the actual number entering military service because of the draft is unknown. This group fails to consider the entire problem. They refuse to face up to our national obligation—an obligation to every individual—not merely an obligation to groups large enough to exert political pressure.

A third group of individuals opposes this legislation because they feel that the compulsory draft law does not disrupt the education plans of many of our young men. This group fails to realize that military service, or the possibility of military service, affect the lives of many young men below the age of 22. The mere existence of the compulsory draft law becomes an important part of each individual's qualifications for employment as he comes to draft age. Employers are unwilling to invest time and money to train men who might have to serve in the Armed Forces. Besides the effect on a young man's employment potential, the draft raises numerous uncertainties which make it impossible to plan ahead. As a result many students are frequently discouraged from immediately entering into advance educational training.

It is not surprising that young men from 17 to 18½ years of age constitute about one-half of all first-time enlistments each year. It can only be assumed that many of these enlisted in the service as a result of the draft law, in order that they may select the service of their choice and serve at a time most convenient for them. Therefore, it is clear that the compulsory draft law does disrupt the educational plans of many of our young men.

A fourth group opposes this legislation on the basis that such benefits will induce trained personnel, personnel who have been in the service for the required 2-year period, to leave the service and accept benefits offered by this legislation. It is true that some individuals fail to reenlist so that they could avail themselves of GI benefits. It was also true that such individuals provided, and still provide, a pool of trained manpower, better trained in some cases because of the higher educational level attained as a result of educational benefits. These individuals are available, if needed, for the security of our country. They may be lost to the military services but only temporarily; such loss may cause concern to the services, they may not be available on a full-time basis; but they are available for the security of this Nation and they can, and will, provide trained manpower if and when needed even though they may be beyond military age.

In this connection we would like to quote from a letter to Senator PAT MCNAMARA, my own Senator of Michigan, from Dr. John A. Hannah, president of Michigan State University, dated April 23, 1959. Dr. Hannah, you will recall, was formerly Assistant Secretary of Defense for Manpower.

"One of the objections to the GI bill—one which I encountered throughout my service with the Defense Department—was that the GI bill created too great an incentive for those in military service to return to civilian life. I believe that there is some truth in that charge, but I believe that those who make it do not face the facts realistically. The truth is that a great majority of those who enter the military service are not attracted by the military as a career but are simply discharging their duty to our country because it is their duty.

"I can endorse with enthusiasm a program making it possible for our bright young men to finance their higher education in exchange for a contribution to our security through a period of service in our military organization. The Nation would be doubly benefited. We would be assured of a constant flow of ambitious and able young people into the military, and we would be guaranteed a continuing flow of these people back into our colleges and universities."

We accept Dr. Hannah's comments based on his experience with his problem. We believe that this bill would tend to increase voluntary enlistments in the military service. Many bright young men in lower economic brackets would enter the military service if they were shown that the Government intended to help them later on in getting an education. We know from past experience that incentives aid enlistments, and this bill would be a truly appealing incentive.

A fifth group opposes the legislation because it provides benefits not heretofore provided for the peacetime soldier who faces none of the hazards of war. This group points out that such benefits have in the past been reserved for those who served during periods of war. This group maintains that the peacetime inductee can anticipate the draft and plan accordingly. They say such planning was not possible by the wartime GI.

It is true that peacetime draftees do not face the hazards of war. It is also true that of the millions of men who were called into the service during World War II and the Korean conflict only a small number were actually involved in combat. Yet the GI bill did not distinguish between those who served in actual combat and those who also served. The cold war has not yet ended; the tension in many areas of the world is such that fighting could break out again at any time. Men are still being inducted into service and men are still serving in extreme hardship posts under heavy tension. They too serve and deserve the benefits provided by the bills under consideration by this committee.

A sixth group argues that inservice educational programs are already successfully in operation and meet the needs for educating and training personnel. It is true that inservice educational programs today offer a valuable supplement to other avenues of securing education. However, the fields of study are limited and because of the spare time nature of the study, few men actually can secure a substantial amount of academic credit in this way. For example, Air Force testimony indicates that only 800 men per year have obtained college degrees under their program. In any case, full-time civilian education opportunities in practice, as well as in principle, are superior to part-time military educational programs.

Finally, a number of individuals object to this legislation because there is no clear showing of need that educational benefits should be provided for all individuals who have the capability and desire to continue their education. The United Business Schools Association agree and will continue to support any measure which is designed to increase the educational level of our Nation. Such legislation is a must.

But the Congress has not yet enacted legislation broad enough to provide sufficient opportunities for the educational advancement of all our younger citizens. The National Defense Education Act of 1958 was a step in the right direction. We are sure that it will provide opportunities for many of our youth to obtain a higher education but this act does not provide for any persons who wish to pursue business courses, trades, or other postsecondary education.

It is our hope that the National Defense Education Act will be broadened and expanded to include the training of students in every form of education to the very limits of their capabilities. We, therefore feel that the legislation here proposed will not conflict with the objectives of the National Defense Education Act of 1958 but will supplement the provisions of that law. It will encourage individuals to volunteer for service so that they can pay for their education by serving their country. This legislation will clearly and unmistakably serve as a notice to all our youth that their obligation to serve their country is not a one-way proposition—that the Federal Government acknowledges a special obligation for those who serve in the Armed Forces over and above any obligation we might have to those who never perform any duty for their country.

There are many other arguments against this legislation and I am sure you gentlemen have already heard many of them. I will not take any more of your time to point out the invalidity of them. I am sure in your consideration of this bill you will clearly see that its objectives are founded on a careful analysis of the benefits derived by the Nation from the GI bill of rights.

IMPORTANCE OF KEY PROVISIONS OF GI BILL

We wish to comment on certain key provisions of the bill.

1. The educational benefits are particularly valuable since they permit a wide range of choice by the individual veteran among the various educational opportunities that are most likely to be of value to him. These opportunities range from advanced professional and technical study to on-the-job training in applied skills. It is essential that we continue to allow the veteran to make his own choice of vocation.

2. The proposed legislation, in the judgment of nearly all of us in higher education, should provide for the payment of benefits directly to the individual veteran. The veteran then attends the school or college of his choice. The experienced educators across the country are so uniformly in favor of this procedure that I want to endorse strongly a provision for direct payment to the veteran.

We suggest that any bill passed by this committee should include the above-outlined principles.

CONCLUSION

In summary, Mr. Chairman, we see the following benefits in the approval of an educational assistance program to post-Korean veterans:

1. Inequity of educational opportunities for veterans will be corrected.

2. The Nation will be able to repay those who sacrificed the most in a way which will be beneficial to both the individual and society.

3. Educational opportunities will result in additional scientists, engineers, technicians, and other professional people thus raising the skilled and technical levels in America, thereby strengthening the defense of our Nation.

4. Opportunities for individuals to make their own choices in education assure an educational balance with the total needs of our society.

5. Those who will benefit under this program will not only aid their society by their increased educational training, but will naturally aid the coffers of the Treasury.

6. Enlistments in the military service will increase too, with greater purpose and planning on the part of volunteers.

7. Skills and ability which otherwise may be lost or not used will be developed at every level of education.

8. Production increases can be expected through increased enrollments in programs of vocational education.

9. Labor markets will be relieved of nontrained and semitrained applicants.

10. In addition to raising the standard of living, preparing our young people for automation by developing their technical, scien-

tific, and educational skills, and reducing the number of unskilled, we are providing for an enlightened and educated citizenry.

Before closing my testimony, I would like to say on behalf of the private business schools of America, that we will rededicate ourselves to do an even better job than we have done in the past in turning out trained personnel who will meet the needs of commerce, industry, Government and national defense.

We also wish to express the appreciation of our group for the privilege of appearing before this committee.

Mr. MANSFIELD. Mr. President, is there further morning business?

The VICE PRESIDENT. Is there further morning business? If not, morning business is closed.

COMMUNICATIONS SATELLITE CORP.

The Senate resumed the consideration of the nominations of incorporators of the Communications Satellite Corp.

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

The VICE PRESIDENT. The question is, Will the Senate advise and consent to the nominations, en bloc, of the incorporators of the Communications Satellite Corp.?

Mr. MANSFIELD. Mr. President, is the Senate in executive session?

The VICE PRESIDENT. It is.

Mr. MANSFIELD. I am about to propound a unanimous-consent request. It has been cleared with the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], with the distinguished Senator from Rhode Island [Mr. PASTORE], and the distinguished Senator from New Mexico [Mr. ANDERSON], who favor the confirmation of the nominations; and with the distinguished junior Senator from Tennessee [Mr. GORE], the distinguished senior Senator from Tennessee [Mr. KEFAUVER], the distinguished senior Senator from Oregon [Mr. MORSE], and other Senators who oppose the confirmation of the nominations. I believe that at this time we have perhaps touched all bases.

I ask unanimous consent that on the point of order to be made by the distinguished senior Senator from Oregon [Mr. MORSE], and following the conclusion of a forthcoming quorum call, 40 minutes be allocated to the consideration of the point of order, 20 minutes to be controlled by the distinguished Senator from Rhode Island [Mr. PASTORE], and 20 minutes to be controlled by the distinguished Senator from Oregon [Mr. MORSE].

The limitation of debate will not become effective until after the conclusion of a live quorum call, at which time the Senator from Oregon will obtain the floor and make his point of order. At that time the limitation of debate will start.

The VICE PRESIDENT. Does the Chair correctly understand that the Senator from Oregon anticipates raising a constitutional question?

Mr. MANSFIELD. That is correct.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana?

Mr. JAVITS. Mr. President, may we know the request?

Mr. MANSFIELD. I have just made the request that the Senate agree to a limitation of debate following the conclusion of a live quorum call. The Senator from Oregon will then make his point of order, and at that time the limitation of debate will begin.

Mr. JAVITS. There would be a limitation of 40 minutes?

Mr. MANSFIELD. The Senator is correct.

The VICE PRESIDENT. Did the Chair correctly understand the Senator from Montana to say that the Senator from Oregon intends to raise a question as to whether the Senate has the authority under the Constitution to confirm the nominations?

Mr. MANSFIELD. That is correct.

The VICE PRESIDENT. That is a constitutional question.

Mr. MANSFIELD. I accept the correction. The RECORD is now clear.

The VICE PRESIDENT. Is there objection to the unanimous-consent request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and I ask that the attachés notify Senators that it will be a live quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll and the following Senators answered to their names:

[No. 62 Ex.]

Aiken	Goldwater	Miller
Allott	Gore	Monroney
Anderson	Gruening	Morse
Bartlett	Hartke	Morton
Bayh	Hickenlooper	Moss
Beall	Hill	Mundt
Bennett	Holland	Muskie
Boggs	Hruska	Nelson
Brewster	Inouye	Neuberger
Burdick	Jackson	Pastore
Byrd, Va.	Javits	Pearson
Byrd, W. Va.	Johnston	Pell
Cannon	Jordan, N.C.	Prouty
Carlson	Jordan, Idaho	Proxmire
Case	Keating	Ribicoff
Church	Kefauver	Robertson
Clark	Kennedy	Russell
Cooper	Kuchel	Saltonstall
Cotton	Lausche	Scott
Curtis	Long, Mo.	Simpson
Dirksen	Long, La.	Smith
Dodd	Mansfield	Sparkman
Dominick	McCarthy	Stennis
Douglas	McClellan	Talmadge
Eastland	McGee	Thurmond
Edmondson	McGovern	Tower
Ellender	McIntyre	Williams, Del.
Ervin	McNamara	Yarborough
Fong	Mechem	Young, N. Dak.
Fulbright	Metcalf	Young, Ohio

Mr. MANSFIELD. I announce that the Senator from Nevada [Mr. BIBLE], the Senator from California [Mr. ENGLE], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Washington [Mr. MAGNUSON], the Senator from Florida [Mr. SMATHERS], the Senator from Missouri [Mr. SYMINGTON], the Senator from New Jersey [Mr. WILLIAMS], and the Senator from Michigan [Mr. HART] are absent on official business.

I further announce that the Senator from West Virginia [Mr. RANDOLPH] is necessarily absent.

The VICE PRESIDENT. A quorum is present.

Mr. MORSE. Mr. President, before I raise the point of order, in behalf of myself and the Senator from Wisconsin [Mr. NELSON], which I know every Senator expects me to make, I ask for the yeas and nays on the point of order.

The yeas and nays were ordered.

Mr. MORSE. Mr. President, speaking now under the unanimous-consent agreement, I rise to make the point of order that the Senate is without constitutional authority to advise and consent to the nominations of private incorporators of a private business enterprise, since the nominees whose nominations are before the Senate are private incorporators of a private business enterprise. Their nominations are not properly or constitutionally before the Senate at this time, nor can they be at any other time because, in the opinion of the Senator from Oregon, article II, section 2, of the Constitution is not applicable to the present situation.

Senators will find on their desks mimeographed copies of the main speech that I made last night. All of it is in the CONGRESSIONAL RECORD, and also in the RECORD are the ad libbed remarks I made in addition. I thought it would be helpful if I place copies of my manuscript speech before Senators today.

Senators will also find on their desks a summary of my position on the constitutional argument in a blue-backed memorandum. That argument reads as follows:

ARGUMENT

1. The Communications Satellite Corp. is a private business enterprise and its incorporators and directors are not officials of the U.S. Government within the meaning of article II, section 2 of the Constitution.

2. The Senate does not have the authority under the Constitution to confirm the appointment, election, hiring, or other selection of incorporators or directors of a private business enterprise.

A. Only those powers enumerated in the Constitution are conferred on the Legislature.

B. For the Senate to advise and consent to the nomination of an incorporator of a private business is not necessary and proper within the meaning of the Constitution.

C. Under established principles of statutory construction, the Constitution is presumed to have been intended to exclude that which it does not include.

D. Constitutional history makes clear the Constitution's intent to limit advising and consenting by the Senate to treaties and nominations of officers of the United States.

3. It follows that the confirmation by the Senate of the incorporators and directors of the Communications Satellite Corp. is either an unconstitutional enlargement of the constitutionally prescribed powers of the Senate or a superfluous act which does not in any way affect the right of the incorporators to take office.

4. By well-established rules of statutory construction, an act of Congress will not be construed to be without effect.

5. Conclusion: It follows that the confirmation by the Senate is not without effect; that under the Communications Satellite Act the incorporators cannot take office without the advice and consent of the Senate; and, therefore, this section of the Communications Satellite Act extends the authority of the Senate beyond its constitutionally enumerated limits and is unconstitutional.

Mr. President, I say to my colleagues that what we are being asked to do today is unconstitutional. The Constitution calls upon the Senate to confirm nominations of officers of the United

States; but there is not one shred of evidence that these 14 incorporators of the Space Communications Corp. are to be, or were intended to be, officers of the United States. The testimony of the incorporators and the opinions of the Justice Department are entirely to the contrary. The incorporators are responsible only to the corporation.

The chief argument advanced in support of Senate confirmation has been the precedent of the National Bank Charter of 1816. We are being told that because certain directors of that infamous institution were also confirmed by the Senate, we should confirm the incorporators of the satellite corporation.

The national bank precedent is no precedent for wise, sound, or foresighted Federal policy. The operation and fate of that institution were all bad. It was a raid upon the American public for private profit, just as I believe this corporation to be. To have the Senate confirm directors having no responsibility whatever to the public was, in my opinion, unconstitutional then, and is unconstitutional now. I do not say that either the bank or this corporation is unconstitutional; but I do say that the present procedure is, unless and until the 1962 act is amended to give these incorporators public responsibilities and to make them accountable to the President and the Senate.

Last night I read into the RECORD the famous historic veto message of the incomparable President Jackson when he vetoed an attempt on the part of the Congress to renew the charter of the National Bank. I would be perfectly willing to rest my case on Jackson's veto. What was dealt with then was an act so infamous that it split the Senate for years and almost caused a political revolution in our country.

Finally, President Jackson vetoed a proposal to renew the charter.

In my judgment, when the issue which we are now discussing reaches the U.S. Supreme Court—and I shall do all I can within my ability to bring it eventually to the U.S. Supreme Court—there is no question in my mind as to what the decision of that Court will be; namely, that under article II, section 2, of the Constitution, the Senate cannot constitutionally confirm the nominations.

Therefore I do not believe the Senate should be asked to participate in an empty gesture. The record of the Senate should be clean in regard to abiding by the limits of article II, section 2.

The nominees are not officers of the United States. Therefore, in my judgment, the action of the Senate in confirming the nominations in effect would be unconstitutional.

Mr. CLARK. Mr. President, will the Senator yield me 2 minutes?

Mr. MORSE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. MORSE. I should like to ask the status of the time. I shall be glad to yield to the Senator from Pennsylvania, but I believe that the opposition ought to consume a little time now.

The VICE PRESIDENT. The Senator from Oregon had 20 minutes. He has consumed 6 minutes. Therefore he has 14 minutes remaining.

Mr. PASTORE. Mr. President——

The VICE PRESIDENT. The Chair recognizes the Senator from Rhode Island.

Mr. MORSE. Mr. President, will the Senator from Rhode Island yield to me so that I may have a procedural discussion?

Mr. PASTORE. I yield.

Mr. MORSE. I desire that the time I have used be taken from the time available under the unanimous-consent agreement. I wish to make that clear. But I have raised a point of order. I believe there should be a ruling on the point of order, unless some Senator asks the Chair to withhold his ruling until Senators can discuss the question. Senators could proceed with the discussion, with the understanding that the time I have already used be taken from the time available under the unanimous-consent agreement.

Mr. PASTORE. That is satisfactory to the Senator from Rhode Island.

The VICE PRESIDENT. The Senator from Oregon has raised a constitutional question.

Mr. MORSE. On behalf of myself and the Senator from Wisconsin [Mr. NELSON].

The VICE PRESIDENT. A constitutional question has been explicitly raised. A constitutional question having been raised, uniform Senate precedents require that the Presiding Officer submit the question to the Senate for decision. Therefore, the question is as follows: Is consideration of the nominations by the Senate in accordance with the Constitution?

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

Mr. PASTORE. I yield 3 minutes to the Senator from New York.

The VICE PRESIDENT. The Senator from Rhode Island yields 3 minutes to the Senator from New York.

Mr. KEATING. Mr. President, I have reviewed the arguments of the distinguished Senator from Oregon, who is well known as an able lawyer. The first point of his argument, copies of which he has been kind enough to supply us, is that the Communications Satellite Corp. is a private business enterprise, and that therefore the incorporators are not officials of the U.S. Government.

With that point I agree. They are not.

The second point of the argument of the Senator from Oregon is that the Senate does not have the authority under the Constitution to confirm the appointment of directors of a private business enterprise.

The Senate would not have had that authority had it not been provided in the legislation which was enacted.

In the third point of his argument the Senator from Oregon states that confirmation by the Senate of the nominations of the incorporators and directors of the Communications Satellite Corp.——

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

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Tennessee?

Mr. KEATING. I shall be glad to yield if I may have sufficient time to do so. I have been given 3 minutes. I have been asked to make the constitutional argument.

Mr. MORSE. Mr. President, I yield a minute to the Senator from Tennessee so that he may ask a question.

The VICE PRESIDENT. Is there objection to the Senator from Oregon yielding 1 minute to the Senator from Tennessee for the purpose of his making an inquiry? The Chair hears none. The Senator from Tennessee is recognized.

Mr. GORE. Mr. President, if the junior Senator from Tennessee correctly understood the junior Senator from New York to say that the Senate would not have the authority to confirm the pending nominations unless a statute had been passed, the junior Senator from Tennessee would inquire of the distinguished Senator, "How does an act of Congress change section 2 of article II of the Constitution?"

Mr. KEATING. Mr. President, an act of Congress obviously cannot change the Constitution. However, those of us who seek confirmation of the nominations have been charged with doing an unconstitutional act. It is said that this is an unconstitutional process. In my judgment, it is nothing of the kind. It is a nonconstitutional process.

Confirmation of the nominations by the Senate was provided for in the statute which was enacted. The time to raise the point being raised was when the proposed statute was under consideration. The Congress has passed the statute. It is a law. The bill was signed by the President. There is no constitutional infirmity or impediment with respect to the confirmation by the Senate of the nominations of persons to serve as incorporators, in the way we are providing.

The argument made by the distinguished Senator from Oregon, it is respectfully submitted, is a nonsequitur. The mere fact that these men are not officials of the Government and that we are not proceeding under the terms of the Constitution but are proceeding under the terms of a law which Congress has enacted, would not, in my judgment, interfere with the process which we are undertaking.

We cannot do something which is unconstitutional; and we are not doing anything unconstitutional. There is no alternative which I can see to acting upon the qualifications of the nominees, as has been provided in the statute, unless we are to say, "We are going to ignore the statute. We have enacted a law, but we are going to pay no attention to it." I feel that we should not do that.

Mr. President, it should be clear by now that I share in the well-considered opinion of the Attorney General that the Presidentially nominated incorporators of this organization are not "officers of the United States" within the meaning of article II, section 2, clause 2, of the Constitution. However one may wish to characterize the new Communications Satellite Corp.—whether you want to call it public or private, quasi-

public, semi-public, or some other hyphenated or hybrid kind of animal—the fact remains that under section 301 of the Communications Satellite Act, the organic act of the corporation, the source of its very existence, the new enterprise has been declared by the Congress to be a "corporation for profit which will not be an agency or establishment of the U.S. Government." In other words, it is a nongovernmental agency established, however, by act of Congress.

Whatever possible alternative form of agency might have been devised by the Congress to meet the purposes for which the Satellite Act was passed, the fact remains that the statute provides that the incorporators and the directors shall be confirmed by this body. In creating this corporation the Congress was acting pursuant to its constitutional mandate to regulate interstate and foreign commerce and communications. Without doubt the Congress had the power to direct the manner of appointment of incorporators and directors. The time to object to the chosen method and offer alternatives was at the time of the passage of the authorizing legislation, not now when we are engaged in implementing that law.

It appears to me that those opposed to confirmation are drawing a negative inference from the language of article II that in my judgment is wholly unwarranted. Just because with respect to certain classes of governmental officers article II sets out a specific method of appointment, this does not to my mind rule out the same method of appointment for persons or classes of persons not mentioned in article II.

Here we have a group of incorporators who do not fall within the category of "officers of the United States" within the meaning of article II, as the Attorney General holds, and I agree with him. Nevertheless, the Congress, in the very act creating the corporation, in its wisdom chose a method of appointment and confirmation for this group which follows the method provided in article II for other situations.

Perhaps, the words "advise and consent," which evoke the rubric of the constitutional provisions, were not wisely chosen; perhaps some other semantic formula could have been struck. Be that as it may, the Satellite Communications Act, which clearly lay within the constitutional domain of the Congress to enact, with all "necessary and proper" means available to the Congress to achieve its desired ends, set up a process of senatorial confirmation for these incorporators. This is not an unconstitutional process. It is a nonconstitutional process. It is wholly statutory. And nothing in article II or elsewhere in the Constitution has convinced me that the statutory plan hit upon by the Satellite Communications Act is prohibited to us.

Mr. President, we cannot sit here debating the constitutionality of an act of Congress passed last year, signed by the President, and now set into actual motion. If constitutional doubts existed as to any of the act's provisions, last year was the time for those who entertained such doubts to come forward and seek to persuade us to reject the measure. This was in fact done, but without success.

Now we are passing on the sole question whether to advise and consent to the nominations we expressly provided for in last year's act. We are following our own prescription contained in the act. Whether the prescription be wise or unwise—and let the people of the United States decide that for themselves—it is water over the dam.

Mr. President, I see no alternative except to act on the qualifications of the nominees before us as required by the Communications Satellite Act. Let us not drift into what is now, it seems to me, a superfluous matter which should have been, and in my judgement, was, settled once and for all when the Congress passed the act in the first place.

The VICE PRESIDENT. The time of the Senator from New York has expired.

Mr. CLARK. Mr. President, will the Senator from Oregon yield me 2 minutes?

Mr. MORSE. I yield 2 minutes to the Senator from Pennsylvania.

The VICE PRESIDENT. The Senator from Pennsylvania is recognized for 2 minutes.

Mr. CLARK. Mr. President, yesterday I engaged in a colloquy with the very able senior Senator from Rhode Island [Mr. PASTORE] about the constitutionality of the section under consideration requiring Senate confirmation of these nominations. I stated my view, and my reasons for thinking that the provision was unconstitutional.

My friend from Rhode Island stated that there was an opinion of the Attorney General to the effect that this section of the act was constitutional, and that he had put it in the RECORD. The Senator from Rhode Island placed in the RECORD a "Memorandum Re Constitutionality of Senate Confirmation of Persons Nominated by the President as Incorporators and Directors of the Communications Satellite Corp." It appears beginning at page 6977. My colloquy with the Senator from Rhode Island appears at page 7002.

I have been furnished by the Senator from Tennessee [Mr. KEFAUVER] with a copy of the communication from the Department of Justice, from which it appears that this was not an opinion of the Attorney General at all, but a memorandum forwarded to the Senator from Tennessee [Mr. KEFAUVER] by Norbert A. Schlei, Assistant Attorney General, Office of Legal Counsel. He states in his covering letter that in the opinion of the Office of Legal Counsel the constitutional objection raised by the Senator from Tennessee [Mr. GORE] is without substance. To my mind, the memorandum which he encloses is completely unconvincing, and I think it would be unconvincing to any constitutional lawyer who made an earnest effort to determine whether this is a sound brief or not.

I make this point only in order that the RECORD may be clear. I adhere to my view expressed on the floor yesterday that this section of the Communications Satellite Act is unconstitutional and void.

I yield back the remainder of my time.

Mr. PASTORE. Mr. President, I yield 10 minutes to the Senator from New York [Mr. JAVITS].

The VICE PRESIDENT. The Senator from New York is recognized for 10 minutes.

Mr. JAVITS. Mr. President, yesterday when I rose to say a word in favor of the nominees who are to be the incorporators of the Communications Satellite Corp., I was challenged on legal grounds. Overnight I have taken considerable pains to check my own views with respect to the legal questions involved.

I have come to the conclusion that the Senate has an absolute right to do what it is about to do, that is, to confirm these nominations. I shall vote "yea." If I did not vote "yea," I would have to favor going back to the very early days of the Constitution and agree that what is being argued for might very well involve us in setting back for decades the constitutional interpretations upon which we proceed in many directions.

These nominees are not officers of the United States. A straw man is being erected by that line of argument only for the purpose of knocking him down. The Attorney General says that the nominees are not officers of the United States. The law makes it clear that they are not officers of the United States. This is to be a private corporation organized for profit.

Ever since the case of McCulloch against Maryland, the Congress has been organizing corporations, some of them private in character. The appendix of a report of the Committee on the Judiciary, issued as long ago as 1947, in the 80th Congress, 1st session, pursuant to Senate Resolution 30, stated that there were up to that time 288 such charter statutes that Congress had enacted. Often, the report stated, incorporators were listed in the congressional charters, so that both Houses, in effect, advised and consented to their nominations.

These cases represent the utilization by the Congress of the "necessary and proper" clause of the Constitution in order to implement the interstate and foreign commerce power of the Congress.

So I do not base my argument at all upon the contention that these men are officers of the United States. Of course, they are not, and the Constitution does not say that only officers of the United States may be confirmed by the Senate; hence the Senate may so act if the authorizing legislation is otherwise constitutional.

I base my argument on the fact that Congress has a right to provide in a statute that the Senate shall confirm nominations, on the ground that Congress may make reasonable provisions in any statute which it passes to charter a private corporation giving itself residual control over that corporation.

I see no difference whatever between what we have done in this instance and numerous acts which have been passed in recent years. One was the Reorganization Act, in which the Congress reserved to itself a veto power over a Presidential reorganization plan.

Another example could be cited from any one of the surplus property disposal statutes in which we have asked Government agencies to report back to us the disposition of a piece of property. If we do not like what the Government agency is doing about that particular piece of property, we can ask the Congress to try to stop it.

Another example is the Trade Adjustment Act, which Congress passed, in which we reserved to ourselves certain authority—in that case over tariff schedules. We said we did not need the concurrence of the Executive, if we wished to undo what he did.

Every one of us has not only voted for but also has advocated the power of the Congress, by concurrent resolution, to terminate certain sections of law, like the Foreign Aid Acts, as an example, without a Presidential signature.

The question we must ask ourselves is whether it violates the Constitution for the Congress to reserve to the Senate this authority.

We must remember, Mr. President, that we are not exercising an authority to confirm officers of the United States, an authority specifically derived from article II of the Constitution. We are exercising an authority derived from a law, passed by the Congress under its interstate and foreign commerce power, reserving this particular confirmation power to the Senate. The question is not whether that particular power is violative of article II of the Constitution, but whether the Congress had the right under its general legislative authority under the Constitution to reserve that particular authority to one of its bodies, to wit, the Senate of the United States. In my judgment, it had that power, and I believe that we have followed such a practice and many other permutations of it right along.

Secondly, it seems to me that there are highly relevant precedents. I think the Union Pacific charter precedent is somewhat relevant. I think the precedent of the Second United States Bank is extremely relevant. Though it is a very old precedent, it is nonetheless very relevant. To me the most relevant of any of the precedents are the reservations of power which we have kept to ourselves without necessitating the concurrence of the Executive, time and again, in statutes which all of us have advocated.

For me, I would consider it very dangerous to challenge, give away, or question such authority on our part. I think it is an extremely valuable way in which we can deal with certain subjects without violating the Constitution and at the same time conform the constitutional authority to the needs of our time.

So I have come to the conclusion that this is not an issue of questioning the authority of the Senate, under the Constitution, to advise and consent to the appointment of officers of the United States. It is, rather, the exercise by one of the bodies of the Congress, by way of authority given to this body by the whole Congress in a statute which is justified by the interstate and foreign commerce clause and by the "necessary and proper" clause.

I have cited the precedents and rationale which I believe justify the position which the Senate should take.

Mr. MORSE. Mr. President, I desire to yield myself 2 minutes to reply to the Senator from New York.

Mr. JAVITS. Mr. President, if the Senator will yield, does the Senator wish me to yield him time?

Mr. MORSE. No. I wish to reply to what the Senator has said.

Mr. JAVITS. I yield to the Senator from Oregon, on his own time.

Mr. MORSE. Mr. President, I want to say most respectfully that the Senator from New York has completely and totally missed the issue before the Senate. The "necessary and proper" clause of the Constitution is not before the Senate at all. All of us agree with what the Senator has said with respect to the "necessary and proper" clause. Under the Constitution the Senate has power to do a great many things, but under article II, section 2, it can confirm, by advice and consent, only those nominations of the President who are named to be public officers. It cannot by statute enacted under the necessary and proper clause create new powers for itself nor alter its existing ones. That is the constitutional issue involved.

The Senator from New York spoke about the Union Pacific Case. In that case, the members of the board of directors who were appointed by the President were public officers. They were appointed by the President to perform public functions but no Senate confirmation of them was provided for in the law. The officers in the Satellite Corporation clearly are not public officers in any respect but the law does call for Senate confirmation. It is this requirement of the law which I contend is clearly unconstitutional.

With regard to the bank case, if Senators will read the debate of that time, the Senate thought they were to be public officers. It was Nicholas Biddle, the most powerful political boss of the time, who wrote the letter I put in the RECORD yesterday, saying they did not have public functions but their status was purely private. The issue of confirmation was never raised at any time in the Senate debate in the second bank case controversy.

The fact that it was unconstitutional then does not make this act of confirmation we are asked to perform today constitutional. It is the old story that two wrongs cannot make a right. In my judgment, someone should have raised the constitutional question in the debates on the Second Bank Act.

Because the operative facts are so different there is no question that the Union Pacific case has no relevancy to the case before us.

My good friend from New York is talking really about the "proper and necessary" clause, and not about article II, section 2.

There is a very narrow but important constitutional question that I am raising, along with the distinguished Senator from Wisconsin [Mr. NELSON]. I am joined in this question by the senior Senator from Tennessee [Mr. KEFAUVER], the junior Senator from Tennessee [Mr. GORE], the Senator from Pennsylvania [Mr. CLARK], the Senator from Louisiana [Mr. LONG], and other Senators. The question is, Are we being asked to confirm the nominations in this case under article II, section 2 of the Constitution? I say we are. Such an act of confirmation would be an unconstitutional act by the Senate because these nominees are to fill private, not public, offices.

Mr. JAVITS. Mr. President, I am very pleased that the Senator from Oregon took the time to explain his position. I can understand why the Senator from Oregon would wish us to join issue with him upon that article and section of the Constitution on which he is absolutely right and on which there is no contention that he is wrong. But we cannot and should not do it, because those of us who are going to vote for the nominations rely upon a part of the Constitution which sustains our point of view.

So I refuse to accept the issue which the Senator from Oregon has set out here as the challenge. It is not the issue. If this action can be justified under another section of the Constitution, then it deserves such action. We press that point and say we are fully justified under another section of the Constitution, and the Senate is only doing its duty if it advises and consents to the nominations.

I yield back my time.

Mr. MORSE. Mr. President, I yield 2 minutes to the Senator from Tennessee [Mr. KEFAUVER].

The VICE PRESIDENT. The Senator from Tennessee is recognized for 2 minutes.

Mr. KEFAUVER. Mr. President, I spoke at length on this subject yesterday and my remarks are in the RECORD. I think the Senator from Oregon has stated our position correctly. These men are not officers of the United States; they are directors of a purely private corporation—nothing more, nothing less. I pointed out that fact in the debates last August. At that time we tried to do something that would make the directors officers of the United States, but the Senate voted us down.

The question here is, shall the Senate be used to give governmental stature to officers of a purely private corporation, and shall we be called upon to abuse the authority we have been given? The drafters of the Constitution very specifically set forth the persons who should be appointed with the advice and consent of the Senate. They are ambassadors, ministers, consuls, judges of the Supreme Court, and other officers.

If the drafters of the Constitution had intended that the Senate have authority to advise and consent on the appointment of directors of General Motors or A.T. & T.—which is similar to what we are doing here—they would not have specifically enumerated the persons on whom the Senate can give its advice and consent. So we are doing something improper. This is a constitutional nullity. We are setting a precedent that is going to haunt us in years to come.

The implications of what we do here should be considered. The public is going to consider that these are quasi-

public officers. When stock is issued, they are going to assume the Senate gave approval. When the directors are dealing with other countries, those countries are going to assume that they are quasi-public officials, because we approve their appointment. When the directors get into other kinds of business, as they have said they may, they are going to be in a position that will give them an advantage over officers and directors of other corporations.

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

Mr. KEFAUVER. I ask for 1 more minute.

Mr. MORSE. I yield 1 additional minute to the Senator from Tennessee.

Mr. KEFAUVER. I have no objection to any of the persons who have been named. The ones I know personally are very fine men. But this action by the Senate will put them in a bad position. What is going to happen when they would like to reduce rates in order to get service to an underdeveloped country, but when such action would not be in the pecuniary interest of the corporation? They will have to act in the interest of the corporation. This is true for the presidentially appointed directors as well as the privately selected directors. I say the Senate should not be called upon to do something for which it has no authority under the Constitution. The Senate has a duty, under the Constitution, not to confirm these incorporators and directors.

Mr. MORSE. Mr. President, I yield 3 minutes to the Senator from Wisconsin [Mr. NELSON].

The VICE PRESIDENT. The Senator from Wisconsin is recognized for 3 minutes.

Mr. NELSON. Mr. President, I joined with the senior Senator from Oregon in raising the constitutional question. I think the constitutional question is soundly based. It has been stated well by the Senator from Oregon, and I shall not repeat his argument here.

I wish to raise another question which was raised briefly yesterday. It is a question which, to my knowledge, has not been answered yet on this floor. We have argued the question of whether or not the Senate has power to confirm. We have argued the question of whether the Senate has the constitutional right to confirm. But I have heard no argument on whether it is the Senate's proper business to concern itself with this question.

I raise this question, which is not a legal question at all. When I go back to my State of Wisconsin, and my people see that we have confirmed this board of directors, they will assume that this involves public business. They know that we do not confirm the board of directors of the A.T. & T. or any other public utility—and that is what this is.

This corporation will be selling stock to the public.

The people will expect, based upon our actions here, participation of the Federal Government, and, in anticipation of millions of dollars being given to it by the Federal Government, they will conclude that this is a good investment and will put in some of their own dollars.

It ought to be made clear that there is no participation by the Federal Government. Or is there participation by the Government of the United States? It has not been made clear on the floor what part, if any, of the $51 million that will go to NASA is going to be given to this corporation for purposes of research, or what part of the research will go for the benefit of the corporation. There has been no line drawn as to where the Federal Government's research starts and stops and where the private corporation's research starts and stops. Perhaps such a line cannot be drawn. There is bound to be some duplication.

By our act here we are saying to our constituents in every State of the Union that there is some cloak of public responsibility imposed upon the incorporators of this private corporation. Our people back home will naturally assume that there is some Federal financial backing to this private corporation. Relying upon that assumption, they may well be induced to invest in this corporation.

My thought is that we should not proceed in this way at all. The fact is I do not believe that anyone wanted Senate participation in this matter. I do not believe the administration wanted it in the first place. It is my understanding that the administration wanted the President to make the appointments, period. I understand that it was some Members of the Senate who insisted upon the confirmation process.

The remedy at this time is to refer these nominations back to the committee, and then we should amend the act by providing that the President of the United States shall make appointments, and leave out confirmation by the Senate.

I do not want it to appear to my constituents that by my vote I have somehow implied there is any more public responsibility imposed on this corporation than on any other public utility.

Mr. PASTORE. Mr. President, how much time do I have remaining?

The VICE PRESIDENT. The Senator from Rhode Island has 9 minutes remaining. The Senator from Oregon has 3 minutes remaining.

Mr. PASTORE. Mr. President, I yield myself 5 minutes.

I believe this afternoon we are arguing ourselves into a paper bag. First, this corporation would never have existed if Congress had not enacted the law which was signed by the President last August.

On October 15, 1962, the President, on the recommendation of Senator Kerr of Oklahoma, and myself, made interim appointments. These men assumed the obligations of their office and they began to comply with their responsibilities.

On January 30 of this year the President of the United States sent the names of the incorporators to the Senate, with the recommendation that they be considered with the advice and consent of the Senate.

When the legislation was originally suggested and recommended by the administration, the administration did not recommend at that time that the incorporators should be subject to the advice and consent of the Senate. Because the Senate itself thought—I repeat—because the Senate itself thought that we should be a partner in this responsibility, we went a step further than the administration had suggested, and we said to the President, "Not only will you appoint the incorporators, but we ask you to send their names here, so that they may be considered with our advice and consent."

We placed that clause in the law. We did that after considerable debate. It is in the law today because we put it in there.

The President of the United States signed that law. It is the supreme law of the land today. No matter what we decided here this afternoon, we cannot repudiate the law. We cannot vitiate the law. We cannot render the law a nullity. We can only say that we think it is unconstitutional. However, where are we after we have said it? Is the law repealed? Do we tell the House of Representatives that they must abide by our position that the law no longer exists, because we have said it is unconstitutional?

Do we say to the President of the United States, "The law does not exist any more because we said it is unconstitutional?" Even a law student knows that every law remains the law of the land until the Supreme Court says it is unconstitutional.

Therefore, even if we repudiate these incorporators today, the President of the United States will have no alternative but to send up other names, because the law will exist as the law of the land until such time as the Supreme Court says it is not the law of the land.

A big moment was made of the fact that the Attorney General himself did not write the opinion that was used here.

When it was mentioned to the Senator from Rhode Island that the question of the constitutionality might be raised, I wrote to the Attorney General. The answer came to me from his Assistant Attorney General, who said in his letter:

> This is in reply to your letter of March 26 to Attorney General Kennedy requesting the Department's views on the questions raised by Senator GORE.

These are the views of the Attorney General. I have had them inserted in the RECORD. The Attorney General has stated, not that this is constitutional, but that in his opinion it is constitutional. Even he cannot declare a law either constitutional or unconstitutional. Only the Supreme Court of the United States can do that.

I say to my brethren until such time that the law is challenged in the courts, until such time that the law is declared unconstitutional, we must abide by it as the law of the land. That is precisely what we are asking the Senate to do. That is precisely what we are doing. That is precisely what I hope the Senate will do.

Mr. MORSE. I yield myself 1 minute.

My reply to the Senator from Rhode Island is simply this: Last year the Senate passed a law which in my opinion had an unconstitutional provision in it. The Senator from Rhode Island is suggesting that we perpetuate that law, that we compound a mistake that we have already made. The time has come when this section of the law should be taken out. It should be amended by striking it from the law. We should not be asked to use Article II, Section 2 of the Constitution to commit what amounts to an unconstitutional act of procedure this afternoon.

As the Senator from Wisconsin has said, we ought to have this matter go to the Judiciary Committee for review with regard to the legal points that are involved. The Act ought to be amended. The matter ought to be taken up with the President. We should make it perfectly clear that we are not going to commit an unconstitutional procedural act under Article II, Section 2 of the Constitution. We should make it clear that these men are not public officers of the United States Government and because they are not public officers the Senate does not have the constitutional power or right to confirm them under Article II, Section 2 of the Constitution.

The Senator from Rhode Island now says that we should wait for the Supreme Court to rule on the question. He and I both took the same oath to uphold the Constitution. When we believe that a proposal is unconstitutional, we have a duty not to commit an unconstitutional act by approving it. That is the position of the senior Senator from Oregon. Now is the time to correct our mistake.

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

Mr. PASTORE. Mr. President, I submit that we made no mistake at all.

My concluding remark this afternoon is that 10 Members of this branch of Congress agreed with WAYNE MORSE last year; 65 agreed with JOHN PASTORE last year.

I yield back the remainder of my time.

Mr. MORSE. Mr. President, this is the first time I have heard on the floor of the Senate that the might of voting power makes right in the Senate.

Mr. PASTORE. I know; but we cannot all be out of step because one Senator may say we are.

Mr. MORSE. One is not necessarily in step when his majority squad is wrong.

The VICE PRESIDENT. All time has been yielded back. The question is, Is the consideration of these nominations by the Senate in accordance with the Constitution? Senators who believe that it is in accordance with the Constitution will vote "yea"; Senators who believe that it is not in accordance with the Constitution will vote "nay."

The yeas and nays have been ordered, and the clerk will call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may be allowed to suggest the absence of a quorum, the time for the quorum call not to exceed 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered. The clerk will call the roll for a quorum.

The legislative clerk proceeded to call the roll.

The VICE PRESIDENT. The time for the quorum call has expired.

The question is, Is the consideration of these nominations by the Senate in accordance with the Constitution? Senators who believe that it is in accordance with the Constitution will vote "yea"; Senators who believe that it is not in accordance with the Constitution will vote "nay." The clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Nevada [Mr. BIBLE], the Senator from California [Mr. ENGLE], the Senator from Michigan [Mr. HART], the Senator from Arizona [Mr. HAYDEN], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Washington [Mr. MAGNUSON], the Senator from Florida [Mr. SMATHERS], the Senator from Missouri [Mr. SYMINGTON], and the Senator from New Jersey [Mr. WILLIAMS] are absent on official business.

I further announce that the Senator from West Virginia [Mr. RANDOLPH] is necessarily absent.

I further announce that the Senator and voting, the Senator from Nevada [Mr. BIBLE], the Senator from California [Mr. ENGLE], the Senator from Arizona [Mr. HAYDEN], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Washington [Mr. MAGNUSON], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Florida [Mr. SMATHERS], the Senator from Missouri [Mr. SYMINGTON], the Senator from New Jersey [Mr. WILLIAMS], and the Senator from Michigan [Mr. HART] would each vote "yea."

The result was announced—yeas 75, nays 15, as follows:

[No. 63 Ex.]

YEAS—75

Aiken	Goldwater	Miller
Allott	Hartke	Monroney
Anderson	Hickenlooper	Morton
Bayh	Hill	Mundt
Beall	Holland	Muskie
Bennett	Hruska	Pastore
Boggs	Inouye	Pearson
Brewster	Jackson	Pell
Byrd, Va.	Javits	Prouty
Byrd, W. Va.	Johnston	Proxmire
Cannon	Jordan, N.C.	Ribicoff
Carlson	Jordan, Idaho	Robertson
Case	Keating	Russell
Cooper	Kennedy	Saltonstall
Cotton	Kuchel	Scott
Curtis	Lausche	Simpson
Dirksen	Long, Mo.	Smith
Dodd	Mansfield	Sparkman
Dominick	McCarthy	Stennis
Eastland	McClellan	Talmadge
Edmondson	McGee	Thurmond
Ellender	McGovern	Tower
Ervin	McIntyre	Williams, Del.
Fong	Mechem	Young, N. Dak.
Fulbright	Metcalf	Young, Ohio

NAYS—15

Bartlett	Gore	Morse
Burdick	Gruening	Moss
Church	Kefauver	Nelson
Clark	Long, La.	Neuberger
Douglas	McNamara	Yarborough

NOT VOTING—10

Bible	Humphrey	Symington
Engle	Magnuson	Williams, N.J.
Hart	Randolph	
Hayden	Smathers	

So the question, Is the consideration of these nominations by the Senate in accordance with the Constitution? was decided in the affirmative.

Mr. GRUENING. Mr. President, I move that the nominations of the incorporators of the Communications Satellite Corp. be referred to the Judiciary Committee with instructions that hearings be held and that the committee report to the Senate at the end of 1 month with respect to the constitutionality of the Senate's advising and consenting to the nominations of private persons as officials of a private, profit-seeking business enterprise.

The PRESIDING OFFICER (Mr. KENNEDY in the chair). The question is on agreeing to the motion of the Senator from Alaska.

The motion was rejected.

Mr. PASTORE. Mr. President, I move that the Senate give its advice and consent to these nominations.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nominations, being considered en bloc, of the incorporators of the Communications Satellite Corp.? [Putting the question.]

The nominations were confirmed.

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

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

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

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

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, the minority leader and I have an announcement which may be of interest to all Senators.

First, let me state, for the information of the Senate, that it is anicipated that the supplemental appropriation bill will not be brought up until tomorrow. No votes will be taken on the bill tomorrow. It is the intention to have the Senate go over, following the session tomorrow, until Tuesday morning, at 11 a.m.

No further votes will be taken today. No votes will be taken tomorrow. Votes will be taken on Tuesday.

ORDER FOR ADJOURNMENT UNTIL NOON TOMORROW

Mr. MANSFIELD. Mr. President, at this time I ask unanimous consent that when the Senate concludes its session this afternoon, it adjourn until noon tomorrow.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL TUESDAY AT 11 O'CLOCK A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the

Senate adjourns tomorrow, it adjourn to meet at 11 o'clock a.m. on Tuesday next.

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

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, for the information of the Senate, the only business to be undertaken during the remainder of the day will be consideration of items on the calendar to which there is no objection. For those Senators who may wish to listen, there may be a few speeches.

Mr. President, I ask unanimous consent that the calendar be called, starting with Calendar No. 128, to and including Calendar No. 135, and that at the appropriate points in the RECORD reports relating to the bills under discussion may be printed.

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

MRS. MARIA NOWAKOWSKI CHANDLER

The bill (S. 1196) for the relief of Mrs. Maria Nowakowski Chandler was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 212 (a) (23) of the Immigration and Nationality Act, Mrs. Maria Nowakowski Chandler may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of Justice or the Department of State has knowledge prior to the enactment of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 143), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provisions of existing law relating to a conviction of possession of narcotics in behalf of the wife of a U.S. citizen member of our Armed Forces.

STATEMENT OF FACTS

The beneficiary of the bill is a 36-year-old native and citizen of Germany, who is the wife of a U.S. citizen member of our Armed Forces whom she married in Austria on April 7, 1956. The beneficiary's husband has been a member of the Armed Forces since 1943. He returned to the United States on September 5, 1962, when he was reassigned to Fort Riley, Kans. The beneficiary and her husband have two children who are U.S. citizens, and a third adopted child. The beneficiary has been denied a visa because of two minor convictions for theft and embezzlement and a conviction for possession of narcotics. As the wife of a U.S. citizen, the convictions for theft and embezzlement may be administratively waived. Although the narcotics offense appears to have been minor in nature, without the waiver provided for in the bill, the beneficiary will be unable to join her husband in the United States.

A letter, with attached memorandum, dated September 11, 1962, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to S. 3502, which was a similar bill for the relief of the same beneficiary that passed the Senate during the 87th Congress, reads as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND
NATURALIZATION SERVICE,
Washington, D.C., September 11, 1962.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3502) for the relief of Mrs. Maria Nowakowski Chandler, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Nationalization Service files relating to the beneficiary by the Kansas City, Mo., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which exclude from admission into the United States any alien who has been convicted of violating, or conspiring to violate, a narcotic law or regulation, or any alien who is, or has been, an illicit trafficker in narcotic drugs. It would authorize the issuance of a visa and the beneficiary's admission into the United States for permanent residence, if she is found to be otherwise admissible. The bill limits the exemption granted the beneficiary to a ground for exclusion known to the Department of State or the Department of Justice prior to its enactment.

Sincerely,

RAYMOND F. FARRELL,
Commissioner.

REEXAMINATION OF ATTORNEY FEES PAID IN BANKRUPTCY PROCEEDINGS

The bill (H.R. 2833) to amend subdivision (d) of section 60 of the Bankruptcy Act (11 U.S.C. 96d) so as to give the court authority on its own motion to reexamine attorney fees paid or to be paid in a bankruptcy proceeding was considered, ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 144), explaining the purposes of the bill.

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

PURPOSE

The purpose of the bill is to strengthen the provisions of the Bankruptcy Act governing the review of attorneys' fees by the bankruptcy court.

STATEMENT

The proposed legislation has been requested by the Administrative Office of the U.S. Courts.

A similar bill, H.R. 8708, was approved by the House of Representatives in the 86th Congress but was not acted upon by the Senate.

A similar bill, H.R. 5149, was approved by the House of Representatives in the 87th Congress but was not acted upon by the Senate.

The proposed legislation does not have the support of the National Bankruptcy Conference.

In its favorable report on H.R. 2833 the Committee on the Judiciary of the House of Representatives wrote:

"Section 60d of the Bankruptcy Act now provides that the bankruptcy court shall, upon petition of the trustee or any creditor, examine the reasonableness of fees paid by the debtor in contemplation of bankruptcy for legal services to be rendered. Amounts determined to be in excess of a reasonable fee may then be recovered by the trustee for the benefit of the estate.

"Experience has shown that this language is inadequate to protect both the creditors and the bankrupt from excessive attorneys' fees. In bankruptcy, the motivations which normally prevent overcharge are often absent. It matters very little to a bankrupt whether his attorney's fee is large or small since it will be paid out of assets which in any event will normally be completely consumed in distribution. It is the claimant with a lesser priority and the general creditors who, in effect, pay excessive fees through a reduction in the value of assets available to them.

"Although the act now provides that the trustee or creditors may cause the court to examine into the reasonableness of a fee, lawyers are frequently reluctant to challenge the fairness of the fees charged by their colleagues. In view of the wording of existing law referees have, in the absence of such a challenge, been hesitant about examining fees on their own.

"An additional but related problem is presented in no asset or nominal asset cases. Since the allowable fee in these cases would be rather small, attorneys have sometimes required debtors to sign notes for excessive fees after the filing of the petition.

"These and similar abuses were brought to the attention of the Bankruptcy Committee of the Judicial Conference which requested the introduction of legislation substantially the same as H.R. 2833.

"This bill strengthens the power of the court to review the reasonableness of attorneys' fees in the bankruptcy cases. It gives the bankruptcy court additional authority so that it may examine on its own motion payments made in contemplation of bankruptcy for legal services rendered or to be rendered. The bill also adds a new paragraph to section 60d providing that if an agreement is made either before or after filing to pay legal fees after filing, the court may on its own motion or shall upon petition of the bankrupt made prior to discharge examine into the reasonableness of those fees. The fees are to be held valid only to the extent of a reasonable, fair charge for the services. Obligations above this amount are to be canceled and if payment has already been made, the excess is to be returned to the bankrupt.

"In amending section 60d, the anachronistic terms 'solicitor in equity' and 'proctor in admiralty' were deleted and the simple term 'attorney at law' was inserted instead. The word 'examine' has been inserted in place of 'reexamine.' The review under section 60d is in most cases the initial review and, therefore, 'examine' rather than 'reexamine' is considered to be the more appropriate term. 'Examine' is also the broader term and encompasses 'reexamine.'

"The committee is of the view that this bill is necessary to correct certain abuses which have developed in bankruptcy practice and commends it to the House for its favorable consideration."

The committee believes the bill, which has been three times approved by the House of Representatives, is meritorious and recommends it favorably.

AMENDMENT OF FEDERAL REGISTER ACT

The bill (H.R. 2837) to amend further section 11 of the Federal Register Act (44 U.S.C. 311) was considered, ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 145), explaining the purposes of the bill.

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

PURPOSE

The purpose of the bill is to authorize the Administrative Committee of the Federal Register to adopt improved publication techniques whereby the Code of Federal Regulations may be produced more quickly, more economically, and in a more usable form. This would be accomplished by striking out the outmoded requirements for pocket supplements (which involve slow and costly hand operations) and substituting the discretion of the Administrative Committee as to techniques whereby books of the code are updated.

STATEMENT

The facts and justification in support of this legislation are contained in House Report 72 on H.R. 2837 and are as follows:

The proposed legislation is part of the legislative program of the General Services Administration. It originated with and is recommended by the Administrative Committee of the Federal Register, a statutory committee consisting of the Archivist of the United States, the Public Printer, and an officer of the Department of Justice designated by the Attorney General (44 U.S.C. 306).

The bill would further amend section 11 of the Federal Register Act, as amended (67 Stat. 388; 44 U.S.C. 311). Section 11 in subsection (a) authorizes the Administrative Committee of the Federal Register, with the approval of the President, to require publication in special or supplemental editions of the Federal Register of complete codifications of agency documents which have general applicability and effect.

Subsection (b) provides that any such codification shall be printed and bound in permanent form, and that as far as possible each codification shall constitute a separate book. It further requires that each such book shall include an index and a pocket for cumulative supplements. The principal thrust of the present bill is to eliminate the necessity for pocket supplements.

The Administrator of General Services advises that since the enactment of the present law in 1953 the Code of Federal Regulations has grown from 34,000 to 45,000 pages and that the volume of material has doubled since the 1949 edition. In the meantime, there has been an increased demand for compact and timely code books. Reporting that the Public Printer finds that "the amendments included in this proposed bill should reduce the production time as well as the cost for publishing the code," the Administrator states that enactment of the bill will enable the Administrative Committee to take advantage of improvements in publication techniques, and to realize important savings in costs.

In addition to eliminating the necessity for pocket supplements, the bill makes certain formal changes to improve draftsmanship, but without changing existing practices or procedures.

SECTION ANALYSIS

Section 1(a) of the bill amends subsections (b), (c), and (d) of section 11.

Section 11(b), as amended, removes the requirement for pocket supplements and gives a statutory basis for the name "Code of Federal Regulations."

Section 11(c), as amended, gives the Committee authority to regulate supplementation and the collation and republication of the printed codifications, with the proviso that each book shall be either supplemented or collated and republished at least once in each calendar year.

Section 11(d), as amended, authorizes the Office of the Federal Register to prepare and publish the codifications, collations, and indexes authorized by this section.

Section 1(b) of the bill substitutes a new subsection (g) in section 11 making clear that nothing in section 11 shall be construed to require codification of Presidential documents published in title 3 of the Code.

Section 2 of the bill does not amend any existing provision of law. Together with the elimination of old subsection (g) of section 11, it makes clear that the section applies as well to the past as to the future Code of Federal Regulations.

The Committee, after a study of the foregoing, concurs in the action of the House of Representatives and recommends that the bill H.R. 2837 be considered favorably.

Attached hereto and made part hereof is a letter from the Administrator of General Services transmitting a draft of the bill and urging its enactment.

AMENDMENT OF UNITED STATES CODE REGARDING TRIAL OF ALL OFFENSES BEGUN OR COMMITTED UPON THE HIGH SEAS OR OUTSIDE THE JURISDICTION OF ANY PARTICULAR STATE OR DISTRICT

The bill (H.R. 2842) to amend section 3238 of title 28, United States Code was considered, ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 146), explaining the purposes of the bill.

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

PURPOSE

The purpose of the bill is to (1) permit the indictment and trial of an offender or joint offenders who commit abroad offenses against the United States, in the district where any of the offenders is arrested or first brought; (2) to prevent the statute of limitations from tolling in cases where an offender or any of the joint offenders remain beyond the bounds of the United States by permitting the filing of information or indictment in the last known residence of any of the offenders. The bill also permits the filing of indictment or information in the District of Columbia in the event that the residence of any of the offenders in the United States is not known.

STATEMENT

An identical bill, H.R. 7037, passed the House in the 87th Congress but no action was taken upon it by the Senate.

The instant legislation is designed to cure two important defects in the present venue statutes. Its importance is underlined by the fact that with the spread of U.S. interests overseas, Federal crimes committed outside the United States have increased proportionately. Such crimes committed abroad may include treason, fraud against the Government, theft or embezzlement of Government property, bribery, etc., as well as conspiracy to commit such offenses.

Under existing law, where joint offenders commit abroad any offense, they must be tried separately if they are found in more than one judicial district. The term "found" in most cases means "arrested." For example, if three persons jointly steal Government property in Europe and by the time the investigation is completed, the three individuals have returned to the United States and are located in Boston, New Orleans, and San Francisco, respectively, under the present wording of section 3238, title 18, United States Code, these three individuals can only be indicted and tried where they are found; to wit, in three separate districts. Prosecution must be undertaken at the place where they are first found or where they are brought into the United States, and if they come into different districts the grand jury proceedings and the trials must occur in different districts. This is true whether the three joint offenders are indicted for the substantive crime or for conspiracy to commit the substantive crime.

The Department of Justice stresses the fact that to try these three separate cares arising from a joint crime would place a substantial burden on the Government, and would be unnecessarily expensive. Moreover, since in this type of case it would be necessary to bring witnesses from overseas to establish the commission of a crime and the guilt of the accused, it will require transporting the witnesses to several districts and, in the event that the trials are widely separated in area and in time, it might involve several trips to the United States for these witnesses.

The second purpose of this legislation is designed to clear up a serious question arising under the decisions of appellate courts as to whether an offender who commits an offense beyond the bounds of the United States and continues to remain outside of the United States is a "person fleeing from justice" within the terms of title 18, United States Code, section 3290.

It has been submitted to the committee by the Department of Justice that in these cases it would be required to prove that the individual is in actual flight or has left the jurisdiction before he could be considered a fugitive. On the other hand, if the offender is not a fugitive, the statute of limitations will continue to run. It has been so held in several appellate decisions, e.g., *Donnell* v. *United States* (229 F. 2d 560 (C.A. 5, 1956)); *United States* v. *Hewecker* (79 Fed. 59 (C.C.S. D.N.Y., 1896)); *United States* v. *Brown* (Fed. Cas. 14,665 D. Mass., 1873)).

Illustrative of the situation which the second purpose of this legislation is designed to reach is the case of an American citizen who stole Government property abroad and remains abroad so as to make it impossible to undertake criminal prosecution because venue is not established under any statute until he is either brought to the United States or found in the United States. In the meantime, unless the prosecution can demonstrate that he is a fugitive, the statute of limitations may run before criminal proceedings against him could be instituted. The instant legislation would correct this situation by making it possible to file an indictment or information in the case of such an offender in the district of his last known residence or in the District of Columbia if such residence is not known.

THE BOWMAN DECISION

The committee is satisfied that the enactment of this legislation will sustain and implement a decision of the Supreme Court of the United States in *United States* v. *Bowman* (260 U.S. 94). In this decision, delivered by Chief Justice Taft, the Supreme Court of the United States held that citizens of the United States, while outside

the United States, are subject to penal laws passed by the United States to protect itself and its property, and such infractions are trialable in the district where they are first brought. The committee believes that the following excerpts from Chief Justice Taft's opinion should be cited at this point:

"The necessary locus, when not specially defined, depends upon the purpose of Congress as evinced by the description and nature of the crime and upon the territorial limitations upon the power and jurisdiction of a government to punish crime under the law of nations. Crimes against private individuals or their property, like assaults, murder, burglary, larceny, robbery, arson, embezzlement, and frauds of all kinds, which affect the peace and good order of the community, must of course be committed within the territorial jurisdiction of the Government where it may properly exercise it. If punishment of them is to be extended to include those committed outside of the strict territorial jurisdiction, it is natural for Congress to say so in the statute, and failure to do so will negative the purpose of Congress in this regard. * * *

"But the same rule of interpretation should not be applied to criminal statutes which are, as a class, not logically dependent on their locality for the Government's jurisdiction, but are enacted because of the right of the Government to defend itself against obstruction, or fraud wherever perpetrated, especially if committed by its own citizens, officers, or agents. Some such offenses can only be committed within the territorial jurisdiction of the Government because of the local acts required to constitute them. Others are such that to limit their locus to the strictly territorial jurisdiction would be greatly to curtail the scope and usefulness of the statute and leave open a large immunity for frauds as easily committed by citizens on the high seas and in foreign countries as at home."

The committee is of the opinion that this legislation is meritorious and accordingly recommends favorable consideration of H.R. 2842 without amendment.

Attached hereto and made a part hereof are letters from the Attorney General of the United States, the Judicial Conference of the United States, and a letter from the Deputy Attorney General of the United States, to the chairman of this committee.

AMENDMENT OF SECTION 47 OF BANKRUPTCY ACT

The bill (H.R. 2849) to amend section 47 of the Bankruptcy Act was considered, ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report, No. 147, explaining the purposes of the bill.

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

PURPOSE

The purpose of the bill is to facilitate the deposit of the funds of bankrupts' estates in interest-bearing accounts, under proper safeguards.

STATEMENT

The proposed legislation has been requested by the Administrative Office of the U.S. Courts.

A similar bill, H.R. 10204 of the 87th Congress, was approved by the House of Representatives but was not acted upon by the Senate.

The bill does not have the support of the National Bankruptcy Conference.

In its favorable report on the bill the Committee on the Judiciary of the House of Representatives wrote:

"Section 47a(2) of the Bankruptcy Act requires a trustee in bankruptcy to deposit all money received by him in 'designated depositories.' Section 61 of the act provides that the courts of bankruptcy 'shall designate, by order, banking institutions as depositories for the money of estates.' "

"As a result of two early cases these provisions have been interpreted to require the trustee to deposit the money of a bankrupt's estate in demand deposit accounts. By this view he may not make deposits in interest-bearing accounts unless the creditors consent. See *Huttig Mfg. Co.* v. *Edwards*, 160 Fed. 619 (8th Cir. 1908) and *In re Dayton Coal & Iron Co.*, 239 Fed. 737 (E.D. Tenn. 1916).

"It has been brought to the attention of the committee that in cases where a substantial period of time elapses before the closing of the estate, large sums of money may be held by the trustee for long periods of time without the realization of any interest on those funds.

"The committee believes that sound fiscal management requires that the funds of a bankrupt's estate shall not lie idle for long periods of time but should earn interest under proper safeguards. To this end, the bill provides that the court may authorize the trustee to deposit the money of a bankrupt's estate in interest-bearing accounts in 'designated depositories.' The security of such deposits is assured by section 61 of the Bankruptcy Act.

"Section 61 requires that the designated depositories provide adequate security to assure the repayment of deposits. Where deposits are covered by deposit insurance under 12 U.S.C. 1821, no security is required."

The committee believes that the proposed legislation is meritorious and recommends it favorably.

Attached and made a part of this report are: (1) A letter, dated February 1, 1962, from the Administrative Office of the U.S. Courts; and (2) a letter, dated January 14, 1963, from the Administrative Office of the U.S. Courts.

ZOFIA MIECIELICA

The Senate proceeded to consider the bill (S. 787) for the relief of Zofia Miecielica which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, Zofia Miecielica may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of that Act, and a petition may be filed in behalf of the said Zofia Miecielica by Mr. and Mrs. John Miecielica, citizens of the United States, pursuant to section 205(b) of the Immigration and Nationality Act subject to all the conditions in that section relating to eligible orphans.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report, No. 148, explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to facilitate the entry into the United States in a nonquota status of an alien child adopted by U.S. citizens. The bill has been amended to bring the case within the procedures applicable to the admission of adopted alien orphans under the general law.

STATEMENT OF FACTS

The beneficiary of the bill is a 14-year-old native and citizen of Poland, who resides in that country with her widowed mother and a brother. She was adopted in Poland on April 27, 1961, by Mr. and Mrs. John Miecielica, who are U.S. citizens. The beneficiary is Mr. Miecielica's niece. The beneficiary's adoptive parents state that they will provide the beneficiary with a good home, and that she will be cared for as though she were a natural child.

A letter, with attached memorandum, dated April 3, 1963, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND
NATURALIZATION SERVICE,
Washington, D.C., April 3, 1963.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 787) for the relief of Zofia Miecielica, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the Providence, R.I., office of this Service which has custody of that file.

The bill would confer nonquota status upon the 14-year-old adopted daughter of U.S. citizens. The bill further provides that the natural parents of the beneficiary shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act. As a quota immigrant, the beneficiary would be chargeable to the quota for Poland.

Sincerely,

RAYMOND F. FARRELL,
Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILE RE S. 787

Information concerning the case was obtained from Mr. and Mrs. John Miecielica, the benficiary's adoptive parents.

The beneficiary is a native of Poland, born on May 15, 1948. She resides in Poland with her widowed mother and her brother, age 18. She also has an adult half brother and three adult half sisters who reside in Poland, and who are the issue of her farther's first marriage. Mr. and Mrs. Miecielica adopted the beneficiary by proxy on April 27, 1961, in Poland. She is in the eighth grade of school. She has no income or assets, but Mr. and Mrs. Miecielica send clothing and money for her regularly.

John Miecielica was born in Poland on March 16, 1916. His wife, whom he married in Poland on August 10, 1948, was also born in Poland on October 8, 1925. They have no children. They entered the United States on October 5, 1949, and became citizens of this country by naturalization on January 24, 1955. They reside in Pascoag, R.I., and are employed in a shoe factory in Webster, Mass. Mr. Miecielica earns about $100 a week and Mrs. Miecielica earns about $56 a week. This is their only income. Their assets consist of savings amounting to $4,000, a 1956 automobile, and their household furnishings. They rent a four-room cottage, which will provide a good home for the beneficiary. Mr. and Mrs. Miecielica have stated that they will give the beneficiary proper care and education as though she were their natural child. Private bill H.R. 13031, 87th

Congress, introduced in the beneficiary's behalf, was not enacted, and private bill H.R. 3748 has been introduced in her behalf in the 88th Congress.

EVANTHIA HAJI-CHRISTOU

The Senate proceeded to consider the bill (S. 495) for the relief of Evanthia Haji-Christou which had been reported from the Committee on the Judiciary with amendments, in line 4, after the word "Act", to strike out "Evanthia Haji Christou" and insert "Evanthia Christou", and in line 8, after the name "Evanthia", to strike out "Haji Christou" and insert "Christou"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Evanthia Christou may be classified as an eligible orphan within the meaning of section 101(b)(1)(F), and a petition may be filed by Mr. and Mrs. Vincent G. Kouspos, citizens of the United States, in behalf of the said Evanthia Christou, pursuant to section 205(b) of the Immigration and Nationality Act, subject to all the conditions in that section relating to eligible orphans.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Evanthia Christou."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 149), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to facilitate the entry into the United States in a nonquota status of an alien child to be adopted by citizens of the United States. The bill has been amended to correct the beneficiary's name.

STATEMENT OF FACTS

The beneficiary of the bill is a 19-year-old native and citizen of Cyprus, who presently resides there with her widowed mother and four brothers and a sister. Her uncle and his wife, both U.S. citizens, desire to adopt her and information is to the effect that they are financially able to care for the beneficiary.

A letter, with attached memorandum, dated January 2, 1963, from the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to S. 3728, which was a bill introduced in the 87th Congress for the relief of the same alien, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND
NATURALIZATION SERVICE,
Washington, D.C., January 2, 1963.

[redacted]

HON. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3728) for the relief of Evanthia Haji-Christou, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Hartford, Conn., office of this Service, which has custody of those files.

The bill provides that the 18-year-old child, who is to be adopted by U.S. citizens, may be classified as an eligible orphan and granted nonquota immigrant status subject to the provisions of the Immigration and Nationality Act relating to adoption requirements.

As a quota immigrant the beneficiary would be chargeable to the quota for Cyprus.

Sincerely,

RAYMOND F. FARRELL,
Commissioner.

ANTONIO ZORICH, AMABILE MIOTTO ZORICH, AND FIORELLA ZORICH

The Senate proceeded to consider the bill (S. 732) for the relief of Antonio Zorich, Amabile Miotto Zorich, and Fiorella Zorich which had been reported from the Committee on the Judiciary with amendments, on page 1, line 4, after the name "Zorich," to strike out "Amabile Miotto Zorich" and insert "Rosetta Amabile Zorich"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Antonio Zorich, Rosetta Amabile Zorich, and Fiorella Zorich shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct three numbers from the appropriate quotas for the first year that such quotas are available.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Antonio Zorich, Rosetta Amabile Zorich, and Fiorella Zorich."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 150), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Antonio Zorich, Rosetta Amabile Zorich, and Fiorella Zorich. The bill provides for appropriate quota deductions and for the payment of the required visa fees. The bill has been amended to correct the name of one of the beneficiaries.

STATEMENT OF FACTS

The beneficiaries of the bill are a 36-year-old husband, his 38-year-old wife, and their 5-year-old daughter, all citizens of Italy, who entered the United States on August 26, 1960, as visitors. The father was born in that part of Italy which is now in Yugoslavia. The male beneficiary's parents entered the United States in 1956 as refugees, having resided in refugee camps in Italy; the father died in November 1961. The beneficiaries presently reside in the rectory of All Saints Catholic Church in Portland, Oreg., where the male beneficiary is employed as a janitor and the female beneficiary as a housekeeper. The male beneficiary is also employed part time as a metal cleaner and polisher. The couple also have a 2-year-old daughter and an infant son who are native-born U.S. citizens. Information is to the effect that the male beneficiary is the sole support of his aged mother.

A letter, with attached memorandum, dated November 27, 1961, to the chairman of the Senate Committee on the Judiciary from the then Commissioner of Immigration and Naturalization with reference to S. 2485, which was a bill introduced in the 87th Congress for the relief of the same aliens, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION
SERVICE,
Washington, D.C., November 27, 1961.

[redacted]

HON. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2485) for the relief of Antonio Zorich, Amabile Miotto Zorich, and Fiorella Zorich, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Portland, Oreg., office of this Service, which has custody of those files. According to the records of this Service, the correct name of the beneficiary, Amabile Miotto Zorich, is Rosetta Amabile Zorich.

The bill would grant the beneficiaries permanent residence in the United States as of the date of its enactment upon payment of the required visa fees. It would also direct that three numbers be deducted from the appropriate immigration quotas.

The beneficiaries are chargeable to the quota for Italy.

Sincerely,

J. M. SWING,
Commissioner.

COMMENDATION OF SENATOR KENNEDY

Mr. MANSFIELD. Mr. President, I wish to compliment the distinguished junior Senator from Massachusetts [Mr. KENNEDY] for the able way in which he has conducted himself in the Senate's consideration of the nominations which have been confirmed today, and also the bills on the calender which have been considered and passed.

CONFERENCES IN EUROPE ON COMMON MARKET ANTITRUST DEVELOPMENTS

Mr. KEFAUVER. Mr. President, last week the Subcommittee on Antitrust and Monopoly held a series of conferences in Brussels, Paris, and London, as part of its study of antitrust developments in Europe and their significance for American business and public policy. We were accompanied by Mr. Paul Rand Dixon, Chairman of the Federal Trade Commission. Mr. Dixon had previously met many European antitrust experts at prior conferences and he made a very valuable contribution to our efforts. The Europeans with whom we met were especially glad to talk with him in order to obtain the benefit of the FTC experience on many problems which they are now facing for the first time.

Our schedule was very full. On Monday, Tuesday, Wednesday, and Thursday, we met in Brussels with the antitrust officials of the Common Market and with numerous American and European businessmen, lawyers, professors, and other experts. On Friday and Saturday, in Paris, we met with French and German national antitrust officials, and with American and French lawyers and professors. Then, this past Monday in London, we met with representatives of the Conservative and Labor Parties to discuss merger policy. These conversations followed an intensive staff study of some 4 weeks in which some 75 antitrust experts were interviewed.

Although we are still in the process of analyzing the information and materials we have obtained, on which we shall issue a full report, certain things are clear:

These European antitrust laws, and the competitive philosophy which underlies them, are at the heart of the Rome Treaty, and this is now recognized by all. In earlier days, many Europeans were quick to proclaim that competition was inherently bad, ruinous, and wasteful. Today, almost no one will attack the competitive philosophy as such. Obviously, different people interpret the concept differently, and the degree of actual attachment to competition varies. But the very fact that no one will attack the competitive philosophy indicates a fundamental and basic change in economic climate and attitude. It is most encouraging that our European friends are getting away from the old ideas of doing business by cartels.

This change is reflected in the numerous national and supranational antitrust laws recently enacted or pending. Although these laws vary substantially, I was struck with the strength of some of these laws, and the powers granted antitrust officials with respect to investigations and penalties. This is particularly true of articles 85 and 86 of the Rome Treaty itself. Much, of course, depends on how these laws are to be administered.

We found overwhelming support for these laws among American lawyers and businessmen. As one lawyer put it—and he was unanimously supported by the half dozen other American lawyers present—Americans are the newcomers; it is we who must break into these markets to improve our balance of payments and trade position. If these laws do, in fact, weaken cartelistic arrangements, it will be that much easier for our companies to establish themselves. This is especially true for our small and medium-sized businesses, which would be in an especially weak position to obtain entry into cartelized markets. Moreover, as another American pointed out, our companies are used to operating under antitrust laws and they have probably had to do less to comply with these laws than their European counterparts.

It is still too early to say what impact these laws have had or will have. Much is still influx. For example, the English are seriously concerned about the increasing number of mergers, and some very far-reaching proposals to prevent and control such mergers have been made. The French seem to be tightening up on exclusives; the Germans are also reviewing their laws.

With respect to the Rome Treaty, itself, some 800 horizontal agreements and some 36,000 vertical agreements were filed with Brussels last November and February to obtain exemption from the prohibition of article 85(1). Many other agreements were modified or rescinded to avoid registration. It is suspected that some which should have been filed were not registered at all. How the EEC Commission handles this massive volume of registrations, and the arrangements not registered, may well determine the initial operation of the Rome Treaty in this area. One thing is clear: Many hours of conversation with EEC Commissioner Hans von der Groeben and with some dozen members of his staff convinced us that they are realistic and determined. These men will do their utmost to make the antitrust sections of the Rome Treaty into one of its most significant and vital aspects. They are absolutely determined that the international tariffs and quotas soon to be abolished should not be replaced by cartels and other private restrictions.

There are many other aspects to these antitrust laws and their significance for our public and private interests. These include the relationship of European planning and programing to competition and to American investments. Concentration is another problem as are export cartels, penal provisions, and investigatory powers. Our report will deal fully with these. I should like to add but one thing more:

Everyone assured us that the Common Market will go forward. This means that competition—the heart of the Rome Treaty—will also be promoted. Obviously, the job is hard. Attitudes, habits, laws, and customs; all will have to undergo changes, but signs of such changes are already visible. Price conscious consumer movements are beginning to develop; many European businessmen, especially the younger ones, are beginning to realize that competition can be profitable. The ultimate fate of this great experiment is obviously not possible to foresee, but a very promising start has clearly been made.

Our subcommittee plans to continue its study. America and Europe are rapidly becoming more and more intertwined, and it is incumbent upon Members of the Senate to keep fully abreast and to respond appropriately to these developments.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an appendix to my remarks, showing the itinerary of the subcommittee while in Europe.

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

APPENDIX

BRUSSELS, BELGIUM

April 15, 1963:

A.m.—Briefing by U.S. Embassy staff and John W. Tuthill, Ambassador to the U.S. Mission to the European Communities, and Mission staff, on economic and antitrust developments in Europe.

P.m.—Reception and dinner conference with American businessmen in Brussels, including: ITT Europe, Inc., Brussels, Belgium; Charles G. Sherwood, executive vice president; David Barker, area director, public relations; R. G Bateson, area general counsel; W. H. Bulte, production line manager components; H. P. Willard, area director, planning and organization; Clark Equipment Company, Martin E. Graham, general manager; INCOM, Colonel Ralph J. Nunziato; Management Center Europe, Nelson L. Rusk, managing director; Arthur Anderson & Company, George R. Stevens, general manager; First National City Bank, Arthur L. Worthington, manager; and Robin International, Ltd., London, England, Anthony Z. Landi.

April 16, 1963:

A.m.—Briefing by Ambassador Douglas MacArthur II, on relevant political and economic factors in Europe and Belgium.

P.m.—Luncheon and conference with Dr. Hans von der Groeben, Commissioner of European Economic Community, and antitrust experts on his staff as follows: P. VerLoren van Themaat, K. Gleichmann, R. Jaume, N. Koch, G. Linssen, P. Nasini, Willie Schlieder, H. Schumacher, Ivo Schwartz, J. Thiesing, and E. Wirsing.

April 17, 1963:

A.m.—Individual conferences with American lawyers in Brussels: Klaus Newes, attorney at law, Baker, McKenzie & Hightower; Frank Boas, consulting attorney.

Noon—Luncheon conference with American lawyers, and others, given by Ambassador John H. Tuthill. Guests included: Homer Angelo, attorney at law; Sydney Cone III, attorney at law, Cleary, Gottlieb & Steen; and R. Peter Dreyer, the Journal of Commerce.

P.m.—Conference with Prof. Michel Waelbroeck, Institute of Comparative Law. Reception given by American and European business and legal community in Brussels. Guests included: Count Charles d'Ursel, vice president and general manager, Morgan Guaranty Trust Co. of New York; Edgerton Grant North, vice president, Morgan Guaranty Trust Co. of New York, and consultant on EEC; Thomas L. Coleman, attorney at law, Baker, McKenzie & Hightower; Paul Eeckman, area counsel, western European area, Coca Cola Export Corp.; Rene Lamy, assistant to the management, Societe Generale de Belgique; Baron Charley del Marmol, professor, Liege University; Andrew W. G. Newburg, attorney at law, Cleary, Gottlieb & Steen; Robert Niemants, counsellor, Federation of Belgian Industries; Raymond Pulinckx, director and general manager, Federation of Belgian Industries; and Pierre van der Rest, president, Steel Industry Association; Arnold van Zeeland, Brufina.

April 18, 1963:

A.m.—Individual conferences with: Prof. Eric Stein, Law School, University of Michigan, and Prof. Ernst J. Mestmaecker, adviser to EEC Commission, and University of Münster.

P.m.—Press Conference at U.S. Mission to the European Communities.

PARIS, FRANCE

April 19, 1963:

A.m.—Briefing by U.S. Ambassador Charles E. Bohlen at U.S. Embassy. Conferences with French antitrust authorities, including: Phillippe Hüet, Director-General, Office of Price and Economic Investigations, French Ministry of France, and Robert Clement, Director of Economic Investigations, French Ministry of Finance.

Noon—Luncheon with American lawyers, including: Loftus Becker, Cahill, Gordon, Reindel & Ohl; Prof. Lazar Focsaneanu, Coudert Brothers; A. Jack Kevorkian, Coudert Brothers; George Martin, Donovan, Leisure, Newton & Irvine; Richard Moore, Cleary, Gottlieb and Steen; and Charles Torem, Coudert Brothers.

P.m.—Conferences with French experts, including: Prof. Jacques Lassier, and Prof. Robert Plaisant.

April 20, 1963:

A.m. — Conference with Dr. Gerhard Rauschenbach, vice president, German Cartel Authority.

LONDON, ENGLAND

April 22, 1963:

A.m.—Briefing by U.S. Ambassador David K. E. Bruce at U.S. Embassy. Conference with Lord Poole, chairman of the Conservative Party Committee on Mergers and Monopolies, who was accompanied by his assistant, Mr. James Douglas.

Noon—Reception and luncheon at U.S. Embassy by Ambassador Bruce. Included were: Lord Poole, and Austen Albu, Member of Parliament (Labor).

P.m.—Conference with Mr. Austen Albu, above, on Labor Party views on antitrust and monopoly problems.

Mr. KEFAUVER. Mr. President, I should like, in closing, to express our deepest gratitude for the help and cooperation we received from everyone. We were especially gratified by the warm welcome given us by the American business and legal communities. We hope our study will prove helpful to them.

(At this point Mr. McINTYRE took the chair as Presiding Officer.)

ANALYSIS OF LEGISLATION RELATED TO COTTON FARMERS AND THE COTTON TEXTILE INDUSTRY

Mr. SPARKMAN. Mr. President, on January 31 I introduced S. 608, legislation which I feel is needed for our cotton farmers and our cotton textile industry. I ask unanimous consent to place in the RECORD at this point an analysis of my bill and a statement concerning the need for the legislation.

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

ANALYSIS OF S. 608, 88TH CONGRESS, 1ST SESSION, INTRODUCED ON JANUARY 31, 1963

The bill would amend the Agricultural Adjustment Act of 1938, as amended, to make cotton available to domestic users at prices more competitive with prices foreign users pay for cotton and to authorize the Secretary to permit cottongrowers to plant additional acreage for the 1963 and succeeding crops of upland cotton.

Paragraph (1) of section 1 of the bill would add the following new sections to the act:

Section 348: This section would authorize the Commodity Credit Corporation to make payments to persons other than producers on upland cotton produced in the United States at a rate which the Secretary determines will eliminate inequities sustained by domestic users of cotton as a result of differences in domestic and foreign costs of cotton, taking into account differences in transportation costs and other relevant factors. Payments would be made through issuance of payment-in-kind (PIK) certificates subject to terms and conditions, including redemption for cash if suitable stocks of CCC cotton are not available, as the Secretary may prescribe.

Section 349: This section would authorize the Secretary to permit increased plantings of upland cotton for the 1963 crop and for each succeeding crop up to 30 percent of the farm allotment established under present provisions of law (including revisions due to release and reapportionment of allotment for the farm). The increased acreage which is referred to as "export market acreage" would not count as history acreage in establishing future State, county, and farm allotments. For purposes of determining compliance with the farm allotment, the sum of the farm allotment and the maximum export market acreage authorized for the farm would be used for farms on which export market acreage is planted. In other words, no farm marketing excess and marketing quota penalty will result unless the plantings of cotton on a farm exceed the above total authorized acreage for the farm. Beginning with the 1964 crop of cotton, estimated production of cotton on export market acreage must be deducted from the national marketing quota but in any event the national acreage allotment shall not be less than 16 million acres. This section shall not apply to extra-long-staple cotton.

Section 350(a): This subsection would exempt producers on a farm on which there is export market acreage from payment of the export marketing fee if they furnish a bond or other security satisfactory to the Secretary conditioned upon the exportation without benefit of any Government export subsidy of a quantity of cotton equal to the estimated production of the export market acreage on the farm. The period of time for completion of such exportation would be prescribed by the Secretary. As set forth in section 350(b), the producers furnishing a bond or other security shall be liable for an export marketing fee (1) on the number of pounds of cotton by which the actual production of the export market acreage exceeds the estimated production specified in the bond or other security, and (2) on the number of pounds of cotton covered by the bond or other security which are not exported in compliance with the conditions thereof.

Section 350(b): This subsection would make producers on a farm on which there is export market acreage jointly and severally liable for payment to the Secretary of an export marketing fee on the production of the export market acreage unless exempt by reason of furnishing a bond or other security pursuant to subsection (a) of section 350. The Secretary shall determine the amount per pound of cotton which shall be the export marketing fee for any crop not later than the beginning of the marketing year for the crop and such amount shall approximate the difference between the price of cotton marketed by producers in the United States during such marketing year and the price at which such cotton can be marketed competitively for export during such marketing year.

The export marketing fee, unless prepaid, shall be payable at a converted rate on all cotton produced on the farm and the rate is determined by multiplying the export market acreage on the farm by the export marketing fee per pound of cotton and dividing the result by the acreage planted to cotton on the farm. The fee at the converted rate shall be collected by the first buyer from the producer at the time of marketing. Pledging of the cotton to CCC by a producer and, as provided by regulations of the Secretary, delivering, pledging or mortgaging of cotton by a producer to any person shall be deemed a marketing of cotton. If cotton is not marketed during the marketing year, the fee at the converted rate is due and payable at the end of the marketing year. The person liable for payment or collection of the fee is also liable for interest at 6 percent per annum from the due date until payment is made. The Secretary may provide by regulation for prepayment of the fee on the basis of estimated production subject to adjustment on the basis of actual production and may require prepayment of fees which are so small that collection at the converted rate is impracticable. The Secretary may establish actual production by appraisal upon failure of the producer to furnish satisfactory proof of production. The Secretary shall remit to CCC all export marketing fees received which CCC shall use to defray costs of promoting export sales of cotton under section 203 of the Agricultural Act of 1956, as amended.

Section 369: This section provides that determinations of export market acreage shall be subject to review by a review committee and court review under sections 363 to 368 of the act. It also requires mailing to the farm operator of notices of maximum export market acreage and determinations of actual export market acreage.

Paragraph (2) of section 1 of the bill would amend section 372 of the act by adding a new subsection (e) at the end thereof. This subsection (e) would provide that collecting of export marketing fees and remitting of such fees to the Secretary shall be subject to existing provisions of law in subsections (b) through (d) of section 372 of the act which govern collection of marketing quota penalties, claims for refunds and exemptions for cotton grown for experimental purposes, except that export marketing fees shall be paid by the Secretary to CCC.

Paragraph (3) of section 1 of the bill would amend section 376 of the act by adding a sentence at the end thereof which would grant court jurisdiction to enforce the collection of export marketing fees.

Paragraph (4) of section 1 of the bill would amend section 385 of the act by adding a sentence at the end thereof which would make final and conclusive any payments under section 348 of the act.

STATEMENT WITH RESPECT TO THE NEED FOR COTTON LEGISLATION PROPOSED IN S. 608, 88TH CONGRESS, 1ST SESSION, INTRODUCED JANUARY 31, 1963

The bill would make cotton available to domestic users at prices more competitive with prices foreign users pay for cotton and would authorize the Secretary to permit cotton growers to plant additional acreage for the 1963 and succeeding crops of upland cotton.

This legislation is needed in order to: (1) overcome the disadvantage which the present two-price system for cotton imposes on the U.S. textile industry; (2) provide more flexibility in giving individual cotton farmers room for choice in selecting price—acreage combinations best suited to their individual situations; and (3) promote sustained and expanding markets for U.S. cotton.

The need for new legislation has been made much more acute by recent events.

First, there has been a sharp increase in imports of cotton textiles. For the first 11 months of calendar year 1962, cotton textile imports were up 71 percent above the comparable 1961 period. Total imports of cotton textiles on a raw fiber equivalent basis were 596,000 bales in the first 11 months of the year, which was a record level.

Second, there has been mounting evidence of the loss of cotton markets to competing manmade fibers. There are more and more cases where rayon and other synthetic fibers are being substituted for cotton. The production of manmade fibers for the first three quarters of 1962 was 25 percent above a year earlier. While cotton consumption was also up moderately during the first 9 months of 1962, the daily rate of mill consumption in October had dropped to 31,000 bales compared with 34,000 bales in 1961. Synthetic staple fiber consumption, on the other hand, continued 22 percent above October of 1961.

The third event which has added great urgency to the need for cotton legislation is the adverse finding of the Tariff Commission with respect to the recommendation by the Department of Agriculture for an import equalization fee on imported cotton textiles to offset the 8½-cent-per-pound export payment on raw cotton. The difference in the cost of raw cotton to American textile mills

compared with the cost to foreign mills not only placed an unfair burden upon the American textile industry, but, in the opinion of the Department of Agriculture, also interfered with operation of the cotton price support program. However, the Tariff Commission found to the contrary, and so this avenue of relief was closed.

The adverse consequences of these recent events are pointed up by the fact that although the national acreage allotment for 1962 was reduced nearly 400,000 acres below the 1961 allotment, the carryover is expected to increase by about 2 million bales. In short, it has been made plain that changes in the cotton program are needed.

The 1963 national acreage allotment and national reserve has been established at 16,250,000 acres and the price support level has been announced at 32.47 cents per pound for middling 1-inch cotton at average location. The price support level is the same as for 1962. Thus, while adequate price protection is available, many thousands of producers across the Belt have sustained at least a 10-percent allotment reduction.

The proposed legislation would give relief to those producers who want to grow more cotton at about the world price. The payment-in-kind program would increase mill consumption and, therefore, aid the entire cotton industry.

LITERACY TEST REQUIREMENT FOR VOTING

Mr. DODD. Mr. President, on April 9, the distinguished junior Senator from Michigan [Mr. HART] introduced a civil rights bill embodying several recommendations of the administration.

One of the sections of this bill is almost identical in its provisions and even in its language to S. 666, a bill which our able colleague the Senator from Kentucky [Mr. COOPER] and I introduced on February 4, 1963, with 26 other cosponsors.

This section of the administration bill provides, as does S. 666, that literacy tests must be in writing and that copies of the tests shall be available to the applicant and to the Department of Justice, so that they can be used as evidence in any case where a voter applicant is discriminated against in violation of the 14th and 15th amendments to the Constitution.

The Senator from Kentucky [Mr. COOPER] and I introduced this provision in the conviction that it provided a way to make solid progress in the field of voting rights without raising any valid constitutional issue and without interfering with the right of the separate States to set voter qualifications.

I am greatly encouraged that the administration and the Senator from Michigan [Mr. HART] and others found sufficient merit in this proposal to incorporate it as part of their own civil rights package.

The administration bill links this proposal with another provision which provides that a sixth grade education shall constitute proof of literacy so far as voter applicants are concerned. This latter provision, of course, raises all of the constitutional and States rights issues which S. 666 sought to avoid in the interest of bringing forward a proposal that could pass the Congress and become law.

The bill introduced by the Senator from Michigan [Mr. HART] has many meritorious provisions and I shall do all that I can in the Judiciary Committee to bring this bill to the floor of the Senate for action. Past experience teaches us that any civil rights package as ambitious as the administration bill runs grave danger of foundering on the same rocks and shoals that have sunk all similar proposals in the past. Therefore, I shall do all that I can to see to it that the original Cooper-Dodd proposal will have full opportunity for separate consideration on its merits. I have discussed this matter with the gracious chairman of the Constitutional Rights Subcommittee, the Senator from North Carolina [Mr. ERVIN], and he has assured me that S. 666 will be placed on the agenda of his subcommittee and given a full hearing.

COMMEMORATION OF THE WARSAW GHETTO UPRISING

Mr. DODD. Mr. President, on April 22 a significant ceremony took place at the Adas Israel Congregation Synagogue in Washington. It was the 20th commemoration of the Warsaw ghetto uprising.

Speakers on the occasion were Rabbi Stanley Rabinowitz, Supreme Court Justice Arthur Goldberg, and my son, Thomas, who read a statement in my behalf.

I have been unable to obtain a transcript of Justice Goldberg's eloquent statement, since he spoke without a prepared text, but I do have the other statements and I ask unanimous consent to have printed at this point in the RECORD the introductory and dedicatory remarks of Rabbi Rabinowitz and my own statement.

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

DEDICATION

(By Rabbi Stanley Rabinowitz; music by Cantor Raphael Edgar)

Every adult in this sanctuary tonight is involved one way or another in the events we commemorate tonight. For we are part of mankind. And every person over 35 in the world today can be assigned to one of three groupings—those who committed; those who suffered; and those who failed to prevent these desecrations.

How does one react to a nightmare so horrible that fact is understatement?

One way is to cry. But tears achieve nothing save the luxury of a catharsis, and soon the spring of tears is dry and even the wake of salt upon the cheek is brushed away to nothingness.

Others who could no longer cry expressed their reaction in poetry and song. Perhaps long after all else is forgotten, the poetry, the literature, and the music will remain as evidence of man's triumph over the beast.

That which we offer is only the fleeting echo of a refrain from the musical memorial which the victims themselves composed.

Much of the music is on a note of utter despair. In the nightmare of those days there were no blacks or whites * * * there was only dark black and light black. One poet tells us that the planet is sinking into a vast, black cloud. The sun no longer shines. The flowers wither from lack of nourishment. The wire fence blots out the daylight. For us it is always night.

(Cantor sings "Bei Unz Iz Shtendik Finster.")

On the earth there is silence. Even the song of the lullaby is perverted. For there is no reason to recite a lullaby of gentler days—only to twist them. A mother parodies the familiar lullabies of her own childhood. Yesterday they sang of raisins and almonds.

"Today there are neither raisins nor almonds. Father has gone away—maybe to the ends of the earth. May God help him and protect him. But perhaps it is a land where he has but to open his eyes in the morning, and behold, there will be raisins and almonds in abundance."

There is hope in this song—perhaps father has escaped.

(Cantor sings "Nicht Kein Rozinkes, Nicht Kein Mandlen.")

There is still another way to react to tragedy—laugh in its face.

But let's consider a child whose name is Yisroelik, a waif of the ghetto, who knows only one law. It is the law of survival at any cost. "Life is cheap," he says, "A life for a grosh or two." At least, so the ghetto merchant has told him. Yet something of human perception remains in his consciousness and this only heightens the tragedy, for Yisroelik has not lost his sense of humor.

Yisroelik looks at himself, wearing a coat without a collar, underclothing stolen from many different sources, overshoes that fall to his ankles. "If any person is laughing around here," he comments, "It's me they're laughing at." Self-contemptuous as he is, Yisroelik is still able to laugh. He even is able to whistle, to hum a tune, and this is the tune that he hums.

(Cantor sings "Yisroelik.")

Perhaps the ultimate degradation of the past is the suggestion that the victims cooperated, perhaps connived at their own destruction. Those who speak thus violate the ethical edict not to judge our fellow men until we stand in their place. Those who think thus betray not only gross insensibility to historical and psychological factors, but cast a pall on the memories of the martyrs whose lives we honor.

Of course, in crisis some men will behave like beasts, but others will react as saints. That's not strange. Man has both potentialities within himself. Which one is actualized depends not only upon inner decisions, but upon conditions beyond the self.

After all, man is that being who invented the gas chambers of Auschwitz. However, he is also that being who entered those gas chambers upright with the Shma Yisroel on his lips.

He is also that being who glared contemptuously at his oppressors.

Here is the musical record of one who tells his fellows that they will some day see Haman hanged. He exhorts his fellows to remember their dignity as he tells them, "No work they give us, however onerous, will tire us. We will not fall at their feet from exhaustion. No matter what they do to us, we will not show any weakness. We will respond with strength until they drop, from the exhaustion of excess. They will weaken before we will." This man would not bend the knee. He refused to desecrate the dignity of the Jew.

(Cantor sings "Minuten Fun Bitochen.")

We are not assembled to give way to impotent rage nor to become victims of despair. Our task is not to denounce so much as to affirm. It is not enough simply to remember; we must affirm our faith in the future of our people and in the future of mankind's freedom. We must snatch from the gutted ruins of the past that faith which rose up above the ghetto walls. We must pick up the melody of the credo, "Ani Ma'amin" that was on the lips of the doomed.

(Cantor sings "Ani-Ma'amin.")

Those who lived with the beast could not keep silent. They could not afford the luxury of tears. They were inspired to sing, and the song they sang was one of hope. And out of their aspiration came fulfillment, so that we who live on the sidelines could behold the greatest miracle of all—that of Am Yisrael Chai, the remnant of Israel continues to live. Out of the ashes and the embers of a world gone by, they were able to sing, "Do not say this is my last road, nor that the light of heaven is covered over. The day we have awaited will yet come and we shall march on. This is the new day struggling to be born." We can sing no lesser tune—nor any greater one.

(Cantor sings "The Song of the Partisans.")

DEDICATION OF MEMORIAL, MONDAY, APRIL 22, 1963

(By Rabbi Stanley Rabinowitz)

A few moments ago the curtain was removed from a memorial dedicated to the memory of the martyred victims of Nazi tyranny. This memorial is part of a larger complex designated as "The Hall of Memories." On exhibit is a collection of ceremonial objects on loan from the Jewish Museum of the Jewish Theological Seminary in New York, and an art collection which includes water colors by Mykola Shramchenko and lithographs by Leonard Baskins and Ernest Freed. Our program will conclude with the singing of our national anthem, The Star-Spangled Banner. Upon conclusion, you are invited to visit the adjoining building and to be among the first to derive the inspiration that we believe is to be found therein.

In addition to the pulpit guests mentioned in the dedication program, we are pleased to have on the pulpit the distinguished sculptor, Emanuel Milstein, who executed the Menorah that is part of the Memorial.

And Mr. Mykola Shramchenko, a pious Christian, a gifted artist, and himself a survivor of the very scenes that he has memorialized so movingly in the water colors now on exhibit.

We are grateful to our distinguished guests who are part of this program of dedication. Their stature is such that they require no introduction nor further identification.

Implied in their participation is the realization that there is in man the nobility that enables him to rise above even the evil of which he is capable. Let this be the thought, not only of invocation, but also of benediction.

REMARKS OF SENATOR THOMAS J. DODD

The event which we commemorate tonight evokes in each of us two kinds of directly opposed emotions. For it is at once a story of man at his worst and man at his best. It is a study of man in the bottomless depths of depravity and at the measureless heights of nobility.

I was once compelled to study the Warsaw ghetto uprising in all of its grim detail when I was executive trial counsel at the Nuremburg war crimes trial.

Like all who reflect upon this incident, I asked myself—"How could fellow members of the family of man become so degraded, so brutal, so debased, as to formulate and carry out the extermination of 6 million men, women, and children for no reason other than that of their race?"

But in the sadness forced upon up by these reflections on human perversity, we come upon the other side of man's nature. We see the helpless Jews in the Warsaw ghetto, not cowering before a fate so inevitable, so cruel, so senseless, but rather forming to do battle against impossible odds. We get a glimpse of the loftiness of man. We see that divine quality which refuses to be degraded. We see that eternal spark which refuses to be snuffed out. We see the real meaning of human dignity, of courage, of honor.

As the conduct of the Nazis reveals to us the degradation into which human nature may fall, so the conduct of the victims illumines for us the vast potential of man.

In the story of the Warsaw ghetto uprising we see presented in its most extreme and graphic form a recurring chapter in the history of mankind.

On one side stand all the forces of predatory aggression, organized by perverted science and motivated by hate and greed. On the other side stand the victims, foredoomed by an evil force they could not possibly understand but determined to show that human life was too significant to be silently forfeited and debased without a struggle.

And so for 20 days in April and May of 1943, the Jews of Warsaw fought against the greatest engine of destruction ever devised, fought against it with revolvers, knives, clubs, and stones. The result of that struggle was, of course, inevitable but the making of that struggle reveals something about the human race that will be celebrated when the story of Nazi atrocity is but a dim memory.

For it demonstrates the qualities of man which we hope and believe will survive and become dominant in human conduct; nobility, courage, and above all the passion for justice, which is the noblest of all human traits and the hope of man's future.

The Warsaw ghetto uprising is now part of the dead past, but the larger struggle, of which it was one incident, goes on. Sometimes we become so immersed in the details of the cold war that we forget what it is that we are contending for.

We of the United States have, in part through circumstance, in part through design, become the principal champions of the effort to preserve what is good in man. Commemorations such as this remind us with vivid force that we are struggling for that higher view of man's purpose and man's significance which motivated the Jews of Warsaw 20 years ago.

We pay tribute to them tonight and in so doing we draw strength and inspiration for the continuing struggle which must be carried on until the temple of man's honor and man's freedom is forever secure.

OREGON STATE LEGISLATIVE MEMORIAL ON TUALATIN PROJECT

Mrs. NEUBERGER. Mr. President, on behalf of the senior Senator from Oregon and myself, I submit House Joint Memorial No. 9 adopted at the 52d Legislative Assembly of the State of Oregon. The memorial emphasizes the desirability of early action on the proposal for establishing the Tualatin Valley irrigation project in the State of Oregon.

I ask unanimous consent that the text of the memorial and the certificate of transmittal from the secretary of state of the State of Oregon be printed at this point in the RECORD.

There being no objection, the letter of transmittal, the certificate, and the memorial were ordered to be printed in the RECORD, as follows:

SALEM, OREG., *April 9, 1963.*

Hon. MAURINE B. NEUBERGER,
U.S. Senate, Washington, D.C.

DEAR SENATOR NEUBERGER: As directed by the 52d Legislative Assembly of Oregon, I transmit herewith a certified copy of House Joint Memorial No. 9, relating to the Tualatin Valley irrigation project.

Respectfully,

HOWELL APPLING, Jr.,
Secretary of State.

CERTIFICATE

STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Howard Appling, Jr., secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that the attached is a true and complete copy of House Joint Memorial 9 adopted by the 52d Legislative Assembly of Oregon, 1963, now in session; said memorial being filed in my office on April 8, 1963.

I further certify that the signatures affixed to the subject memorial are those of the duly elected officers of the senate and house of representatives of this 52d Legislative Assembly of Oregon.

In testimony whereof, I have hereunto set my hand and affixed hereto the seal of the State of Oregon; done at the capital at Salem, Oreg., this 9th day of April, A.D., 1963.

HOWELL APPLING, Jr.,
[SEAL] *Secretary of State.*

ENROLLED HOUSE JOINT MEMORIAL 9

(Introduced by Representatives Mosser, Atiyeh, Jones, and Senators Hare, Ireland)

To His Excellency, John F. Kennedy, President of the United States, and to the Honorable Senate and the House of Representatives of the United States of America, in Congress assembled:

We, your memorialists, the 52d Legislative Assembly of the State of Oregon, in legislative session assembled, most respectfully represent as follows:

Whereas the feasibility report for the Tualatin Valley (Scoggins) irrigation project has been completed and published; and

Whereas that report is now in the hands of the Commissioner of the Bureau of Reclamation awaiting approval; and

Whereas voters of Washington County have approved formation of the Tualatin Valley Irrigation District, which district contains more than the 17,000 irrigable acres required for the feasibility of the project; and

Whereas the Tualatin project involves a supply of water for municipal and industrial use, recreation, fish and wildlife and water quality control, all of which uses are vital to the area served; and

Whereas an Oregon Supreme Court decision has decreed a priority of natural stream flow to users outside the Tualatin River drainage area; and

Whereas that court decision deprives the present users of the natural stream flow of the Tualatin River and its tributaries of an adequate supply of water for the irrigation of approximately 26,000 acres and also limits the water supplies for municipal and industrial users; and

Whereas the Tualatin project, as proposed, represents a multipurpose project which fulfills the principles of maximum water resource development; and

Whereas local organizations interested in the water quality control, fish and wildlife and recreation have approved the project; and

Whereas, because of water shortages, the cities of Forest Grove and Hillsboro and the Lake Oswego Corp. are vitally interested in obtaining municipal and industrial water from the project; and

Whereas Scoggins Reservoir, which would be created by the project, rates high in the recreational long-term plans of the metropolitan planning commission as reported to the city council of the city of Portland and the county commissioners of Multnomah, Washington and Clackamas Counties: Now, therefore, be it

Resolved by the Legislative Assembly of the State of Oregon:

1. We urge the expeditious processing through the Federal agencies concerned of the review of the Tualatin Valley irrigation project plan required preliminary to its approval by the Secretary of the Interior and the authorization of the project by the Congress of the United States, and we further urge that approval and authorization.

2. The secretary of state shall send a copy of this memorial to the President of the United States, the Secretary of the Interior and the Commissioner of the Bureau of Reclamation, and to each member of the Oregon congressional delegation.

Adopted by house March 13, 1963.

CECIL L. EDWARDS,
Chief Clerk of House.
CLARENCE BARTON,
Speaker of House.

Adopted by senate April 2, 1963.

BEN MUSA,
President of Senate.

ADJOURNMENT

Mr. SPARKMAN. Mr. President, if there is no further business to come before the Senate at this time, I move that the Senate adjourn until 12 o'clock noon tomorrow, pursuant to the order previously entered.

The motion was agreed to; and (at 2 o'clock and 16 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Friday, April 26, 1963, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 25 (legislative day of April 24), 1963:

ATOMIC ENERGY COMMISSION

Glenn T. Seaborg, of California, to be a member of the Atomic Energy Commission for a term of 5 years expiring June 30, 1968. (Reappointment.)

NATIONAL LABOR RELATIONS BOARD

Arnold Ordman, of Maryland, to be General Counsel of the National Labor Relations Board for a term of 4 years, vice Stuart Rothman.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 25 (legislative day of April 24), 1963:

COMMUNICATIONS SATELLITE CORP.

The following-named persons to the offices indicated, to which offices they were appointed during the last recess of the Senate:

To be incorporators of the Communications Satellite Corp.

Edgar M. Kaiser, of California.
David M. Kennedy, of Illinois.
Sidney J. Weinberg, of New York.
Bruce G. Sundlun, of Rhode Island.
A. Byrne Litschgi, of Florida.
Beardsley Graham, of Kentucky.
Leonard Woodcock, of Michigan
Sam Harris, of New York.
George Feldman, of New York.
Leonard Marks, of the District of Columbia.
John T. Connor, of New Jersey.
George L. Killion, of California.
Leo D. Welch, of New York.
Joseph V. Charyk, of California.

CIVIL SERVICE COMMISSION

L. J. Andolsek, of Minnesota, to be a Civil Service Commissioner for the term of 6 years expiring March 1, 1969.

U.S. DISTRICT JUDGE

Charles B. Fulton, of Florida, to be U.S. district judge for the southern district of Florida.

POSTMASTERS

ALABAMA

Liberty B. Todd, Attalla.
Ersie F. Palmer, Birmingham.
Ida L. Colgrove, Boligee.
Erskine W. Bonds, Docena.
William H. McCarty, Moulton.
Thomas P. Weeks, Moundville.

ALASKA

Marshall C. Higginbotham, Aniak.
J. Raymond Roady, Ketchikan.
Mildred J. Sanford, Tok.

ARKANSAS

Eliot T. Bush, Arkinda.
James G. Ramey, Everton.
Kathryn R. Richards, Gamaliel.
Maxine R. Edmondson, Gentry.
Leslie H. Johnson, Hackett.
Herbert Miller, Jr., Junction City.
Roy L. Sharpe, Little Rock.
Milton M. Hemingway, McGehee.
Alph Herron, Mayflower.
Marvin J. Wilber, Maysville.
Arnold B. Sikes, North Little Rock.
Joe D. Taylor, Plainview.
John A. Graves, Siloam Springs.
James E. Landes, Stamps.
Erwin B. Medart, West Fork.

COLORADO

Harley O. Mullins, Aurora.
William J. Smith, Craig.
Claude T. Cecil, Gill.
Phyllis M. Jenkins, Gilman.
Fredda H. Mizner, Pine.
Vernon L. Morris, Ramah.

CONNECTICUT

Warren A. Holbrook, Amston.
Philip V. Rokosa, Bristol.
Ruth C. Soracchi, Columbia.
Charles N. Doane, Jr., Essex.
Arline M. Fife, Falls Village.
B. Woodruff Clark, Litchfield.
John H. Murphy, New Canaan.
Eugene D. Lynch, New Milford.
Donald T. Hogan, Plymouth.
Stanley L. Zaprzalka, Seymour.
Carl J. Gniadek, Southport.
Merle E. Phelps, Staffordville.
Matthew J. Monahan, Thomaston.
Louis P. Gage, Washington Depot.
John J. Slattery, Waterbury.

GEORGIA

Charles E. Garrett, Ailey.
Fred A. Kimler, Damascus.
Clifton H. Conner, Gainesville.
Newt S. Hinton, Poterdale.
C. Wayne Shannon, Preston.
Rothwell A. McCaskill, Sparta.

IDAHO

Don C. Chrystal, Bovill.
Oscar H. Egbert, Heyburn.
Elmer M. Fetzer, Paul.

ILLINOIS

Rudolph E. Beranek, Berwyn.

INDIANA

Andrew E. Street, Crane.
Charles R. Forgey, Freetown.
George R. Bills, Lewisville.

KENTUCKY

Henry M. Fannin, Ezel.
Joseph L. Thomas, Glendale.
Bremer Ehrler, Louisville.
Edward A. Runyan, Marion.
James E. Morris, Neon.
James H. Hicks, New Haven.
Charles M. Crawford, Olive Hill.
James C. Tracy, Smithland.
Mary R. McCormack, Sparta.

MAINE

William E. Comer, Bangor.
Sidney W. Bessey, Buckfield.
Samuel A. Saunders, Calais.
Ervin D. McCluskey, Jr., Freeport.
Erma M. Small, Monson.
Lorraine J. Bragdon, North Vassalboro.
Keith G. Robinson, Pembroke.
Edward E. Scribner, Stratton.
Lloyd E. Beckett, Thomaston.

MARYLAND

Eugene G. Bujac, Bowie.
Richard H. Bates, Branchville.
Ora H. King, Clarksburg.
Joseph E. Kenney, Frostburg.
Virginia M. Goode, Marbury.
Henry J. Mundell, North Beach.
W. Conway Beall, Upper Marlboro.
M. Illene Trotter, Waldorf.

MONTANA

L. Preston Blakeley, Absarokee.
Jean M. Hanson, Simms.
George A. Henderson, West Glacier.
Lois M. Walker, Wolf Creek.

NEBRASKA

Donald F. Carey, Bancroft.
Blaine T. Larsen, Beaver Crossing.
Wilfred L. Kozisek, Bruno.
Norman I. Anderson, Concord.
Carl C. Larson, Edgar.
Elgar R. Dempcy, Eustis.
Mary E. Hartigan, Inman.
Frederick G. King, Lynch.
W. Edward Chamberlain, Rushville.

NEW HAMPSHIRE

Ernest F. Rossi, Jr., Milford.
Martin J. Keenan, Jr., Peterborough.

NEW JERSEY

Joseph J. Stahley, East Brunswick.

NEW YORK

Erma B. Tenney, Alexander.
John P. Frey, Atlantic Beach.
John J. Biondolillo, Avon.
Daniel F. Mulvana, Bombay.
Edward K. Sutryk, Bradford.
Michael Pokitko, Burt.
Richard J. Lobdell, Canton.
John M. Edwards, Chester.
Alan R. Mann, Cobleskill.
Henrietta B. VanDerheyden, Coeymans.
Marcella J. Lee, Crown Point.
James A. Mulholland, Delmar.
Thomas J. Dolan, Dover Plains.
John J. Frazer, Earlton.
Christene S. Myers, Eldred.
Marie L. Murray, Ellington.
Mae S. Cohen, Fallsburgh.
Marie M. Olds, Freeville.
George L. Nelson, Glen Head.
Helen S. Victor, Grand Gorge.
John W. Carroll, Jr., Great Neck.
William E. Vaughn, Greenville.
Raymond E. Skinner, Greenwood Lake.
Rodney N. Lockwood, Hinsdale.
Jean T. Klemann, Honeoye.
Clarmarie S. Kenerson, Jacksonville.
Raymond W. Gould, Jamestown.
Lawrence J. Daley, Kanona.
Hugh E. Birdslow, Lacona.
George L. Longyear, La Fayette.
Alton E. Briscoe, Laurens.
Jean V. McQueen, Little Genesee.
John W. McCormick, Maine.
Gerard R. T. O'Grady, Malverne.
Guy E. Hobbs, Jr., Manlius.
Ruby L. Folds, Maple View.
Floyd A. Jones, Marathon.
Joan C. Jendral, Mastic Beach.
Mary V. Quigley, Mottville.
Benjamin N. Ketcham, Mountainville.
Dominic A. Amuso, Mount Kisco.
Donald E. Van Vliet, Niverville.
Arthur C. Jacobia, Old Chatham.
Shirley A. McNally, Olmstedville.
Mary A. Jones, Oyster Bay.
Joseph J. Farrell, Paul Smiths.

Nathan R. Walker, Phelps.
George R. Low, Pine Bush.
Joseph Espinar, Plattekill.
Karl E. Putnam, Prattsburg.
Ella N. DeLaire, Prospect.
Michael L. Odak, Red Hook.
Donald M. Slocum, Richfield Springs.
Raymond R. MacDonald, Rock Tavern.
Walter F. Schiener, Sardinia.
Helen H. Kirker, Seneca Castle.
Victor W. Humel, Shirley.
Margaret B. Belmont, Sidney Center.
Maurie G. Flanigan, Slingerlands.
Frank H. Doyle, Jr., Stuyvesant.
Edna K. Baldassare, Tomkins Cove.
Arthur H. Withall, Ulster Park.
Robert A. Nussbaum, West Hurley.
Michael J. Taylor, Whitney Point.
Irene I. Carson, York.

NORTH DAKOTA

Richard D. Grieve, Buffalo.
Chester C. Cowee, Crosby.
Margaret L. Keenan, Portal.

OKLAHOMA

Earl A. Moore, Boley.
William R. Kilgore, Sr., Idabel.
Youvon W. Martin, McAlester.
Guy E. Warren, Norman.
Paul D. Sockey, Red Oak.
Eura V. Furr, Stringtown.
Buster T. Robb, Sulphur.

PENNSYLVANIA

Donald M. Crouch, Butler.
Carolyn F. Singley, Cashtown.
Robert E. Dibble, Cedars.
Daniel J. Gildea, Coaldale.
Edward P. O'Connell, Eagleville.
Shirley G. Marmer, Frederick.
John H. Reynolds, Grove City.
Oscar W. Laucks, Hummelstown.
A. Thomas Carty, Lafayette Hill.
Michael J. Clark, Lansdowne.
W. Deen Lauver, McAlisterville.
Thomas F. Doyle, Marion Center.
Roy C. Brey, Red Hill.
Russell G. Kratzer, Richfield.
Barbra M. Wissinger, Salix.
Dean A. Risch, Sarver.
Joseph Kosik, Townville.
George W. Nase, Tylersport.
James F. Acker, Venango.
Thomas W. McIntyre, West Chester.

RHODE ISLAND

Pasquale D. Frisella, Wakefield.

TENNESSEE

R. Frank Cunningham, Obion.
John L. Norris, Jr., Tiptonville.

TEXAS

Graham M. Phillips, Cranfills Gap.
Alma J. Littleton, Dryden.
Mary N. Barger, Goree.
Gilma C. Jones, Graford.
James H. Jones, Jarrell.
Junius P. Ray, Llano.
Maurice P. Long, Mount Vernon.
Harold I. Line, O'Donnell.
Charlene Westbrook, Talco.

UTAH

Don A. Mayhew, Duchesne.
Bryce R. Jensen, Roy.

WASHINGTON

Lila E. Cahill, Kittitas.
Jean M. Olson, Manchester.
Dorothy E. Bjornsgaard, Rosburg.
Donald F. McLennan, Sedro Woolley.

WISCONSIN

Clarence G. Buss, Belmont.
John W. Crimi, Brookfield.
Max H. Bergen, Chetek.
Daniel A. Wirkus, Edgar.
Keith E. Anderson, Eleva.
Gordon H. Mollers, Glenwood City.
Raymond A. Austad, Hawkins.
Charles F. Held, Jackson.
Cleo N. DeLaura, Menomonee Falls.
Irene L. Genisot, Montreal.
Charles M. Bruner, Prentice.
Donald C. Tuttle, Suamico.
George P. Grabarec, Union Grove.
Frederick W. Pagel, Watertown.
John F. Graham, Whitewater.
Elmer F. Crowell, Wittenberg.

HOUSE OF REPRESENTATIVES

THURSDAY, APRIL 25, 1963

The House met at 11 o'clock a.m.

Rev. Jack D. Smith, pastor of the First Methodist Church of Sylvania, Ga., offered the following prayer:

Our great and eternal God, we give Thee thanks for all that Thou has provided for us in this great and abundant America of ours. Above all we thank Thee for consecrated leadership, for the pride and interest and endurance of men and women who give of the best that life has to offer that our country may not just survive but that it may grow in grace, and peace, and wisdom. God give us great consecrated courage and give us convictions to go with that courage that we may put it to practice for the use of all mankind.

We pray in Christ's name. Amen.

THE JOURNAL

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed a bill and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 980. An act to provide for the holding terms of the United States District Court for the District of Vermont at Montpelier and St. Johnsbury; and

S.J. Res. 39. Joint resolution designating the week of May 20–26, 1963, as National Actors' Equity Week.

LABOR, HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1964

Mr. FOGARTY. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the bill making appropriations for the Departments of Labor, and Health, Education, and Welfare and related agencies for the fiscal year 1964, and for other purposes.

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

There was no objection.

Mr. LAIRD reserved all points of order on the bill.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that the subcommittees of the Committee on Interstate and Foreign Commerce may be permitted to sit this afternoon during general debate.

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

There was no objection.

CALL OF THE HOUSE

Mr. DEROUNIAN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 25]

Ashley	Goodling	Rich
Betts	Healey	Rivers, Alaska
Broomfield	Hébert	Roosevelt
Broyhill, N.C.	Henderson	Shelley
Burton	Karth	Staebler
Cameron	Lennon	Tuten
Celler	Lipscomb	Walter
Curtis	Macdonald	Watson
Davis, Ga.	Miller, Calif.	White
Diggs	Pepper	Widnall
Fisher	Powell	Winstead
Forrester	Rains	
Glenn	Reifel	

The SPEAKER. On this rollcall 392 Members have answered to their names, a quorum.

By unanimous consent further proceedings under the call were dispensed with.

AUTHORIZING APPROPRIATIONS FOR AIRCRAFT, MISSILES, AND NAVAL VESSELS

Mr. VINSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2440) to authorize appropriations during fiscal year 1964 for procurement, research, development, test, and evaluation of aircraft, missiles, and naval vessels for the Armed Forces, and for other purposes, with Senate amendments thereto, disagree to all of the amendments of the Senate and ask for a conference with the Senate.

The Clerk read the title of the bill.

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

The Chair hears none and appoints the following conferees: Messrs. VINSON, RIVERS of South Carolina, PHILBIN, HÉBERT, ARENDS, GAVIN, and NORBLAD.

PERMISSION TO COMMITTEES TO SIT DURING GENERAL DEBATE TODAY

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent that the Subcommittee on the Panama Canal may be permitted to sit during general debate this afternoon.

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

There was no objection.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may be permitted to sit during general debate this afternoon.

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

There was no objection.

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that the Subcommittee on Commerce and Finance of the Committee on Interstate and Foreign Commerce may be permitted to sit during general debate this afternoon.

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

There was no objection.

FEED GRAIN ACT OF 1963

Mr. ELLIOTT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 320 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4997) to extend the feed grain program. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. Under the rule the gentleman from Alabama is recognized for 1 hour.

Mr. ELLIOTT. Mr. Speaker, I yield 30 minutes of that time to the gentleman from Ohio [Mr. BROWN] and pending that I yield myself such time as I may consume.

Mr. Speaker, the Committee on Rules of this House has had under consideration House Resolution 320. That resolution, if adopted, will make in order the consideration by this House of H.R. 4997, a bill authored by the gentleman from Texas [Mr. POAGE], which is designed to extend the feed grain bill. The bill, if enacted, will be known as the Feed Grain Act of 1963.

The rule, House Resolution 320, provides that in the consideration of the bill (H.R. 4997), the House may use 3 hours in general debate. The time shall be equally divided and it shall be controlled by the chairman, and the ranking minority member of the Committee on Agriculture. After general debate, the bill will be read for amendment under the 5-minute rule.

I am proud to have the privilege of presenting on behalf of the Committee on Rules the rule on this bill. I was born and raised on a farm, and have myself been engaged in farming, more or less, all my life. My State of Alabama continues to be, by and large, an agricultural State. Its agricultural interests are diverse within the State, ranging from the peanut area of southeast Alabama to the cotton area of Sand Mountain, and to the broiler area which stretches all across north Alabama. The rich lands of the Tennessee Valley continue to give forth a great harvest. The beef farms of Alabama's black belt are now among the finest in the Nation. Our farmers have very greatly improved their ability to grow corn and feed grains in the last 25 years. In dairying, Alabama has very substantial interests.

The average Alabama farmer is a man whose philosophy and expression have been tempered by hard work, an understanding of and appreciation of the laws of nature, and an abiding faith in man's movement toward the ultimate goal of goodness.

As I understand the Alabama farmer, he has his own immediate agricultural interests which have to do with his own economic well-being, but at the same time, he has an understanding and an appreciation for the overall needs of America's agriculture. He realizes that if agriculture is strong in the Southeast that it must be strong in the Midwest. If agriculture is strong on the Atlantic seaboard it must be strong in other parts of our Nation.

Now, the purpose of the bill which the rule before us seeks to make in order for immediate consideration is a bill whose purposes are fourfold. First, those who have studied it believe that it will raise farm income; second, those who have worked on this bill firmly allege and believe that it will lower the surplus stocks of feed grains; third, it is believed that the passage of the bill will save millions of dollars of the taxpayers' money; and fourth, it will give the feed and grain producer more flexibility in the operation and the management of his own farm, which is a goal always to be desired.

Since this feed grain program complements and works alongside and with the wheat program enacted by the Congress last year, prompt action on this feed grain measure is urgently needed in order for wheat producers to be in a position to make the best decision in the 1964 wheat referendum to be held next month, on May 21.

In summary, the bill, H.R. 4997, provides for a voluntary feed grain program for feed grain crops to be produced in 1964 and 1965. In the event that the Secretary of Agriculture finds that the total supply of feed grains is likely to be excessive, he would be required to develop an acreage diversion program.

Price supports for corn, if a feed grain acreage diversion program is in effect, would be between 65 percent and 90 percent of parity to those producers who participate in the acreage diversion program.

Price support for other feed grains would be comparable to that for corn; a portion of the price support would be made in the form of a payment in kind. The amount of the payment in kind would be determined by the Secretary of Agriculture to assure that the benefits of the price support and diversion program would benefit all cooperating producers.

If no acreage diversion program is in effect, the price support would be at the level authorized by the Food and Agriculture Act of 1962, but might be restricted to those producers who do not exceed the feed grain basis established for the farm.

Land diversion payments-in-kind for 1964 and 1965 are authorized at levels not in excess of 50 percent of the support price, including that portion of the support price-in-kind which is actually paid in kind, and it relates to the normal production of the acreage diverted.

The base acreage used to determine the percentage of land to be diverted would continue to be 1959 and 1960 average adjusted acreage. However, the average acreage of wheat for 1959, 1960, and 1961 produced under the feed wheat exemption, which is under section 335(f) of the Agricultural Adjustment Act of 1938, as amended, in excess of the small farm wheat basis established for the farm would be included in the feed grain base under this bill.

A new feature of the bill is a provision to reserve not to exceed 1 percent of the estimated State feed base for apportionment to farms on which there were no acreages devoted to feed grains during 1959 and 1960, with specific guidelines for apportioning the reserve to such farms. Farms that receive bases under the provision would not be eligible for land payments in the first year. Farms that receive bases under the provision would not be eligible for land diversion payments in the first year.

The adjusted yield used to determine the normal production for price support payments and land diversion payments for the 1964 crop would be based on the 1959–62 average yield, and for the 1965 crop the 1959–63 average yield. For farmers who prove their actual acreage and yields, such proven acreage and yields shall be used in making the determinations.

The acreage to be diverted would be determined as that necessary to achieve the acreage goal, but could not exceed the larger of 50 percent of the base, or 25 acres.

Payment-in-kind involved in the price support and acreage diversion program would be in the form of negotiable certificates with CCC authorized to redeem such certificates for feed grains valued at not less than the current support price less that part of the support price made available through payments-in-kind, plus reasonable carrying charges.

The term "feed grains" under the bill means corn, grain sorghums, and barley. The term "feed grains" also includes oats and rye if the producers on a wheat farm so request, in which case the diversion program shall be applicable to oats and rye and the producers could, if they desired, utilize such acreages for the purpose of having acreage devoted to the production of wheat considered as devoted to the production of feed grains pursuant to section 328 of the Food and Agriculture Act of 1962. However, permitted acreages of oats and rye under the diversion program may not be planted to corn, grain sorghums, and barley.

While I recognize that there are many critics of the voluntary feed grain programs of the last 3 years, yet the results

of those programs speak very eloquently for themselves. In 1961, prior to the impact of the first feed grain program, stocks of all feed grains were at a record 3.2 billion bushels. This year, it is estimated that stocks will be down to about 2.3 billion bushels. And, it is firmly believed that by the end of the 1963–64 marketing year, feed grain stocks will approach the reserve quantities which are deemed necessary to meet possible emergencies.

We all know that farm income in this country was up $1.2 billion in 1962 over 1960. Personally, I do not think that is enough of an increase but certainly it is a marked improvement. In addition, through June 30 this year, the cumulative savings to taxpayers in carrying charges alone on feed grains and wheat from the 1961 level will amount to nearly a quarter of a billion dollars. Eventual savings from the 1961, 1962, and 1963 feed grain programs alone will amount to somewhere in the neighborhood of a billion and a quarter dollars. We all know that throughout this period, consumer costs have remained very stable and in relation to income have actually declined. These reductions in stocks of feed grains and reductions in carrying charges have been accomplished without damage to our free market structure and without depressing prices. Two years ago the market price of corn in Chicago was $1.11 a bushel; today the farmer can sell grain on the Chicago market for $1.20 a bushel.

Mr. Speaker, it is my belief that this rule should be adopted. At the proper time, I will move the previous question on its adoption.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Alabama has so well explained, this rule does make in order under 3 hours of general debate the so-called feed grain bill, H.R. 4997, a bill called the Feed Grain Act of 1963, which would fix a program for the production of feed grains during the calendar year of 1964.

The first question that logically pops into the mind of the average Congressman who reads this measure is "Why all the hurry?" Why rush to get this legislation through to take care of feed grain production on the farms of America, not in this calendar year, but in the calendar year of 1964, when in most instances, in sections of the country, corn and seed for the 1963 crop, to be harvested in September or October or even as late as November, has not yet even been planted? But from here we are being called upon to enact a bill for 1964, a crop year that is still over a year away.

I wonder why the hurry? I wonder why the necessity of moving so quickly? Can it be that someone would like to rush this legislation through before the famous or infamous referendum on the administration's proposed wheat program can be held across the Nation on May 21, so American farmers participating therein will have no opportunity to know something about what wheat production or the wheat program may or may not be before they are asked to pass upon a small feed program such as this?

Perhaps, that is the real reason why we have this measure before us today.

I would like to tell my farmer friends, as one who operates a couple of fairly good farms out in Ohio, so I know something about agriculture from personal experience, and as a Member of Congress of some 25 years' experience, as well as a publisher of rural newspapers, as to the serious effect these various farm programs have had on the farmers of the Nation and on our agriculture generally throughout the years. While the program described in H.R. 4997 will be called a volunteer program, as there is no direct actual compulsion in the bill, there is all through this bill well disguised, well covered, provisions that say to the average farmer, "Well, if you are smart you will sign up and join this program or you will not get the benefits, you will not get the promised 'goodies' we hold out for you, in the provisions of this bill."

Mr. Speaker, I have followed through Congress many of the Agriculture Department bills that have been cleared by this body in the past and some of them have been "doosies" as to the methods used, and some of them have been most peculiar, but in this bill we would give more power, more authority, to the Secretary of Agriculture than in any piece of legislation that has ever been enacted in the past. You give this man, Mr. Freeman, the Secretary of Agriculture, who as far as I know never spent a day of his life on a farm, the power to make all sorts of decisions, and to do all sorts of things not only for, but to, the farmers of the Nation and the Congress as well. We will not only be delegating our authority as Members of Congress, as the legislators for the people of this country, to the Secretary of Agriculture, but we will also be abdicating our own powers, our own responsibilities, our own rights, and our own privileges.

Mr. Speaker, if the Members of this House would just take the time to read this bill, and it is not a long bill, it has just 3 lines over 11 pages, they will find that in almost every sentence, or every paragraph, at least, more and more power, more and more authority, and more and more discretion is placed in the hands or in the mind—whatever you want to call it—of the Secretary of Agriculture.

Mr. Speaker, I have just marked a few places in this bill. On page 2, up in the first line, there is language dealing with parity prices and there are also the words "as the Secretary determines." All through the bill everything is to be "as the Secretary determines" or "in his discretion decides it should be," not as the Congress decides it should be, not as the farmers of the Nation who may join this program decide it should be, or the participants in it, not how anyone else decides, but just one man and his minions that work under him, may decide.

We can go on down the bill, if you please, for I know I have missed several.

It is an interesting experiment just to read this bill over even once. If you do, I believe you will come to the conclusion I am right as to the unusual delegation of power and authority this House is being asked to confer upon the Secretary of Agriculture, Mr. Freeman.

On page 2, line 13, which has to do with how the producer shall participate in the diversion program, the language reads, "to the extent prescribed by the Secretary."

Maybe you can participate and maybe you cannot. That is up to the Secretary. Take the bill and go through it, line by line. Let us turn over to page 3, line 9, where they talk about acreage diversion, "as the Secretary determines desirable."

Who decides? Not the farmer, not the man who owns the land or tills the soil—oh, no. But as this little "god" that sits down the street here on Independence Avenue, between 12th and 14th Streets, may decide in his innate wisdom is in the best interests of the farmers of this Nation, or that of somebody else—I do not know, for we have no assurance who it may or may not be.

It may be a lack of confidence, but I simply do not believe that there is any individual, even the Secretary of Agriculture, who has within himself, within his own little brain, all the knowledge, all the information and all the wisdom, in America, and that the rest of the population have none; that one man knows more about agriculture and what may affect all the different farm activities in the United States, in different sections of this broad land of ours, because conditions change—knows more than anybody else, and everybody else, combined. And are we so anxious to give him such power over the feed grains crops of 1964 that we will rush through a bill like this here before the 1963 crop has even been planted.

Let us go on for just a minute more. Let us look at lines 21 and 22 on page 3:

> The Secretary may make not to exceed 50 per centum of any payments hereunder to producers.

He "may make," and he may not. It is up to the Secretary. If you are a feed grains producer, how do you know what the Secretary may or may not decide? I would not want to guess.

Here is another one on top of page 4—and I am just hitting the high spots. It says "such feed grains to be valued by the Secretary"—he fixes the value. It is not the market price, not based on supply and demand, nothing else—just on the desires of the Secretary, in his innate wisdom, in his knowledge of all things. He decides. Go down to line 11, if you please, on page 4, which refers to "reasonable costs of storage and other carrying charges"—now, this is after Billy Sol Estes, thank goodness—"reasonable costs of storage and other carrying charges, as determined by the Secretary." Who knows what those charges and costs will be? Any farmer? Any participant in the program, any taxpayer? No, just one person, the Secretary of Agriculture, or some individual he may designate.

Let us go on hurriedly, if we may, because I do not wish to take too much

time. Let us look at page 5, line 17. This is one of these "notwithstanding" sections of the bill. It starts off—"Notwithstanding any other provision of law—" certain things can be done, "subject to such terms and conditions as the Secretary determines."

In other words, set aside the laws written by the Congress if the Secretary determines, in his very, very innate wisdom that would be better for the people of the United States, than the laws enacted by the Congress. And it also says "conservation payments in amounts determined by the Secretary to be fair and reasonable."

It is just possible that what Mr. Freeman thinks may be fair and reasonable may not appear to some other person as being fair and reasonable. But others do not have anything to say about it, these hundreds of thousands of tillers of the soil, these men and women who earn their living the hard way. Instead, the decision is made in a plush office down here on Independence Avenue. The determination is made there. The Secretary decides what may be fair and reasonable.

Let us go on to page 6. Let us look at line 9. "Notwithstanding the foregoing provisions," in other words, set it all aside. We have said so and so but we do not mean it.

Notwithstanding the foregoing provisions, the Secretary may permit—and so forth. In other words, if he decides that what Congress has said is not right he can change it and permit something else.

Then line 17, "such crop shall be at a rate determined by the Secretary to be fair and reasonable."

Again, he decides what is fair and reasonable, no one else. Mr. Freeman is a very great man, a very able man, undoubtedly. He must be, because I understand he helped write this bill. It was written down in the Department, so I am told.

Then we go on to page 7, line 20, "shall require the producer to take such measures as the Secretary may deem appropriate."

He decides what measures are appropriate for you to take, the measures you should follow in connection with this program. The Secretary is perhaps an interested party. I do not know. He may have seen this draft, he may have helped to prepare it, if the rumors and reports are correct. He should have known what is in this bill, and I am sure he would not approve of legislation of this type unless he knew it.

Then let us go on to page 8, in which there is talk about crop years "as the Secretary determines necessary." He determines what is necessary, no one else, no committee of farmers, just the Secretary.

Then go down a little further to lines 18 and 19 on page 8:

> The Secretary may make such adjustments in acreage and yields as he determines necessary.

He makes the decision. He is the Supreme Court, he is the law of the land, he, the Secretary is the almighty that you must turn to for recourse.

Then let us look at the top of page 9:

> The Secretary may make not to exceed 50 per centum of any payments to producers in advance of determination of performance.

He decides what he will give you or what he will not give you.

We can go on and on. Just read the bill and you will find that.

On page 10, line 10, it reads, "There are hereby authorized to be appropriated such amounts."

We do not fix any amount. The authorization is not spelled out.

> There are hereby authorized to be appropriated such amounts as may be necessary to enable the Secretary to carry out this section.

Of course, he may have to go before the Subcommittee on Agricultural Appropriations. I hope so. Perhaps something could be done there.

Let us go to page 11, about the Commodity Credit Corporation, what it shall and shall not do, notwithstanding any other provision of law, the Commodity Credit Corporation shall, in accordance."

Now, mark these words: "in accordance with regulations prescribed by the Secretary."

He tells the Commodity Credit Corporation just what it can and cannot do, this powerful individual, the Secretary. He must indeed be a very, very wise man.

Then let us look at line 9. It deals with reasonable costs of storage and other carrying charges, "as determined by the Secretary." The words are there for you.

Then let us look at line 18. That is in paragraph (6):

> Notwithstanding any other provision of law, the Secretary may, by mutual agreement with the producer, terminate or modify any agreement previously entered into.

He can make any kind of deal he wants. That is quite a lot of power to have.

But if a man is allwise, if he is a man of omniscience and of infallible judgment, then, perhaps, he will not make an unwise agreement. Perhaps, he will treat everybody exactly alike. Perhaps, he will be fair to everyone.

Go through this bill and you find that in it we are being asked not only to hurry through a program for a crop year that will not get underway for another 12 months, but are also being asked to surrender our own powers, rights, and authorities to one man, an appointed official, a member of the Cabinet, yes—but an appointed official just the same—responsible only to the President, to make all the decisions and all giving him more power, authority, and more discretionary rights to act than any individual has ever exercised in that Office in all history.

There should be a warning sign erected, and the House of Representatives should at least know what sort of legislation it is being called upon to vote for or against when this matter comes up for final decision.

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

The SPEAKER pro tempore [Mr. BASS]. The Chair recognizes the gentleman from Alabama [Mr. ELLIOTT].

Mr. ELLIOTT. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. ROSENTHAL].

Mr. ROSENTHAL. Mr. Speaker, I am the only member of the House Agriculture Committee representing a constituency in which practically all farming is by the lot, plot, or flowerpot rather than by the acre.

I am elected by voters who grow grass and flowers and maybe a tree or two for personal pleasure rather than profit. Their battles are not with the boll weevil or corn borer, but with crabgrass and the bug who would do in the rosebud.

Yet the families who send me to Congress have a continuing interest in the food and agriculture policies and programs of our society. One reason is that they consider themselves not just citizens of a geographical area in New York City, but as citizens of the United States. Another reason they have an interest, and a significant stake, in food and farming is their concern with nutrition and health, and with family and Federal budgets.

There are more buyers and consumers of food and fiber in the Eighth Congressional District of New York than there are farmers in the States of Arkansas, Illinois, Kansas, Nebraska, and Florida put together.

There are five times as many buyers and consumers of food and fiber in the cities of New York, Chicago, Los Angeles, Philadelphia, and Detroit as there are farmers in all the 50 States.

These statistics constitute a tremendous, and merited, tribute to the approximately 3.5 million American farmers and their families.

Never in all the history of mankind have so few fed so many, so well. One cannot walk into a metropolitan supermarket and see the mountains of meats, vegetables, breads, fruits, and dairy products without knowing gratitude for the bounty of our land and the skill and dedication of our farm people.

However, appreciation is a two-way street. Farmers have made a great contribution to the welfare of consumers. At the same time, in terms of their financial and philosophical and political support of commodity and conservation programs, city consumer-taxpayers have substantially contributed to the welfare of farmers.

The claim that city people do not understand farm problems is quite frequently heard. The record does not support this contention.

I believe city people understand the economic fact that they cannot be assured of plenty of food if farmers must continually produce at a financial loss.

I believe city people understand the necessity for utilizing Federal loans to bring electricity and telephones to farm homes, and I believe they understand these projects create better farm markets for household appliances and services that have city origin.

I believe city people understand the necessity for spending public funds to conserve soil and water so that future generations of Americans may know food and fiber abundance, too.

I believe city people want to preserve the free-enterprise system of family farms.

Perhaps there is more city understanding of the needs and problems and contributions of agriculture than there is rural understanding of the needs and problems and contributions of urban people.

Surely, there must be a parallel between a watershed project and urban renewal, between farm-to-market road development and mass transportation improvements, and between a Department of Agriculture and a Department of Urban Affairs—but if such parallels exist—they have not been noticeably recognized in rural America.

Perhaps those in farm areas who complain about lack of understanding should be reminded of a centuries-old fact—there is a close relationship between understanding gained and understanding given.

Someone once said education is too important for policymaking in that area to be the sole responsibility of educators. By the same token, maybe food and farming policy determinations are too important to be limited to those who are concerned with fields and pastures. This concept need not diminish either producers or consumers—it could easily enrich both. And in that framework, the presence of a distinctly urban-consumer representative on the House Agriculture Committee does not necessarily make the committee a home for a displaced person.

In the areas of food supply management, prices, Federal farm spending, utilization of production, balance of trade and conservation of natural resources—no citizen of our society—regardless of whether he ever sees a field of grain or a live chicken, steer, cow, or pig—can escape either responsibility or privilege.

The denial of man's right to be an island, entire in himself, applies to both producer and consumer of food. Dependent one upon the other, each carries a responsibility for the other's welfare—each benefits from the other's role in the society.

Mr. Speaker, I believe I represent my district and my State in giving attention to the health and welfare of agriculture. I am just as convinced that the health and welfare of my constituents, both physical and financial, should be an integral part of food and farming legislation. I sincerely hope the entire Congress will give such legislation this two-dimensional study.

I do not pretend knowledge of the technical phases of the feed grain program now before us. But it is quite clear that the operation of a similar program over the past 2 years has brought an increase in farm income, a decrease in the Federal expenditures attached to storage of unneeded and unwanted surpluses, and stable prices for consumers.

After all, in urging farmers to expand their productive abilities and facilities in two wars since 1940, all of us gained a measure of responsibility for the growth of surpluses and a measure of blame for failure to adequately attack the problem in the 1950's.

I believe this general responsibility will be terminated, so far as surpluses are concerned, once we have achieved the transition to balance between supplies and current and reserve needs.

There will be, in the coming months, a closer tie between the extent to which farmers use agricultural programs and the extent to which consumer-taxpayers are willing to authorize and finance them.

I am reminded of the story of the two Boy Scouts who approached their leader and asked if they might untie the knots in their kerchiefs, because they had performed their good deed for the day.

What did you do? the leader asked.

We helped a sweet little old lady across the street.

How come it took two of you?

She did not want to go.

I am convinced that the residents of cities and suburbia, who have the most votes, will not continue to help farmers across a street they really do not want to cross.

I am just as convinced that when our farmers want to move toward significant goals, and do it with unity and purpose, they can count upon all the help they need from their fellow citizens.

It is on that basis I shall vote for H.R. 4997.

It is from that viewpoint that I shall consider, and vote for or against, future farm and food legislation.

Mr. BROWN of Ohio. Mr. Speaker, I yield 6 minutes to the gentleman from Kansas [Mr. AVERY].

Mr. AVERY. Mr. Speaker, my friends over on the right-hand side of the aisle have raised the question several times lately as to why the majority party and the administration have been charged with management of the news. Some of you fail to understand why that charge has been made.

I might say the bill before us today is a very good example, because you have been told two things. You have been told this is a simple extension of the feed grain program that is now operative and a matter of law, and you have been told, too, that it is a voluntary program. I submit, Mr. Speaker, it is neither. Therefore, I think this is a typical example of why the administration and the majority must bear the responsibility and the label that was attached to you for news management. By whom? By Republicans? No. By the press? Yes.

You might inquire why do I say this is not a voluntary program, and why do I allege there is an element of misrepresentation in here. It is a relatively simple thing to explain.

The gentleman from Ohio [Mr. BROWN] spoke to you at some length about the unprecedented delegation of authority to the Secretary of Agriculture under this bill. It really is not unprecedented as far as a proposal is concerned, because the precedent was probably established last year in the compulsory bill that the House rejected.

For those of you who may be having difficulty in making up your minds as to how you should vote on this bill, it is relatively pretty simple, because if you voted against the compulsory feed grain and bushel management bill last year on the floor of the House, you most certainly should vote against this bill today, because it has all the elements of a compulsory feed grain program written in it.

The gentleman from Ohio pointed out in some detail the various examples of delegation of authority. But certainly I would further submit, Mr. Speaker, that if there is any question remaining in the minds of the Members about all of the mechanics being written into this bill that are necessary to make it a compulsory program, I would remind you of two or three simple little provisions appearing in this 1963 feed grain bill. There was a specific stipulation that the subsidy payments would be 18 cents a bushel in the 1963 program. What does it say in this bill? There is no limit at all. As far as I can tell by reading the bill, the subsidy payment can be 25 cents a bushel, it can be 30 cents a bushel. You ask, Is this not good for the farmers? Is this not what you want, a higher farm income? Of course a higher income is desirable. But what I think the Secretary wants to do is to increase the subsidy payments and lower the support price and in that way bring about economic sanctions against the farmer so he must be a cooperator in the program.

And then I might suggest, too, about the diversion payments. Now, they were very clearly stipulated in the bill last year to be 50 percent of the average annual production. What are they this year? Even if there is a program, it is discretionary with the Secretary of Agriculture whether or not there will be any diversion payments. If I may have your attention just for this one point, even though the Secretary might decide there would be no diversion payments for 1964 and 1965, the implication is the farmer can proceed to plant all the corn he chooses. No. It specifically provides that he shall be denied any support price if he exceeds his acreage allotment. So, this is another example of the compulsion of the economic sanctions that are contained in the proposal.

Now, why are we having this bill here in late April when the feed grain crops have not even been planted for 1963? Frankly, I do not know. I think I know why it is here. But, I asked the gentleman from Texas [Mr. POAGE] when he was before the Committee on Rules, as the Committee on Agriculture was leaving the room, if he would restate specifically and concisely why it was necessary to have this bill before the House at this season of the year to consider legislation for 1964, and the 1963 crops have not even been planted nor their yield estimated. And, I might say I did not get a very satisfactory answer from the gentleman from Texas. The allegation, of course, is that the wheat farmers, when they vote in their referendum come May 21, should know absolutely whether there is going to be a feed grain program or not for 1964.

I would suggest, Mr. Speaker, that even though this bill might pass the House and might pass the Senate, the wheat farmers of America will still not know

whether it is going to be a feed grain program for 1964, because, again, it relates back to the discretion of the Secretary.

There is a further aspect unfavorable to agriculture that could come about by permitting the Secretary to have almost unlimited discretion in fixing the subsidy payment. The minimum price for which the Secretary could dispose of existing Commodity Credit Corporation stocks of feed grain is based upon the prevailing support price during any single year. Therefore, by this arrangement the Secretary can keep the support price at the bare minimum, increase the price to cooperators through the subsidy and then stand poised over all of the other farmers threatening them with very low prices by dumping of stocks on the market if they do not participate in the feed grain program.

This bill should be recommitted.

Mr. BROWN of Ohio. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois [Mr. FINDLEY].

Mr. FINDLEY. Mr. Speaker, in December of 1962 the noted public opinion analyst, Sam Lubell, made a speech in Ames, Iowa, in which he said:

> In recent years many Congressmen have voted for farm legislation which they thought would reduce the total cost of farm subsidies. Only after the accounting was in did they realize that they had actually voted for higher subsidy costs.

He also said:

> The writing of farm legislation has become a conspiracy against public understanding.

The substance of this speech will underscore Mr. Lubell's conclusions.

All of you received today a letter from Secretary Freeman in which he points to the success of the feed grain program in 1961, 1962, and 1963 as a justification for a new 2-year lease on life as embodied in this bill. And, although there are substantial changes in the language before us now from the language under which the first 3 years of the program have operated, still he would have authority, if he so chose, to operate the programs in 1964 and 1965 as he has in 1961, 1962, and 1963. So, I think it is very proper for us to find out just what kind of a success this program really has been.

I invite your attention, first of all, to the fact that the administrative cost has not been a trivial item. If you will add up the expenses of all of the officers of the House of Representatives and their clerks, if you add the salaries of all of the clerks and secretaries of all 435 Members of the House of Representatives together, these people who serve the interests—the intimate multitude of interests of the entire population of this Nation—you will find that the cost for all these services is considerably less than the cost expended each year under the operation of the feed grain program.

The total administrative cost for 3 years of the feed grain programs was over $100 million.

Mr. Speaker, what have we got for the tax dollars we have spent and are spending in direct payments? Has this truly been a success story? In 1961 payments amounted to $782 million, in 1962 they were up to $842 million, and in 1963 they are up over $140 million.

Each year the payments go up and up. One might expect that the results would go up and up. After all, the purpose of this program has been to take feed grain acres out of production as a device to balance supply and demand and reduce our stockpiles. So, let us look at what was achieved. Did we actually get reasonably good results for our money? In 1961 we diverted 25 million acres at a cost of $782 million in direct payments, and here we do not include heavy administrative expenses and realized losses to Commodity Credit Corporation. We spent that amount of money in order to get 25 million acres out of production. Look what is happening in 1963. Direct payments total $983 million—up over $200 million—but diverted acres are still only 25 million.

How long can we afford the savings that Secretary Freeman claims under this feed grain program?

I note that on page 31 of the committee report feed grain farmers were paid $782 million in 1961 and $842 million in 1962 not to grow corn, sorghum, and barley. On page 14 of the committee report, I note that the estimated payments for the 1963 program total some $983 million. Yet, the tables on page 13 show that in 1961 there were 25.2 million acres diverted, in 1962, 28.6 million acres diverted, and in 1963, 25.8 million acres diverted. Assuming these figures supplied by the Department of Agriculture are all accurate, why is it that in 1963 the payments for not growing 25.8 million acres of feed grains are over $200 million more than the payments for not growing 25.2 million acres of these grains in 1961? In fact, the payments are $141 million more in 1963 than they were in 1962, in spite of the fact that there are almost 3 million fewer acres diverted. The reason appears to be that in the 1963 program, payments are made up of both land retirement payments in the amount of $496 million and an additional $487 million in direct price-support payments.

Whatever the legal distinctions may be, it seems readily apparent that this feed grain program which was enacted as a temporary expedient in 1961 is going to cost at least $200 million more in 1963 while achieving fewer results. The bill that is now pending before the House proposes to extend this 1963 program with some changes for 2 more years.

When administrative costs and inventory shuffling expenses are taken into account, we can readily see a billion dollar a year program being proposed for the next 2 years. Perhaps this is why Secretary Freeman said last year during the debate on the mandatory feed grain bill in a memorandum to the chairman of the Senate Committee on Agriculture and Forestry on May 21, 1962, as follows:

> 1. The voluntary programs are too costly.
>
> (a) The additional cost to the Government of operating the voluntary feed grain and wheat programs in S. 3225 for the 1963 crops, compared with the long-range programs, would be about $600 million.
>
> (b) If the voluntary programs were extended further, through the 1966 crops, the cumulative additional cost would be about $4 billion. This amount is equal to the average yearly Federal income taxpayments of nearly 5 million taxpayers; would build 27,000 miles of modern highways; would complete 4,000 watershed projects.
>
> 2. The voluntary programs provide no assurance that stocks will be reduced. In the voluntary feed grain program, noncooperators offset much of the acreage reduction made by cooperators. In 1961, noncooperators increased their plantings by 6 to 7 million acres, offsetting about one-fourth of the acreage reduction diverted and paid for on farms of cooperators. In the voluntary wheat program, smaller carryovers depend on acreage diversion beyond the mandatory 10-percent reduction from 1961 allotments. In both programs, farmer participation is uncertain, and is dependent on crop conditions.

It seems to me, Mr. Speaker, that the more that this administration says it is going to save, the more the taxpayers end up paying.

It is not easy to find out how much taxpayers have spent under the feed grain programs, and what they got for their money.

One reason is statistical skullduggery on the part of the Kennedy administration. One example was Secretary Freeman's declaration in his February 28 memorandum to Congressmen that the wheat and feed grain programs have cut surplus stockpiles over 1 billion bushels.

USDA reports showed this to be a gross exaggeration. Stockpiles were down only 437 million bushels.

Taking comparable dates, corn holdings were down 371 million bushels, wheat down 48 million bushels, and grain sorghums down 18 million bushels. This adds up to a total cut of 437 million bushels.

Another example was Secretary Freeman's letter dated April 19 to all Members of the House. Here is the text:

> DEPARTMENT OF AGRICULTURE,
> OFFICE OF THE SECRETARY,
> *Washington, D.C., April 19, 1963.*
>
> DEAR CONGRESSMAN FINDLEY: I understand the Feed Grain Act of 1963 will come before the House shortly after the Congress returns from its recess. This legislation would extend for 2 years, the highly successful measures enacted in 1961 and 1962 which have—
>
> Contributed to a 10-percent increase in net farm income between 1960 and 1962.
>
> Reduced feed grain stocks from a record 3.2 billion bushels in 1961—prior to the time the new feed grains programs became effective—to an estimated 1.9 million bushels at the close of the current marketing year.
>
> Maintained stable food prices for consumers.
>
> Resulted in savings of $920,000 each day in grain storage and handling charges as compared with this date in 1961.
>
> This is striking progress every citizen understands.
>
> If the House reaffirms its actions of 1961–62 by passing this bill, it means elimination of the unneeded, unwanted feed grains surpluses by 1964. Once the carryover has been reduced to a level adequate for emergency and security reserves, a supply-demand balance can be maintained with less acreage diversion and less cost in the years ahead.
>
> Further, if the House takes favorable action on this legislation, farmers participating in wheat and feed grains price support programs will have greater flexibility in utilization of their land. If the wheat referendum is approved May 21, and there is also a feed grains program, producers will be able to interchange these crops. It is desirable for

farmers to know before voting in the referendum what the wheat-feed grain relationship will be.

I am hopeful the success of the feed grain programs and the importance of action now on feed grains in the light of the upcoming wheat referendum will make possible your favorable support of H.R. 4997.

Sincerely,

ORVILLE J. FREEMAN.

This morning I circulated this response to Members of the House:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 23, 1963.

DEAR COLLEAGUE: You are in for trouble with farmers and other taxpayers if you try to explain your vote on the feed grain bill by quoting Secretary Freeman's April 19 letter to Members of the House. It tells only part of the story.

He calls the 1961–62 programs highly successful and says they helped to boost farm income. Note these facts:

When direct payments to farmers are deducted, net farm income went down—not up—between 1960 and 1962. The direct tax outlay to farmers rose faster ($1.2 billion) than net farm income ($1.1 billion).

The cost-price squeeze for farmers is actually the worst in years. The farm parity ratio (prices related to costs) is 77—down from 81 when Mr. Freeman took over. In Illinois, the parity ratio is now 71—lowest on record since 1934.

Mr. Freeman claims his programs have reduced feed grain stocks 1.3 billion bushels. He uses the word "reduced" at the beginning of the sentence but hid the telltale word "estimated" later on. This 1.3-billion figure is sheer speculation.

Based on USDA reports, I can prove that Government grain holdings are down less than half the amount claimed.

Mr. Freeman says the programs have "resulted in savings of $920,000 each day in grain storage and handling charges." This is not factual. It is guesswork, and it is misleading.

Total cost to taxpayers is actually up sharply. The Wall Street Journal (Apr. 23, 1963) said: "This year's acreage cutting plan, providing for higher price supports on 1963 feed grain crops and lower payments for idling land, will cost taxpayers nearly $1.2 billion, Federal economists estimate. That's $100 million more than probably 1962–63 costs."

Taxpayers are spending more but getting less results. This table shows what's happening (figures from committee report on H.R. 4997).

	Diverted acres	Payments
1961	25,200,000	$782,000,000
1962	28,600,000	842,000,000
1963	25,800,000	983,000,000

NOTE.—Administrative expenses and CCC realized losses not included.

The latest report of the Commodity Credit Corporation shows total Government investment in farm surpluses, $8,445,793,604—up 10 percent from a year ago.

The latest USDA feed situation report clearly shows the 1963 program will get far less results despite increased cost. Taxpayers will shell out $8.78 for each dollar's worth of surplus feed grain disposed of this year.

The Secretary said in a letter last June to Senator ELLENDER, "The voluntary programs are too costly. * * *. If the voluntary programs were extended further, through the 1966 crops, the cumulative additional cost would be about $4 billion. This amount is equal to the average yearly Federal income tax payments of nearly 5 million taxpayers; would build 27,000 miles of modern highways; would complete 4,000 watershed projects."

This bill would extend these costly programs through 1965. I contend they have been a gigantic and costly failure, and are a legislative mistake which should not be compounded.

Sincerely yours,

PAUL FINDLEY,
Representative in Congress.

Mr. Freeman claims taxpayers are saving $920,000 each day because they are not paying storage and handling on a mythical 1,300 million bushels. This is based on a theoretical storage cost of 26 cents per bushel a year—almost twice the average storage cost.

Rate on resealed grain is now 14 cents. The commercial storage rate is 13½ cents. CCC claims much lower cost on grain stored at binsites and in the moth ball fleet. Handling charges might average 2 cents a bushel at the most.

Here again savings on mythical stockpile cuts are computed at mythical rates—about twice too high.

In the committee report, facts and fantasy mixed together. Refer to table 8 on page 14 of committee report, "Estimate of savings." Facts on payments and costs mixed with unadulterated speculation on what may happen if the rabbit does not stop to scratch his left ear.

For phony conclusions, turn to page 5 of committee report. I quote:

Just 2 years ago the Nation's agriculture, our basic and largest industry, was on the brink of bankruptcy. The farm program which had worked so long and so well—during wartime and in peace in the interest of farmers and the general economy was a shambles.

The facts: Cattle and hog prices are the lowest in several years.

The parity ratio for the Nation was 77 for March of this year—down from 81 when the Kennedy administration took over.

In Illinois the parity ratio hit 71—lowest on record since 1934—the worst cost-price squeeze in 29 years.

The best way I know to measure the value of this program is to stick to facts and forget the hypothetical guesswork. Here are a few facts:

[H. Rept. 16.180, 88th Cong., on H.R. 4997]

	Diverted acres (table 7, p. 13)	Payments (table 8, p. 14)
1961	25,200,000	$782,000,000
1962	28,600,000	842,000,000
1963	25,800,000	983,000,000

Not included are administrative expenses which are CCC realized losses.

Note payments have gone up each year—up $60 million the second year, up an extra $141 million the third year. What will it be in 1964 and 1965 under this bill? Clearly, the trend is up.

Now, note that the total acres diverted are down under the 1963 program but costs are up. Here we see another dramatic application of Professor Parkinson's law—costs continually rise even though services and accomplishments may decline.

Now I hasten to say the 1963 figures are estimates, but they are estimates supplied by the administration and we can safely assume they are on the conservative side.

According to the American Farm Bureau and the table on page 39 of the report shows total reduction in feed grain carryover to be 23.7 million tons under the 1961 and 1962 programs.

If we take just the direct costs of these programs, and if we assume that the programs were responsible for all cutbacks in carryover—this shows a direct cost of $2.04 per bushel corn equivalent. If we take into account increased utilization of feed grains—and we should—then we will find it cost $7.93 for each bushel cutback achieved during the 1961 and 1962 programs. With corn worth about $1 a bushel, this can hardly be regarded as an economical program.

I invite your attention to these factors involved in the reduction of feed grain stocks:

[In millions of tons]

	1961	1962	Total
Reduction in production from 1960 of crops covered by program:			
Corn	7.9	7.4	15.3
Grain sorghum	4.0	3.1	7.1
Barley		0	0
Total	11.9	10.5	22.4
Reduction in production from 1960 of crops not covered by program:			
Barley	.8		.8
Oats	2.3	2.0	4.3
	3.1	2.0	5.1
Increase in utilization from 1960 marketing year	8.1	8.3	16.4
Net effect of reduction in production of crops not covered by program and increase in utilization on carryover	−11.2	−10.3	−21.5
Total reduction in carryover	12.9	10.8	23.7
Reduction in carryover due to feed grain program	1.7	.5	2.2

NOTE.—It may be argued that the carryover would have increased if there had been no feed grain program. The point, however, is that the program has done little except to stop the buildup. The reduction in accumulated stocks is almost entirely due to increased utilization and reduced production of feed crops not covered by the program.

The total direct costs of our 2-year experience with the feed grain program have exceeded $1.7 billion.

Direct costs of the 1961 and 1962 feed grain programs

[In millions of dollars]

Payments to—	1961	1962	Total, 1961 and 1962
Corn producers, Sorghum producers	765	854	1,619
Barley producers		42	42
Administrative expenses	42	[1] 42	84
Total	807	938	1,745

[1] Assumed to be the same as for 1961.

Indirect costs resulting from the policy of dumping CCC grain to penalize nonparticipants will add $200 million or more to the total cost of the 1961 and 1962 programs.

Slippage under this program has been shocking. In 1961 taxpayers paid for approximately 4 acres for each 3 acres by which corn and grain sorghum plant-

ings were reduced from the 1959–60 base. In 1962 taxpayers paid for approximately 5 acres for each 3½ acres by which corn, grain sorghums, and barley were reduced from the 1959–60 base. The situation will be even worse in 1963.

What we have before us now is a proposal to spend about a billion dollars in each of the next 2 years to farmers for not growing feed grains.

And finally a novel feature of this bill, one intended to benefit new growers, authorizes the Secretary even to pay new growers for not growing corn they never did grow.

Mr. ELLIOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, the problems with regard to the feed grains programs are rather complicated. As the gentleman from New York said, it is very difficult to understand all the ramifications of such a bill. It is even more difficult when you get the kind of figures thrown out here that were presented by the gentleman from Illinois [Mr. FINDLEY]. And I will tell you why. Under the 1963 program we are going to have the money spent principally in two particular ways: One is for diverted acres, and one is to pay the 18 cents to the farmers that we otherwise would have lost if we had taken the grain into Government storage and then sold it later. Almost all of the cost in that program is covered by the 1963 figure; but, Mr. Speaker, under the 1962 program the program costs that are referred to there are only for the diverted-acres costs. Those figures did not include the loss we have taken or will take from moving the grain into the Government bins and then selling it at a loss. The truth of the matter is that the cost of the 1963 program will be less, because there will be less realized losses on grain taken over by the Government and less handling charges.

Mr. Speaker, the 1963 figure as shown on the chart represents almost the total cost for the crop year which we will have suffered; whereas the 1962 figure only takes into account the part of the cost related to payment for diverted acres. Use of these kinds of figures is the kind of thing that makes it difficult to understand these programs, and I think in order to understand it better, we should also go back one step further to the 1959 and 1960 program which is still being supported by some people who are opposed to this feed grains legislation. Under that program we would raise 600 million bushels more than we consumed. There is no limit under that program to the amount that can be delivered to the Government and whether we take it in at 75 cents a bushel or $1.50 a bushel, there is no place for it to go except into Government bins. If we pay $1 dollar a bushel for it, that is $600 million. Then we would keep it around for several years and spend $1.75 a bushel keeping it around until it would go out of condition enough so that the law would permit putting it into market channels.

Mr. Speaker, that is the most expensive kind of program. It cost us $1.7 billion or $1.8 billion that year to operate that program. The feed grains program has not only raised farm income but also reduced those Government costs while keeping the supplies to the consumer at a stable price and an adequate level.

I submit to you that during the afternoon we should look very carefully at all the figures presented and make sure we are not doing like the fellow who advised his neighbor that he should produce milk with goats rather than cows. He said, "After all, both milk goats and Guernsey cows give milk and it costs less to feed the goat." That rationalization totally fails to consider the fact that the cow would give 10 times as much milk. That is about the kind of comparison one has when comparing the 1962 with 1963 diverted-acres costs without also comparing the cost of realized losses on grain.

Mr. ELLIOTT. Mr. Speaker, I yield the remaining time on this side to the gentleman from Texas [Mr. POAGE].

Mr. POAGE. Mr. Speaker, I would like to call the attention of the House to the fact that the question we are presently considering is whether we are going to adopt the rule. The question before us is not whether you think this is a perfect bill. The question is do we have a fair rule presenting a feed grains bill to the House? The rule is an open rule. Anybody may offer amendments to the bill which has been presented by the committee. This is not a gag rule in any respect; it is wide open. The rule provides for adequate, and more than adequate, debate. There is every opportunity for anyone who wants to suggest any change or any other type of program to suggest it. What more can you ask in the way of a rule?

The issue on which you are about to vote is whether we are to bring this bill up for consideration; not whether you think this bill as it now stands is the bill which you want to support. I hope you will support it because I think it is a good bill. I think it is pretty well worked out. But you may disagree with that. If you do, you still should vote for this rule unless you feel that there should be no feed grains program in the United States.

Of course, if you are opposed to any and all programs; if you are opposed to doing anything to try to balance supply and demand; if you are opposed to being of any assistance to that great group of our American citizens who produce our food and fiber, then of course it is perfectly proper and perfectly legitimate for you to oppose this rule or any other rule. But let it not be said that any Member of this House voted against this rule and then suggests that the reason he did so was that even though he wanted to give the farmer a feed grains program, he just did not like the way the rule presented the matter.

Oh, I know that there are those who say, "But we should not take this action now." I know that there are members on our committee who say, "Yes, we should help the farmer; yes, we want to be of help, but we do not want to help him now."

Why do we not want to help now? Because, perchance we think that this would have some influence on the wheat referendum. I do not know that it can have any influence on the wheat referendum one way or the other. But I do think that the people who are growing wheat and who must vote in the coming wheat referendum have a right, and that this Congress has a duty to give them full information when they vote in that referendum, which they will do next month, on the 21st of May. They cannot have that full information unless they know what we are doing about a feed grains bill. Remember this, it is the wheat farmers who are going to be called upon to vote in a referendum, not feed grain farmers.

It is the wheat farmers who need to know what Congress has done, when they vote. They are the ones who are going to vote in May and unless we act to give them all of the information, they cannot properly coordinate the information that they have. There is no such compulsion for prompt information to the feed grain farmer because this bill imposes no program on the feed grains farmer. It is voluntary as to every one of them. There is no compulsion. There is no referendum except as each individual decides for himself whether he thinks it is helpful to him to participate in the program or not. There is no penalty if he does not participate and he will have until planting time next spring to make up his mind as to whether or not he wants to participate.

He will by that time know what the wheat program is.

Certainly there is a relationship between the wheat program and the feed grain program, but the wheat farmers must vote next month, and unless you give them this information today they are going to vote in ignorance. The feed grain farmer is not going to have to make any decision until long after the referendum. So I submit there is no logic to the suggestion that this rule should not be adopted today. I want to give those people who must make a decision all of the information they can have, and then let them make that decision with all of that information.

Mrs. KELLY. Mr. Speaker, will the gentleman yield?

Mr. POAGE. I yield to the gentlewoman from New York.

Mrs. KELLY. I am very much interested in the problems of the farmer and I have supported farm bills many times. I should like to refer to page 8 of the committee report, where under the heading of "Utilization" reference is made to the exports of feed grains as being, expressed in million tons, 17.3 in 1961 and 15.6 in 1962. Would that not mean that this program is most helpful as far as the foreign aid program is concerned?

Mr. POAGE. I should think it would be substantially helpful to the foreign aid program.

Mrs. KELLY. Then the foreign aid program is most helpful to the farmer.

Mr. POAGE. Yes.

Mrs. KELLY. I hope, then, Mr. Speaker, that those who support and need this program will do so because it will also be helpful to the foreign aid program. I would like to add the following figures under Public Law 480—which is for sale of agriculture products abroad. Fiscal year 1962 $1,563 million was sold and from 1954–62 about $11 billion was sold.

Mr. POAGE. I thank the gentlewoman.

Mr. Speaker, I call the attention of the House to the fact that we are working against time. The committee gave time to those who now oppose the legislation. They came in and suggested, "We should not make a decision until we know the magnitude of the signup under the 1963 program." That suggestion was made in February. The committee said, "That is a reasonable suggestion, and we will not act until after the signup," which I believe was held on the 20th of March. We waited until after that signup. We waited until everybody got the information which they said they needed. Then we felt we should act, but the same group then said: "Now let us wait another couple of months—don't do anything until after the wheat referendum". The majority felt that that was unreasonable. So we acted.

We think we have been fair with everyone. We believe it is now time to take some action, to make some decision here so that farmers who must vote in May may know the effect of their vote. Today we must make some decisions because time is short. Many of you want to go to a reception tonight and we hope we can finish this bill in time. Let us vote on this bill without further delay.

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

The previous question was ordered.

The SPEAKER. The question is on the resolution.

CALL OF THE HOUSE

Mr. JENSEN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll. No. 26]

Anderson	Goodling	Pillion
Ashley	Harris	Pirnie
Ayres	Hawkins	Powell
Blatnik	Hays	Rich
Broomfield	Healey	Rivers, Alaska
Celler	Hébert	Roosevelt
Colmer	Hosmer	St Germain
Derwinski	Jarman	Shelley
Diggs	King, Calif.	Staebler
Ellsworth	Leggett	Walter
Fisher	Lennon	Widnall
Forrester	Macdonald	
Glenn	Mathias	

The SPEAKER. On this rollcall 398 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

FEED GRAIN ACT OF 1963

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE ON RULES

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

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

There was no objection.

FEED GRAIN ACT OF 1963

Mr. POAGE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4997, to extend the feed grain program.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4997, with Mr. WRIGHT in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule, the gentleman from Texas [Mr. POAGE] will be recognized for 1½ hours, and the gentleman from Iowa [Mr. HOEVEN] will be recognized for 1½ hours.

The Chair recognizes the gentleman from Texas [Mr. POAGE].

Mr. POAGE. Mr. Chairman, I yield such time as he may consume to the chairman of the committee, the gentleman from North Carolina [Mr. COOLEY].

Mr. COOLEY. Mr. Chairman, the Committee on Agriculture brings to the House H.R. 4997, a bill to continue for 2 years the entirely voluntary, and highly successful, program for corn and other feed grains.

This legislation represents a dedicated effort by the members of our committee to deal effectively with the production and income problems in a major area. I commend especially Hon. W. R. "BOB" POAGE, chairman, and the other members of the Livestock and Feed Grains Subcommittee, for the long hours and hard work they have devoted in public hearings and in the preparation of this legislation. I want to express my appreciation to each member of our Committee on Agriculture who is supporting this effort to hold grain production in reasonable bounds and to assure our grain farmers reasonable prices, in a purely voluntary program.

The purpose of the program in this legislation is fourfold. First, it will raise farm income, by assuring fairer prices for feed grain producers and by providing a basis of stability for livestock prices; second, it will bring down further the surplus stocks of feed grains; third, it will save millions of dollars in costs to taxpayers, in contrast to the Government storage program which would be in effect without this legislation, and fourth, it will give the wheat and feed grains producers new freedom and flexibility in the management and operation of their farms. It will enable them to substitute acre for acre between feed grains and wheat whenever they find that by doing so they will increase the efficiency and effectiveness of their own personal farming operations. Since this feed grains programs is interrelated with the wheat program enacted by Congress last year, prompt action on this feed grains measure is urgently needed so that wheat producers will have all the available information in making their decision in the referendum on the 1964 wheat program on May 21, 1963.

THE NATIONAL GRANGE SPEAKS

Mr. Chairman, in a recent letter to Members of the Congress, concerning this legislation that is now before us, Herschel D. Newsom, master of the National Grange, wrote:

> The Grange has consistently supported programs designed to bring a better balance of supplies with demand and to obtain a reduction in Government stocks of feed grains. We supported the emergency feed programs of 1961 and 1962 as temporary measures to meet an acute problem of increasing costs to the Government and declining income to farmers. It seems clear to us that these emergency programs have, in some part, achieved the results mentioned above.
>
> Present indications are that the 1963 program will show further progress toward these goals which most of us have been seeking. In light of this progress, we believe that it is unthinkable that there should not be further legislation authorizing the continuation of efforts to solve the feed grain problem without depressing farm income. We, therefore, urge your favorable consideration of this legislation.

Mr. Chairman, the National Grange and Mr. Newsom are not noted for rash and irresponsible statements. The Grange is a distinctly middle-of-the-road farm organization and while it has never demonstrated fear of controversy, neither has it been identified with efforts to create it.

If the studies made by the National Grange show we are on the right path for improving farm income and reducing Government costs with this legislation, I am convinced we are on pretty solid ground.

Actually, the views of this great farm organization are supported by any candid study of where we were, where we are, and where we can go in achieving balance in our agricultural abundance by making a purposeful program available to our farmers.

H.R. 4997 is built upon the experience gained through the successful operation of the emergency feed grains programs launched in 1961. These programs have contributed to substantial, and essential, increases in farm income while reducing Government costs associated with the handling and storage of grain surpluses and providing reasonable and stable prices for food buyers.

Right now we are in position to break through the long-sought goal of a balance between feed grains demands and a supply level reflecting abundance without waste. And this legislation provides the mechanism for keeping this balance once we have reached it.

THE WHEAT REFERENDUM

What are the critics of H.R. 4997 saying?

Some of them contend the legislation is sound in principle and purpose, but that it is premature—and they recommend the Congress act eventually instead of now. They would kill the bill with a combination of kind words and procrastination.

Their real object is to defeat the wheat program in the May 21 referendum.

There is a vital reason for action by the Congress now, and this is it: The Feed Grain Act of 1963 will round out comprehensive grain legislation the Congress began last year with the adoption of a permanent wheat program. The two programs represent a package for many thousands of our producers, and unless they know the combination they will be handicapped in making sound judgment on May 21.

A key provision in the already adopted wheat legislation is the interchange of wheat and feed grains acres by farmers who wish to use this privilege. This is one of the greatest contributions to efficiency and flexibility in individual farming operations we have had since the beginning of farm programs. It will not increase total supplies. It embraces the greatest freedom of the farmer in managing his cropland ever provided in a production adjustment program for agriculture.

This provision, however, is available to producers only if there is a feed grains diversion program in effect. Consequently, unless the wheat producer knows before May 21 whether or not there will be a feed grains diversion program he will not be equipped with all the information he needs to make the best possible decision on the alternatives offered in the wheat referendum.

We owe it to the wheat farmer, as well as the feed grains farmer, to have the package completed before the middle of May.

Mr. Chairman, since the legislation before us and the impending wheat referendum have been so closely related, I believe it will be in the best interest of sound action here to return to the position of the National Grange. The "Grange Letter" to that organization's members on April 16 said:

If you look closely enough you can find two points on which both sides agree in the wheat certificate referendum: (1) the result will be important to all wheat growers, and (2) the "no" alternative would result in a substantial loss of income to wheat growers.

So far we have seen no one, nor heard of anyone, who prefers the "no" alternative in the law, to a "yes" vote. There is no third alternative program available.

Yet, opposition to certificates is based entirely on the assumption that if marketing certificates are voted down Congress will pass and the President will sign a better program for 1964.

We challenge that argument on two grounds: First, we believe now, as we have for more than 25 years in which the Grange originated and pioneered in development of the domestic parity, commodity-by-commodity farm program approach, that the certificate plan is the best program yet developed for assuring producers a fair income for their products.

The certificate program is fair to producers, and it is fair to consumers, as well as to taxpayers—including farmers—who have financed a program of burdensome and continuing priced-depressing surpluses.

The wheat certificate program supported by the Grange and all other farm groups responsive to the legitimate and reasonable interest of agriculture and the Nation, as contrasted with self-seeking aims and interests, is in accord with long-established Grange policy and objectives.

Just two paragraphs from the general farm policy declaration unanimously adopted by delegates to the 96th annual session of the National Grange in Fort Wayne last November, illustrate the Grange position:

Farmers must face squarely and forthrightly the necessity of bringing the supplies of their products under control if they are to be assured of incomes comparable to those received by nonfarmers. They have no right to expect Government to spend the taxpayers money to support prices of farm commodities when supplies are far in excess of market demand and when farmers themselves make no concentrated effort to reduce production.

If prices of wheat and feed grains and of livestock and poultry products are to be maintained at fair and equitable levels, while the Government-owned stockpiles of cereals are significantly reduced within a reasonable period, effective supply management programs for those types of wheat in surplus and for feed grains will have to be inaugurated.

The wheat referendum places that challenge squarely before farmers. To pretend, or to mislead farmers into believing, that the problem does not exist, or that if ignored it will disappear, is to misrepresent the facts, and do a serious disservice to agriculture.

The opponent of the certificate program has raised a smokescreen of false and misleading issues in an obvious effort to confuse farmers. As fast as one false issue is knocked down, another is raised.

This is a tactic often effective because it takes time for facts to catch up with such devious misstatements. We, along with all other sincere friends of agriculture, regret that such is the case.

The Grange firmly believes that farmers have a right to the facts on which to base their decision when they vote on May 21. It does not believe scare tactics can be justified under any circumstances.

Let's examine, close up, just a few of the scarecrows and boogeymen, that have been and are being put up in the false hope that farmers are so simple-minded as to believe that they are real:

False: If certificates are voted down Congress will immediately adopt a better program.

True: Congress last year gave careful consideration to many alternate programs and rejected all but the two which will be on the May 21 ballot. President Kennedy, Secretary Freeman, the chairman and members of both congressional agriculture committees have expressed opposition to further action if certificates are voted down.

False: If certificates are voted, farmers * * * will not manage—they will need only to know how to follow orders.

True: Assertion is ridiculous on its face. Farmers will continue to have as much freedom in operating their farms as under programs repeatedly approved by an overwhelming majority of growers not only for wheat, but cotton, tobacco, and other crops.

False: The certificate plan * * * is a foot-in-the-door approach to Government supply management for all of agriculture.

True: Pure hogwash. Before similar type programs could be offered for other commodities, it would first have to be enacted by Congress and, secondly, approved by two-thirds of the producers in a referendum.

You have heard, or will hear, scores of other equally false statements intended to confuse and mislead farmers. If you don't have the facts to refute them on the spot, write us and we will answer them in the next Grange letter * * * or as many of them as space permits.

Referring to vague and unsupported statements that if the wheat referendum is defeated Congress will pass legislation providing for a "better program," Newsom declared "there is no sound basis for this promise.

"Grange contacts with congressional leaders representing both political parties make it perfectly clear that new wheat legislation is neither contemplated nor expected in case the referendum fails," he said.

The declared opposition objective is to delay passage of the feed grains extension bill until after the wheat referendum and then, if the certificate program is defeated, attempt to combine wheat and feed grains legislation.

This, some Washington officials insist, is asking feed grains growers to play legislative Russian roulette. They run the risk, if passage of a feed grains bill is delayed, of virtually no program in 1964 if Congress becomes mired in a wheat-feed grains controversy.

CRITICS ANSWERED

Mr. Chairman, a decision now on this bill will give farmers more time to plan their livestock programs for the next 2 years, and give administrators of the feed grains program at national and State and local levels opportunity to schedule their work in a way that gets maximum performance from personnel and facilities without conducting crash-type informational and administrative efforts to out-race fall and spring planting seasons.

Along with the critics of the legislation favoring delay, we have others claiming it provides too much discretionary authority for the Secretary of Agriculture.

This bill does not represent abandonment of either responsibility or authority by the Congress.

It simply delegates responsibility and authority, under prescribed guidelines, that will give producers maximum flexibility and provide consumers a continued guarantee of abundance.

The proposed 1964–65 feed grains programs differs from similar legislation of prior years in two respects.

First, the minimum percentage of diversion of feed grains acres for each cooperating farm is not spelled out; and, second, the price support loan and payment combination is not fixed.

This discretionary authority is not without precedent, and in the interests of providing for flexibility that will match the program with producer and consumer needs is most desirable.

The legislation puts both a floor and a ceiling on the price-support loan and payment combination, and at the same time permits their most efficient adaptation to the degree of desirable diversion.

We have long been concerned with the fact that too many price-supported commodities move into Government storage instead of normal trade channels. It was with the aim of remedying this situation that the Congress incorporated a direct payment into the price support structure for the current crop year. This feature cannot be of maximum benefit, however, unless the payment and loan levels can be combined in a way that augments desired goals in terms of production, diversion, reduction in grain

takeovers by the Government, farm income and retail price levels.

We are dealing with commodities affected by unfavorable weather, crop pests and diseases, and which are, on the other hand, subject to increasing per-acre yields. These same commodities have an impact on the health and nutritional standards and the houeshold budgets of our people.

Inflexibility and rigidity in programs subject to quick changing conditions are not in the national interest. Discretionary authority with a sound background of legislative history and congressional intent is not dangerous; rather, it is indeed desirable.

COSTS AND SAVINGS

Along with those who would countenance delay or confuse discretion with license, we also have those critics who contend continuation of a voluntary feed grains program is undesirable in view of lower government costs associated with a mandatory program.

Some of these critics—those who voted for a mandatory feed grains program when it was before this House last year—have a case. I can sympathize with their philosophy while insisting we have to operate in the realm of the possible.

But I can find little time for those who on the one hand voted against a mandatory feed grains program and are now urging farmers to vote "no" in the May 21 wheat referendum, and at the same time compare the economies of a mandatory program with the expenditures of the voluntary type.

Of course a voluntary program costs more than a mandatory system of supply adjustment.

It is unfortunate, however, that critics of the cost tend to concentrate upon what we put into a successful voluntary supply adjustment program and ignore what we get out of it.

The feed grains programs of 1961 and 1962 cost $1.7 billion and we will invest a little more than $800 million in the 1963 program, on the basis of indicated farmer participation.

Yet, the 1961–62 investments reflected a billion-dollar rise in annual net farm income and avoided surplus production of feed grains that—had been planted and harvested—would have been a burden on taxpayers for the next 7 to 9 years.

Avoidance of the production of the grain and its acquisition by CCC will save millions of taxpayers' dollars. Ultimate savings, after taking into consideration the cost of diversion payments, will amount to $591 million for the 1961 program, $634 million for the 1962 program, and $90 million for the 1963 program—for a total of $1.3 billion.

The net investment, in terms of results, is indeed small.

Nevertheless, Mr. Chairman, it is true that the costs are great. But this, the 88th Congress, is not responsible for these costs. We simply are paying for the mistakes of the 1950's when our Government frolicked and gambled with the idea of unlimited production and low prices for agriculture—a "freedom" and "go for broke" philosophy, if you please.

PHANTOM ACRES

Finally, we have the feed grains program critics who periodically search the statistics for "phantom acres."

Here are the facts:

First, it is true that the 1959–60 base for participating farms was adjusted, in line with congressional intent, to iron out individual inequities and eliminate hardships resulting from adverse weather conditions in the base years. However, participating farms planted fewer acres to feed grains than they were permitted after diversion from the base. In 1961, for example, while the base for participating farms was adjusted upward by 4.3 million acres, these same participating farms planted 6.2 million fewer acres than they were entitled to plant after the diversion.

Second, the nonparticipating farmer is responsible for the "slippage" determined by comparing total planted acreage for 1 year with that of another and finding that total planted acreage does not decrease as much as the total acreage diverted. There is nothing which requires a farmer to participate or requires a nonparticipating farmer to hold his feed grain acreage down. This, of course, is one of the reasons a mandatory program was proposed in 1962. For 1961, nonparticipating farms increased their acreage by about 6.7 million acres over the 1959–60 average planted acres.

And, finally, farmers are paid only for actual acres diverted based on determinations made by on-the-farm measurements.

PAINFUL PARTISANSHIP

Mr. Chairman, this legislation was reported by the Committee on Agriculture, and now is presented to the House, over the solid opposition of the Republican members of the committee.

This is exceedingly painful to me, and especially so since such partisan division has become a pattern on farm legislation. Mr. Chairman, there were times, now past, when it was difficult to distinguish a Democrat from a Republican in this House as legislation relating to the well-being of agriculture was debated and voted upon. We in this great body then comprehended that farm people are Democrats and they are Republicans, and that their well-being should have no reference to partisan politics.

These were the times of the triumph of the parity principle that ushered in the golden years of agriculture. For 11 consecutive years prior to 1953 the average prices paid to farmers were at or above 100 percent of parity.

BLESSINGS OF ABUNDANCE

Moreover, these were years that showered blessings upon the consumers of America. Our farmers invested their good earnings in the sciences of the culture of things to eat, they dcveloped the techniques of abundance, and America became the best fed nation on the face of the earth, with our people paying a smaller portion of their income for food than any other people anywhere.

Agriculture wrote America's greatest success story.

Farmers in no other country of the world have lowered food costs, in relation to workers' wages, so dramatically. The farm program has been the dominant factor in bringing about this high-level efficiency.

And it is well at this point, Mr. Chairman, to recall that this farm program, that so abundantly blessed our farmers and our consumers, operated for 20 years prior to 1953 at an actual profit to the Government in its production stabilization and price support activities for the basic crops—corn, wheat, cotton, rice, tobacco, and peanuts. At the end of those 20 years the Government had only moderate investments in farm commodities.

PLANNED PARALYSIS

Then, for reasons I still do not understand, the new administration in 1953 decided to depart from this program, and President Eisenhower subsequently called for the scrapping of the parity principle.

We entered a period of planned paralysis for the farm program.

The consequences—farm depression, record surpluses, great costs.

Two years ago, after 8 long years, the Nation's agriculture, our basic and largest industry, was on the brink of bankruptcy. The farm program, which had worked so long and so well—during wartime and in peace—in the interest of farmers and the general economy—was a shambles.

Farmers' net earnings were at the lowest level, in relation to volume of their sales, for any period since the Department of Agriculture began keeping books. Average farm prices had reached their lowest, in terms of parity, for any year since the 1930's. Per capita annual income of people living on farms was only about one-half that of nonfarm people.

Huge surpluses of food and fiber—$9 billion worth of Government-held warehouse stocks—were being carried at great costs to taxpayers.

In February of 1961, President Kennedy, in his farm message, called upon Congress to remedy this situation, and the Congress responded.

The long downslide in farm income was halted.

Cumulative net earnings of farmers already have been increased by more than $2 billion. The pileup of surplus upon surplus in grains has been stopped.

Taxpayers already have been saved many millions of dollars, on future farm program costs.

In 1962 net farm income of $12.9 was 10 percent greater than in 1960 and the highest since 1953.

Average net income per farm in 1962 was up 18 percent over 1960, from $2,960 to $3,498.

Hourly returns for farmworkers and operators were $1.05 in 1962, compared with 87.5 cents in 1960, up 20 percent. Bank deposits and business activity in 20 major farm States are now 10 percent above 1960, an indication of the importance of farm income to the general economy.

THE GRIM ALTERNATIVE

Mr. Chairman, the Nation's agriculture is on the road back. Our action on

the legislation now before us will further bolster this recovery, or it may present our farmers and, indeed, the Nation, with a grim alternative.

If we fail here in this House to enact this legislation, and should the wheat referendum fail, we shall risk chaos in the agricultural economy, and we shall risk the collapse of the Nation's farm program.

Such chaos and such collapse no doubt would set off a severe depression in the general economy.

To end farm price and production adjustment programs would bring on a terrible farm depression. This would be reflected quickly in a downturn for the entire economy. It would mean a drop of about a third in farm commodity prices, and an even sharper drop in net farm income.

Wheat prices, for example, would be cut almost in half—perhaps below a dollar a bushel.

Corn prices no doubt would fall to around 80 cents a bushel. Prices of other feed grains would follow corn prices down. Livestock markets, with unlimited production of cheap feed at depressed prices, would in the long run be demoralized.

Moreover, all the investments by the Government in the last 2 years to bring down grain surpluses would have been wasted.

AN END TO PARTISANSHIP

Now, Mr. Chairman, I must return again to the partisan feeling in the House, in the presence of a farm bill. It is all senseless to me, especially since our Republican friends are opposing this feed grains bill in the thought that they may defeat the wheat program in the impending referendum.

Moreover, it is indeed strange that those on the other side of the aisle want to destroy the wheat program, for it is the program, in all major respects, originally sponsored in the House by the man I deem to be the greatest Republican farm statesman of all time, Cliff Hope, of Kansas, former chairman of our Committee on Agriculture. Not only this, but a bill embracing this program was passed by the House in the Republican 83d Congress.

Mr. Chairman, it is not good for this country we all love, for one party or the other to position itself on public matters and legislation solely out of political considerations.

As for agriculture, I will say that unless farmers and their friends, in both political parties, can get together in the decision-making process, then someone else is going to make the decisions and the policies and the programs for agriculture. I for one am not willing here to contribute to circumstances which may bankrupt agriculture and create such chaos that farmers might lose their freedom to manage their businesses.

In conclusion, Mr. Chairman, I want to let my Republican friends know that I yearn and long and pray for the day when, again, the thought of political advantage will be silent and it will be difficult to distinguish a Republican from a Democrat in this House when legislation relating to the well-being of agriculture, and to the people who produce our food and fiber, is debated and voted upon.

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

Mr. Chairman, we have probably come to the most important milestone in agricultural legislation that we have reached for some years or that we probably will reach for some years, because we are today dealing with feed grains.

Mr. Chairman, I would of course like to tell the Members of the House that cotton is the great crop of the Nation and my people grow it, it does produce a vast amount of cash income. There are those from other areas who would like to tell you that wheat is the great crop of the Nation because the people depend upon it for their bread, and it is a vital crop. There are others who would tell you that dairying and livestock represent the greatest crops in the United States. But, after all, our livestock industry, our dairying industry, and all of our poultry industry is tied directly to feed grains. Feed grains account for a very large portion of the activities of American agriculture and probably play a much greater influence on all other crops than does any other activity of the American farmer. So, today we are dealing with the very crux of the farm problem when we deal with feed grains.

Historically feed grains have been produced with little or no controls. For a good many years we attempted to support the price of corn without any mandatory reduction in the acreage of corn. It worked for a little time and then producers began to feel that they could have it both ways, both in price and in production. That does not work in any free economy. As you increase production you inevitably decrease price unless there is a corresponding increase in consumption. So when our farmers sought both to increase supply and at the same time increase the price they simply could not do it and the result was that the U.S. Government was making up the difference for a long time, and for a good many years we were putting into Government storage around 300 million bushels of corn every year that the U.S. Government was buying, paying the support price for it, putting it in the warehouse, paying the transportation, and paying the storage.

As the gentleman from Iowa [Mr. SMITH] so well pointed out, you keep this grain in storage and then you try to get it out of condition so you can sell it at a discount price.

I do not care what figures you have seen, you know and I know that the only way you can reduce your cost is to reduce the surplus in storage. As long as you continue to keep these vast volumes of feed grains in storage and add to them every year, the cost of your program is going to go up. You do not have to be a mathematician to know that. That is just a plain fact. And the cost of the program was getting completely out of hand, as everybody knows.

I want you to know about just what has happened in the last few years, because there are those who have indicated that the present program on feed grains was, oh, not worth its costs. At the peak of the inventories which was in 1961 we held 2,164 million bushels of feed grains and 1,277 million bushels of wheat; 3,451 million bushels of grain that the U.S. Government owned and on which it was paying storage. We have brought that down until our inventories on March 15, 1963—I want you to get that; I am not talking about what we hope to do this year, I am talking about where our inventories stood just a year ago—were 2,158 million, a reduction of 1,293 million bushels of grain.

It was costing us during the fiscal year 1962, 26.99 cents a bushel to carry that corn; 21.23 cents for grain sorghums and 26.21 cents for wheat. Apply that to the 1,293 million bushels on which we are not paying storage as a result of these programs and you find that we have a saving during the year of $336 million, or a saving of $920,000 per day. Talk about a program of economy. Can anybody seriously insist that they are supporting economy in government and vote to abandon this program of control of our feed grains with a saving right now of $920,000 a day, almost $1 million every day that comes around?

That is what we have already saved with the program. With the program in effect this year, it is confidently anticipated that we will bring the supply and demand of feed grain into approximate balance and that there will no longer be a need to continue to reduce the surpluses because we will have brought them down to where they are in fact no longer surpluses but normal carryover.

But you say, "Why don't you just continue the existing program?" You could not continue the existing program if you brought feed grains into balance with demand because we have been bringing this surplus down at the rate that I have pointed out here. We will not need to bring our stocks down further after this law is passed, unless we have a very unusual year. We will need only to maintain the balance between supply and demand. We will not have to take out that 300 million bushels a year piled up in Government surplus for these many years. We will not need to pay the same rates we are now paying to secure all the needed cooperation on the part of landowners. Something considerably less will do it.

You say, "Why didn't you pick some figure; something less?" For the very reason our friends suggested, that you ought to have all the facts before you in writing legislation. We could not say whether 18 or 15 or 13 cents would be the right payment. We do know that it should not take as much money to carry this program in future years as it has taken the last 2 years, when we had to bring down surpluses that had previously been accumulated. So we give to the Secretary the discretion that the gentleman from Ohio discussed this morning.

It is perfectly correct to say that rather than fixing a rate that would result in an unnecessary reduction and unnecessary waste of public money and possibly even a dangerous drawdown we have empowered the Secretary of Agriculture to apply such rates of payment

as he feels will suit the occasion of the amount of grain that we have in storage and the amount that we need to reduce. We believe that that of itself will result in a saving of many hundreds of millions of dollars. But remember that you have a saving of approximately $1 million per day already established, and if you do not have this bill next year you will not only lose that $1 million a day but you will go right back to the old situation of accumulating more and more surpluses.

We have been asked wherein this bill differs from the existing law. I think that the answer is clear and that I have already given it to you. It is substantially this, that we do put flexibility into this bill so that there may be a downward adjustment of costs. That is the major difference between this bill and the existing law. The existing law has been working very well, but we need not keep it geared up to the present rate of payments for we can hold down on our expenditures and we should do so.

There is one other item in this bill which I want to call to the attention of my friends who asked that we put it in here, and we put it here. That is the exchangeability between feed grains and wheat.

It was the request of our friends on the Republican side that we provide this exchangeability, and it is in the bill. It is there to give those in the Far West who have gone to planting other feed grains such as oats or barley the opportunity to have them considered as wheat for the purposes of exchangeability of allotments only; but for no other purpose. It means that that farmer in Washington State who may have planted barley instead of wheat will now be able to consider that barley as wheat and, if he wants to, to plant wheat.

Let me make one further fact abundantly clear. This is not a mandatory bill. This bill does not provide for any kind of vote. It does not impose any kind of restrictions on any farmer. It authorizes any farmer to participate in the program, if he wants to. If he wants to retire as much as 20 percent of his historic planting, he may do so and may be paid up to 50 percent of his normal production on those retired acres. He will by complying also become eligible to receive payments and to receive the assurance of support price. There are, I think, decided advantages in becoming a complier. But if any farmer decides he does not want to comply, he does not have to say anything to anybody, he does not have to notify anybody, he does not have to do a thing in the world except to get out his drill and drill in every acre that he owns. There is no restriction on the rights of the individual farmer to carry on his farming just as he wants to carry it on.

We have been told by a great many people—oh, we do not want a bill that regiments the farmer. This bill does not regiment the farmer. Yes, it is going to cost you more money than a bill with mandatory allotments in it. But, this House decided it did not want mandatory allotments, and we are living with that decision. We have met the request of those who are going to oppose this bill. We have sought to perfect this bill. We bring you a good bill, a fair bill, and a voluntary bill—a bill that will get us results and which will save us money.

We are going to be crowded for time, and I am not going to take more time nor am I going to yield all of the time that has been allocated to the majority. We will yield only enough time to present the facts. In this way I hope to return at least three quarters of an hour. I invite the opponents to join me in expediting the consideration of the bill.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. NELSEN. Mr. Chairman, will the gentleman yield for an observation?

Mr. HOEVEN. I yield to the gentleman.

Mr. NELSEN. It seems that we are going to hurry this bill through and, yet, in the discussion on the rule, we were told that there would be opportunity to be heard and offer amendments. If we are going to do what we have been doing in the last 5 years that I have been here, in other words, close off debate and close off an opportunity to be heard, I fail to see where there will be fair and adequate treatment of this bill. I do hope we have adequate time to discuss this. I have some questions I would like to ask the gentleman from Texas [Mr. POAGE] and I hope I will have that opportunity later because this is a very important piece of legislation and adequate time should be provided.

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

Mr. HOEVEN. I yield to the gentleman.

Mr. POAGE. If the gentleman wants to yield me time to answer the questions I will, but I do not have the time. We are not going to use all our time, but if the gentleman wants to use his, all right. If the gentleman wants to yield to me to answer questions I will be glad to.

Mr. HOEVEN. I understand it is contemplated to complete this bill today and I have no objection. I hope the gentleman from Minnesota understands that under the 5-minute rule he will have an opportunity to speak, and I do hope that everyone will have an opportunity to be heard who wants to be heard.

Let me make it clear at the outset that I am not opposed to feed grain legislation as such, and that I am not opposed to a realistic and proper feed grain program for 1964 and 1965 of the right kind and at the right time. I am opposed to the method being used here in trying to ram through this bill today before the wheat referendum is held on May 21 of this year.

Time is not of the essence as far as this legislation is concerned. The Feed Grain Act of 1963 is now on the statute books. It pertains to the crop year 1963. And, therefore, there is ample legislation to take care of the crop year 1963. The Congress can pass a Feed Grain Act for 1964 or 1965 any time before this session of Congress adjourns. The feed grain farmer will not be planning his crop program for 1964 until along in the winter of 1963, and most certainly he should have the right of knowing what the wheat farmer is going to do in the referendum of May 21, 1963. The gentleman from Texas, my good friend, contends that the wheat farmer is entitled to know what the feed grain program is going to be before the referendum is held. That, of course, is simply a political sweetener for the wheat farmer and, in my humble judgment, is a deliberate attempt to influence a favorable vote in the wheat referendum. Passing a feed grain bill now, in effect, would be saying to the wheat farmers throughout the country that they could feel free to vote in favor of the wheat referendum because then we would have on the statute books a feed grain bill. So if the wheat referendum should fail, the wheat farmer could plant sorghums and other feed grains on his wheatland. It is a direct invitation for the wheat farmer to go ahead and vote for the wheat referendum in the knowledge that he had a feed grain bill to fall back on. I challenge anyone to tell the committee why we should pass a feed grain bill at this time, except for the purpose of trying to influence a favorable vote in the referendum on May 21, 1963. There can be no other reason.

If you will read the minority report you will find that we of the minority on the committee vigorously oppose the enactment of H.R. 4997 at this time for two basic reasons: One, because it is premature, and, two, because it lodges entirely too much discretion in the hands of the Secretary of Agriculture.

The proponents of this bill feel that its enactment prior to the wheat referendum will improve the chances of the wheat referendum. It is nothing more than a deliberate attempt to influence a "yes" vote. In other words, it is nothing more than a crude "carrot and stick" tactic being executed on the wheat farmers of America in a desperate attempt to force a "yes" vote.

I personally resent those kinds of tactics. I think the wheat farmers of this country are intelligent people, and they have the know-how to vote as they deem best. They do not have to be told how to vote. I am sure that the wheat farmers across the country will resent this attempt to influence their vote.

And may I say to the proponents of this bill right now that this tactic might backfire on May 21, 1963.

Why is the administration so interested in passing this feed grain bill at this time? It has always been my impression that the Secretary of Agriculture in these referendums should be a referee in these referendums. He should see to it as such referee, that the wheat referendum is fairly conducted in accordance with the regulations and the law, instead of trying to bring about the kind of a result that the Secretary of Agriculture wants.

This is a two-way street. If the wheat farmer is entitled to know what the feed grain act is going to be, then the feed grain farmers by the same token are entitled to know what the wheat farmers are going to do in the referendum. This is only fair, just and equitable.

I doubt very much whether we are going to spend a lot of time debating the merits or demerits of this legislation, because the question of whether or not

the legislation is premature is paramount. There will be a motion to recommit offered, not for the purpose of killing the bill, as far as I am concerned. It will be offered only for the purpose of postponing the legislation for only 24 legislative days until after the referendum has been had. Is this a reasonable request in view of the fact that time is not of the essence just now? We can pass a feed grain bill any time between now and the time Congress adjourns. We should have the benefit of the referendum results so the Committee on Agriculture can then act intelligently in presenting a realistic feed grain bill to the House, and a new wheat bill also if the referendum fails. Then we can legislate intelligently on the facts and not on the hopes or desires of the Secretary of Agriculture.

I am disturbed about the activities of the Department of Agriculture in trying to influence the wheat referendum, and I want to quote to you part of an article which appeared in the Wall Street Journal this morning, as follows:

Agriculture Secretary Freeman is mobilizing all his Department's vast field organization to explain the control plan to voters. A series of informational sessions in over 2,000 wheat-raising counties is beginning; perhaps 27,000 full-time and part-time Government employees will be involved. Four million copies of seven different explanatory booklets are being circulated. Last year there were 2 pamphlets and 2.4 million printings.

A special Freeman emissary, former Republican Congressman Phil Weaver of Nebraska, is criss-crossing Wheat Belt States, speaking to chambers of commerce, Rotary Clubs, and other groups in behalf of the control plan. TV films and radio tapes starring Mr. Freeman have been sent to some 300 broadcasters. In part, he hits directly at farmers' pocketbook interests. "With a 'yes' vote," he tells audiences, "the price of wheat will be $2 a bushel; with a 'no' vote, $1 a bushel."

This is propaganda of the first order and we have the right to question the propriety of such open pressure to sway the outcome of the referendum, let alone the legality of such unwarranted actions.

It is interesting to note that in the Feed Grain Act of 1962, which applies to the crop year 1963, it was specifically spelled out that the direct payments would be 18 cents a bushel. This provision is eliminated in the bill before us and there instead is placed in the hands of the Secretary of Agriculture wide discretion to fix the loan level as high or as low as he desires thus enabling him to manipulate the market to almost any level he desires. The Secretary of Agriculture, not being able to put over his control program, is now attempting to do indirectly what he has not been able to do directly in imposing new controls. Everyone knows that the proposal presented in the wheat referendum is the most stringent wheat control bill in the history of this country. If the Secretary can only get his wheat control program on the statute books, through a favorable vote in the referendum, I daresay it will then be attempted to pass a new strict feed-grain control bill which means that our feed-grain farmers will be compelled to fall in line with the wheat farmers in a complete control program for midwestern agriculture.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. POAGE. I wonder if the gentleman from Iowa would care to yield more time at this juncture, because we are not going to use the hour and 30 minutes at our disposal.

Mr. HOEVEN. Can the Chairman advise me how much time has been consumed?

Mr. POAGE. We will try to use half of it.

The CHAIRMAN. The gentleman from Texas has consumed 15 minutes and the gentleman from Iowa has consumed 12 minutes.

Mr. HOEVEN. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. QUIE].

Mr. MICHEL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Eighty-three Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 27]

Ashley	Hays	Shelley
Ayres	Healey	Sibal
Betts	Hébert	Sikes
Broomfield	Hosmer	Sisk
Brown, Calif	Kee	Skubitz
Cameron	Keith	Smith, Calif.
Casey	Lankford	Springer
Celler	Lennon	Staebler
Davis, Ga.	McMillan	Steed
Dawson	Mathias	Teague, Calif.
Diggs	Nygaard	Thomas
Dingell	Powell	Thompson, N.J.
Fisher	Reifel	Waggonner
Forrester	Rich	Walter
Giaimo	Rivers, Alaska	Widnall
Glenn	Rivers, S.C.	Williams
Goodling	Roosevelt	Willis
Hawkins	Schwengel	Wydler

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. WRIGHT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill H.R. 4997, and finding itself without a quorum, he had directed the roll to be called, when 380 Members responded to their names, a quorum, and he submitted the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Minnesota [Mr. QUIE] is recognized for 5 minutes.

Mr. QUIE. Mr. Chairman, I shall support a motion to recommit this bill for the purpose of waiting until the wheat referendum is decided by the farmers of the country.

Mr. Chairman, acting on feed grain legislation at this time is premature. It is premature for the feed grain farmers, it is premature for the wheat farmers, it is premature for the Congress.

The reason why this bill is premature for feed grain farmers is that it is based on the premise that the wheat referendum will pass, that a "yes" vote will prevail. On the chance that the wheat referendum does not pass, and there is a very strong chance it will not, from all I hear from over the country, this program will not fit. It will not give the proper protection to the feed grain farmers, and a huge increase in the production of wheat will damage the price of feed grains, also the whole livestock feeding operation will be disrupted because the livestock people will find it necessary to shift to the feeding of wheat rather than corn and grain sorghums and barley. Its effect could be another big buildup in feed grain surpluses again. It is unwise for the Congress at this time to consider a piece of feed grain legislation when we do not know what program the most interrelated crop wheat will be operating under in 1964.

It is premature for the wheat farmer because he is making his decision in this referendum on May 21. He may decide he does not want the certificate plan, a plan which will make Government control more stringent, more mandatory than ever before, bringing Government direction not only to the farmers but to those who merchandise the grain after the farmer sells it to them, all the way up to the person who mills the wheat.

If the wheat farmers turn the referendum down, they ought to have the opportunity of having enacted in this session of Congress legislation which will protect them in 1964.

The alternative for the certificate wheat plan, as has been stated by the Secretary of Agriculture, is something that will bring disaster to them. He plans, he states, to cover all the international wheat commitments from the CCC wheat stocks which would result in new crop wheat being dumped on the market, thereby creating a hardship. I do not think the situation will be as bad as he claims, but in the event it is the Congress ought to be ready to act and act quickly. There has been pressure from the feed grain areas because for 1964 we have now virtually no program. That means 80-cent corn. Pressure will be on the Congress to act after the wheat referendum and before Congress adjourns. There is no urgency to pass this bill at the present time. There is plenty of time after May 21 and before adjournment.

For the benefit of the wheat farmers of this country we should wait on this feed grain legislation and for once pattern a bill treating wheat and feed grain alike. That is what we ought to do. For that reason it is premature for the Congress to act now because we are not acting on a situation as it will be after May 21. We are acting on what some people hope it will be, hoping that the farmers will adopt the referendum. Rather we ought to wait for a month and find out what the situation is in connection with wheat and legislate then as intelligently as we possibly can. At that time we ought to put together a wheat and feed grain program similar to that which we now have before us for feed grains—a voluntary program, the benefit of the program going to those who comply with it, payment in kind for reduced production, thereby getting rid of the surpluses that confront us. This has worked so well in connection with wheat grains, so that at the end of the 1963 market year the surpluses will be

down to a normal carryover. The carryover is going to be high, 45 million tons, but that normal carryover has been established by the Department of Agriculture. If the program could be permitted to work for wheat, you would find a reduction in that surplus commodity in a very short time, and that is what ought to be done.

Let us look at the feed grain bill before us. It is unwise for the reason it is giving so much added discretion to the Secretary of Agriculture. He can virtually make this voluntary program into a mandatory program.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. HOEVEN. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. QUIE. Mr. Chairman, this could turn out to be a mandatory program, because now it is based on the philosophy that the person who participates to the least amount will be benefited the greatest. This means he could force everybody into the program and not just use it to reduce the production. The Secretary has not indicated he would do so; however, the law leaves it wide open now so that the price support loan rate could be unreasonably low and the compliers would be benefited by direct payment as much as the Secretary wants to make it, and thereby he could force everybody who raises feed grains, because of this power he has, by complete discretion, to manage it in every way possible. And, I do not believe, judging from the experience with the present Secretary of Agriculture, that we ought to give this discretion to him, because he has harmed enough programs, he has harmed enough commodities in this country like dairy products and cotton to indicate that he would not any more wisely handle the feed grain program.

Mr. HOEVEN. Mr. Chairman, I yield 5 minutes to the gentleman from North Dakota [Mr. SHORT].

Mr. SHORT. Mr. Chairman, I do not know when I have been in this Chamber considering a bill under any more unusual circumstances than we are witnessing here today. I think there are few people on our side of the aisle that are completely opposed to this feed grain bill, but we are opposed to it now, at least I am opposed to it, because I think it is completely unnecessary that this bill be before the House of Representatives at this time. Many of us on this side of the aisle would like to support this legislation. I would like to add right there, however, that I would only support it if it could have some improving amendments. This bill has a lot of possibilities for improvement, as most of the bills that come before Congress have. My concern at this time—and this is a most sincere concern—is that we are going to be in a most unfortunate position if we pass this feed grain bill before we know what the result of the wheat referendum is going to be. I do not think, whether we pass this bill or whether we do not today, it is going to have any material effect on the outcome of the wheat referendum. I think most farmers know—at least, they have good reason to know—that Congress will extend a feed grain program. I think all we need to clear the air is for the leadership on the majority side to take the same position that they have taken in regard to future legislation, if the wheat referendum fails. The majority party have announced that if the wheat referendum fails, there will be no future legislation. I do not know why they take this arbitrary position. I hope that if the wheat referendum does fail, and it could fail, they will remember these words and maybe have to live with them back in their own districts. But, I think if we need something to clear the air about what the farmers are going to have in the way of feed grain legislation if the wheat referendum fails, all we need is a statement from the majority side to the effect that Congress will consider, as I am sure we will, feed grain legislation after May 21.

Let me point out something that is most important. I do not think we should be so concerned about this bill in the event the referendum passes, because it does fit in, as has been pointed out here, with the certificate wheat program. But, where are we if the referendum fails? And, the referendum could fail. There are a lot of farmers that just do not like this certificate wheat program. As I have said many times, and many other people on this floor have said—and this is the truth—there has never been a more restrictive, completely compulsory wheat program offered to the American wheat farmers than this certificate program that they are being asked to vote for, in the wheat referendum.

Mr. JONES of Missouri. Mr. Chairman, will the gentleman yield?

Mr. SHORT. I yield to the gentleman from Missouri.

Mr. JONES of Missouri. When we passed this bill last year, did not the Wheat Growers Association indicate that was the kind of a program they wanted?

Mr. SHORT. Which bill are you talking about?

Mr. JONES of Missouri. I am talking about the program that they are going to vote the referendum on.

Mr. SHORT. I supported the feed grain program that we passed a year ago, I will say to the gentleman from Missouri, and I think I made it plain that I will support the bill again. But I do not think this bill should be passed now because if the referendum fails how can we people who represent agricultural areas who have a responsibility come back here to Congress and incorporate into this feed grain bill some protection for the wheat farmer beyond what he is going to have if he in his wisdom turns down this choice he is going to have to make in the wheat referendum? His only choice is to accept the most restrictive program he has ever had to live with or virtually no program and the added burden of the Government having over 1 billion bushels of wheat that would compete with the farmers' production.

Mr. Chairman, I would like to be able to come back here and consider this feed grain program in a little bit more congenial atmosphere and explore the possibility of adding wheat to this feed grain program. I think this feed grain program has some very desirable characteristics. First in my book is the simple one that my friend, the gentleman from Texas, very properly emphasizes, and that is that the farmer if he does not like Federal farm programs can stay out. He can simply not participate. This is the completely voluntary feature of the feed grain program that the administration endorses so ardently. The wheat farmer is deserving of the same consideration and treatment.

Mrs. MAY. Mr. Chairman, will the gentleman yield?

Mr. SHORT. I yield to the gentlewoman from Washington.

Mrs. MAY. May I suggest to my distinguished colleague from North Dakota that the gentleman from Missouri [Mr. JONES] asked a question and I would like to have him have an opportunity to repeat it here. Perhaps the gentleman did not understand it. Am I right in that the question was this: Did not the wheatgrower organizations support this wheat certificate plan that was in the referendum? Am I correct?

Mr. JONES of Missouri. If the gentleman will yield, that is what I asked.

Mrs. MAY. If the gentleman from North Dakota will yield further, I believe the gentleman did not support the wheat certificate plan.

Mr. SHORT. If I left the impression that I ever voted for any bill that incorporated the certificate wheat program it was not my intention, and I want to correct the RECORD now. I did not support the farm bill last year largely because it included the certificate wheat program. I did support at a later date the extension of the feed grain program. It was somewhat different than the program that we now have under consideration.

Mrs. MAY. If the gentleman will yield further, I thought the gentleman would like to have that clear, and would the gentleman agree that while the National Wheat Growers Association did support the legislation, not all the State groups did?

Mr. SHORT. This is very true and I thank the gentlewoman from Washington for helping me clarify my statement.

The CHAIRMAN. The time of the gentleman from North Dakota has again expired.

Mr. POAGE. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. JONES].

Mr. JONES of Missouri. Mr. Chairman, we have here the question of which came first, the hen or the egg. In other words, some people want to vote on the wheat referendum and then pass a feed grain bill. There are others of us who feel that the feed grain bill should pass first. There is a difference of opinion and I think it is an honest difference of opinion. But we hear them on the other side say "let us postpone it, let us postpone it." All I have heard from that side during this entire session of Congress is "why do we not do something? Let us get to work. Let us pass some legislation." Then here they come today and say "let us postpone it again." I cannot understand it. I know this, though: that there are a lot of Representatives from the Republican areas who are under strict discipline here today whose farm-

ers want this feed grain program and I know that is the reason they do not want to vote on it today. But I think their feet are going to be held to the fire. They are going to have to take some chances on it. They are going to have to go on the record today.

Mr. Chairman, we have seen used a lot of figures here today. I have always heard that figures will lie and liars will figure. Some Members have used figures to show how costly this program is. I will admit that figures are sometimes complicated and hard to understand. However, there was one figure used here today and bandied around the House a lot, and it just is not true, and that is the sum of $963 million for 1963 is represented as being land diversion payments, when it actually includes $490 million for price supports. If we did not divert those acres, we would have tied up more money in this program than we have now. Under the provisions of this bill which we are considering today it will save money, and it will cut down production and it will bring the supply and demand in balance. It will cut out a lot of this acreage and those people who say they want to save money are going to get the chance to go on record and see if they really want to save some money.

I was amused at one of the speakers during the debate on the rule when he was pointing out what authority we were giving the Secretary of Agriculture. I do not know of any agency in Government where the administrator of any program does not have some authority to issue regulations and to make determinations. That has been true of any program that has ever passed, whether it was an agricultural program or anything else. In this bill we have given the Secretary of Agriculture some leeway in order to adjust. As the gentleman from Minnesota said, we are going to bring down the supply in storage to a reasonable level. He has admitted that on the floor today. I think we have to have authority for the Secretary to make that adjustment because it is possible that this program could be so attractive that we would reduce beyond and not have a reasonable reserve stock.

Someone said, "When is the right time to pass this bill?" I think a lot of people say they would like to be for the bill. The fact is the gentleman from Iowa said that he was against the bill at this time because of the wheat referendum. He says, if it backfires, who will be hurt? I will tell you who will be hurt if that wheat referendum backfires. The wheat farmer is going to be hurt. I think the wheat referendum should be approved. If it is not, the wheat farmer is the one who is going to suffer.

I want to say to the gentleman who is talking about how the administration stands that I do not represent the administration. I represent one person on the House Committee on Agriculture; and if that wheat referendum does not carry I do not intend to vote for any further wheat legislation at this session. If the farmers make their bed, they can lie in it for a year. That is the way I feel about it. I think my good friend from North Dakota has been listening to Mr. Shuman too much. Mr. Shuman has been telling the people all over the country to vote down this referendum and you will get some more legislation. I do not think he knows what he is talking about. I know that anything that Orville Freeman would be for, Mr. Shuman would be against, I do not care what it is. He has emphasized that time and time again.

I think that before we cast our vote today we have a clear issue here and I think, according to the people who have talked on the other side today, they have indicated to you that there was a lot of good in this bill. They have indicated that we need this feed grains bill. They have admitted that it has brought down the surplus and that it has saved money; they have admitted that this new program will continue to save money. For that reason I think it will carry. I think it will be most embarrassing to any Representative coming from a farm area that produces feed grains to vote against this bill. He is going to have a heck of a time explaining that to his people when he gets back home, that he voted against it. That is all I have to say at this time.

Mr. HALL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred fourteen Members are present, a quorum.

Mr. HOEVEN. Mr. Chairman, I yield 5 minutes to the gentleman from Maine [Mr. McINTIRE].

Mr. McINTIRE. Mr. Chairman, on page 35 of the report on this bill I filed some additional minority views pointing out my concern with the action the Secretary of Agriculture had taken in the use of section 22 of the ICC Act as a vehicle to implement reduced rates of freight into the Southeast, and also the sales policy of the Commodity Credit Corporation at 25 cents a bushel above the cash price of corn in Chicago.

My contention has been that these actions were not within the framework of keeping a fair and normal competitive balance between the Southeast users of feed, and feed users in the Northeast.

I grant that the Secretary had full authority, but it has been my contention that the Secretary has an equal responsibility in the administration of the Feed Grain Act to the feed grain users in the Northeast deficit area as to the feed grain users in the Southeast.

Recently the Central Connecticut Farmers Cooperative Association has prepared an analysis of what we in the Northeast consider to be a very inequitable situation. Time will not permit going into a lot of detail, but let me point out a couple of figures.

Normally the differential between New England and the South Atlantic States has been 12.9 cents a bushel, and between New England and the East South Central States 19.5 cents a bushel. In March of 1963, the relationship had moved adversely to New England to 15 cents in relation to the South Atlantic States and from 19.5 cents to 35 cents in February 1963 and 29 cents in March adversely in relation to the East-South Central States. As we know, this disparity has been brought about by the sale policy which the Department promulgated January 9.

Let me put this into other figures as far as dollars and cents go. This report from Connecticut indicates that this has meant about $525,000 annually to the poultry farmers in Connecticut, placing these farmers at a disadvantage relatively to the Southeast of about $350 per farmer per year.

Again, I say the Secretary has the authority, but in this instance I think his authority was used altogether too much in the interest of a regional area and that he overlooked his responsibility using this authority in fairness and equity to two areas that compete with each other in the marketplace. Let me convert this into a total New England area. In New England in 1961, we used approximately 728,000 tons of corn. In my State of Maine, it was 303,000 tons or a little less than half. If I were to take this same basis of figures and convert them into the difference this has made from a competitive relationship, one area with the other, then according to my figures this is adverse to the New England poultry industry by about $1 million a year.

Mr. HOEVEN. Mr. Chairman, I yield 5 minutes to the gentlewoman from Washington [Mrs. MAY].

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

Mrs. MAY. I am glad to yield to my colleague.

Mr. STAFFORD. I would just like to say, I join in and support the remarks of the gentleman from Maine [Mr. McINTIRE] who just spoke. I completely endorse what he said and entirely support the position he has taken. This legislation is detrimental to the interests of poultrymen and dairy farmers of the Northeast. It is ill timed. It grants the Secretary of Agriculture too much power. I thank my colleague the gentlewoman from Washington for yielding.

Mrs. MAY. Mr. Chairman, the House today is being presented with some duplication of argument, which is not unusual. I rise at this time to reemphasize some points concerning this legislation that have already been discussed by my colleagues on this side of the aisle. I do, however, present these facts representing a somewhat unique wheat growing area in the United States; namely, the Pacific Northwest.

One of the previous speakers from the majority party said that a great many of us on this side do think this legislation is good legislation and that our farmers want it, and if we vote to delay it today, they are going to be unhappy.

I would like to submit, before I make any further remarks, that actually my district in the State of Washington, which is not a major feed grains producing area, probably it would be far better if I opposed the feed grains bill in toto all the way through. That is, that should probably be my stand if I were representing the feeling and thinking of the majority of the farm population in my area. However, my stand and my work with this bill in committee, and the remarks I make on it today, I make on behalf of the wheatgrowers of my area, and in this respect I have no basic objections

to congressional approval this year of a feed grain bill, because I believe the Nation's major feed producing areas need this legislation and I am trying to reflect more than parochial interest.

Mr. Chairman, I think the Congress must approve a feed grains bill because of the obvious need for feed grain legislation in 1964. However, like others, I am opposed to the premature consideration of feed grain legislation at this time. Again for the reasons, that have been pointed out, we do not know whether the wheat farmers of this Nation are going to approve or reject the wheat certificate plan in the referendum on May 21.

I have just returned from my own district where I visited with the wheatgrowers in all of the major wheat-producing counties of my district. It would be very difficult for me to make any sort of prediction at this time, as a result of questioning them and talking with them, what the vote in the State will be on May 21. I do know that if the wheat certificate plan is accepted the wheatgrowers of this White wheat and summer fallow area will very much need the plan presented in the feed grain legislation for substitution of acreage, and inclusion of oats and rye.

On the other hand, I do know that if the wheat certificate plan is voted down by the wheat farmers of this Nation, the situation will be far different and that my wheatgrowers will need remedial wheat legislation which I for one have promised I will try to get for them.

I would say that the question most often asked me by my wheatgrowers when I was home, asked in special meetings called to discuss the referendum with me and with others, the question most often asked was, "In case the wheat certificate plan is turned down in the referendum, will there be a chance to pass remedial legislation in Congress for wheatgrowers?" I gave them as honest an answer as I could. Nobody second-guesses what Congress will do before action takes place. All I could do was list to them certain features that would be involved in this decision and what might be in the minds of each Member on May 22.

In this respect I pointed out that I was extremely interested in noting that on Sunday, April 21, the distinguished chairman of the Wheat Subcommittee indicated on a nationwide radio program that in the event the wheat referendum failed the Congress would consider remedial wheat legislation. I might say, of course, that up until then administration spokesmen on this point have stated emphatically that the farmers could take it or leave it as far as they were concerned, and that if they turned down the certificate plan there would be no other plan available to them.

Mr. HORAN. Mr. Chairman, will my colleague from Washington yield?

Mrs. MAY. Yes, I am pleased to yield to my colleague from Washington.

Mr. HORAN. My colleague the gentlewoman from Washington [Mrs. MAY] and I have almost identical districts. Our farmers feel they are being coerced a little bit in this matter. At this time there is a feeling of uneasiness among them, as has been pointed out today. The difficulty arises because of summer fallowing practices and the need for substitution acreage. They object to the provision which would allow an element of compulsion, and to the element of mandatory authority which it appears is given in this bill.

Mrs. MAY. I thank my colleague from Washington.

Mr. Chairman, it is significant that the able chairman of the Wheat Subcommittee should make the statement he did in the radio program because it had been inconceivable to me that the administration would sell the wheat farmers short if they voted against the wheat stabilization plan.

If this body sends H.R. 4997 back to the Committee on Agriculture to be held until after May 21, I feel certain there will be no major difficulty in passing a feed grains program then. Then we will know what the situation really is instead of what some people wish it to be, and we will be able to help the farmers in any other area then necessary, particularly if remedial wheat legislation is called for in the event of a no vote in the referendum.

There is plenty of time. There is no need to rush through a program at this time that would not go into effect until next year.

As to the provisions of H.R. 4997, although I do not like all the discretionary authority provided the Secretary of Agriculture, nor do I particularly like the costly compensatory direct payments of the bill, these are not my major objections, as I have stated. My main objection is this bill is entirely premature at this time.

Mr. STAFFORD. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. JONES of Missouri. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JONES of Missouri. Will the Chair state whether the Chair is counting those Republicans who went back in the cloakroom?

The CHAIRMAN. The Chair will respond to the inquiry, which is not a parliamentary inquiry, that he is counting Members as they leave the Chamber.

The Chair counts 102 Members present, a quorum.

Mr. POAGE. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. PURCELL].

Mr. PURCELL. Mr. Chairman, it is my privilege at this time to serve as chairman of the Wheat Subcommittee of the Committee on Agriculture in the House.

Before making any further remarks, I want to comment on the statement made by the gentlewoman from Washington in regard to a nationwide program that ran on last Sunday, April 21. The statement that I made was this, in substance, when asked a question as to what would be the situation in the Congress if the referendum failed:

> Those of us from the farm areas of the country would do all we could to see that the farmers were given the kind of program they wanted to have.

I immediately continued by saying that in my judgment, based upon statements made by people in responsible positions in both parties of this Congress, I thought it very unlikely any legislation could be secured at that time.

Only yesterday I learned that I was being quoted in the State of Washington as saying that further provision would be made. I did not make the statement in that manner. I made it in the manner I have just indicated.

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

Mr. PURCELL. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Anyone who makes a statement about the prospect of legislation in an area of this kind is being completely reckless with the wheat farmers of the United States.

Mr. PURCELL. That is my judgment, and I have tried to make that clear in any public statement I have made.

In regard to the accusations that are made as to why we have to have feed grain legislation at this time, I would like to reflect a few minutes with you as to why we want information on any election that is being presented to us.

Is it proper, is it not the purpose in any election for those who are going to vote to have every bit of knowledge they are capable of getting before they are called upon to vote? The law requires that on May 21 the wheat farmers of this country will be required to vote for or against the wheat program that is now in existence. That is the law, not what we may think the law should be. It is only fair in my judgment that those farmers have all the knowledge that they can have available to them. There is a provision in the wheat law, the law that is to be voted on on May 21, which for some reason has not been mentioned by those I have heard comment on this bill today. I am quoting, or going to quote, from the wheat law that is in existence, which will be passed or defeated on May 21.

Section 328 of that act states:

> SEC. 328. Effective with the 1964 crop, during any year in which an acreage diversion program is in effect for feed grains, the Secretary shall, notwithstanding any other provision of law, permit producers of feed grains to have acreage devoted to the production of feed grains considered as devoted to the production of wheat and producers of wheat to have acreage devoted to the production of wheat considered as devoted to the production of feed grains to such extent and subject to such terms and conditions as the Secretary determines will not impair the effective operation of the program for feed grains or wheat.

Now, if we are responsible and if we want to be fair about what the wheat farmers of America need to know when they go to the polls to vote, surely we must be fair enough to emphasize that they will then, for the first time to my knowledge, have a choice of exchanging feed grain acres for wheat acres and, conversely, they will be allowed to exchange wheat acres for feed grain acres. In my judgment we owe it to the

farmers of our country to give them every bit of knowledge that they can have. They will not know what the law provides for them in regard to feed grains when they go to the polls on May 21 unless we pass a law that is being proposed here now. If we are interested in being fair with our farmers, if we are not interested in playing politics with our farmers, it seems to me that it is incumbent upon us now to pass the feed grain bill that is before us.

Mr. HOEVEN. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. HARVEY].

Mr. HARVEY of Indiana. Mr. Chairman, in lieu of presenting to the House some comments I had prepared, an incident happened during the course of the day which caused me to change the tenor of the remarks I had planned to make.

A Member of Congress came to me and said in all seriousness:

> We have been listening to the debates on farm programs on the floor of the House for many years. Most of you are so technical and get so involved in your discussions that those of us who are not acquainted, particularly those of us who are consumer Congressmen, just feel that you do not make it clear to us what the problem is all about.

And, I am going to address myself very briefly to that point; particularly I hope this will be of interest to consumer-type Congressmen.

Most of you know I am a farmer; a grain and livestock farmer on a family farm in Indiana. I have a college degree in agriculture and I majored in animal husbandry. I taught agriculture for 5 years; then went to farming and farmed for 20 years until coming to the Congress. I still have an active interest in our home farm, and our son and family are engaged in farming there today.

Now, one of the very first things that I think most people try to do is to oversimplify the problem. In doing it they try to classify all farmers and all farm commodities in the same category. If there is any one thing we have learned during the years, it is the very fact that each commodity represents a separate problem, and the remedy that might suit the needs of one commodity group and fit into their problem might not suit the livestock producer at all.

In order to get at the proper context also of the grain and livestock problem, I think you have to realize that approximately two-thirds and sometimes a little more or a little less of all agricultural income is derived from livestock and livestock products. So, in dealing with this particular item, you are dealing with the biggest single item so far as agriculture is concerned.

Now, the basic philosophy of the grain and livestock farmer has been entirely different in most instances than that of the producer of other commodities. Time will not permit me telling you or going into detail why this is true, but, please believe me, it is. But, one of the principal tenets that has been obvious from the very beginning of the grain and livestock farmer is that he wants to continue to provide the consumers of this country with the very finest diet in the world, which is a meat diet, and he is willing to take his chances in the free market to produce this commodity. Now, his occupation is not the easiest one in the world or in many instances, the most productive one, either. I can say to you that if there is such a thing as an average grain-livestock farmer today, if his income averages as much as the average hourly wage of an employee in a factory, he is pretty lucky.

Most of them are not making much money today for their work, much less the interest on their investment. In most cases it requires $100,000 to put a man to work on a grain and livestock farm.

Mr. Chairman, we are at the point where the grain and livestock farmer, being intimately associated in his problems with the wheatgrowers and in many instances being all three at the same time, is at the crossroads. This has been building up, this decision that they are facing now has been building up for many years. The day of decision is coming in less than a month.

Mr. Chairman, I am going to dwell when we get into the reading of the bill for amendment at a little greater length on some of the facets of this problem. But I want to say that I hope in considering the problem of the livestock and grain farmers we will think of it in this context and think of it sympathetically. There is no place in the wide world where the consumer is so well fed, with such a high standard of diet, as they are in this great United States of ours.

Mr. HOEVEN. Mr. Chairman, I yield 7 minutes to the gentleman from Illinois [Mr. FINDLEY].

Mr. FINDLEY. Mr. Chairman, Mr. Freeman's letter to Congressmen referred to earlier today, indicated that farmer net income is up 10 percent as a result of the grain programs. Now an interesting point was brought out by Prof. Theodore Shultz, noted economist, University of Chicago, who was quoted favorably in the Farmers' Union Bulletin just this past week, took note of this fact: Payments to farmers went up $1.2 billion from 1960 to 1962; whereas income of farmers, including those payments, went up even less, $1.1 billion. So, if you make a proper and fair adjustment for the amount of direct payments to farmers under these programs, the income of farmers as a result of all this spending—3 years later and about $3 billion later in spending—the real net income of farmers is actually less than before.

Mr. Chairman, parity ratio tells the story far more meaningfully than price levels. It is the ratio between what farmers have to pay for what they need in their business and what they receive for their commodities. The parity ratio in March this year was 77, down from 81 before these programs started. In my home State of Illinois parity has dropped to 71. The Illinois crop Reporting Service notified me that this was the lowest parity ratio level on record since 1934. So it is a little difficult to see how any fair appraisal could indicate that farm income is better as a result of all this spending.

CHART 1.—*Feed grain program—Farm cost price squeeze*

	Parity ratio
December 1960 (before feed grain programs)	81
March 1963 (after 1961–62 feed grain programs)	77

Source: Agricultural prices, USDA, April 1963.

	Million
Direct payments to farmers (1960–62)	up $1,200
Net farm income	up 1,100
Adjusted net farm income	down 100

Source Dr. Theodore W. Schultz, professor of economics, university of Chicago, recognized authority in agriculture at Ames, Iowa, December 1962.

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

Mr. FINDLEY. I will be glad to yield to the gentleman from Minnesota.

Mr. NELSEN. The first 3 months of this year the parity ratio level is the lowest since 1939, and these figures come from the Department of Agriculture.

Mr. FINDLEY. I thank the gentleman.

Mr. Chairman, earlier I reviewed the tremendous administrative cost, over $100 million just to pass out the payments to the farmers, more than is spent for all of the officers and all of the clerks and all of the secretaries employed by all of the 435 Members of Congress.

CHART 2.—*Feed grain program—Administrative costs*

	Costs (million)
1961	$42
1962	29
1963	30
Total	101

Or $13.1 million more than the total expenditures during the 3-year period (fiscal year 1963–64) for the salaries of all the officers and employees of the House of Representatives and the staffs of its Members.

Source: H. Rept. No. 180, 88th Cong., p. 14 and the budget of the U.S. Government, fiscal year 1964, p. 132.

In 1962, by department reports—and all of my figures come right out of the U.S. Department of Agriculture—the Department reports the reduction of surplus in 1962 was 11 million tons. Our direct payments were $842 million, for a cost per bushel for the reduction in stockpile that year, of $2.14. This is based on the assumption that all of this reduction was due to the program. That I doubt, but even if we make that assumption, the cost is $2.14 per bushel—twice the value of the grain. This does not include administrative expenses; it does not include realized losses to the Commodity Credit Corporation. If these losses were included of course the cost per bushel would be still higher in 1963. I base this on "Feed Situation," the document which reached my office from the Department of Agriculture in the middle of April. The anticipated reduction is a little less, actually, than $2.3 million tons.

This year, with payments at $983 million, the cost to the taxpayer for each bushel cut back in our stockpile is $8.78.

Here again we do not include realized losses, we do not have the administrative costs and if those were included the cost to the taxpayers would be that much higher.

Spend more, get less. That is clearly the story of the feed grain program.

CHART 3.—*Feed grain program*
SPEND MORE—GET LESS

Year	Reduction in surplus (tons)	Government payments	Taxpayer cost per bushel
1962	11,000,000	$842,000,000	$2.14
1963	2,400,000	983,000,000	8.78

Source: Feed Situation No. 198, April 1963, USDA, and H. Rept. No. 180, 88th Cong., p. 14.

I would like to refer to the record of 3 years' spending. I have listed the payments in 1961, 1962, and 1963. Then there is the acreage diverted. You will see that this spending was with 25 million acres diverted in 1961; $842 million with 28.6 million acres diverted which would be reasonable, to get more diversion as a result of more spending. But in 1963, with payments up $141 million we dropped back to 25 million acres diverted.

How are we really making any achievement when we spend more, when payments go up and when results go down? We certainly do not achieve anything more as a result of that procedure.

CHART 4.—*Feed grain program*
PAYMENTS UP, RESULTS DOWN

Year	Payments	Acreage diverted
1961	$782,000,000	25,200,000
1962	842,000,000	28,600,000
1963	983,000,000	25,800,000

Source: H. Rept. No. 180, 88th Cong., on H.R. 4997, pp. 8, 13, and 14.

One of the problems we have faced in considering the feed grains bill is the information that has been presented to us by the Secretary of Agriculture. On February 28 all of you got a memorandum purporting to show that stockpiles were down 1 billion bushels as a result of the operation of these programs. The facts do not bear that out. Yet in a letter that you received just today in support of this bill, the Secretary claimed that stockpiles are down, not 1 billion bushels, but 1.3 billion bushels.

I have a table prepared at my request by the Statistical Branch of the U.S. Department of Agriculture, and from that it is clear that the reduction in stockpiles is 437 million bushels, not the 1.3 billion bushels that the Secretary has indicated.

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

Mr. FINDLEY. I yield.

Mr. McLOSKEY. Mr. Chairman, I should like to commend my distinguished colleague for presenting a knowledgeable and most enlightening discourse on this very serious subject. He well knows that I represent a district comparable to his. Both of us are particularly interested in the welfare not only of the small farmer but of people who are engaged in the manufacture of farm equipment.

I should like to ask the gentleman two questions. When I was home these questions were asked me. One, do you think that at the present time—and I am speaking of farmers who I am sure want some type of feed grains program—this is the proper time to do it? And second, the bill which is presently before us, does it not have certain defects in it which should be ironed out before we pass any type of feed grain program?

As a Representative of one of the greatest agriculture districts in this great Nation of ours I am vitally interested in any legislation which might have an adverse effect upon the economy and the welfare of the people who sent me to Congress.

Today we are debating H.R. 4997—the feed grain bill—and it is my humble opinion we must move with caution before we enact any legislation which would destroy those we profess to be concerned about.

Not only does a large segment of my constituency comprise small, honest, hardworking farmers, but the primary labor market in the metropolitan areas of the 19th Illinois District is geared to those who are engaged in manufacturing farm equipment.

Much of our Federal farm legislation has been enacted under the pretense and guise of helping the small independent farmer. I seriously question whether we have obtained the desired results, rather I feel our socialized Federal farm programs are actually doing much to destroy the small American farmer who through the years has done much to further the economy of America.

While the motives of the present bill under consideration may be worthwhile I feel there are many deficiencies which make this bill highly costly and quite ineffective.

I ask what is the immediate urgency in the enactment of this bill at this time? I feel it ill timed and premature. Why the haste before the wheat referendum which is scheduled for May 21? Is the administration attempting to scare and pressure wheat farmers into casting a favorable vote so that the outcome of this measure will satisfy the whims of those who are advocating controls?

Likewise, I feel H.R. 4997 gives the Secretary of Agriculture too much power. Is Congress willing to place in his hands the authority to manipulate the market price to almost any desired level? This bill makes farmers dependent on direct payments. Are we going back to the principles of the oft-rejected Brannan plan?

I know in talking with farmers in my area that the cost-price squeeze is actually the worst it has been in 10 years. Not only have we been getting managed news from the White House, but I also question some of the figures released from the Agriculture Department.

In my opinion, taxpayers are paying more and getting less in the operation of our agricultural program. I do not question but what Federal subsidies enrich the operators of big farming syndicates and certain dishonest operators like Billie Sol Estes. Are we really helping the small farmer?

We cannot continue tyrannical controls imposed by the Agriculture Department and at the same time make it possible for small farmers to operate profitably, and to do so as freemen.

Before we buy a pig in the poke, let us move slowly, let us get all the facts before we pass a new feed grain program.

In conclusion, while I am in favor of some type of feed grain program, I do not believe this is the type of legislation which will do the job, and I would hope my colleagues would come up with the type of legislation we all could support.

Mr. FINDLEY. There is certainly no hurry in getting this bill out. I think it should be recommitted so the committee can get the facts straight not only on the 1961 and 1962 programs but on the 1963 program, as to what it is we are accomplishing and what it is costing the taxpayer.

We ought to devise a way to cut back on this excessive cost. Surely there is enough brainpower in the House of Representatives—I know there is—to accomplish this. To me, it is ridiculous for us to pass a program which has gotten so badly out of hand and is costing so much. Instead of giving more authority for more spending to the Secretary we should be curbing that authority.

Now I should like to speak about the production of feed grains this year compared with the so-called base years preceding our feed grain programs. If we take the 1959–60 base years we find that production in those years averaged just 1 million tons more than is expected by Department estimates this year. With only 37 million bushels less production this year, we are spending in direct payments in 1963 a total of $983 million. If you divide the 37 million bushels into all that spending you come up with a per-bushel cost of $27 for each bushel reduction that we have achieved this year in the production of feed grains compared with the 1959–60 base years' average. A bushel of corn such as is displayed out in the corridor is worth only $1 to a farmer in Illinois. Why should the taxpayers spend $27 a bushel, $8 a bushel, or even $2 a bushel to get rid of it?

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

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

There was no objection.

Mr. NELSEN. Mr. Chairman, while I am in agreement that the feed grain

program of the last 2 years has been helpful in holding the line on production, the record is clear that many of our farmers have been hurt by the way the program has been administered under the 1961 and 1962 provisions. Dumping of Commodity Credit surpluses at bargain prices has contributed to the downward slide of livestock prices and the income of Midwest farmers.

Great and often exaggerated claims are made by the Secretary of Agriculture for his program which last year he said was only a temporary measure which would be ineffective as a permanent program—and in any event, too costly. I suppose it makes some difference which bill is being sold and to whom and for what purpose. At any rate, it would seem to me that the feed grains program has displayed some effectiveness in holding the line on production. Total feed grain production in the 1962 crop year is said to have been 143 million tons—only 3 million over the 5-year average for the years 1956–60 and only 3 million over 1961.

Feed grains: Production, United States—Total corn, oats, barley, and grain sorghum

	1,000 tons
Average, 1956–60	140,215
1956	119,308
1957	132,424
1958	144,122
1959	149,605
1960	155,618
1961	140,626
1962	143,093

And this record on 27½ million less acres planted than the 1956–60 average since the ingenious farmer increased the yield per acre by an average of over a quarter ton.

With total production of feed grains at 143 million tons in 1962, an increase of 3 million over 1961, it can hardly be maintained that the feed grain program was the cause for CCC owned stocks to be an estimated 250 million bushels less on January 1, 1963, than they were on January 1, 1962. The answer is not to be found in the workings of the feed grain programs but rather as a result of increased domestic utilization and a high level of exports.

Total feed grains, supply and utilization

[Million tons]

Marketing year beginning	Carryover	Supply			Utilization				
		Production	Imports	Total	Livestock feed	Food and industrial	Seed	Exports	Total
Average, 1956–60	58.6	140.2	0.7	199.5	108.7	10.4	2.4	11.1	132.6
1960	74.6	155.6	.4	230.6	120.2	10.7	2.3	12.7	145.9
1961	84.7	140.6	.5	225.8	123.4	11.1	2.2	17.3	154.0
1962	71.8	143.1	.3	215.2	125.4	11.1	2.1	15.6	154.2
1963 [1]	61.0								

[1] Preliminary utilization and carryover at the end of the year based on indications in January 1963.

I might point out that roughly two-thirds of the feed grain exports during the 1961–62 marketing year were handled through regular commercial channels with no assistance from Government export programs. It is estimated by the Department that exports will be somewhat less during 1963 due in part to the new import tariffs of the Common Market countries and since it would not be reasonable to expect a repeat of the adverse weather conditions which necessitated European imports last year.

The record domestic utilization of feed grains during the past year resulted from the continued increase in the number of cattle kept for meat on farms in the United States. This total reached a record high of 74.7 million on January 1 of this year. This 6-percent increase over the past year is part of a long-term 26-percent increase beginning in 1958. Coupled with this increase in numbers is the continued emphasis on the use of feed grains and high protein concentrates in cattle feeding.

Production of hogs has also increased—the 1962 fall pig crop was the second highest on record—44.5 million, or 5 percent above the preceding year. This total was surpassed only in 1943.

Now what is the point of all this? Simply that in the face of greatly increased number of hogs and meat cattle the Secretary of Agriculture has dumped feed grains on the market. And this he has done in spite of his having made strong statements in the past to the effect that "cheap feed means cheap livestock." He apparently set out to prove his statement and what an effective job he has done.

Prices of choice slaughter steers at Chicago fell from $30.47 last November down to $22.91 in March of this year. Hog prices also skidded in the first quarter of this year—I quote from the Department's publication "The Current and Prospective Cattle Situation of April 1963":

> Hog prices also dropped sharply during the first quarter of 1963, due largely to the supply situation.

The statement goes on:

> The number of hogs slaughtered in federally inspected plants in February was 7 percent above a year earlier, and the weekly rate of federally inspected slaughter in March was up 8 percent from a year earlier.

The hog-corn ratio has been above the 1952–61 average during the past few years. The ratio average for 1961–62 was 16.5 compared to the 1952–61 average of 13.9. The beef-corn ratio also has been high: During 1962 the average price of beef steers at Chicago was equal in value to 24.7 bushels of corn—substantially above the 1952–61 average of 19.0.

The feed ratios during 1962 were such as to encourage production of hogs and beef—the farmer will feed his grain instead of selling it for cash if it means more money in his pocket. Yes, Mr. Secretary, the result as we see it is indeed that "cheap feed means cheap livestock"—you have proved it. At the farmer's expense, of course.

I have consistently opposed vesting in the Secretary's hands the authority to sell surplus feed grains at prices which will depress the market. The Secretary demanded this clubbing authority in 1961 and in 1962. I objected then, but he was given that authority and he used it. In his zeal to reduce surplus stocks of CCC feed grains, 272 million bushels of corn were sold from CCC stocks outside the feed-grain program in 1961–62 and in all a total of 857 million were dumped on the market during the marketing year ending September 30, 1962.

The price of corn was at 60 percent of parity in March of 1962 or $0.986 per bushel compared to the average 1957–59 price of $1.10. Selling corn out of CCC stocks at $1 when the support price was set at $1.20 had the effect of depressing the market, especially during the first half of last year when CCC sales were particularly heavy. When CCC sales declined at midyear, then commercial stocks came into the market and the result was price depressing during the whole year.

With depressed corn and livestock prices resulting from the administration efforts of the Secretary of Agriculture we find that the American farmer's parity ratio during the first quarter of this year stood at 77 percent—the lowest first quarter parity figures since 1939. Is this the type of administration discretion with which to burden American agriculture?

Mr. HOEVEN. Mr. Chairman, I yield 5 minutes to the gentleman from Nebraska [Mr. BEERMANN].

Mr. BEERMANN. Mr. Chairman, we have listened to some fine speeches on the great accomplishments of the feed grain program. It is not my purpose to disagree with my esteemed colleagues regarding the merits of a feed grain program. I believe that a feed grain program with specific legislative instructions to the Secretary, passed after the wheat referendum, and better yet after the feed grain harvest this fall, will be desirable. I am certain that voting at this time on an overgeneralized feed grain bill with unlimited authority in the hands of this Secretary of Agriculture is premature.

First, I wish to make some serious charges against the Secretary of Agriculture. He consistently gives no consideration to the legislative intent of the Congress. For example:

First. He has flagrantly disregarded the expressed instructions of the Congress with respect to feed grains, as revealed in the statement signed by the members of the majority party in their statement accompanying the conference

report. Let me cite the example that I am referring to.

In the CONGRESSIONAL RECORD, volume 108, part 15, page 20104, the following statement appears:

The conference agreed to the House bill with respect to the 1963 feed grain program with the following changes:

(3) A single payment rate of up to 50 percent of the value of normal production would be substituted for the payment rates of 45 and 50 percent provided by the House bill.

What did the Secretary do? He provided for two payment rates, one of which was as low as 20 percent of the value of the normal production. I know that the chairman of the committee signed the report, and I would like to hear his explanation for permitting this violation of the specific instructions of the conferees.

Second. In the presentation of the wheat program to the Congress, the Secretary stated several times that in determining the acreage allotments, an amount of wheat would be subtracted from the total wheat demand in order for the Government to reduce its stocks.

As a matter of fact in a release from the Office of the Secretary in February 1962, page 23 of the proposed Food and Agriculture Act of 1962, the following paragraphs appear:

HOW PROPOSED WHEAT PROGRAM MIGHT OPERATE

Examples

Nationally: Here is how the proposed wheat program might work nationally, using reasonable but assumed price supports and acreage reductions in a hypothetical and preliminary example:

Total wheat demand estimated at, say, 1,250 million bushels.

The Government decides to reduce stocks by, say, 150 million bushels, with two-thirds of it going into exports and one-third to domestic supplies. This leaves a total market to be filled by farmers of 1.1 billion bushels.

At average yields, this produces an acreage allotment for the 1963 crop of 43 to 46 million acres.

Congress acted on this and gave the Secretary exactly what he asked for in this area. Section 332(b) of the Food and Agriculture Act of 1962 reads as follows:

If a national marketing quota for wheat has been proclaimed for any marketing year, the Secretary shall determine and proclaim the amount of the national marketing quota for such marketing year not earlier than January 1 or later than April 15 of the calendar year preceding the year in which such marketing year begins. The amount of wheat which the Secretary estimates (i) will be utilized during such marketing year for human consumption in the United States as food, food products, and beverages, composed wholy or partly of wheat, (ii) will be utilized during such marketing year in the United States for seed, (iii) will be exported either in the form of wheat or products thereof, and (iv) as the average amount which was utilized as livestock (including poultry) feed in the marketing years beginning in 1959 and 1960; less (A) an amount of wheat equal to the estimated imports of wheat into the United States during such marketing year and, (B) if the stocks of wheat owned by the Commodity Credit Corporation are determined by the Secretary to be excessive, an amount of wheat determined by the Secretary to be a desirable reduction in such marketing year in such stocks to achieve the policy of the act.

However, when the Secretary in his great anxiety to get a favorable vote for his straitjacket within a straitjacket chose to forget the requirement that in determining the allotment, the Secretary must set aside the quantity which he had been telling us all along he would set aside. He raised the allotment by this maneuver from 43 to 46 million acres to 49.5 million acres. He suddenly discovered that he would pay for this at the rate of $1 a bushel, raising the cost of the program by some $50 million.

I say that the Secretary has disregarded the law and the legislative intent.

Third. In view of the Secretary's past history, I do not believe it desirable to give him the unlimited authority which is provided in this proposed legislation. First, there is no limitation on the expenditures. Second, there is no instruction as to the proportion of the price support to be made up by direct payments.

As a matter of fact, he could make all of the price support up by direct payments through setting the loan at zero. We are not unmindful of the fact that the proposed legislation will provide for the making of very substantial payments during a presidential election year, and that the Secretary might be politically motivated in the determination of the levels of loan rate and cash payments to such an extent that tremendous payments would be made just prior to November 1964.

The authority that is provided here for the Secretary with respect to loan rates payments, acreage reductions, and diversion percentages are just too great. The Congress is handing the Secretary of Agriculture a blank check.

Fourth. In the Secretary's press release dated March 29 he stated that a "no vote" in the wheat referendum will mean about 65 million acres in production and about 1½ billion bushels produced. It is obvious that somebody did not tell the Secretary what he was signing in the Federal Register, and which was also dated March 29. On page 3255 of the Federal Register, the Secretary says that there would be 70 million acres of wheat harvested, and the production would be about 1.6 billion bushels if no wheat marketing program is in effect for 1964. Which figure does the Secretary believe?

It is obvious to me that there is entirely too much irresponsibility with the use of statistics by the present Secretary of Agriculture. I do not want to give him the unlimited authority asked for in this legislation.

In addition, I wish to point out some of the implications to wheat growers if the feed grain bill becomes law at this time. The Secretary of Agriculture seems to think that the provision under which wheat can be substituted for feed grains, which are nothing but a political sweetener, will be of benefit to wheat producers. It should be noted that the wheat that is produced, as provided by law, would be supported at $1.30 per bushel. If feed grain market prices are supported at current levels, or lower, then the additional wheat produced will not go into feed use but will be a substitute for the wheat for which the Government will be paying $1 per bushel to reduce.

In other words, the Secretary has stated in his press release of March 29 that 165 million bushels will be reduced from CCC stocks through a voluntary payment program. It is entirely conceivable that the additional acreage diverted to feed grains from grain sorghums and barley could result in the additional production of at least 165 million bushels. This matter would be decided by the most profitable use of the acreage as far as the individual farmer is concerned. How does this benefit the wheat producer, if the wheat carryover is just as great or greater at the end of the 1964 marketing year as it was at the beginning?

In view of this fact, I think the representatives from the major wheat States should ask themselves, why the rush?

Fifth. The Secretary has stated that if the wheat referendum fails, that wheat prices would drop sharply. I do not believe that in a leap year like 1964 that the smart politicians among the Democrats will fail to propose emergency legislation.

The real issue is not, as Secretary Freeman says, $2 or $1 wheat, unless he plans something other than the law states, such as dumping wheat to keep the price down as was done with feed grains. The real issue is: Shall farmers transfer their right to manage their farms to a government bureaucracy directed from Washington for an experiment of a supply management theory?

In view of this, I suggest we wait. Let us not rush into a complete abdication of congressional authority, not only over the details, but also the purse strings.

Mr. Chairman, now I should like to discuss the Federal Register and a letter I got yesterday from one of my constituents.

On March 1 under "Rules and Regulations" in the Federal Register, page 1979, there appeared this statement with regard to administrative committees of the ASC:

TERMS OF OFFICE—COUNTY AND COMMUNITY COMMITTEEMEN

The terms of office of county and community committeemen and alternates to such office shall begin on the first day of the month next after their election: *Provided, however,* That before any such county committeeman or alternate county committeeman may take office he shall sign a pledge that he will faithfully, fairly, and honestly perform to the best of his ability all of the duties devolving on him as a committeeman, and that he will support the programs he is called upon to administer. A term of office shall continue for 12 months or until a successor has been elected and qualified.

Then there are other provisions of removal from office or employment and so forth.

Mr. Chairman, these people are elected by us in each county. We elect a committeeman on the ASC board in our county, and we expect them to serve to the best of their ability for the people in our county and not for promoting administrative programs that their people might not want. I agree, if anyone signs up under any farm program, they must follow the law, and as to that I say they

must carry out their responsibility. But as to going out and supporting programs and promoting them, I want to read part of this letter illustrating my point.

I quote from the letter:

I must write and relate to you a recent (Friday) experience indicating the further erosion of fair play in our Government.

I am a precinct ASC committeeman. We were called to town for a meeting. Never before has the county committee called a precinct meeting to review wheat allotments and indexes (1964) so early. After this was completed, we were subjected to the most partisan, unobjective indoctrination on the Freeman wheat program at taxpayers expense. As if this was not enough, time was given to the chairman of the referendum committee asking for active and 100 percent support of the precinct committee. Since the referendum chairman was unable to attend, the county ASC chairman spoke in his behalf. My blood was doing a slow boil all morning and I finally had enough of that. I told the county chairman he was treading on unethical ground selling a political program while on the payroll, outlined my ideas about the wheat program, and walked out.

I have found out that the ASC office was sufficiently shook up to notify the State office. The crowning blow to the whole deal, which you should know about, was that the morning's agenda was planned by either State or National offices—including the opportunity to the referendum committee. This committee remains somewhat of a mystery to me but apparently it is not tax supported—but has obvious connections with the USDA. I can't understand why this activity can be done by the public servants.

I have said before that I do not like the transfer of authority from Congress to the White House. Congress has transfered more than it should. The gentleman from Ohio [Mr. BROWN] spoke earlier about the transfer of authority to the Secretary or to the executive branch of the Government, and this is proof of a flagrant violation of the intent of Congress.

Mr. Chairman, in summing up my discussion, I would like to say as a producer and a user of feed grains in Nebraska, and I wish that there were 400 Members here to hear this, we plant our crop in the spring. We harvest it in the fall. I do not ask you to wait on this feed grain legislation until after the wheat referendum on May 21; I ask you to wait until after the crop has been harvested this fall. Our fine chairman, if I have to say it loud enough to match voices, I hope everyone here in the Congress and throughout the country hears me at this time, because we make our plans for farming our farms after we produce our crop for the year. That is a better time to propose legislation. In 1961 we had emergency feed grain legislation even though Congress had to organize its committees. We will not have to organize committees in 1964 and better feed grain legislation could be passed in January or February in time to plant the spring crop. If you have been all over the Central part of the United States during the Easter recess, you have found out that it is dry. We may need different legislation than we are discussing today because there may be a shortage of crops because of the weather and neither the Secretary nor the President nor anyone else can change this. I ask you to vote this down. Let us consider legislation after our crops are in and we will know what is needed.

Mr. POAGE. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. OLSON].

Mr. OLSON of Minnesota. Mr. Chairman, I wish to point out the success of the feed grains programs by reporting to you the feelings of my constituents.

I have here approximately 100 letters asking me to support this legislation. The most significant thing is, I believe, that I have no letters from my district against this bill.

I also have a report on the signup in the 1963 feed grain program in my district. It shows overwhelming support of the voluntary feed-grain programs. The feed grain area I represent has producer participation as high as 83 percent of the feed grain farmers.

The program is clearly a success and will continue to reduce surpluses and increase farm income.

Mr. HOEVEN. Mr. Chairman, may I ask how the time stands?

The CHAIRMAN. The gentleman from Iowa has 34 minutes remaining; the gentleman from Texas has 61 minutes remaining.

Mr. HOEVEN. Will the gentleman from Texas yield some time?

Mr. POAGE. We are not going to use all our time. The gentleman wants me to yield time. I now yield 5 minutes to the gentleman from Idaho [Mr. HARDING].

Mr. HARDING. Mr. Chairman, I feel deeply the responsibility that is on my shoulders as I take the floor at this time. As most of the Members know, I was the only Member on the majority side to vote against this legislation in committee, and I wrote my additional minority views for the report.

Let us review briefly the history of this legislation. It originated as the Emergency Feed Grain Act of 1961. The bill's purpose was to cut down the surplus and to maintain farmer income until we could arrive at a permanent feed grain program. The committee did arrive at a permanent feed grain program last year and brought it to the floor of the House.

I thought it was a good program. Then, unfortunately, the Members on the minority side said this program was compulsory, it was going to force controls upon the farmers, which it did. It required production controls and provided for price supports, and they said, "Vote down this program and we will come out with an extension of the emergency program," which is exactly what happened.

We extended this program last year. It had support from both sides of the aisle, and I want to point out that that is probably true this year, that many of the people speaking against it now would support this same bill after the wheat referendum.

But I do not find myself in that position. It is a bad bill now, and on May 22 it will still be a bad bill.

I want to say further that the wheat program provided for in the referendum is the best legislation produced in the last Congress. As far as I am concerned, I have encouraged my wheat farmers to vote for it. They have asked for it. The National Wheatgrowers Association, the Idaho Wheatgrowers Association, the National Grange, the Farmers Union have all asked for this wheat bill. If they vote it down now, I believe they should be left to the other alternative that is provided in the referendum.

Getting back to the feed grain program, you have heard how costly it is. That is true. It is very costly compared with the results we are getting. This program will probably cost over a billion dollars. Yet any feed grain farmer can plant all he wants to plant. As long as we spend this kind of money the farmers are going to accept it, and they will not do anything to cut their production back.

When the bill is read for amendments, I shall offer an amendment which I will call a freedom amendment, not that it necessarily gives the farmers freedom, because in my district they have freedom already. The only controlled program which we have is wheat. They can plant all the sugarbeets they want to; they can plant all the beans, alfalfa, and barley they want to; they can produce all the beef cattle, sheep, hogs, and dairy products they desire. But my freedom amendment is going to be freedom for the taxpayers of this country. I come from a farm district, and I think it is important that we do not pass this billion-dollar bill and add that on to our overburdened national debt.

The other morning I heard over the radio that the interest alone on the national debt this year is going to be $10 billion. I do not oppose a feed grain program as long as it is a program that is going to require some farmer responsibility and one which will cut down production without depending on a billion-dollar subsidy.

I sincerely hope that this House in its wisdom will vote down this bill. If the wheat referendum is defeated, we will probably do nothing; then if the wheat farmers and the feed grain farmers of America later decide they want sensible legislation, our committee will help them enact such farm legislation.

Mr. HOEVEN. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. LATTA].

Mr. LATTA. Mr. Chairman, there are certain features of this bill we are debating today that I agree with. I voted for this proposal once, but I shall not vote for it today. I think the Members should examine the increased power that this bill gives to the Secretary of Agriculture, along with some of the other features relative to cost, before they vote on it.

Today I want to talk to you a little bit about the effort being used to pass this bill ahead of the wheat referendum on May 21 and to discuss very briefly the program that the administration wants the wheat producers of America to agree to on May 21. We can pass this bill after May 21 on its own merits. We should not further confuse the wheat farmer with this legislation now.

On May 21 the wheat producers of this Nation will vote on a new proposal which has been dubbed by many as a

two-price system and by the administration as a certificate plan. During the next few minutes I want to very briefly discuss this proposed program with you once again, because I know that all of you and all of the wheat farmers of the Nation are interested in it.

On May 21, our wheat producers will be deciding whether or not they want any part of the administration's supply-management for agriculture as this is all that is left of this New Frontier approach. Should it pass, we can expect it to be resurrected for other commodities. Since this bill was passed by the Congress by a scant five votes, it is not necessary to mention that there is a tremendous division of opinion in the Congress and in the country on this subject. The Department proposes to fix the price support of wheat at $2 per bushel. This will be arrived at by giving cooperators a certificate worth 70 cents a bushel which must be transferred by the farmer with the wheat to the miller. Adding this 70 cents certificate to the $1.30 feed wheat price, we arrive at a price of $2 per bushel. This proposed program will apply to all classes of wheat notwithstanding the fact that soft red winter wheat produced in Ohio is not in great abundance. In fact, the Department of Agriculture estimates that there will be only a 10-million-bushel carryover of this type wheat on June 30, 1963. This is less than a 1 month's supply and represents only a small fraction of the total carryover from other classes of wheat. In fact, the total carryover of all classes of wheat on June 30, 1963, will be 1,225 million bushels.

Should this new certificate plan be approved on May 21, the door would be closed for all practical purposes on all future wheat producers and on all those farmers who, for some reason or other, did not plant wheat during the base years of 1959, 1960, and 1961. Should this program be approved, the 15-acre exemption would be abolished. There have been approximately 152,000 wheat producers in Ohio operating under this 15-acre exemption. Should this proposal be adopted, we would repeal the 30-acre wheat for feed exemption which would preclude farmers from growing wheat outside the program for use on their own farms. It would require farmers to divert such acreage as prescribed by the Secretary of Agriculture after 1965 without payment. The farmer producing under the 15-acre exemption would be permitted to plant only the average of his 1959, 1960, and 1961 plantings. For instance, let us assume that a farmer planted 15 acres in 1959, did not plant any in 1960 and again planted his 15 acres in 1961. He would have an average for the 3 years of 10 acres. In order to participate in the program he would have to divert in 1964, 10 percent of his already reduced base. This would mean that legally he could only plant 9 acres. This same farmer—should he elect to stay out of the program—could plant his 10 acres but no more. Now let us take a look as to how this proposal might affect this small farmer's wheat income.

Assuming he planted his 15 acres in 1963 and received an average of $2 per bushel for a 40-bushel-per-acre yield, he would have a total income of $1,200. Should this plan be approved in 1964, his base average would be 10 acres. His remaining 9 acres producing 40 bushels to the acre would yield him 360 bushels. However, under the program, he would not be paid price support on the total yield from these 9 acres. He will get price support on only 80 percent of his production or 288 bushels. At $2 per bushel, these 288 bushels will gross him $576. On the remaining 20 percent of his production, or 72 bushels, he would get $1.30 per bushel for a gross of $93.60. Based on his past production he would receive approximately $24 for the acre diverted. By adding these three figures, he would have a total gross wheat income of $639.60 for 1964 as compared with $1,200 in 1963.

Assuming that he stayed out of the program in 1964, he could plant his 10 acres. This would yield him 400 bushels to be sold at $1.30 per bushel for a total gross wheat income of $520.

This same farmer could choose to divert all of his 10-acre base and receive a 50-percent diversion payment based on his normal yield. Again assuming his normal yield would be 40 bushels to the acre he could receive $400 for diverting all of his base.

It is needless for me to say that in all of these illustrations this farmer could utilize his remaining acreage as he saw fit unless precluded by some other Government program from so doing. Many people are concerned about the length of time this proposed wheat certificate plan would be in effect. This certificate plan is permanent legislation subject to 1-, 2- or 3-year referendums and will be in effect until repealed by the Congress. As I have pointed out earlier, the land diversion portion of this proposal will only extend for 2 years, 1964 and 1965. Thereafter, land directed to be diverted by the Secretary of Agriculture in order to qualify for price supports must be done at the expense of the farmers.

I think it is important to point out at this time that the program to be voted on by the wheat producers on May 21 is a mandatory program. The 15-acre farmer, for example, will not be able to say I am not going to take my reduction from 15 acres to the average of 1959, 1960, and 1961. He must reduce. Many wheat producers are arguing that since the feed grain program is a voluntary program, that the Congress rejected a mandatory program for feed grains in 1960, and also rejected a mandatory program for dairy producers, that the wheat producers should not be subjected to a mandatory program. They are also arguing that should this program be defeated on May 21, that in all likelihood a voluntary program would be passed by the Congress. Yes, we have heard many statements to the effect that the Congress of the United States will not pass any other wheat legislation should this proposal be defeated. In my opinion, this is merely scare talk in an attempt to convince the farmers to vote "yes" in the referendum. Anyone saying that the Congress would not legislate to prevent a drop in wheat prices must be forgetting that the Congress of the United States is representative of the people and history has shown that whenever the people of this great country wanted legislation in a given field, they received it. For example, in 1962 many so-called leaders in the Congress stated they were passing a feed grain bill for 1 year and that in 1964 corn would be supported at approximately 80 cents per bushel. No one took these statements too seriously and the first order of business of our Agriculture Committee this session was to recommend the passage of feed grain legislation for 1964 to prevent the price of corn from going to 80 cents per bushel. So, if the Congress will act for feed grains, no one can convince me that it will so act for wheat.

We have also read statements to the effect that the price of wheat would automatically be $1 per bushel if the referendum fails. This would be an impossibility under section 7, paragraph 1441(b) of the United States Code. Even though no new legislation was passed, this section provides 50 percent price supports for cooperators and with parity being at $2.49 a bushel the price support would be $1.24½ plus carrying charges of approximately 5 cents per bushel. Since under existing law the Commodity Credit Corporation could not release surplus stocks at less than 105 percent of parity, we could add 6 cents a bushel to the price making a total price of $1.35½. We should also take into consideration the fact that the world price of wheat is $1.40 a bushel. I do not believe that anyone familiar with this wheat market could say that the price of American wheat would be less than the world price.

Now coming to the all-important question which is uppermost in the minds of all wheat producers and especially our 15-acre wheat producers: Am I eligible to vote? The answer to this question is "yes." Every wheat producer is entitled to vote in this year's referendum. However, a small producer with a wheat acreage allotment of less than 15 acres must file an election in writing with the county committee at least 7 days prior to the date of the referendum that he will be subject to the wheat marketing quota for his farm providing the wheat certificate plan is approved in the referendum. All small producers failing to make such an election at least 7 days prior to the referendum will be unable to vote and will be unable to participate in the program should it be approved. Since most of our 15-acre producers have long sought the right to vote in wheat referendums, it is expected that a large percentage of them will take advantage of the opportunity to vote in this year's referendum.

Contrary to some of the comments we have heard on this subject, a producer need not vote "yes" in the referendum even though he agrees to be subject to marketing quotas should the program be approved. In other words, a small producer can sign up and vote "no" on May 21. The vote will be taken by secret ballot and no one will know how he votes. Since this program is so im-

portant to every wheat-producing family in the Nation, be it a large or a small farm, I would urge all of them to take advantage of their election franchise on May 21.

Another question being asked is whether or not the landlord and his wife—if her name is on the deed—are entitled to vote as well as the tenant and sharecroppers. The answer is "yes." Anyone having a direct pecuniary interest in the crop is entitled to vote in this wheat referendum.

Mr. ASHBROOK. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Ninety-three Members are present, not a quorum.

The Clerk will call the roll.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 28]

Ashley	Fulton, Pa.	Macdonald
Auchincloss	Gallagher	O'Neill
Ayres	Garmatz	Pillion
Betts	Glenn	Powell
Boland	Goodling	Rich
Broomfield	Harsha	Rivers, Alaska
Celler	Hays	Roosevelt
Davis, Tenn.	Healey	Shelley
Dawson	Hébert	Staggers
Diggs	Herlong	Walter
Fascell	Holifield	Widnall
Fisher	Jones, Ala	Wilson, Bob
Fogarty	Lankford	
Forrester	Lennon	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WRIGHT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill H.R. 4997, and finding itself without a quorum, he had directed the roll to be called, when 390 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. POAGE. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. MATTHEWS].

Mr. MATTHEWS. Mr. Chairman, I am humbly grateful for the quorum call. I want to make it clear that I had nothing to do with the quorum call, Mr. Chairman, but I would be less than honest if I did not say how happy I am to have the privilege of being the first speaker after the quorum call.

Mr. Chairman, I want to thank our friends from the city for helping us pass the farm legislation, and I want particularly—and I mean this very sincerely, indeed—to plead with them again this afternoon to help these wonderful Congressmen who represent the farmers do what is best for the farmers, even though they do not want to do it themselves—some of them.

Now, Mr. Chairman, I want to emphasize that our friends on the opposition have not said they are opposed to this bill. It is just the timing of it. It is "let us do not pass it now; let us pass it a little bit later; let us time it a little bit differently."

Mr. Chairman, what I want to say especially to our friends in the city is that this program has saved money. I want to call the attention of my dear friend, the gentleman from Illinois [Mr. FINDLEY], to some statistics that he pointed out a few minutes ago. I may be in error, but I do not think I am. I know that the gentleman to whom I refer is an honorable gentleman and is giving the statistics to the best of his information. But, now, he was trying to point out that the feed grain program as we have had it the last couple of years did not save money, Then, of course, I would say to those Members who come from the cities if it does not save money we have no right to ask you to vote for it. But, believe me, it has saved money according to the best statistics that we have available.

Mr. Chairman, the mistake that the gentleman from Illinois [Mr. FINDLEY] made was that he did not include the production that was avoided as a result of the feed grain program. Millions of bushels of production that were avoided and that would have been stored and that would have cost hundreds of millions of dollars if we had not had the feed grain program. Let us take the figures.

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

Mr. MATTHEWS. I will yield to the gentleman when I get through. I do not have much time. I shall be delighted to yield to the gentleman later, but let me give you the figures as I recall them. If the gentleman will stand there and let me see if this is what the gentleman said: In the year 1961 the gentleman said the payments for acreage diverted amounted to $782 million for 25.2 million acres. Is that correct, sir, as well as you remember? Just yes or no, please, sir.

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

Mr. MATTHEWS. I think, sir, you said, "yes," but you did not tell about 834 million bushels that would have been produced if we had not had that program.

Now, sir, just one other statement——

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

Mr. MATTHEWS. Just 1 minute, and answer "Yes" or "No," please, sir, and then if I have time I will yield.

In 1962 did the gentleman not say that $842 million were paid for diverting 28 6 million acres, but the gentleman did not tell us about the savings on an additional 1 billion bushels that would have been produced if we had not had the program?

Mr. FINDLEY. Mr. Chairman, will the gentleman yield at this time?

Mr. MATTHEWS. Is that right, sir?

Mr. FINDLEY. Will the gentleman yield? I have the right to respond to the gentleman. I mentioned the figures for 1961, 1962, and 1963. Can the gentleman inform me just where these bushels are which were not produced? Do they come entirely from the fancy of some prognosticator?

Mr. MATTHEWS. Will the gentleman please excuse me. I do not have much time. Let me say——

Mr. FINDLEY. Mr. Chairman, will the gentleman agree that that is so?

Mr. MATTHEWS. Let me say to my dear friend that these figures came about on the best basis of the best statistical information that honorable men in the Department of Agriculture could devise, and let me say to the gentleman that he knows much about agriculture. Ladies and gentlemen of the House, do not let this gentleman beguile you. He is one of the most learned men in agriculture on our committee, and he knows that if we had not had that feed grain program we would have produced hundreds of millions of bushels more of feed grain.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield at this point?

Mr. MATTHEWS. Let me ask the gentleman this: Did he not say that in 1963——

Mr. FINDLEY. I did not understand what the gentleman said.

Mr. MATTHEWS. Excuse me, sir.

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

Mr. MATTHEWS. Is that correct, sir? In 1963 did not my dear friend say that we paid $983 million for diverting 25.8 million acres? But my dear friend did not point out that in this $983 million there was included $490 million for price supports? And naturally, in 1963 instead of $983 million, only $473 million went into this program?

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

Mr. MATTHEWS. Let me say also, sir——

Mr. FINDLEY. Will the gentleman yield?

Mr. MATTHEWS. In just one moment.

Mr. FINDLEY. Will the gentleman yield?

Mr. MATTHEWS. I have not concluded my statistical report. Also in 1963 there would have been produced from 750 million to 800 million bushels more grain——

Mr. FINDLEY. Mr. Chairman——

Mr. MATTHEWS. If we had not had the program.

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

Mr. MATTHEWS. What I am trying to do, Mr. Chairman, is just to put the facts on the line so our friends can see this program will save money. It has saved money.

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

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. MATTHEWS. Would my dear friend, the gentleman from Texas, yield to me 1 additional minute?

Mr. POAGE. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. MATTHEWS. Mr. Chairman, it is my sincere belief, based on good statistics that in 1961 we saved $591 million; in 1962, $634 million. There is less and less of this grain going into storage. This year we are saving $90 million, or a total of $1,315 million for 3 years. So I want to say to my friends from the cities, you have helped us get a program that has saved the consumers money; it has been good for the farmer. I plead

with you to help us get this same program again this year.

Mr. HOEVEN. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. FINDLEY].

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

Mr. FINDLEY. I yield.

Mr. DEROUNIAN. The gentleman from Florida [Mr. MATTHEWS], has very eloquently told us how much money we have saved in this Congress through the farm program. If that is the case why is Secretary Dillon tomorrow going to ask us in the Ways and Means Committee for an increase in the public debt limit?

Mr. FINDLEY. Mr. Chairman, apparently the way for us to eliminate our public debt is to spend more and more money for farm programs. Under the gentleman from Florida's [Mr. MATTHEWS] economic progression, the more money we spend on farm programs the more we save. If we could know what would happen, if the rabbit had not stopped to scratch his left ear, we might be in a better position to know what to do today. But we cannot safely assume that production would have gone on at any certain level in future years. Even so, must we pass a bad bill just because a program out of the past might have been still worse?

The gentleman tried to show a difference between the payment-in-kind provision under the 1963 program and the diversion payments; but the payments-in-kind feature is added to diversion as an incentive to get participation. So logically and properly the payment-in-kind feature should be added to the diversion payments to determine the total payments to the farmers in order to get them to cut back areas. I mentioned this distinction in a speech earlier today.

Mr. Chairman, I would like to have the record show that repeatedly I sought the floor to respond to allegations made by the gentleman from Florida [Mr. MATTHEWS] in which he mentioned my name, disputing my figures; and I was not accorded that traditional courtesy.

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

Mr. FINDLEY. I yield.

Mr. MICHEL. I think since the gentleman from Florida [Mr. MATTHEWS] has said that we all want to give as accurate figures as we possibly can, all of us would have to agree that when the Department comes before our Appropriations Committee they would give us as forthright and honest figures as they know how, and I shall have a few to give the House when I am recognized later in the debate.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FINDLEY] has expired.

Mr. HOEVEN. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. BELCHER].

Mr. BELCHER. Mr. Chairman, perhaps some of you might be wondering why, when the gentleman from Texas [Mr. POAGE] and the gentleman from Florida [Mr. MATTHEWS] spoke I sat on a front seat. I was just a little bit afraid that I would not be able to hear them if I sat any further back.

Mr. Chairman, I am not going to attempt to create any more confusion than we already have here. I do not think I could contribute to it if I wanted to.

I have been a member of the Committee on Agriculture for 13½ years with the gentleman from Texas and ever since the gentleman from Florida came to the House I have been a member of the committee with him. They are two of the most delightful men I have ever known and two of the finest friends that I have. I have never in my life seen anybody who was able to pick as many figures right out of the air as either one of them.

I will say this, that the gentleman from Texas is one of the most enthusiastic supporters of bills that he brings to the floor of any man I have ever seen; and he is one of the most extreme optimists, because in the 13 years we have been bringing bills to this floor there has never been a bill brought to us by the gentleman from Texas that would not do three things: First, it would reduce the surplus. Second, it would cost less money; and third, it would insure the farmer added income.

I have said many times to my good friend that Houdini would have liked in his time to have had a trick by which you can pay a farmer more money for raising less products and do it all with less taxpayer's money. That would be an extremely good trick. But the gentleman from Texas is just optimistic enough to believe that. Do not think for one minute he is trying to mislead, because he is just thinking as an optimist that those things will work.

I do not know anything about these figures that the gentleman from Illinois [Mr. FINDLEY] or the gentleman from Florida [Mr. MATTHEWS] quoted. I do not think you do, either. But I do not think they, either one, know where they got them.

I do know this, and I do not think this will be disputed, that we have more money invested in the Commodity Credit Corporation today than we have had since the farm program started. Secondly, we are spending more money on farm programs than we have spent since farm programs started. I do not know what would happen if the gentleman from Texas and the gentleman from Florida had not been able to get their bills over. They tell you how many billions of dollars it would cost more than what it is costing now. Maybe it would. The only thing I know is, I ask you if it has reduced the surplus, if it has cost less money, if it has increased the farmers' income.

Let us see about this. The farmers' income was increased $1,100 million, according to the Department of Agriculture, but in doing that we spent $1,200 million. The farmer did not get all of the taxpayers' money we paid out. I do not know where the other $100 million went, but I do know we spent $1,200 million in order to increase the farmers' income by $1,100 million.

I heard the plea of the gentleman from Florida to you fine city Congressmen to help him pass a farm bill that will cost the taxpayers more money. I think you are fine people. I think you have been very generous in voting your taxpayers' money away to pay our farmers for products they did not raise, and even this bill provides for paying a farmer for raising corn he never had raised and would not have raised if it had not been for this bill.

I know that you are up against a tough proposition. For 8 years when we had Secretary Benson I was up against a tough proposition. Many, many times my party and the Secretary of Agriculture urged me to support administration programs and, being a loyal Republican, just as you Democrats are loyal Democrats, and I appreciate the fact that you are and I glory in your loyalty, I was up against the proposition of either following the Secretary of Agriculture or following my own constituents back home. That is exactly what you gentlemen that represent nonfarm areas are up against.

If you are loyal enough Democrats to disregard the amount of money it is going to cost your taxpayers, and follow your Secretary of Agriculture and your administration, I want to say you are certainly loyal Democrats and I admire your loyalty. But I do know you are caught in a dilemma. I appreciate that fact because for 8 years I was in the same dilemma. You have the choice today: You can either follow your constituents or you can follow your administration and your Secretary of Agriculture.

When I get put in that sort of position I am kind of a funny sort of fellow. For some unknown reason I just had to string along with the people that sent me down here. I do not know whether you people feel compelled to do that or not. Maybe you do not. Maybe you feel that your loyalty to the Secretary of Agriculture is worth more to you than your loyalty to your constituents. Some of you are in such safe districts that it may not make any difference. I do not happen to be in that proposition. In my district there are three Democrats registered to every two Republicans. In some parts it is 3 to 1. So I cannot refuse to listen to some of those people back home. Some of you may be safe, but when Maine went Democratic in the same year Oklahoma went Republican, there may not be as many safe districts in this United States as many of us might think.

So some of you people in safe Democratic districts may not be any more safe than the Democratic nominee was in Oklahoma or the Republican nominee for Governor was in Maine. So you use your own judgment. I have never told a single person in this House how to vote during all the time I have been here. That is your privilege. It is up to your conscience. You consider the merits of this bill and you follow your constituents or the Secretary of Agriculture, whichever your conscience tells you to do. Certainly, it will be all right and I will be the last man in this House to criticise you.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOEVEN. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. DOLE].

Mr. DOLE. Mr. Chairman, I might say, first of all, I was very pleased to hear

the gentleman from Florida [Mr. MATTHEWS] talk about doing what was good for farmers even though they did not like it. I remember only about 10 days ago we had a peanut bill before our committee. It was the gentleman from Florida's [Mr. MATTHEWS] bill and it defined boiled peanuts as not being peanuts. This is the truth—it happened. It was to avoid the marketing quota penalties for some of his peanut producers. I am very pleased to hear he can best legislate for farmers in the Midwest and to know his regard for supply management programs.

Frankly, the wheat law was a matter of some discussion last September, October, and November in Kansas. In fact, former President Truman came to Kansas last October on a political trip, and made the statement the American farmer was the most ungrateful person in the world.

I called my chairman and asked what I should do. He answered, "Try to get him to stay 1 more day." Perhaps, this points out what some think of the American farmer. In Kansas, as all over the country now, there are organized pressure groups trying to sell the wheat program. Some of us do not believe we have the right to tell wheat farmers how to vote. Farmers have the intellect, and sharp enough pencils in western Kansas and can use them on May 21 to determine which way to vote.

There is a man in Kansas who in 1959, as shown in the CONGRESSIONAL RECORD, July 27, 1959, explained why he was voting "no" for the first time in his life in that year's referendum. Indicates he was a typical wheat farmer. His name is Lud Strnad and now, less than 4 years later, Mr. Strnad is telling the Kansas farmers they are facing bankruptcy if they do not vote "yes." It was difficult to understand why this gentleman 4 years ago was advocating a "no" vote but using nearly the same facts this year in advocating a "yes" vote. Of course, the fact he serves on Secretary Freeman's Advisory Council and is paid per diem and other expenses as he travels around the country might possibly influence his thinking. The illustration does point out that sometimes loyalty is good but at times, expediency is better.

This administration is asking you to foreclose, in advance, any further wheat program. Normally, a defendant is entitled to hear the verdict before the hanging, but the New Frontier is using old frontier justice in this program. The wheat farmers are being told before the vote is counted, You are not going to have any other program. You either vote "yes" or down the drain you go.

I agree with the majority leader, Mr. ALBERT, anyone who made a statement that he could get a wheat bill through Congress, if the referendum fails would be making an irresponsible one. A Member of the Congress however has a right to advise farmers, whether the farmers are for or against the referendum, he will do all possible to enact new wheat legislation if the referendum fails. We have not lost these powers yet to Mr. Freeman, or to Mr. Kennedy, or to anyone in this administration. As long as I am privileged to represent 550,000 people, whose income is primarily attributable to agriculture, I have a very serious obligation to protect their best interests. The wheat referendum is not a partisan matter. No one can choose up sides and say, the Republican farmers are against it and the Democrat farmers are for it, or vice versa.

The rush to enact feed grain legislation is purely and simply referendum politics. Secretary Freeman knows this as do thousands of others in and out of the U.S. Department of Agriculture. For the first time in the history of agricultural referendums the Nation is witnessing unchecked and unrestained power politics, paid for with funds from the U.S. Treasury. It is strange to witness an election contest where the prime mover, Secretary Freeman, also establishes all the rules and regulations of the election and presides over it. Without question the wheat producer is getting special treatment from Secretary Freeman, who will long be remembered for his attempt to dominate and control the American farmer without regard to either the cost of program or the propaganda used to foist it upon the American farmer.

I can understand Agriculture Secretary Freeman's desire to get farm programs of his origination enacted by Congress. But it seems he is overstepping the bounds of propriety and good conduct in office when he resorts to misrepresentations and threats to swing others to his way of thinking. In the past, it always has been the job of the Department of Agriculture to assist and inform the farmers but to let them make their decisions. Today the idea seems to be to tell the farmers what they can and must do, and to threaten them with all sort of dire consequences if they do not do it.

The feed grain bill before us today is premature and everyone knows it. The referendum next month should have been nonpartisan, neither Democratic nor Republican, for the future economic condition of the American farmer is a matter of grave interest but despite the pressures, farmers should realize they have friends in Congress. There are those in Congress who are not going to hang a farmer economically on May 22 just for the way he voted on the 21st.

We have many pilot projects in this administration and many pilots. An example is the USDA sending out letters through ASC offices to every farmer and many businessmen in Kansas. Businessmen are receiving letters, postage paid, with 25 questions and answers on why they should encourage farmers to vote "yes" in the referendum. The administration is pulling all stops in what could be described as the greatest propaganda program in agricultural history; and as evidenced in an article in today's Wall Street Journal, administrative agents are blanketing the country with letters, radio tapes and TV films. The issue is not what is good for the American wheat producer anymore, but to just what extent Freeman must go to retain his shaky hold upon the American farmer. It is encouraging to know that M. W. Thatcher, chairman of the National Wheat Committee and general manager of the Farmers Union Grain Terminal Association, has pledged himself to fight for new wheat legislation if the certificate plan is defeated. His attitude is a responsible one, but unfortunately one not shared by the President, Secretary Freeman, and apparently other leaders in this administration.

Perhaps I know little about argiculture having been here only as long as Freeman has been Secretary of Agriculture, but let me implore you we do have a serious obligation and responsibility to the American farmer to do something if the referendum fails. Freeman says failure will mean $1 wheat instead of $2 wheat. This simply is not true, and he knows it. The American farmer should be entitled to vote in any referendum freely and without fear of executive or legislative reprisal. He should be guaranteed his right to free expression in the basic American concept.

Section 328 has been referred to. It permits the farmer to plant wheat on feed grain acreage and is another "sweetener" to lure the farmer into voting a "yes" in the referendum. The wheat farmers of America will express themselves on May 21 and it seems ridiculous when we visualize the amount of material the Secretary is sending out, in one way or another, propagandizing the farmer and the amount of money being spent.

Wheat is a very basic commodity and we do have an obligation to the wheat farmers before and after May 22. It is safe to prophesy that if the referendum fails on May 21 that on May 22 there will be a stampede in the well of this House of Members dropping in bills. I trust this will be of some assurance to the wheat farmer that he does have supporters in Congress and that regardless of how he votes he is not going to be hit over the head.

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

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

Mr. MICHEL. Mr. Chairman, alluding to my earlier remarks I repeat a statement I quoted that the President made on October 14, 1960:

> I have stated that it is my best judgment that our agricultural program will cost a billion and a half, possibly 2 billion less than the present program.

When he made that statement the expenditures by the Department of Agriculture in the current fiscal year were $5.4 billion. In 1961 it was $5.9 billion. In 1962 it was $6.7 billion; and with the end of the fiscal year on June 30 this year the total cost will be $7.4 billion, or an increase of $2 billion in costs for the Department of Agriculture at a time when we have a decline in the number of farms of 369,000 and better than a million people off of the farms than there were at the time he made that statement. I do not think this one can stand. The truth of the matter is that as a matter of fact it has cost $2 billion more in 2½ years.

Mr. POAGE. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, there are several matters that should be cleared up here. I

find myself in the position of my colleague from Texas who pointed out that he had made a statement about the wheat referendum, then found that he had been quoted as having made an entirely different statement.

A few days ago I appeared before a group which asked whether there would be further legislation if the wheat referendum were defeated. I made the statement that as far as I was concerned, I would continue to try to secure legislation no matter how many times legislation was defeated, but that I had no expectation that this House or this Congress would pass any kind of farm legislation if the wheat referendum were defeated, because I could see no reason why a Representative who comes from a nonfarm district should feel any compulsion to try to bail out farmers after they had passed adversely on a referendum themselves.

I further pointed out that the only experience of that kind in our farm programs in the United States occurred in the case of the tobacco program in 1938 or 1939, at which time the same prophesies were held out to the tobacco growers, that if they would reject the program they would get something better. They got exactly nothing. And it was one year before they had any program. Since that time they have voted for the program every year, and they have done very well. We can only judge the future by the past. None of us can tell what will happen, but we do know that the experience of mankind does not give us any ground to believe there will be further legislation.

So much for the wheat program. I know that it is not the subject matter before the House at this time. There has been more discussion of the wheat program than there has been of this bill today.

Mr. Chairman, the bill under consideration is intended to give us a feed grain program. It is intended to give some stability to the feed-grain market; it is intended to provide a program which will eliminate the overproduction of wheat and feed grains, from which we have been suffering for so many years. You in town have been suffering from it just as well as the boys on the farm have been suffering from it.

For 5 or 6 years prior to 1961 there was a surplus of more than 300 million bushels of corn every year. It went into the warehouses, and the U.S. Government paid the storage on it and has been paying the storage down to the present time. There are those who have been pointing out they could juggle some figures and come up with smart answers, and doubtless they can.

But they cannot escape the fact that at the high point of inventories in 1961 there were 5,451 million bushels of grain in Government hands, and the U.S. Government was paying the storage on it. Last year that storage ran at the rate of 27 cents per bushel for corn, 21 cents for sorghums, and 26 cents for wheat.

There has been a reduction in the Government grain in storage. How did it come about? I am not going to contend that I know all of the factors which brought it about, but I know it came about. It came about while we had these programs in effect, and it seems to me it is reasonable to assume the law brought it about. The vital and undeniable fact remains that there has been a reduction of 1,267 million bushels of grain, and that this is a reduction of storage carrying charges of $920,000 every 24 hours that the clock ticks—a saving of approximately $1 million a day.

Now, that is a worthwhile saving. It is a real saving, and there is not any way that you can wish it off. We are making that saving. We may be spending money somewhere else, but we are not spending money to carry that 1.2 billion bushels of grain that we did not produce, because it is not there now. Now, I think it is perfectly clear that the program has given us a very substantial saving.

Now, there may be expenditure somewhere else, but it is not on this grain which is not in the warehouse. I would call your attention to the fact that as we reduce the grain, that reduces the cost, not simply 1 year, but every year, because storage is a recurring cost.

Now, what is going to happen if we do not pass this bill? I think that is what you have got to consider, Members of the House. What is going to happen if we do not pass this bill? Well, we will go back to the existing, basic law. Let me read it to you:

> Notwithstanding the provisions of section 101 of this Act, beginning with the 1964 crop, price supports shall be made available for producers of each crop of corn at such level at not less than 50 percent or more than 90 percent of parity.

In other words, we go to unlimited production of feed grains, and the Secretary has to support every bushel that is produced in the United States at at least 50 percent of parity.

Now, let us admit that he would not have to pay quite so much on each bushel when he took it into the warehouse as he is doing now, but he has to put it into the warehouse and he has to pay 27 cents a bushel to keep it there, with no prospect of getting rid of it, because there would be no limitation on production. Without this bill we will pile up grain at least as fast as we were doing before 1961. You are not going to reduce the rate of production; you are going to be adding $920,000 a day cost by the time you are up to what we had in 1961, and you are very soon going to be above that.

If you are interested in stopping those expenses, I urge you that we pass this bill and pass it today, not some time next month.

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

May I inquire as to the time?

The CHAIRMAN. The gentleman from Iowa has 1 minute remaining.

Mr. HOEVEN. How much time has the gentleman from Texas remaining?

The CHAIRMAN. The gentleman from Texas has 43 minutes remaining.

Mr. HOEVEN. Will the gentleman from Texas yield to me?

Mr. POAGE. I ran 2 minutes over the time we intended to run. We promised the House we would try to keep this debate down and made an honest effort to do so, and I am going to turn back 43 minutes to this House.

Mr. HOEVEN. Mr. Chairman, I ask for recognition.

Mr. Chairman, the gentleman from Texas made reference to the fact or made the argument that this feed grain bill must be passed today. I was going to ask him when he refused to yield, whether or not if the feed grain bill was not passed today, it would still be possible for the House to pass a feed grain bill any time this year before Congress adjourned and still be in ample time to take care of the crop year 1964–65.

Mr. POAGE. I think the gentleman from Iowa knows as well as I do that there is not a chance in the world of passing a feed grain bill unless we pass it now.

Mr. HOEVEN. May I say to the gentleman that I predict right here and now that if the wheat referendum fails on May 21, the members of the majority party, especially the members of the Committee on Agriculture, will be falling all over themselves to pass both feed grain legislation and wheat legislation. It would be politically unwise for them not to do so.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. BROYHILL of North Carolina. Mr. Chairman, though I do not favor all the specific provisions contained in H.R. 4997, I do not believe these provisions to be nearly so dangerous to the American farmer as the unseemly haste to pass this bill before the wheat referendum next month. Farmers are being told on the one hand that their votes in the referendum will be welcomed as a guide to Federal policy, but, on the other hand, these same farmers are being cynically warned that if they vote "no" in the referendum, Congress will take no further action on farm legislation this year. The latter, of course, is not true, unless it is the calculated policy of this administration and its leadership in Congress to cause even greater confusion on the farm front. The enactment of feed grain legislation now will certainly lend credibility to the take-it-or-leave-it threat the Agriculture Department is handing down.

Indeed, there is no particular reason to presently consider H.R. 5449, since the bill applies to 1964 crops. The 1963 crop is just being planted and existing law covers it. Action now proves even more unjustified when we recognize that Congress cannot with certainty provide for next year's wheat crop until the outcome of the referendum is known. If the vote is "no" in the referendum, feed grains should then be considered along with further measures on wheat. Action in midsummer would still give farmers ample time to plan next year's crop. If H.R. 5449 is passed now, there appears to be no alternative but to believe that proponents of federally controlled agriculture have won a victory in their continued effort to influence the vote in the wheat referendum and to present the

American farmer with an accomplished fact.

The timing of this bill makes it a difficult one to judge it on its merits. I do believe, however, that we must ask whether the results achieved by this program have justified its cost. Payments for feed grains totaled $1.7 billion for 1961–62 and are estimated at $0.98 billion for 1963 alone. Feed grain production, however, was higher in 1962 than in 1961. Supporters of the bill have pointed to the reduction of Government stocks as one of the program's achievements, but this has been caused by increased utilization and not at all by the feed grain program. The program applies only to production and not in any way to use.

The 1964 bill is basically an extension of the 1963 bill, except for the new proposal to give the Secretary of Agriculture discretion to set the direct payment and the loan at whatever combination he wishes, so long as the support remains between 65 to 90 percent of parity. While this change is not alarming on its surface, it becomes so with the recognition that the direct payment level for nonproduction could be increased to such an extent as to cause the farmer to depend more upon the U.S. Treasury than the marketplace for his income. Such a dependency should be undertaken by the farmer only with full appreciation for the Secretary's oftenstated goal of a mandatory program for feed grains.

In summary, Mr. Chairman, H.R. 4997 is premature and unecessary on its merits. We must judge its merits on the basis of what it seeks to do. There are plenty of warnings available that the Secretary of Agriculture seeks huge powers over American agriculture. Congress has resisted these recommendations up to now. However, despite the "voluntary" character of this legislation, it sets up circumstances whereby huge monitory controls would seem to be the only alternative in the event the program fails. We need to look only at the facts of its operation in the past to see that the admission of failure is virtually all that is required now. It would be an easy switch back to the hard line this administration has already taken in its approach to agriculture. It is not seeking to relax, by a gradual process, the heavy hand of Government from the farmer. It is pushing on toward greater controls and dictation.

Mr. BOW. Mr. Chairman, I think it is the general wish of most Members of this House that we reduce nonessential expenditures. We are wrestling with a budget request for new obligational authority of some $108 billion. There are many items in this budget that are difficult to reduce. We have one today that should be easy if we are really sincere in our expressions.

The request by the USDA for authority to spend money in fiscal 1964 exceeds $8 billion. Included in this request are plans for the kind of legislation that is under consideration today; namely, the Feed Grain Act of 1963. It is hard to determine specifically how much is involved in this program embodied in H.R. 4997, but I believe my colleagues on the Appropriations Committee will agree that it is in the neighborhood of $1 billion.

I call to the attention of my colleagues table 4 on page 31 of House Report 180 which contains the majority and minority views with regard to this bill. I call attention to the fact that the State of Ohio, which is a great feed producing State, received in 1961 more than $42½ million not to grow feed grain. You know the results. We only slightly decreased the production of feed grain.

The cost of this program when you include administrative cost during the last 2 years amounts to more than $1.7 billion.

We are being asked to extend for 2 years this "money distributing" program.

Farmers are now involved in a decision with regard to the wheat certificate plan. I think this House will be very unwise in passing this legislation at this time. I think it is bad legislation any time of the year, but particularly bad before we know the results of the wheat referendum—yes, before we know how much wheat will be dumped onto the feed grain market.

I challenge my colleagues on both sides of the aisle to exercise their privilege today and save $1 billion. I urge that you vote to recommit this bill to the House Agriculture Committee, and let us take a new look at this whole program.

Mr. LANGEN. Mr. Chairman, I would like to commend the supporters of this legislation for their concern of American agriculture in general and our farm population in particular. I share your purpose in raising farm income by assuring fairer prices for feed grain producers and by providing a basis of stability for livestock prices. I agree that surplus stocks of feed grains should be reduced and that taxpayer dollars should be saved in our vast storage program. I heartily concur that we should give wheat and feed grain producers new freedom and flexibility in the management and operation of his own farm.

I also agree that failure to act positively upon a sound stabilization program for feed grains, to operate along with a related and effective program for wheat, would present grim alternatives. Indeed, I made a point of mentioning some of these alternatives last year when we passed the Agriculture Act of 1962, such as the possibility of 80-cent corn and demoralized livestock markets.

There are some provisions of this bill which I find distasteful, of course, such as the unwarranted power placed in the Secretary of Agriculture in regulating markets and controlling payments. But generally speaking, I am firmly in favor of feed grain legislation such as this that calls for voluntary participation and would like very much to throw my unqualified support toward the passage of such legislation today. But I find this most difficult at this time. Gentlemen, we are putting the cart in front of the horse. We are premature. We are considerating legislation that should be considered a month from now, but not today.

There is no urgency that forces us to act at this moment. This legislation applies to the 1964 and 1965 crops. Legislation applicable to the current crop is now in effect. I supported that legislation last year. I have always supported feed grain programs and will continue to do so. Plans for the 1963 crop are secure; and enactment of a 1964 feed grain program anytime within the next few months would still give all feed grain farmers ample opportunity to make their plans for next year.

Then, why this urgency today? I suspect there are added motives that go beyond the grand statements about wanting to help our farmers, and I suspect it is all tied into the upcoming wheat referendum. In fact, I believe the measure we have before us today is being considered at this time for just one reason, to sell our wheat farmers on a "yes" vote on May 21. And frankly, it is not the role of Congress to influence a free choice by enacting premature legislation.

The administration has already threatened the wheat farmers by saying there will be no further legislative action on wheat during this session of Congress if wheat farmers vote "wrong" in the referendum. And if we pass feed grain legislation today, we will virtually close the door to any later effort to enact remedial legislation if the referendum fails.

This bill today also represents a political carrot dangling before our wheat farmers in the hope of leading them to the polls to vote "yes" out of fear.

It seems strange that an administration which came to power on a plank of "parity income" would apply such heavyhanded tactics to the wheat farmer, especially at a time when the parity ratio hit its lowest level since 1959 and farm costs are at an alltime high.

We need feed grain legislation, of course. But we do not need it today. In fact, we should at least wait until after May 21 when all will know whether wheat farmers want the certificate plan. Then and only then can we possibly face this legislation intelligently from the standpoint of how the situation really is. What we are doing today is trying to approach the problem from the standpoint of how certain people would like it to be.

Mr. WHARTON. Mr. Chairman, in considering this bill, I am utterly amazed at the amount of power which would be vested in the Secretary of Agriculture, if enacted. On nearly every page, and no less than 20 times in all, there is an expression of discretionary power and really no doubt but that autocratic powers are definitely intended in the administration of the feed grain program. This fact, coupled with the mail I have received from my constituents, makes it very easy for me to stand opposed to the measure.

By way of analogy, and in the same general area, I would remind my colleagues of the Congress' action some 30 years ago which gave similar powers to the Secretary of Agriculture in the fluid

milk field. Presently, no less than 72 marketing administrators are trying to cope with the problem, and the Department now seeks to end this debacle by going one step closer toward complete socialization of the dairy industry by suggesting a quota system. It is surprising that our agriculture experts have resisted this move as long as they have. Some 4,000 dairy farms have been discontinued in New York alone during the last year, thus adding at least 10,000 workers to New York unemployment rolls. The oppressive burden with which the taxpayer is saddled continues to mount, and it would seem to me that our metropolitan friends who are so eager to lend their support to these bills would resist further approval of bureaucratic management.

Mr. ALGER. Mr. Chairman, the farm laws and regulations controlling our farmers are a national disgrace. I want to commend the Republican members of the Agriculture Committee for their minority report, also the additional minority views. These views brand this legislation, H.R. 4997, the unnecessary and unfortunate legislation that it is. This bill is more of the socialistic schemes of the Kennedy administration. Private enterprise is being completely eliminated. Control, regulation, regimentation, and dictation are part and parcel of this farm program.

Beyond the immorality of this type legislation, its unconstitutionality, its full blown socialism, is the cost factor. This misuse of the taxpayers' money is a national disgrace.

Soon now the people will rebel on this dictatorial and regulatory legislation. It is my hope that the people will plainly speak out and demand the removal of Government regulations, control, and price support.

The farmer should be free to grow what he chooses. The taxpayers should be relieved of the double cost, in taxes and food prices in the grocery stores.

Most of all, time is running out on capitalism, as socialism-communism engulfs the world. We must disapprove this legislation and all socialistic schemes. It is never too late to start on the long hard road back to fiscal sanity and freedom for our people.

Mr. DENT. Mr. Chairman, it has been said that these proposals "are similar in nature to regulations that have been in effect for many years for such crops as tobacco." The inference is that anyone who supports the tobacco program should favor the proposals contained in H.R. 4997 for feed grains.

Most members support the existing tobacco program, but there are many circumstances which differentiate tobacco from feed grains. Tobacco is heavily taxed. It is not a food or a raw material used in the production of other farm products. It is less perishable than most farm commodities and, in fact, must be aged before it is used. It is not yet threatened with serious competition from substitutes and synthetics. The market is dominated by a few large domestic companies and foreign monopolies. The acreage involved is small. Only 1.1 million acres compared to 144.5 million acres in feed grains, 54.9 million acres in wheat, and another 31.2 million acres to soybeans, rye and flaxseed for a total of at least 230 million acres.

The problems involved in attempting to control production on 230 million acres of grain spread all over the United States are vastly different from the problem of controlling production on 1.1 million acres of tobacco located in a few relatively small areas.

Cotton, rice and peanuts all have statutory minimum allotments.

No existing commodity program includes the controls on diverted acres now being proposed for feed grains and wheat.

Serious problems arise under both the cotton and rice programs. They are heavily dependent on expensive export subsidies as is the case with wheat. In the case of cotton the export subsidy has created a serious competitive problem for our best customer—the domestic textile industry. Cotton is also faced with increasingly serious competition from synthetics and foreign growths.

Essential features of the proposed feed grain program are as follows:

First. Acreage allotments and marketing quotas would be established for corn, grain sorghums, oats, and barley as a group. Rye could be included in the program at the discretion of the Secretary of Agriculture.

Second. The national allotment could be reduced at the discretion of the Secretary to permit a reduction in CCC stocks.

Third. Discretionary authority would be provided for the establishment of a commercial area for feed grains.

I shall give you a few facts I have learned as chairman of the committee studying the impact of imports and exports on American jobs.

You can hear any kind of figures you care to in this fight for a more liberal trade policy.

I will not try to give you the many facets of this problem in one short evening. However, I will touch lightly on the farm facts. These figures are backed up by the testimony and reports of Government agencies. They may shock a few of you and in some cases may give you occasion to pause and perhaps reconsider your previous notions.

I want you to know that up until a few years ago I was a militant free trader. I guess I still am. The difference is that now I want free trade to be equitable and fair. I propose to vote for free trade just as fast and just as free as this Nation can afford it. Up until we can afford free trade, I intend to give all my support to protecting my people's welfare, their jobs, their industries, their farms, their incomes, and their markets.

The views I express are in the main interests of farmers, farm groups, producers of agricultural products, canning, freezing, and so forth.

We all know that Public Law 480 was made necessary by price support policies which priced American farm products out of world markets and led to the accumulation of surpluses. We always have regarded it as a temporary measure designed to maintain and expand foreign markets until needed changes could be made in domestic price support policies.

The pending legislation would expand the President's authority to donate surplus commodities to foreign countries for famine relief and other assistance by including commodities not owned by the Commodity Credit Corporation. This would permit a dramatic expansion of giveaway operations. It would do little or nothing to build foreign markets, but it could greatly increase the cost of Public Law 480.

The wisdom of authorizing the purchase of privately owned commodities for foreign donations is essentially a question of foreign policy. Certainly, the cost of such a program should not be charged to farmers.

It is proposed to authorize the use of "surplus agricultural commodities produced in the United States in programs of economic development, emergency assistance, and special feeding carried out through the United Nations system or other intergovernmental organizations."

It is, of course, desirable to seek constructive uses for surplus commodities. It is also desirable for the United States to consider the views of exporting countries, and to seek to avoid giving such countries a justifiable cause for resenting our surplus disposal programs. We do not, however, believe it would be wise for this country to turn over the distribution of large quantities of agricultural surpluses to international organizations where we can be outvoted on the terms and conditions under which such surpluses are to be distributed.

During the past 10 years, farm support programs have cost the American taxpayer $26 billion. During the same period, we imported agricultural products valued at $42 billion. While this was going on, we piled up in Government storage 1.1 billion bushels of wheat, 1.4 million bushels of corn, 2.6 million pounds of tobacco, and about 336 million pounds of butter, cheese, and dried milk.

The bulk of the feed grains, other than we have in Government storage today, has been imported. Our disappearance of feed grains over the past 10 years has been greater than our production, yet, we as taxpayers are paying some $20 million a year to store what is termed "surplus" feed grain. It is surplus, to be sure, but not a surplus created by the overproduction of the American farmer. It is created by imports.

The foreign trade balance is right now up for Tariff Commission action. It is estimated by the textile industry that unless a more realistic view is taken, the entire industry may be jeopardized. I have yet to find any witnesses who are opposed to world trade; however, in all instances, I have found a universal demand for equitable world trade.

There are no farm problems, except those created by the trade policies of this Nation through unfair, unequal, and unjust import competition.

This sounds fantastic, but if the American farmer were permitted to raise and market a major part of the food and fiber that is consumed by the American

people, we would not have acres enough today to produce it. The problem is that agricultural imports have created an agricultural surplus.

Furthermore, agriculture has been so commingled with foreign aid, foreign trade, foreign relations, Government programs and State Department planners, that a bad image of the farmer has been created. Free enterprise and agriculture markets have virtually been destroyed. We cannot go backwards, but we can look behind once in awhile to see where we have been. At least this might help us to determine where we want to go.

The CONGRESSIONAL RECORD, dated April 18, 1961, states as follows:

From 1949 to 1959, we imported twice as much barley as our surplus grew during that period. In fact, we imported more during that period than we had on hand as surplus at the end of 1959. In oats, we imported four times as much from 1949 to 1959 as our surplus grew during the same period—imports approximately equaled the surplus on hand at the end of 1959. The situation in rye is even more vivid. From 1949 to 1959, we produced 46.5 million less bushels than the amount of the total of this crop. Yet, during this same period, our surplus increased by 4.5 million bushels, due to the fact that we imported 52.7 million bushels.

Mr. Chairman, perhaps there are some farmers in the United States who feel that the trade policy is not injurious, but the record shows that not only are nonsubsidized farm products in danger, but that all agriculture is suffering from these unsound trade policies.

The figures on beef imports and their relationship to worked and idled acres tell a story that could come out of Hans Christian Andersen's fairy tales:

DISPLACEMENT OF DOMESTIC ACREAGES RESULTING FROM BEEF IMPORTS IN 1961

For 1961 live imports, 910,000 (USDA estimates). Domestic acres displaced, 18,200,000. For 1961 frozen and processed beef imported 527.5 million pounds. Carcass equivalent (USDA estimates), 1,376,775 head. Domestic acres displaced, 27,535,500. Total domestic acres displaced by beef imports in 1961, 45,735,500.

For 1961 live beef exports, 24,012 head. Acres required to produce, 480,240. For 1961 processed meat exported, 29.9 million pounds. Carcass equivalent (USDA estimates), 72,657 head. Acres required to produce 1,453,140. Total acres required to produce beef exported in 1961, 2,932,380.

Total acres displaced by beef imports	45,735,500
Total acres producing beef exports	2,932,380
Net loss of acreage displacement through beef imports	42,803,120

As a step toward solution of the farm problems, we are asked by the Government to purchase 50 million acres of productive land, retiring it from production.

Permitting the American farmer to produce just the beef imported last year would have consumed the production of 42.8 million acres—nearly as many acres as we propose to buy.

Which procedure would, in your opinion, be most beneficial to the American economy?

Seriously, Mr. Chairman, the time comes sooner or later when we must stop, look, and listen.

In closing, let me make it very clear, I believe this Nation has met its obligations over the years to both our friends and our one-time enemies. In doing so, all of us as Americans have contributed our share.

I am sure we will be glad to contribute more as it is required for the defense and economic needs of our allies as well as ourselves. However, let us not lose sight of our own economic structure.

I assure you it is not sufficient reason to tell a fellow citizen, a neighbor that your interest in the welfare of other peoples, other States, or other countries compels you to take his job away.

I will not vote now or at any other time, nor have I ever cast a vote to take one man's bread away so another could eat cake.

We have got to fight together if we want a healthy economy on the farm, in the city, in our Government and above all, in our homes.

The U.S. Chamber of Commerce has issued these figures: For every 100 new factory workers; in a community 296 people will be added; 4 new retail establishments will be opened; $360,000 in additional retail sales will be realized; 107 additional automobiles will be in use; 174 more workers will be employed; personal income will be upped $590,000; and bank deposits will show a net of $290,000. We can assume then that the loss of 100 jobs will have the opposite effect.

Mr. Chairman, on May 21 the U.S. Department of Agriculture will conduct a most important referendum among the Nation's wheat farmers. This referendum provides wheat producers with responsibility for making one of the most important decisions ever made by a group of agricultural producers with respect to the future direction of American agriculture.

While one does not think of Pennsylvania as being an important wheat producing State, this referendum has serious implications, not only to wheat people, but to all the farmers in my State and in other areas. The real issue in this referendum is not the phony one of "$2 versus $1" wheat, but rather whether Government-supply management is going to be the future way of life for the American farmer.

Only wheat is directly involved in this particular referendum and only wheat producers can vote, but all farmers, consumers, and taxpayers will be affected by the outcome.

Wheat producers have been voting for Government programs in a more or less routine fashion for several years. Past programs have carried "controls" of a sort, but there were numerous exceptions and limitations. So, wheat producers have not really had to face up to the full implications of going down the supply-management road to a licensed and regimented agriculture. But the situation is different this year.

The multiple-price certificate plan being submitted to producers this year includes the tightest, most binding Government controls ever seriously considered for any farm commodity. In addition to providing much stricter acreage allotments than growers have experienced over recent years and a new type of marketing quota, the administration's plan provides for diverted-acre controls and cross compliance. It also would give the Secretary of Agriculture vast powers to regulate all handlers, processors and distributors of wheat from the farm to the ultimate consumer.

How Pennsylvania farmers vote may decide the referendum in the United States. All wheat farmers with an allotment of 15 acres or more are automatically eligible to vote. In the past there has been an exemption of 15 acres for those who wanted to plant that much and not receive price supports. In addition, a farmer could grow 30 acres providing he used it all for feed on his own farm. Under the 1962 act these exemptions have been eliminated. As a result, for the first time the farmers with less than 15 acres can vote if they agree to participate in the program. In 1961 there were 79,000 Pennsylvania farms with wheat allotments of less than 15 acres. This large potential number of voters could well be the deciding factor in the referendum.

One of my reasons for discussing this question is due to the fact that the 15-acre wheat farmers will have the opportunity to vote for the first time. Under the proposed provisions of the referendum any of these small wheat farmers who want to vote in the referendum must indicate their desire to do so 7 days prior to the referendum date. They must register at the county ASC office before May 14. This means if one of the 15-acre wheat farmers wants to vote "no" in the referendum and therefore preserve his right to grow whatever amount of wheat he chooses, it will be necessary for him to sign up to participate.

I recognize among some wheat farmers the requirement that they sign up to participate in order to vote may cause some of them to be reluctant to vote. However, I hope that all these small wheat growers will sign up to participate and vote in the referendum since every vote will be important.

In recent weeks letters and conversations with farmers from Pennsylvania indicate that the Secretary of Agriculture, who is responsible for conducting the referendum, has thrown the full resources of his Department into a large campaign for a "yes" vote. The Secretary claims that the referendum offers producers a choice between $1 and $2 per bushel for their wheat; that defeat of his control scheme would lead to trade wars and chaos in the international market. These claims are serious exaggerations designed to panic wheat producers rather than an objective analysis of the situation.

Defeat of the wheat certificate plan would not terminate all Government wheat programs. Furthermore, the Congress would still have both the power and the responsibility to deal with any problems that might arise. The Secretary's claim that Congress would not act is nothing more than a scare tactic.

There is no reason to believe that the Congress would abdicate its responsibility. Defeat of the Secretary's control scheme would open the way for the enactment of a sound and constructive solution to the surplus wheat problem.

I have also been very much concerned about the role of the agricultural stabilization committeemen in this referendum. The ASC committeemen, according to the law, have the responsibility to assist in carrying out the administration of any agricultural laws that might be enacted. Their role is essentially one of administering and seeing that the agricultural laws passed by the Congress are carried out and properly understood by farmers. Theirs is not the role of a propaganda or a sales agency. I have been very much distressed by reports that indicate that the ASC committeemen have become propaganda agents for the Secretary of Agriculture in the forthcoming wheat referendum.

I urge that the ASC committeemen return to their historic role as the people who must administer the various farm programs rather than that of being active propaganda salesmen for Secretary Freeman. Unless this is done, they will have lost the confidence of farmers and the general public as to what their real responsibility is in agriculture.

One of my reasons for discussing this wheat referendum is that most of the agricultural producers in my district whether they grow wheat or other commodities have felt rather strongly for some time that the Government should reduce its role in agriculture. The wheat referendum to be held in May provides not only the farmers in my district, but farmers all over the country who produce wheat the opportunity to express their point of view on this important question. I am hopeful that the referendum will be defeated so that we avoid the spreading of supply-management to other agricultural commodities such as dairy, poultry, and livestock.

Mr. PHILBIN. Mr. Chairman, the pending bill is not perfect by any means but it appears to be constructively moving in the direction of successfully tackling the vexatious question of huge agricultural food and feed surpluses, which have plagued us for some time past.

It would appear that under the present program, we have made considerable headway in cutting down the amount of surplus grain now in storage and in reducing the cost to the Government some $920,000 each day in the last year.

In addition, the program contributed a 10-percent increase in net farm income between 1960 and 1962.

It reduced feed grain stocks from a record 3.2 billion bushels in 1961, prior to the time the new feed grain program became effective, to an estimated 1.9 billion bushels at the close of the current marketing year.

It also maintained stable food prices for consumers. This would seem to be striking progress as compared to our sorry experiences with some previous programs of this kind.

It is stated that if the pending feed grain bill were passed, it would mean the elimination of the unneeded, unwanted feed grain surpluses by the end of 1963.

Once the carryover has been reduced to a level adequate for emergency and security reserves, a supply-demand balance could be maintained, it is officially asserted, with less acreage diversion and less cost in the years ahead.

Furthermore, if the House takes favorable action on this legislation, it is stated that farmers participating in wheat and feed grain price support programs will have greater flexibility in utilization of their land.

If the wheat referendum is approved May 21, and there is also a feed grains program, producers will be able to interchange these crops. It is desirable for farmers to know before voting in the referendum what the wheat-feed grain relationship will be.

These are some of the considerations regarding this legislation which impress me strongly as offering some real hope for the solution of major farm problems.

I am concerned, of course, about the cost of grain and feed to our own farmers and food grains to our people, and I am interested in keeping these prices down as much as possible, and in sponsoring a program that will effectually reduce the huge surpluses that are hanging like a dark, ominous cloud over our agricultural economy, and costing our afflicted taxpayers millions of dollars per annum for storage of grains—in some instances, actually rotting in their bins.

Since this bill definitely promotes these ends, I am more hopeful than at any previous recent time that this measure holds out a real promise of remedying some of our most perplexing and costly farm problems.

Mr. BERRY. Mr. Chairman, much has been said today about the feed grain problem and the farm problem, and a great argument has arisen about how to salve over the problem, but little has been said about the cause of the problem or the solution.

When a cancer breaks out, you can salve the sore externally, but unless major surgery is performed and the cancer removed, the patient will die. This feed grain bill, like most of this farm legislation, is salve on the sore; it does not recognize the cause nor does it recognize the solution.

Much has been said about figures and acreage retirement. Those who sponsor this legislation are proud of the fact that in 1961 the Department was able to divert 25.2 million acres at a cost of only $782 million. In 1962 they diverted 28.6 million acres at a cost of only $842 million, and in 1963 they diverted 25.8 million acres at a cost of $983 million. Those who have opposed the legislation contend that this price for diverted acres is exorbitant.

Let me say, Mr. Chairman, that the price in dollars is not only exorbitant, but the price in agricultural production is 10 times worse. It is foolish, it is asinine, and it is destructive. Let me point out what I mean:

In 1962 there was imported into the United States over 2¾ million head of 1,000-pound beef. This is an increase of one-half million head over 1961.

The Department of Agriculture advises me that on a nationwide basis it requires the production of 28 acres to produce a 1,000-pound beef and put it on the market. For easy figuring and to be safely in line, I have used the figure of 20 acres. On this basis the 2,726,528 head of beef produced in foreign countries and shipped into the United States, which went onto the American market, displaced the production of 54,530,560 American acres. In other words, had we in America, either through quotas or tariffs, reduced beef imports by only 50 percent, there would have been no need for the taxpayers buying 25 or 28 million acres through diversion and hundreds of farmers and ranchers would have been permitted to remain on the farms to raise the beef on these 38 million acres that was otherwise removed from production by beef imports.

Instead of bragging about how the Department of Agriculture was able to take 25 million acres out of production for $983 million, suppose we had permitted the American farmer to raise the beef imported last year. It would have saved the American taxpayer not $983 million, but three times that amount, because the 2¾ million head of beef displaced the production of more than 54 million acres.

This is only one example. During the past 10 years the disappearance of barley, oats, and rye has been greater than the domestic production of barley, oats, and rye, and yet the American taxpayer is called upon to spend some $20 million annually for the storage of barley, oats, and rye. Whose feed grain is being stored? Not the feed grain of the American farmer, but imported feed grain, if you please, while the American farmer is being required to take his acres out of production to make room for barley, oats, and rye imported into this country in direct competition with American production.

Imports of lamb, mutton, and pork jumped several million pounds last year, further displacing thousands of domestic acres. Sugar imports displaced the production of 1.8 million acres, to use only a few examples. This is the cancer, Mr. Chairman; it is the cancer that must be removed instead of sitting here today putting salve on the sore.

The Department of Agriculture tells us today that 10 percent of the beef eaten by Americans last year was imported. In other words, 1 out of 10 farmers are driven from their farm by the imports of beef alone.

Last year when we were considering the farm bill, I pointed out that there were 2¼ million head of beef imported in 1961. Congress took no action, the President took no action, but the State Department was as busy as a beaver. They have been arranging for agricultural imports from almost every country.

For instance, the Argentine press under date of May 9, 1962, carried a big story quoting the U.S. Ambassador, Robert McClintock, to the effect that he was asking the U.S. Government to permit large shipments of cooked beef into

the United States. It quoted the Ambassador as saying:

This afternoon, Dr. Urien asked me to cable Washington saying that Argentina was in agreement, in principle, with the scientific recommendations made to inspect meat in Buenos Aires and in the meat packing houses and to have it marked with seals of our inspectors. Thus, cured meat, after undergoing the corresponding process, may enter the United States.

He also said:

Personally, I will see what can be done for my country to buy more Argentine cooked meat.

He added that he would send a telegram to Washington to have an answer on a final decision as soon as possible.

The Argentine press story concluded:

Secretary Urien then announced that a group of U.S. inspectors were coming to Argentina to confirm the excellency of the Argentine meat.

This is only one example of how our Government is deliberately planning to destroy the American farmer by importing the food that goes onto American tables and the fiber that goes onto American backs, requiring the American farmer to year by year reduce his production to make room for these imports.

The American people are propagandized daily about what a wonderful thing the European Common Market is and how the Common Market will take over world trade. This is true because the Common Market countries are protecting their industries and their farmers by tariffs and quotas. Secretary Freeman stated on January 8 that this year we would lose $800 million of agricultural exports to the Common Market countries. Their tariff on poultry alone kept 300 million pounds of poultry raised for export this year from going into the Common Market countries. This 300 million pounds of unexportable poultry was dumped onto the domestic market and had more to do with the slump in beef prices than anything else.

If it is good for the Common Market countries to protect their farmers against ruinous imports, why is it not good to protect the American farmer? Why are agricultural imports invited into this country forcing the American farmer out of business, forcing the American taxpayer to spend billions of dollars to subsidize the farm industry, rather than permitting the American farmer to have his own market and raise the food for the American people?

Oh, yes, I know the manufacturers and American business generally are anxious to sell their product abroad and to arrange for the farmers of these foreign countries to be able to market their agricultural products in America to provide dollars to buy machinery and so forth. I submit, Mr. Chairman, that the farmer of the Middle West is a good market. Put him out of business, put him on the rolls of the unemployed, as we have been doing by these so-called farm programs, and industry of the East has lost the best market in the world.

When do we wake up? When do we take a page from the book of the Common Market countries? When do we look back into the pages of American history and see what made this country great?

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

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Feed Grain Act of 1963."

SEC. 2. Section 105 of the Agricultural Act of 1949, as amended, is amended—

(1) by changing the period at the end of subsection (a) to a colon and adding the following: "*Provided,* That in the case of any crop for which an acreage diversion program is in effect for feed grains, the level of price support for corn of such crop shall be at such level not less than 65 per centum or more than 90 per centum of the parity price therefor as the Secretary determines necessary to achieve the acreage reduction goal established by him for the crop."

(2) by adding the following new subsection (d):

"(d) The provision of this subsection shall be applicable with respect to any crop of feed grains for which an acreage diversion program is in effect under section 16(h) of the Soil Conservation and Domestic Allotment Act, as amended. The Secretary shall require as a condition of eligibility for price support on the crop of any feed grain which is included in the acreage diversion program that the producer shall participate in the diversion program to the extent prescribed by the Secretary, and, if no diversion program is in effect he may require as a condition of eligibility for price support on any crop of feed grains that the producer shall not exceed his feed grain base. Such portion of the support price for any feed grain included in the acreage diversion program as the Secretary determines desirable to assure that the benefits of the price support and diversion programs inure primarily to those producers who cooperate in reducing their acreages of feed grains shall be made available to producers through payments in kind. Such payments in kind shall be made on the number of bushels of such feed grain determined by multiplying the actual acreage of such feed grain planted on the farm for harvest by the adjusted average yield per acre. The base period used in determining such adjusted average yield shall be the same as that used for purposes of the acreage diversion program formulated under section 16(h) of the Soil Conservation and Domestic Allotment Act, as amended. The Secretary may make not to exceed 50 per centum of any payments hereunder to producers in advance of determination of performance. Such payments in kind shall be made through the issuance of negotiable certificates which the Commodity Credit Corporation shall redeem for feed grains (such feed grains to be valued by the Secretary at not less than the current support price minus that part of the current support price made available through payments in kind, plus reasonable carrying charges) and, notwithstanding any other provision of law, the Commodity Credit Corporation shall, in accordance with regulations prescribed by the Secretary, assist the producer in the marketing of such certificates. In the case of any certificate not presented for redemption within thirty days of the date of its issuance, reasonable costs of storage and other carrying charges, as determined by the Secretary, for the period beginning thirty days after its issuance and ending with the date of its presentation for redemption shall be deducted from the value of the certificate. The Secretary shall provide for the sharing of such certificates among the producers on the farm on the basis of their respective shares in the crop produced on the farm with respect to which such certificates are issued, or the proceeds therefrom. If the operator of the farm elects to participate in the acreage diversion program, price support for feed grains included in the program shall be made available to the producers on such farm only if such producers divert from the production of such feed grains in accordance with the provisions of such program an acreage on the farm equal to the number of acres which such operator agrees to divert, and the agreement shall so provide."

Mr. POAGE (interrupting reading of the bill). Mr. Chairman, I ask unanimous consent that the bill be considered as read and open to amendment at any point.

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

Mr. GROSS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 2, line 6, strike the words "any crop" and insert in lieu thereof "the 1964 crop and 1965 crop".

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

Mr. Chairman, in my opinion this legislation ought to be passed, and it ought to be passed today.

Mr. Chairman, in the Wheat Act passed by the Congress last year provision was made for the interchange of wheat and feed grain acreage under section 358 of that act in the event that there was a diversion program in feed grain legislation.

Unless this legislation is passed before the referendum on the wheat bill, there will obviously be no diversion program in effect for feed grains.

The principal argument on this bill has been that of postponing the matter until the wheat referendum has been held. The Committee on Agriculture has reported this bill and asked for a rule and has asked to have it programed. A rule has been granted and the bill has been programed. The minority have argued time and again that the responsibility for moving the legislative program belongs to the majority. We have assumed that responsibility and if we do what the minority now wants us to do we will abdicate our responsibility in this regard.

Mr. Chairman, when the wheat farmer goes to the polls on May 21 to vote in the referendum he is entitled to know whether there is going to be an opportunity to interchange wheat and feed grain acreage, as provided in the Wheat Act. Otherwise he is going to be voting in the dark. He is going to vote on a guess as to what the Congress might do at some later date.

What is wrong, I ask you, with the Congress letting the farmer know what the program is going to be before he votes? I submit that that is the issue so far as the question of timing is concerned. I submit further that if this proposition had been brought up a day or two after the wheat referendum it would have passed without the slightest difficulty.

I refer to the feed grains bills of 1961 and 1962 which have been passed by this House. In 1962, last year, on March 22, in the CONGRESSIONAL RECORD, volume 108, part 6, page 4777, the question was put on the feed grain bill and it was

passed by a voice vote, without a record vote being called for, without even a division being demanded.

Mr. Chairman, reference has been made to fictitious figures. I would like to refer to some figures that are not fictitious, figures that are factual. When President Truman left office in January, 1953, CCC stocks were valued at $2.4 billion. When President Eisenhower left office 8 years later CCC stocks were in excess of $9 billion.

Mr. Chairman, I urge the enactment of this bill.

The CHAIRMAN. The time of the gentleman from Oklahoma [Mr. ALBERT], has expired.

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

Mr. Chairman, it is no secret that many of us, as the majority leader has just said, are interested in moving along the legislative program but that is not to say that taking that position we on this side believe that a measure such as this should be considered at this particular time.

I cannot refrain from stating on this occasion, as I have on others, with reference to President Eisenhower that for the first 2 years his administration was in office we on the Republican side had a bare majority of the membership. As I remember, we had 221. A majority, of course, is 218. Then for 6 years my friends on the other side were in complete control of congressional action as far as legislation was concerned.

It is no secret that time and again President Eisenhower asked for the adoption of legislation in the area of agricultural assistance, assistance to the farmers, finally coming to the point where he said, "If you will enact legislation within these broad guidelines I will approve it." No such action was had from a Democrat-controlled Congress.

I sat here and listened to the debate. I listened to what the gentleman from Illinois [Mr. FINDLEY] had to say and to his exposition of the figures that are involved here in respect to the cost of this program and what it will accomplish. I was impressed by them. My only regret is that more Members of the House were not here on that occasion, at that time, to hear and to see his presentation, the very graphic figures that in my opinion were not fictitious. They were factual and conclusive.

It is something of an open secret that the great haste that is being exhibited in the consideration of this legislation is very definitely connected with the wheat referendum vote to be held. The majority leader argues that in that forthcoming referendum the wheat farmer is entitled to know what the situation will be as far as this legislation is concerned. My view is that it would be much better to have the referendum on wheat taken and then have the House of Representatives and the Congress enact legislation that would then be deemed to be necessary. In other words, as far as I am concerned, I did not vote for this legislation to begin with because I did not think it would do the job, and I think it has been proven conclusively that it has not done the job.

In the second place, I think the wheat farmers of this country are entitled to vote in that referendum a few days from now, and then, that vote having been taken, let the Congress of the United States enact good legislation.

Some have indicated that if the wheat referendum result is negative there will be no legislation. I have been in that kind of game before. I know if the wheat referendum fails, of approval, the Congress of the United States in good time will enact sound legislation. At least I hope it would. As I say, I have been in that kind of a bind before. I know that the Congress would not dare to go home without action. Despite all the pressures that have been applied, my opinion is that the wheat referendum will not be approved. If that is true, if that comes to pass, then I say there will be plenty of time for us to enact this sort of legislation. So as far as I am concerned, I hope a straight motion to recommit will be offered and I am going to support it. I think it is in the best interest of the country, the best interest of the farmer and of our economy, and in the best interest of the Treasury and the taxpayers. When the time comes, we can enact necessary legislation and we will have plenty of time to get it done.

The CHAIRMAN. The time of the gentleman has expired.

Mr. THOMPSON of New Jersey. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the opinions of the minority leader are very interesting, but I would like to say this. I have been here since 1955 and I voted for this program and I voted for cotton and for wheat and for corn and for tobacco. I want to vote for the feed grain program today. But I tell you this, win or lose today, if this referendum which has benefited wheat farmers under the legislation now existing which has helped them so greatly, fails to secure their approval, I am going to yield to the people in my district who have been criticizing me. And, I am sure, many of my colleagues from the northeast section of the country are going to do likewise. I have voted for the last feed grain support bill I will ever vote for unless this program is approved. Before I get to talk to the wheat farmers themselves and their representatives, I might point out that notwithstanding your very narrow majority in the first 2 years of the Eisenhower administration, this legislation was in your hands—you had the responsibility and you handled it in such a manner that they turned you out, leaving the problem to us. Now we have solved it and we have saved you millions of dollars. You are not going to come back here on the 22d of May and get away with opening up the Benson plan again and making us vote to support every single bushel of wheat that they want to grow. They will take the money they get from taking acreage out of production under a Benson-type plan and do like they did before. They will go out and buy fertilizer and double their production and put enormous surpluses in the granaries.

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

Mr. THOMPSON of New Jersey. Yes, briefly.

Mr. HALLECK. Of course, I am always very brief. The gentleman referred to the fact that we were turned out.

Mr. THOMPSON of New Jersey. That is a matter of history.

Mr. HALLECK. As a matter of fact, that is not——

Mr. THOMPSON of New Jersey. I decline to yield further.

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

Mr. THOMPSON of New Jersey. I will yield to the gentleman when I have time.

Mr. Chairman, on February 14 I wrote to my constituents. I said that it was my fervent hope that this legislation would come before us and it would pass. In a sense, I apologized to my consumers for some of my farm voting record. But I was able to do so on the ground that this program had saved my consumers money in the cost of bread and in the cost of wheat storage which they are helping to support. I said, therefore, I would look toward the wheat referendum for guidance, and if the wheat farmers do not want a program, I wrote, which has considerable opposition from the people of my district, then neither do I. I am going to be guided by whatever the wheat farmers themselves do, and I am talking only for myself. If they turn this program down, how then can I or any other reasonable person expect to come back here and do anything except possibly for the dairy farmer.

Now, Mr. Chairman, I yield to my friend, the gentleman from Indiana.

Mr. HALLECK. I just want to observe that when you were winning the election, you promised the farmers of this country 90 to 100 percent of parity. The price in the market place is about 77 percent. The low figure you have in this bill is 65 percent.

Mr. THOMPSON of New Jersey. That is true.

Mr. HALLECK. May I just make this further observation——

Mr. THOMPSON of New Jersey. Just a minute.

Look at the record. I voted for 90-percent parity. Then I got smart and I will not do it any more. I have voted for some basic programs because I sincerely believe that the farm population is as important a segment of our society, no matter what is raised, whether it be peanuts, wheat, corn, cotton, or other products, as are those people who work in the cities. I am always ready to support any sensible farm legislation. But you are not going to sucker me back again on an open end Benson plan.

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

Mr. THOMPSON of New Jersey. I yield.

Mr. BASS. The distinguished majority leader mentioned the fact that after they went this far in the 83d Congress that for 6 years the Democrats had the responsibility of legislating.

Mr. THOMPSON of New Jersey. That is right, and in the interim the President vetoed a good bill and they turned the Executive out. Mr. Chairman, following these remarks is my newsletter of February 14, to which I referred earlier.

Mr. BASS. We passed five regular farm bills.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. THOMPSON of New Jersey. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

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

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Chairman, each year since 1955, when I first came to the Congress, we have voted on farm legislation. Each year I hear from constituents presenting a broad range of opinion relating to farm legislation. At one extreme are many who say the Federal Government should get out of agriculture. At the other end are those who tell me that there is a national interest in preserving the family farmer and the business community which serves him.

Most of the time, I have voted for farm programs—reported out of the House Agriculture Committee in two administrations—for wheat, wool, sugar, and other crops. I have done so because my colleagues representing farming areas have assured me that these programs were necessary to maintain an important segment of our economy. These votes in favor of farm bills have aroused great criticism from many of my constituents and gave my last opponent what he believed to be a major campaign advantage. Fortunately, a considerable majority of the Burlington-Mercer voters believed with me that my votes were in the national interest.

Again this year, we must face up to the farm problem. Some time late this spring, wheat farmers will vote in a national referendum on whether to participate in the Kennedy farm program which has reduced surpluses and thus storage costs to our taxpayers without raising the cost of bread and flour to the people in my district. As a matter of fact surplus storage costs have been reduced by $270 million since the President's program went into effect; a real break for the taxpayer.

I will look to this wheat referendum for guidance. If the wheat farmers do not want a program, which has considerable opposition from the people of my district, neither do I. I am sure that many of my colleagues share my view.

Some people are running around Washington and the wheatgrowing areas saying that if the referendum fails, Congress will pass a better wheat program. Speaking in Champaign, Ill., the other night, President Charles B. Shuman, of the American Farm Bureau, said:

> Regardless of how the referendum goes, Congress will be in session and new legislation will be introduced.

That may be, but if the wheat farmers vote against a wheat program that is cutting the surpluses burgeoning our granaries, so will I.

Mr. Shuman's statement clearly implies that the Congress would substitute some other type of wheat legislation in lieu of the successful Kennedy program. Perhaps he is right, but you can bet your hat that Representatives from nonfarming areas will not vote for another Benson or Benson-type bill. We like to support programs which help the farmers and save money at the same time. Like our constituents, however, we believe that any return to the expensive, pre-Kennedy programs should be resisted. We like the present program and hope that the wheat farmers do, too.

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

Mr. Chairman, I think we ought to point out here some of the statements that the majority leader made which were not correct, although I know he had no intention to do so. The vote which was taken without a rollcall on a farm bill in 1962 was the one in which there was no certificate plan for wheat. This was reported by the committee. It came to this House. We voted on it and passed it. Then it went to conference, and it was in conference that the certificate plan for wheat was introduced. At that time the vote was recorded 202 to 197.

Mr. ALBERT. Mr. Chairman, if the gentleman will yield, I made no such statement. I said the vote was on the feed grain bill. That is what this bill is. If I said wheat, it was the feed grain bill.

Mr. QUIE. Then later the majority leader compared the inventory cost in 1960 with the present cost of our surplus. I call attention to the fact that in 1961 Secretary Freeman changed the accounting method and that meant a manipulation in the inventory costs of the surpluses. So the figures for 1960 are not comparable with those of succeeding years.

If we are to use proper and comparable figures we should use net book value. Using the net book value, in 1960 the surplus amounted to $5.6 billion; in 1961, $5.7 billion; in 1962, $6.3 billion; and in 1963, $7.1 billion.

I make this statement just to set the record straight.

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

Mr. QUIE. I yield.

Mr. MICHEL. In that connection, the borrowing authority of the Commodity Credit Corporation at present is $14 billion. Several weeks ago we were asked to make a supplemental appropriation of $585 million. That amount of money was necessary in order to give them sufficient leeway to implement these programs. So the whole extent of the borrowing authority of the Commodity Credit Corporation is right at the limit now, practically $14 billion.

Mr. QUIE. Mr. Chairman, I happen to be one who believes that the feed grain law that has been on the books for 3 years is basically sound. I think it can be made to work more economically and do the job. I ask you to vote to recommit this bill so that we can consider feed grain legislation to meet the situation that will prevail in this country after the referendum on wheat has been held. Then I think we can devise a sound feed grain bill and a wheat bill which would be less expensive, possibly, and do the job that we wanted, governed by the experience we have had under the past administration and this administration. Then I think we can pass legislation calmly, and not, as the gentleman from Kansas said, based on referendum politics at this time.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

> Committee amendment: Page 2, line 6, strike the words "for which" and insert in lieu thereof "if".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

> Committee amendment: Page 2, line 14, strike the comma after the word "effect" and insert "for the 1964 crop of the 1965 crop."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

> Committee amendment: Page 2, line 15, strike the word "any" and insert in lieu thereof the word "such".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

> Page 2, line 16, change the period to a colon and add: "*Provided*, That the Secretary may provide that no producer of malting barley shall be required as a condition of eligibility for price support for barley to participate in the acreage diversion program for feed grains if such producer has previously produced a malting variety of barley, plants barley only of an acceptable malting variety for harvest, does not knowingly devote an acreage on the farm to barley in excess of 110 per centum of the average acreage devoted on the farm to barley in 1959 and 1960, does not knowingly devote an acreage on the farm to corn and grain sorghums in excess of the average acreage devoted on the farm to corn and grain sorghums in 1959 and 1960, and does not devote any acreage devoted to the production of oats and rye in 1959 and 1960 to the production of wheat pursuant to the provisions of section 328 of the Food and Agricultural Act of 1962."

The committee amendment was agreed to.

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

The Clerk read as follows:

> Amendment offered by Mr. KYL: Page 3, line 7, strike the words "such portion of", strike the rest of page 3 through line 25, strike lines 1 through 18 on page 4 through the word "therefrom", and page 11, line 15, strike the words "minus that part of the current support price made available through payments in kind,".

Mr. KYL. Mr. Chairman, I rise in support of the amendment to strike from this bill the virtually unlimited authority for the Secretary to make direct payments as part of the price support on corn and other feed grains in 1964 and 1965. This amendment is sound for two reasons: First, it will reduce the cost of the feed grain program, and second, it will eliminate the Brannan plan feature of this bill which is an extremely bad precedent for feed grain and other farm legislation.

The experience that we have had with the voluntary feed grain program in 1961, 1962, and 1963 shows that the direct costs have increased in each of these years even though the acreage in the third year declined. As the committee report points out, in 1961 there were 25.2 million acres diverted at a direct cost of $782 million. In 1962 there were 28.6 million acres diverted at a direct cost of $842 million, and in 1963 there were 25.8 million acres diverted at a direct cost of $983 million. The record shows that even though there are 3 million less acres diverted in 1963 than was the case last year, the direct cost has advanced some $140 million. The reason for this, Mr. Chairman, is the inclusion of the direct payment provision in the 1963 program. The land retirement payments alone under the 1963 program amount to some $496 million. The direct payments account for another $487 million. Thus, if the direct payment authority were deleted under the 1963 program and the diversion rates remained as the Secretary of Agriculture proclaimed them, a direct savings of $487 million could have been achieved. Since H.R. 4997 proposes to extend the 1963 program for 2 more years and contains this direct payment authority, the unnecessary expenditure of approximately $1 billion will be made.

It cannot be argued that the elimination of direct payments will cripple the program because there were no direct payments in 1961 and 1962, and things worked out satisfactorily.

These direct payments, as I said before, establish a very bad precedent because legislation is now pending in our Committee on Agriculture to apply direct cash subsidies to cotton textile mills and cotton farmers and to make direct cash payments to dairy farmers. Some people are even proposing to make direct cash payments to dairy processors in order to lower the price of butter.

All these direct payment plans are, of course, financed through the back door of the Treasury and the Congress, and the Appropriations Committees have absolutely no effective way to control the expenditures that the Department of Agriculture might make—and let me again remind you that these expenditures are of very large proportions. The feed grain payments in 1963 are to be some $487 million, the cotton bill pending in our committee contemplates payments of $382 million, and the dairy proposals are somewhere in the neighborhood of $300 million.

Mr. Chairman, I believe in a feed grain program, and I have since 1960 supported the establishment of a voluntary feed grain program based on land retirement and soil conservation, the use of payments in kind, the limitation of program benefits to participants, and the promotion of a sound market economy. If H.R. 4997 were changed in such a way as to delete these direct payments, I feel that we would have a voluntary feed grain program which meets the basic requirements of a successful program.

In 1961 when the original feed grain bill came before the House, the gentleman from Minnesota [Mr. QUIE] and others pointed out that there were a good many valid features incorporated in this type of legislation, but we vigorously opposed the dumping authority contained in that original proposal. I am happy to say that the Department and the Committee on Agriculture both have recognized the undesirable nature of this authority and have included an antidumping provision in this legislation which would prevent the Secretary from selling grain representing payment-in-kind certificates for less than the support price plus reasonable carrying charges. In conclusion, Mr. Chairman, I feel that we should have a voluntary feed grain program but that the program could be operated more economically without establishing this extremely bad precedent if the direct payments were deleted as proposed by the amendment.

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

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

There was no objection.

Mr. JENSEN. Mr. Chairman, it is noteworthy that every Member who has spoken in favor of this feed grain bill for the crop years of 1964 and 1965 have praised the 1963 program now in effect. Why not? Oh, no; it must be thrown in the ash can, and this bill which provides that the Secretary of Agriculture will at his own discretion at some later date, tell our farmers and the Congress the kind of a feed grain program that he and only he will permit. That, my friends, is more power than any good man would want or any bad man should have.

The feed grain bill which Congress passed last session for the crop years 1963 and 1964 was a pretty good bill for 1963, but bad for 1964, because it was plain to see unless greatly amended for 1964 corn would go down to 80 cents per bushel as I and others predicted, and which was, after the 1962 election, admitted by the President who then asked for an amended bill for the crop year of 1964, but certainly, Mr. Chairman, the bill now before us is not a solution to the feed grain problem facing our farmers in 1964.

It is plain to see that the farmers of the Middle West can expect little from Congress so long as the Democrats are in power. Listen, please, to these facts and figures:

LIVESTOCK PRICES DROP WHEN DEMOCRATS ARE IN CONTROL OF CONGRESS

Prices on most every farm product were driven down when the Democrats rolled back cattle prices 10 percent early in 1951.

HOG PRICES AT THE OMAHA MARKET

In 1940: Low $5.25; high $7.30; Democrat controlled Congress; peace.

In 1941–47: High $27.50; Democrat controlled Congress; war.

In 1947–48: High $32.25; Republican controlled Congress; peace.

In 1949–52 (rollback): High $26.50; Democrat controlled Congress; war.

In 1953–54: High $28.65; Republican controlled Congress; peace.

In 1955–58: High $25.25; Democrat controlled Congress; peace.

In 1959–62: High $20.35; Democrat controlled Congress; peace.

Today's high about $15; Democrat controlled Congress; peace.

LOOK—SOUTHERN DEMOCRATS CONTROL AGRICULTURE COMMITTEES OF CONGRESS

Senate Agriculture Committee: Democrat chairman from Southern State; 11 Democrats, 6 from Southern States; 6 Republicans, 5 from Midwest and Northern States.

House Agriculture Committee: Democrat chairman from Southern State; 20 Democrats on committee, 13 from Southern States; 14 Republicans, 13 from Midwestern and Northern States.

Farm products of the Southern States: Mostly cotton, tobacco, rice, and peanuts—prices good.

Farm products of the Midwestern States: Mostly corn, wheat, livestock, poultry, and eggs—prices low.

Congressmen and Senators always look after their own people best. Southerners and midwesterners are no exception.

MIDWEST FARMERS AND MERCHANTS NEED AND DESERVE A REPUBLICAN CONGRESS

Two wars less than 6 years apart, high taxes, low livestock prices, and high cost of all manufactured commodities which our farmers buy have the farmers of the Middle West in a bad price squeeze. Our farmers got fair prices during the wars, but neither they, their wives, nor their children want any more of that kind of business.

Also remember: The Democratic Party was in complete control of the House of Representatives when farm prices went to pot in 1931–32.

Mr. Chairman on Thursday, October 4, 1962, in this House, I said:

Mr. Speaker, along with a great majority of the Members representing the breadbasket States, I could not support the 1962 farm bill for the many following reasons:

Here are some excerpts from a speech by Congressman HOEVEN, of Iowa, top minority member of the House Agriculture Committee. In the CONGRESSIONAL RECORD, volume 108, part 15, page 20460, he said:

"In 1963 corn and wheat farmers will experience a very liberal and expensive payment program for the voluntary retirement of acreage, but in 1964 the honeymoon is over. After 1 year of payments on producing acres, payments on nonproducing acres and price support loans at $1.02 per bushel, the rug is pulled out from under the corn farmer. He is then faced with no payments whatsoever and price support at 80 cents a bushel. Not only that, but the Government surplus could be dumped on the market at 84 cents a bushel, plus carrying charges, and 175 million bushels of cheap feed wheat would be thrown into artificial competition with corn. During the debate in the House on the conference report there was not one single attempt to dispute the obvious fact that there will be 80-cent corn in 1964. During the debate in the Senate on the bill both before and after it went to conference, the junior Democratic Senator from Wisconsin [Mr. PROXMIRE], pointed out that under the Senate-adopted formula the 1964 corn support would be extremely low—50 percent of parity.

In the CONGRESSIONAL RECORD, volume 108, part 16, page 21590, he said:

"Next year our feet will be to the fire. Those of us who want to maintain income for dairy, beef, and hog farmers will be in a far different position than we were this year, because the alternative to doing nothing will

be 50 percent price supports, which means a further cruel income drop for our farmers."

Tobacco is supported under a special formula passed 2 years ago to prevent tobacco supports from going higher (under Public Law 86-389 the 1962 tobacco support is 101 percent of the 1959 support), peanuts are currently supported at 82 percent of parity, rice at 76 percent of parity, and upland cotton at 82 percent of parity.

Along with the sharp increase in the number of employees added to the Department of Agriculture in order to help that agency spend even more tax money, farm debt in America has also risen to an alltime high of $27.7 million. So have farm costs risen to an alltime high of $27.6 billion in the second quarter of 1962.

Whether it is bypassing Congress through a radical delegation of legislative authority, or whether it is penitentiary terms for dairy farmers, or whether it is 80-cent corn for corn farmers, or whether it is by another means, the end is the same—the complete control of our agricultural economy. This is what we have to look forward to next year—more attempts at controlling American agriculture.

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

Mr. Chairman, I would call the attention of the committee to the fact that if you strike these provisions out, you restore supports on unlimited production, supports to the noncooperator as well as cooperator. You make no distinction. You create an utterly intolerable situation.

This is the Quie amendment. This is the amendment which was placed in the bill at the suggestion of the gentleman from Minnesota in the 1963 act, and it had a very sound purpose. The committee accepted it after the gentleman from Minnesota suggested it. We think that it is a pretty sound approach. It eliminates the very provisions which the gentleman objected to, the dumping provisions and the sell-back practices. It makes it possible to distinguish between the cooperator and the noncooperator. If you go back to the old system of giving the man who does not cooperate the same consideration that you give to the man who is a cooperator, you get no results in the way of reducing production. You achieve nothing. Of course, the amendment simply takes the heart out of the bill.

Now, I am not going to use the language that was used yesterday, but it has exactly the effect which was described on the floor of the House yesterday, and everybody knows that effect. Of course, I recognize that there are various ways of killing bills, and obviously this is one of the elite methods of killing bills. There will be a good many people who do not understand it. But, I believe the membership of this House, understands that you must have a distinction between a cooperator and a noncooperator; that you must have a way of making payments to the cooperator that is not going to the noncooperator, and this amendment simply takes out that payment. This amendment places you in a position where you actually have no program at all. The only way you can get a program under this would be to go back to the discredited system that the gentleman has referred to, of sell-backs.

Mr. Chairman, I urge that the committee reject this amendment.

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

Mr. Chairman, I would like to make some observations relative to the administration of the present feed grain law as it applies to the family farms of America.

Mr. Chairman, in my judgment one of the most devastating practices that has been used in the administration of this program has been the sale of Commodity Credit Corporation grain which has constantly depressed the market unnecessarily. It is my opinion that under the new bill this provision is being corrected, admitting a mistake under the previous legislation.

Mr. Chairman, records show that production has been below disappearance which normally would have produced a higher price. Commodity Credit stocks have been unwisely dumped. The result has been that feed prices have been depressed. We have often heard from the Secretary that cheap feed means cheap livestock. The result of that is that the population of livestock on the farm has increased materially and the price of livestock has been depressed.

Mr. Chairman, under the bill that we are considering today the thing of which I am afraid is this: That the supports are set in a flexible manner, which used to be a dirty word, at from 65 percent to 90 percent of parity. The compensatory payments are in the hands of the Secretary of Agriculture to be used at his discretion. The support levels are subject to his discretion. He has the power to break the feed grain market, which might be all right for a cash crop operator but the family operated livestock farmer who raises his own feed for production of livestock products will find himself confronted with cheap feed in the marketplace and at a price cheaper than a small farmer can raise it. Therefore, the commercial producer is going to be in that market producing in competition with the little farmer who has fixed costs and run him out of business.

Mr. Chairman, I do not believe the Secretary should have the authority to set the compensatory payments. It is my opinion that Congress should do it if done at all. I do not believe the Secretary should have the authority to adjust the prices to the extent which he is given that authority in this bill. The Secretary has altogether too much power.

Mr. Chairman, the Congress meets every year. We can set the payment if it must be that way. We should also be in control of some of these things which we now so willingly put in the hands of the Secretary who in my judgment has abused the authority that he already has.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. KYL].

The amendment was rejected.

Mr. POAGE. Mr. Chairman, I ask unanimous consent that the balance of the bill be considered as read and open for amendment at any point.

Mr. NELSEN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

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

The Clerk read as follows:

Amendment offered by Mr. HARDING: On page 1, strike out all after the enacting clause and substitute in lieu thereof the following: "That section 105 of the Agricultural Act of 1949, as amended, is amended by striking out subsections (a) and (b), and substituting the following:

"'(a) Notwithstanding the provisions of section 101 of this Act, beginning with the 1963 crop, no price support shall be made available for any crop of corn, grain sorghums, barley, oats, or rye.'

"SEC. 2. Section 407 of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof the following:

"'Beginning January 1, 1963, the Commodity Credit Corporation shall dispose of its stocks of corn, grain sorghums, barley, oats, and rye at market prices at an annual rate equal to one-fifteenth of such stocks on hand on January 1, 1963. *Provided*, That in disposing of such stocks of corn, grain sorghums, barley, oats, and rye, the corporation shall to the maximum extent practicable pursue a domestic sales policy which will: (1) insure the retention of only the highest quality stocks of such feed grains in its inventory, and (2) have a minimum adverse effect on market prices of such feed grains.'"

Mr. HARDING. Mr. Chairman, this is identical to the amendment that I offered last year. This is an amendment that everyone can understand. We presently have no controls on feed grains. All this amendment does is abolish all of the price supports.

Mr. Chairman, we have heard talk earlier today about the 1961 program costing $800 million, the 1962 program costing $900 million, and that the 1963 program is probably going to cost $1 billion for payments to growers and administration. While abolishing the price supports, I would like to point out that my amendment provides for the orderly disposal of the surpluses over the next 15 years. Now, just what is this going to do? Right now at the end of the marketing year in 1962, we have a surplus of 61 million tons of feed grains. If we disposed of it over the next 15 years, that would mean the disposition of 4 million tons per year.

In 1962 we produced 143 million tons of feed grains and we utilized 154 million tons of feed grains. If we added the 4 million tons from Commodity Credit stocks in 1962 we would still have had a market for 7 million tons more than the total produced and the total sold from CCC stocks. Obviously, if you are going to allow for supply and demand and you have a demand for 7 million tons more than there is available, you are going to have a good price and you are not going to break any market.

Last year several people said, "Well, Mr. HARDING, I agree with your amendment, but it will kill the bill and we have got to pass this bill this year." I can tell you right now that if my amendment is not adopted today and this act is extended for 2 years, 2 years from now this same feed grains giveaway will be back before us. I hope I will be here again to offer my amendment and I will probably be told again that it will kill the bill. I think it is time that we vote

for freedom and, as I said a little earlier, not only freedom for the farmer but freedom also for the taxpayer. I think the elimination of this $1 billion program would be a good thing. I think it is workable. I think it is in the interest of American agriculture because, as the gentleman from New Jersey [Mr. THOMPSON] pointed out, the city boys are not going to vote forever for unworkable farm programs that allow price supports and at the same time allow farmers all over America to produce as much as they want to produce if they do not sign up for the program. And that is what we are going to have under this program.

Mr. FINDLEY. Mr. Chairman, I rise in opposition to the amendment. I sympathize fully with the objectives toward which the gentleman would move. I think the Members will recall many occasions when I have spoken out strongly in behalf of getting the Government out of the grain business. There are some weaknesses in this proposal, and I think the fact that he has presented this amendment is a good reason for recommitting the bill so that the full committee may hear testimony and close the loopholes and improve the proposal the gentleman has made. This is one of many alternatives which could and should be considered for feed grains.

One other alternative would be to revise the 1958 program. This was basically a sound program. The reason we had a buildup of stocks under the 1958 program was that the floor on price supports was at an unrealistic level. Had it been lower we would not have had the buildup in stocks.

Another alternative would be the plan I have advocated for several years, that of selling surplus stocks back to the farmers at an attractive price in exchange for a short-term land-retirement agreement.

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

Mr. Chairman, we had one amendment here that would have taken out all inducements for limitation on production. Now we have an amendment which would take out all supports. Of course, if you take out either you make this a completely unworkable bill.

I think the proponent of this amendment recognizes and admits that he is simply flailing around rather blindly, trying to destroy almost anything that comes in his reach at the present time. So he suggests that instead of holding this grain for 2 years as this bill would provide he would hold it for 15 years and pay storage on it during that time.

I recognize, of course, that if you sell it out in 15 years, that means you move it in an average of 7½ years and at the rate of storage that we paid last year on corn that means that we would have to pay $2.02 a bushel on each bushel we have in storage today.

On every bushel that we have in storage today, and there are something over 2 billion bushels, you are going to pay $2.02 on every bushel, and that is nearly $5 billion that you are going to pay out in storage before you get rid of it over this 15-year period.

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

Mr. POAGE. I yield to the gentleman from Idaho.

Mr. HARDING. I would like to point out to the gentleman the reason I provided for the disposal of it over 15 years is because the storage life of feed grains is 15 years. I wanted it to have the minimum effect on the market price. I think that $5 billion for a feed grain program for the next 15 years is pretty cheap, when we consider it is going to cost us $1 billion this year and if we extend it over 15 years it would cost us $15 billion.

Mr. POAGE. It is merely the storage I am talking about, it is merely the storage of what we now have in the warehouses.

How much we will grow with no restrictions we do not know. Of course we want to protect the livestock market. We would all like to see that done. But when you turn production loose and grow unlimited amounts, then your losses on livestock alone may well be $5 billion per year. But we know we have a $5 billion loss in storage under this method. All of you who want the $5 billion loss, vote for the amendment, but as for me, I am against it.

Mr. BALDWIN. Mr. Chairman, I rise in support of the amendment of the gentleman from Idaho.

Mr. Chairman, those of you who were on the floor last year when a similar amendment was offered will remember that on the first vote it was carried and it was only reversed by a narrow margin on a teller vote later on.

It happens that in my own district, although it is quite a diversified district, we do have some growers who grow barley, some who grow corn, some who grow oats. They are taking advantage of this bill, but every time I have talked to them they themselves have expressed a feeling that we would do better to eliminate this whole program.

I issued a questionnaire this year to every family of registered voters in my district as to whether they were in favor of eliminating price supports, and the vote was overwhelming for eliminating them.

This amendment would end the problem of incoming surplus commodities for the Commodity Credit Corporation. The incoming flow of commodities to the Commodity Credit Corporation over the years has been greater and greater. This would bar the incoming flow, so we could see an end to the program, and that is one thing we have not been able to see in any program before the House in recent years.

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

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

Mr. FINDLEY. One defect I did not mention earlier that I see in this proposal is that it still leaves the going-out-of-condition loophole in the Secretary's authority to dump stocks on an unprotected market. I think this is an additional reason to recommit the bill, so that the loophole can be closed.

Mr. BALDWIN. If the pending amendment is defeated, I will vote for the motion to recommit. I think this is a worthwhile amendment and a desirable amendment.

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

Mr. BALDWIN. I yield to the gentleman from Nebraska.

Mr. BEERMANN. I would like to ask that the House turn down this amendment. I am just as much for free enterprise and the market system as the gentleman from Idaho says he is. But the fallacy of this amendment is that we are discussing and legislating on only one segment of the price supported commodities. It is very commendable to reduce the support rate. Price supports should be changed on a gradual basis. We have had controls for 30, 40, or 50 years. We cannot permit such drastic action in 1 year.

This agrees with my philosophy. I would like to say to the gentleman from Idaho, I would like to support it 100 percent, but let us do it under the Agricultural Adjustment Act of 1938 and work gradually toward loan rates allowing supply and demand to operate. We can do it on a sensible basis. This bill should be returned to the committee for further study and come back with the right kind of program.

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

Mr. BALDWIN. I yield to the gentleman.

Mr. HARDING. I would like to point out first to the gentleman from Illinois that there is not a loophole left. The most the Secretary can dispose of is one-fifteenth per year. I would like to point out to the gentleman from Nebraska that all we have before us is a feed grain bill. I will gladly offer the same amendment for any other commodity that enjoys price support without production controls.

The CHAIRMAN. The time of the gentleman from California has expired.

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

Mr. Chairman, I have taken this time because of the attacks that have been made here on price supports generally. May I say to our colleagues that there are many dislocations in the overall agricultural picture. Some of this dislocation comes from the fact that through the years we have been trying to hold controls in line by acreage control, a practice which, in turn, is an incentive to get as much production per acre as possible. That resulted in some of this dislocation. Let us talk about free enterprise and free economy. Something we all believe in. However, when you have a stack of laws 2 feet high, laws that give the right to organized labor to organize and to strike and to bargain; when industry has to add its markup or profits on top of the cost of production—and I am not attacking any of that—but when you are dealing with an economy in which all of this is an established fact, then I say to you, if you do not give some protection to the price of raw materials, and some protection to the rights under law of the other segment of our economy, agriculture, it will run prices of raw material right down into the ground and our food and fiber will then come at the expense of the

land in this country, remember we wore out about half our resources that way.

I want to say one other thing. Through the years I have worked in the Committee on Appropriations for agriculture, I have come to know that agriculture is by far the greatest market for the industrial output of this country. I say to you, if you get rid of price supports you will destroy that market. If price supports are gone, the take by the other two major segments will take more and more of the consumer dollar. You will have cheap feeds and you will have cheap meat but you are going to have such low purchasing power by agriculture that you will have another depression just as the other depression that we had which started with low farm income. Not only do I point that out to you, to my friends in the towns and cities, and I am not a farmer, but the worst thing you can do to the American people would be to try to dry up the supplies and production so that scarcity will give the farm good prices in the marketplace. Just imagine what the situation would be in places like Philadelphia, New York, and Washington, D.C., if we had just barely enough of a supply in this country to the point where the shortage would support the price. Then suppose there was a little drought one year or a flood or the plague of locusts and so forth. Just think what would happen. My friends, if you could turn all of it loose, industry, labor, and agriculture, it might work. But, with the right of labor to organize, with minimum wages, with the right to contract and to bargain, which is a part of the American way of life, and the necessity of industry to have its profit on top of cost, I say to you there is no way to keep a proper balance between industry and agriculture and labor which is essential to prosperity without giving each its fair share of the law.

I agree that there are many dislocations in the present farm programs, but my friends when the total cost of all American agriculture, which is the greatest purchasing power that industry has, is about the same as the cost of what we are going to spend each year to try to send a man to the moon, then I say the cost is not out of proportion, though we should hold costs in line to the greatest extent possible.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho [Mr. HARDING].

The question was taken, and on a division (demanded by Mr. HARDING) there were—ayes 93, noes 122.

So the amendment was rejected.

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

Mr. POAGE. Mr. Chairman, will the gentleman yield for a consent request to limit debate?

Mr. LANGEN. Not at this time.

Mr. Chairman, this could indeed be a very dark day for American agriculture, and I say that with a great deal of sincerity. That result could come about not because of the content of the legislation before us. After having very diligently followed the discussions here on the floor this afternoon, and I hope I may have followed them with some degree of understanding—because this may be the occasion on which this Congress has become instrumental in influencing the outcome of a vote and a referendum by the American farmers.

After having listened to the discussion here this afternoon one cannot very well dispel the thought that is bound to occur about the principle involved, whether it is in the Congress or in a department, of Government attempting to influence a vote and a decision by the people.

And I should say to you this: One is bound to recollect countries throughout the world in which that kind of oppression is carried out. I say that as if the Congress had not already carried out the influence.

Yes, by threats, if you will, that unless you vote as we have directed, do not look for any kind of sympathy here. If that is not a threat, I do not know what one is.

Mr. Chairman, even aside from that, I think there is further evidence of how come this bill is premature and is before us at a time when sufficient consideration has not been given to the matter.

I have listened this afternoon to all the money that has been saved; and to all the money that has been spent, I have also heard that farm prices are now 77 percent of parity, the lowest since 1939. What a sad and pathetic thing that after 24 years we are going to be back where we started, in spite of all the money that we have spent and in spite of all the money we have saved.

There must be some reason for this. The bill before us should attempt to solve the problems that confront the feed grain farmer. I am wondering if it does. I am wondering too if the haste to get this before us in order to influence a referendum a number of items have been neglected. Has anyone during the course of debate here today made any reference to what has happened to the export of feed grains within this year? It might be worthwhile to say to those who argue how they are going to reduce the supply that the exports of feed grains went down by 1 million tons since January of this year. Consequently, if you are going to accomplish the purpose, the first thing you have got to do is to say to American agriculture, "You are going to have to raise 1 million tons less in order to get back to where you were."

In addition there has been called to our attention the fact that imports of cream have come into being to the extent of almost 2 million pounds. This again must indicate that there will be a reduced market for feed grains and completely upset the cost and accomplishments figures that have been discussed here today.

Without consideration of these facts we can well legislate the feed grain producer less income, less markets, and even more difficult operating conditions.

This House can today, by sending this bill back to the committee for a limited time at least protect the farmers right to make a decision on a referendum without being directed by Congress, even though we continue to reduce his income as we have done for 24 years.

The Clerk read as follows:

SEC. 3. Section 16 of the Soil Conservation and Domestic Allotment Act, as amended, is amended by adding the following new subsection:

"(h) Notwithstanding any other provision of law—

"(1) For the 1964 crop and the 1965 crop of feed grains, if the Secretary determines that the total supply of feed grains will, in the absence of an acreage diversion program, likely be excessive, taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices of feed grains and to meet any national emergency, he may formulate and carry out an acreage diversion program for feed grains, without regard to provisions which would be applicable to the regular agricultural conservation program, under which, subject to such terms and conditions as the Secretary determines, conservation payments in amounts determined by the Secretary to be fair and reasonable shall be made to producers who divert acreage from the production of feed grains to an approved conservation use and increase their average acreage of cropland devoted in 1959 and 1960 to designated soil-conserving crops or practices including summer fallow and idle land by an equal amount. Payments shall not be made in amounts in excess of 50 per centum of the estimated basic county support rate, including that part of the support price made available through payments in kind, on the normal production of the acreage diverted from the commodity on the farm based on its adjusted average yield per acre. Notwithstanding the foregoing provisions, the Secretary may permit such diverted acreage to be devoted to the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, and flax, if he determines that such crops are not in surplus supply and will not be in surplus supply if permitted to be grown on the diverted acreage, subject to the condition that payment with respect to diverted acreage devoted to any such crop shall be at a rate determined by the Secretary to be fair and reasonable, taking into consideration the use of such acreage for the production of such crops, but in no event shall the payment exceed one-half the rate which would otherwise be applicable if such acreage were devoted to conservation uses, and no price support shall be made available for the production of any such crop on such diverted acreage. The base period for the purpose of determining the adjusted average yield in the case of payments with respect to the 1964 crop shall be the four-year period 1959–1962, and in the case of payments with respect to the 1965 crop shall be the five-year period 1959–1963. The term 'feed grains' means corn, grain sorghums, barley, and, if for any crop the producer so requests for purposes of having acreage devoted to the production of wheat considered as devoted to the production of feed grains, pursuant to the provisions of section 328 of the Food and Agriculture Act of 1962, the term 'feed grains' shall include oats and rye: *Provided,* That acreages of corn, grain sorghums, and barley shall not be planted in lieu of acreages of oats and rye: *Provided further,* That the acreage devoted to the production of wheat shall not be considered as an acreage of feed grains for purposes of establishing the feed grain base acreage for the farm for subsequent crops. Such feed grain diversion program shall require the producer to take such measures as the Secretary may deem appropriate to keep such diverted acreage free from erosion, insects, weeds, and rodents. The acreage eligible for participation in the program shall be such acreage (not to exceed 50 per centum of the average acreage on the farm devoted to feed grains in the crop years 1959 and 1960 or twenty-five acres,

whichever is greater) as the Secretary determines necessary to achieve the acreage reduction goal for the crop. Payments shall be made in kind. The average acreage of wheat produced on the farm during the crop years 1959, 1960, and 1961, pursuant to the exemption provided in section 335(f) of the Agricultural Adjustment Act of 1938, prior to its repeal by the Food and Agriculture Act of 1962, in excess of the small farm base acreage for wheat established under section 335 of the Agricultural Adjustment Act of 1938, as amended, shall be considered as an acreage of feed grains produced in the crop years of 1959 and 1960 for purposes of establishing the feed grain base acreage for the farm, and the rate of payment for diverting such wheat shall be an amount determined by the Secretary to be fair and reasonable in relation to the rates of payment for diverting feed grains. The Secretary may make such adjustments in acreage and yields as he determines necessary to correct for abnormal factor affecting production, and to give due consideration to tillable acreage, crop-rotation practices, types of soil, soil and water conservation measures, and topography. To the extent that a producer proves the actual acreages and yields for the farm, such acreages and yields shall be used in making determinations. The Secretary may make not to exceed 50 per centum of any payments to producers in advance of determination of performance. Notwithstanding any other provision of this subsection (h)(1), barley shall not be included in the program for a producer of malting barley exempted pursuant to section 105(d) of the Agricultural Act of 1949 who participates only with respect to corn and grain sorghums and does not knowingly devote an acreage on the farm to barley in excess of 110 per centum of the average acreage devoted on the farm to barley in 1959 and 1960.

"(2) Notwithstanding any other provision of this subsection, not to exceed 1 per centum of the estimated total feed grain bases for all farms in a State for any year may be reserved from the feed grain bases established for farms in the State for apportionment to farms on which there were no acreages devoted to feed grains in the crop years 1959 and 1960 on the basis of the following factors: Suitability of the land for the production of feed grains, the past experience of the farm operator in the production of feed grains, the extent to which the farm operator is dependent on income from farming for his livelihood, the production of feed grains on other farms owned, operated, or controlled by the farm operator, and such other factors as the Secretary determines should be considered for the purpose of establishing fair and equitable feed grain bases. An acreage equal to the feed grain base so established for each farm shall be deemed to have been devoted to feed grains on the farm in each of the crop years 1959 and 1960 for purposes of this subsection except that producers on such farm shall not be eligible for conservation payments for the first year for which the feed grain base is established.

"(3) There are hereby authorized to be appropriated such amounts as may be necessary to enable the Secretary to carry out this section 16(h). Obligations may be incurred in advance of appropriations therefor and the Commodity Credit Corporation is authorized to advance from its capital funds such sums as may be necessary to pay administrative expenses in connection with such program during the fiscal year ending June 30, 1964, and to pay such costs as may be incurred in carrying out paragraph (4) of this subsection.

"(4) The Secretary shall provide by regulations for the sharing of payments under this subsection among producers on the farm on a fair and equitable basis and in keeping with existing contracts.

"(5) Payments in kind shall be made through the issuance of negotiable certificates which the Commodity Credit Corporation shall redeem for feed grains and, notwithstanding any other provision of law, the Commodity Credit Corporation shall, in accordance with regulations prescribed by the Secretary, assist the producer in the marketing of such certificates. In the case of any certificate not presented for redemption within thirty days of the date of its issuance, reasonable costs of storage and other carrying charges, as determined by the Secretary, for the period beginning thirty days after its issuance and ending with the date of its presentation for redemption shall be deducted from the value of the certificate. Feed grains with which Commodity Credit Corporation redeems certificates pursuant to this paragraph shall be valued at not less than the current support price, minus that part of the current support price made available through payments in kind, plus reasonable carrying charges.

"(6) Notwithstanding any other provision of law, the Secretary may, by mutual agreement with the producer, terminate or modify any agreement previously entered into pursuant to this subsection if he determines such action necessary because of an emergency created by drought or other disaster, or in order to prevent or alleviate a shortage in the supply of feed grains."

Mr. POAGE (interrupting reading of the bill). Mr. Chairman, I ask unanimous consent that this section be considered as read and open to amendment at any point, and, Mr. Chairman, I also ask unanimous consent that all debate on this section and all amendments thereto close in 15 minutes.

Mr. AVERY. Mr. Chairman, reserving the right to object, is that to this section or to the bill?

Mr. POAGE. To this section.

Mr. AVERY. Are there other sections?

Mr. POAGE. No.

Mr. AVERY. The essence of the gentleman's request is that all debate on the bill end in 15 minutes?

Mr. POAGE. That is right.

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

Mr. PATTEN and Mr. FINDLEY objected.

Mr. AVERY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. AVERY. I am a little confused on what unanimous consent requests have been agreed to. Was it asked and agreed to that this section be considered read and open to amendment?

The CHAIRMAN. The Chair will state there was one unanimous consent request made which embodied two different requests that was objected to. Therefore, there has been no unanimous consent request granted by the House.

Mr. POAGE (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that the further reading of this section be dispensed with and that it be open for amendment at any point.

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

There was no objection.

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 5, line 7, strike out "beginning with the 1964 crop,".

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

Mr. Chairman, the time is late, and I understand there is an affair which many of the Members plan to attend. Could I have the attention of the gentleman from Texas?

The gentleman from Texas alluded several times to the Emergency Feed Grain Act passed in 1961 and, as I recall, he pronounced it a success. I want to say that I voted for the program and I voted for the one that succeeded it, because I thought it was a reasonably good program and the cost was, shall we say, modest. Now, will the gentleman tell me why, if we had this program that seemed to be splendid at a modest cost in 1961, has the committee insisted on encumbering and dissipating its provisions? He pronounced it a good program, one the farmers liked and one we could like. Now we add these encumbrances and continue to delegate more authority to the Secretary of Agriculture. This has made it more objectionable to the farmers of America and to those of us on this side of the aisle. It was his own creature initially, the product of the Committee on Agriculture. What went wrong with it, and why, and when?

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

Mr. AVERY. I certainly will.

Mr. POAGE. As I attempted to explain to the committee this morning, savings have been made and we could make still further savings. There was a necessity in 1961 and 1962 not only to balance supply and demand of feed grain but to materially reduce the stocks that were then on hand, the surplus carryover. That necessity will probably not exist after this fall. No man can tell just how low the stocks will be, but we know from the experience of the past 2 years that the stocks are going to be down somewhere rather close to the desired balance.

That being true, it seemed entirely unwise to put the provisions in this bill that were in the previous bills requiring the payments up to a certain amount. Consequently we give the Secretary under the terms of this bill the authority to lower those payments. You say, why did we not put a ceiling on there? There is a ceiling on there. He cannot pay more than is found necessary to secure the needed reduction to bring about a balance between supply and demand.

Mr. AVERY. That is a sufficient response at this time.

If I might further have the attention of the gentleman from Texas, did he not hear what the gentleman from Illinois [Mr. MICHEL] said, that despite all of these attempted improvements, the cost has gone up every year? So, why do we not go back to the 1961 program?

Mr. POAGE. The gentleman is entirely mistaken. The cost has not gone up each year. He did not show us that

this program had increased in cost, nor can he show it. He stated that the full cost to the Department of Agriculture had increased, and that involves a great many factors which are not involved here this afternoon.

Mr. AVERY. I thank the gentleman. I guess you hear what you want to hear and see what you want to see. But, certainly, I understood the gentleman from Illinois [Mr. FINDLEY] and the gentleman from Illinois [Mr. MICHEL] both to show very persuasively that the cost of this program has gone up year after year. Therefore, I would only suggest to the gentleman that we go back to the 1961 program and I think we can all agree on it and pass it very quickly.

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

The CHAIRMAN. The time of the gentleman from Kansas has expired.

The question is on the committee amendment.

The committee amendment was agreed to.

Mr. POAGE. Mr. Chairman, I move that all debate on this section close in 10 minutes.

The CHAIRMAN. Is the gentleman from Texas aware that the Chair is attempting to place before the Committee other committee amendments?

Mr. POAGE. I shall withhold my motion, Mr. Chairman.

The CHAIRMAN. The Clerk will read the balance of the committee amendments.

The Clerk read as follows:

Page 6, line 9, strike the words "any subsequent" and insert in lieu thereof "the 1965".

Page 6, line 10, strike the words "most recent".

Page 6, lines 10, 11, and 12, strike the words "determined by the Secretary to be representative for which statistics are available." and insert in lieu thereof "1959–1963."

Page 8, line 9, after the period add: "Notwithstanding any other provision of this subsection (h)(1), barley shall not be included in the program for a producer of malting barley exempted pursuant to section 105(d) of the Agricultural Act of 1949 who participates only with respect to corn and grain sorghums and does not knowingly devote an acreage on the farm to barley in excess of 110 per centum of the average acreage devoted on the farm to barley in 1959 and 1960."

The committee amendments were agreed to.

Mr. MICHEL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MICHEL. Are we to have all of the committee amendments adopted before any amendments are to be accepted by the Committee?

The CHAIRMAN. The Chair will state that that is the usual procedure.

Mr. MICHEL. This does not foreclose our going back to page 9, now, if we move on to pages 10 and 11?

The CHAIRMAN. We are now on page 9.

Mr. MICHEL. Mr. Chairman, I offer an amendment to page 9.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MICHEL: Page 9, line 3, after the word "performance" strike the period and insert the following: "*Provided*, That in no event shall the Secretary in the crop years 1964 or 1965 make payments to any producers under this section 16(h) and under section 105(d) of the Agricultural Act of 1949 as amended in excess of 20 per centum of the fair market value of any acre involved."

Mr. MICHEL. Mr. Chairman, the reason I offer this amendment is first and foremost because I am concerned over any kind of program which pays anyone for doing nothing or pays a farmer for keeping idle his acres. This is repugnant to me.

Mr. Chairman, I am also concerned with the broad discretionary power that is given the Secretary of Agriculture in this bill to raise and lower these payments. We know that there have been instances in the past where land has been purchased just a few years ago for less than $5 an acre for which we are now paying three times that amount in payments for diverted acres.

Mr. Chairman, in my area we pay farmers $50 and $60 an acre to keep their land idle. I say that with this broad discretionary power that the Secretary has it is conceivable that some of these payments could get completely out of hand. Therefore I say let us not provide for a payment in excess of 20 percent in 1 year of the market value of those diverted acres, for if it is in excess of that, shucks, over a period of 5 years we might as well take title to the land in the name of the Federal Government.

Mr. Chairman, I think it is a good limitation which I am proposing here in good faith.

May I say for the purpose of legislative history that this should in no way be considered to be an acceptable standard for payments by the Secretary. It would in my opinion be unconscionable to sanction a payment that even came close to this but I just want to make sure that the Secretary with his broadened powers does not raise these payments to unreasonable levels as he can do.

Mr. POAGE. Mr. Chairman, it is my understanding that the broad effect of this amendment is to limit the diversion payments in either year to not more than 20 percent of the fair market value of the diverted acres. If this is the meaning of the proposed amendment, why, we have no objection to the amendment and would be glad to accept it.

Mr. MICHEL. If the gentleman will yield, this is the intended purpose of my amendment.

Mr. POAGE. We will be glad to accept the amendment.

Mr. JONES of Missouri. Is not the gentleman fearful that some county committee might get the idea that they are supposed to pay 20 percent of that $800 or $900 an acre land which the gentleman has in his district, and they will be making payments that high?

Mr. MICHEL. No, I do not take that position at all. But I reaffirm my concern that since we are changing this discretionary authority of the Secretary in which he has broadened powers that he will not use this as an avenue for making outlandish payments under this program.

Mr. JONES of Missouri. I have seen it happen that each time we try to put a maximum someone will apply it as a minimum, and we get in trouble that way. I think the gentleman is making a mistake.

Mr. MICHEL. I happen to take a view at variance with my friend in this instance.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

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

The Clerk read as follows:

Amendment offered by Mr. SMITH of Iowa: On page 9, line 1, after the period insert the following:

"Notwithstanding any other provision of this subsection (c)(1), the Secretary may, upon unanimous request of the State committee established pursuant to section 8(b) of the said Conservation and Domestic Allotment Act as amended, adjust the feed grain bases for farms within any State or county to the extent he determines such adjustment to be necessary in order to establish fair and equitable feed grain bases for farms within such State or county."

Mr. POAGE. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 10 minutes.

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

Mr. MICHEL. Mr. Chairman, reserving the right to object, I have one amendment on page 10. Will the gentleman assure me 3 minutes in support of that amendment?

Mr. POAGE. My request was for debate to close in 10 minutes following the gentleman from Iowa [Mr. SMITH].

Mr. Chairman, I move that all debate on this section and all amendments thereto close at 6 p.m.

The CHAIRMAN. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

Mr. SMITH of Iowa. Mr. Chairman, under this program the Secretary calculates the number of acres that he deems will be necessary to provide needed consumption for a given year. Then we divide that total production among the various farmers. The determination of the acreage allotment or the base for each individual farm is determined according to what he raised in 1959 and 1960. I submit to you that on many farms in this Nation this is not a fair basis for determining his base acreage. The reason is that perhaps, even by accident, he put all his farm into soybeans one year and none of it into corn, so he ends up with an unfair base. Some producers under these circumstances contribute more for the payments they receive than others because before they can comply with the law they have to give what they should have had above their base acreage as a base. On the other hand, some have such high allotments that they are actually giving

little for the money that they get for reducing acreage.

In 1957 under the Acreage Reserve Act adjustments were made. In those States only where the State committee is in unanimous agreement that adjustments need to be made, this amendment would permit adjustments to be made between farmers.

Mr. Chairman, I have talked to the farm leaders on both sides of the aisle and I believe there is not too much opposition to this amendment. I hope it will be accepted.

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

Mr. SMITH of Iowa. I yield.

Mr. POAGE. Mr. Chairman, I talked to the gentleman about this amendment before he offered it. I told him that while I was not too enthusiastic about it we would interpose no objection to it. The committee does not object to it.

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

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

Mr. JENSEN. I feel that the gentleman's amendment is well taken. It will serve as a good change in the present program. I certainly hope his amendment will prevail.

Mr. SMITH of Iowa. I thank the gentleman. Of course we know that Iowa producers have been particularly in need of adjustments.

Mr. JENSEN. That is right.

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

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

Mr. HOEVEN. I have no objection to this amendment.

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

Mr. SMITH of Iowa. I yield to the gentleman from Illinois.

Mr. FINDLEY. For clarification, do I understand correctly that this could not possibly have the result of increasing the base acreages either of the States or the Nation?

Mr. SMITH of Iowa. It would not increase the total base acreage. It would not include any authority to change the acreages allotted to any State but would provide authority to adjust acreages between farmers within a county.

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

Mr. SMITH of Iowa. I yield to the gentleman from Illinois.

Mr. ARENDS. If I understand correctly, this would make possible the adjustment of inequities on the basis of the 1959–60 acreage allotments. It would be in the discretion of the committees to adjust them.

Mr. SMITH of Iowa. That is correct.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The amendment was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. MICHEL].

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

The Clerk read as follows:

Amendment offered by Mr. MICHEL: On page 10, line 12, after the period, strike the balance of line 12 and all of lines 13 through 19.

(By unanimous consent, Mr. BATTIN yielded the time allotted to him to Mr. MICHEL.)

Mr. MICHEL. Mr. Chairman, the lines that I propose to strike out read as follows:

Obligations may be incurred in advance of appropriations therefor and the Commodity Credit Corporation is authorized to advance from its capital funds such sum as may be necessary to pay administrative expenses in connection with such program during the fiscal year ending June 30, 1964, and to pay such costs as may be incurred in carrying out paragraph (4) of this subsection.

The reason for my deleting this subsection is to require the Department to come before the Appropriations Committee in justification of these expenditures. This is just another instance of opening up the back door of the Treasury. If this program is to be effective in the year 1964, there is ample opportunity for the people downtown to come up before our subcommittee and justify these expenditures, particularly in this area of administrative expenses. It has been brought out heretofore in the debate that there is $101 million over a 3-year period in administrative expenses alone in this program. If you want a good accounting, you will get it from your subcommittee chaired by the gentleman from Mississippi [Mr. WHITTEN], and the rest of us serving on that subcommittee. I say the folks downtown ought to justify these expenditures not only to the Appropriations Committee but to all Members of this House and we shall give a good accounting to the people.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MICHEL].

The amendment was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota [Mr. QUIE].

Mr. QUIE. Mr. Chairman, I just want to point out, in closing, the difference between this bill and the 1963 program which is now law. I supported, in the 1963 program, the direct payment because it had the effect of eliminating the authority to the Secretary to buy high and sell low and thereby manipulate the market prices. This proposal, H.R. 4997, gives the Secretary of Agriculture unlimited authority. It was pointed out in the colloquy here between the gentleman from Kansas [Mr. AVERY] and the gentleman from Texas [Mr. POAGE] that the Secretary would not pay an unduly high direct payment because he only wanted to get a certain amount of grain out of production. The Secretary also has authority, I might point out, that no longer will he have to require a 20-percent reduction in acres in order for a farmer to comply. He can make it 10 percent or 1 percent or no percent at all as a requirement for a farmer to comply with this feed grain program and get a direct payment, and that could be at a tremendous expense to the Federal Government.

I proposed the direct payment last year so the Secretary of Agriculture could not sell low after he bought high. It was not to be used as an incentive to reduce acres. The result under the present administration has been that there is an incentive to reduce acres no more than the required 20 percent of a farmer's acres. This should be changed. With the authority given to the Secretary to set the direct payment at any level which he wishes and the required diversion in order to comply at zero, the Secretary can next year change the good voluntary program of the last 3 years into a mandatory program, if this Congress enacts this legislation.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. FINDLEY].

Mr. TEAGUE of California. Mr. Chairman, I ask unanimous consent that the time allotted to me be granted to the gentleman from Illinois [Mr. FINDLEY].

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. FINDLEY. Mr. Chairman, every figure that I have presented here today originated from the statistical warehouse down on Independence Avenue, and did not originate in my own mind. If there is any fiction and if there is any exaggeration, it originated with the statisticians in the Department of Agriculture. Every one of the figures I have cited originates from these two documents, including the figures on this chart which I show you here.

I invite the attention of my colleagues once more to this fact, which I hope you will bear in mind as you think about the next campaign. You are being asked to support a program similar to the one under which in this year the taxpayers are spending over $8 for every dollar's worth of feed grains that is taken out of the stockpiles.

This proposal is to pay farmers for not growing feed grains. This proposal is to provide loans on crops and finally, believe it or not, this proposal contains a provision under which some farmers can be paid for growing corn that they have never grown before. The next year these farmers can be paid not to raise grain that they have never grown before.

My colleague, this is a pointless, perpetual piece of pump priming and ought to be pitched out.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. Chairman, I offer an amendment which I sent to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. GRIFFIN: On page 10, line 9, after the word "established" and before the period, insert the following: ": *Provided however*, That the authority contained in this section to make payments, for not growing feed grains, to farmers who never grew feed grains, shall only be effective if and when Congress authorizes payments in

like amount to residents of urban areas who are willing not to grow feed grains."

Mr. GRIFFIN. Mr. Chairman, this amendment may sound funny, but I suggest that it points up a serious situation so far as this bill is concerned.

A number of years ago an irate taxpayer wrote to his Congressman and wanted to know what kind of hogs were best for not raising so that he could select the most profitable breed not to raise. His inquiry created a considerable amount of interest at the time, but soon it was lost in the maze of Federal farm programs with the explanation that the Government had no obligation or intention to pay someone for not doing something that he was not doing anyway. The taxpayer in question was not a hog raiser.

In the bill before the House, however, the Department of Agriculture breaks a new frontier in Federal farm fantasy by proposing now to pay a farmer for not growing feed grains which the farmer never grew anyway.

You will note on page 9, beginning with line 12 of the bill that a part of the estimated total feed grain bases for all farms in a State may be apportioned to farms on which there were no acreage devoted to feed grains in the base crop years of 1959 and 1960.

Under the bill, the acreage base established for each such farm shall be deemed to have been devoted to feed grains on the farm during the crop years 1959 and 1960. The bill then indicates that a producer on such a farm would not be eligible for conservation payments for the first year but that he would be eligible thereafter to receive payments for not growing feed grains.

We are now in the third year of paying feed grain farmers not to grow corn, grain sorghum, and barley. But, until now, we have at least been paying farmers who actually grew corn, grain sorghum, and barley not to grow those grains. To my knowledge, the Government has never before paid farmers for not growing commodities which they did not grow anyway.

Here is how the provision in this bill would work in practice. A farmer who never grew feed grains could be assigned a base from the Department of Agriculture of, let us say, 100 acres. In 1965 he could idle up to one-half of that base or 50 acres, and even though he was not a contributor to the surplus situation, he could then be paid not to grow grain which he never grew anyway.

Mr. Chairman, there are a lot of city people in this country who are willing not to grow feed grains. If the Congress is going to pass ridiculous legislation of this kind, then it seems to me, as my amendment suggests, that perhaps we should be fair and authorize similar payments to city folks as well.

Mr. POAGE. Mr. Chairman, I think it is perfectly obvious that this is simply a facetious amendment. This provision of the bill is intended to provide for new growers of feed grains. A similar provision is in practically every farm program.

The CHAIRMAN. Permit the Chair to state to the gentleman from Texas that he may use his 1 minute at this time, if he chooses to do so, but the Chair has yet to recognize one more Member, the gentleman from Indiana [Mr. HARVEY].

Mr. POAGE. I thank the Chairman.

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

Mr. GRIFFIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GRIFFIN. When do we vote on my amendment?

The CHAIRMAN. In about a minute.

The Chair recognizes the gentleman from Indiana [Mr. HARVEY].

Mr. HARVEY of Indiana. Mr. Chairman, in moving to recommit the feed grain bill—H.R. 4997—I do so with some reluctance for in this piece of legislation is some that is good as well as some that is not. For one thing, I have historically argued that we cannot dispose of our grain surpluses abroad as easily as we do other farm commodities such as cotton or tobacco or wheat. So in recent years, the last 3 in fact, we have begun to treat this commodity as a distinct problem and approach it on about the only basis it can be treated. By this I mean the process of using the surplus as an incentive to producers; in other words, we say to the producers—Please reduce the number of acres you have historically been producing and take a portion of what those acres would have produced instead, from the storage bins the Government has filled in the past.

In this bill also is the voluntary feature which the grain and livestock farmers have insisted they prefer. Whereas the cotton and tobacco growers of the South have historically been amenable to a compulsory type program, the farmers of Indiana and other such States have said most emphatically they want no part of a straitjacket. So in the very beginning, I want, in fairness, to emphasize that this bill does embody some desirable features. I only wish it had not the undesirable ones also which I will enumerate.

As a grain and livestock farmer myself, I would say that the most objectionable feature of this bill is that it is premature. Since it has been my pleasure to serve in the House, I have opposed the so-called certificate plan for dealing with the wheat surplus problem. Despite my opposition this plan will be submitted to farmers within a month. Now the outcome of this referendum will have a very distinct bearing upon grain and livestock farmers. The reason is that the proposed certificate plan will provide for three markets for the wheat we produce. Part will go to make the bread and pastries we use within our own borders, part will go to supply such foreign markets as we can garner. The balance will be sold for livestock feed in competition with our feed grain. It will simply add another depressing load on an already overburdened phase of our economy. Actually it will be simply shifting the burden and problem rather than solving one. This surplus wheat will be sold at whatever it can bring while providing a high price support for the rest. This is not good even for the wheat farmer in the long run although it may look attractive at first glance.

The point I want to make in my argument to the House is that this wheat referendum will be held shortly and we should not move to act on this legislation until we know what the wheat outcome is. The argument will be offered that nothing in this bill will be affected by the wheat referendum but this just is not true.

The second most objectionable feature is that it departs from what is ostensibly an extension of the type of programs we have had during 1961–62. On the surface it has the desirable feature mentioned previously in that it is a voluntary type of program. Actually, however, these outward semblances are cleverly camouflaged to disguise some dangerous provisions. We have historically in the Congress—for better or worse—held that we should draft the provisions of our programs and then expect the Secretary to administer them. In this instance, however, we are delegating to him unwarranted authority. He could at his own pleasure set prices at any figure between 65 and 90 percent of parity. Standing alone the concept of flexible price supports is not an unsound one, but this provision does not stand alone. By giving the Secretary virtually unlimited authority to combine the direct payment and the loan level, the bill gives him practically unlimited authority over not only the market price of feed grain, but also a significant portion of the annual amount of income to be received by 3,700,000 feed grain farmers. The political temptation to use such authority arbitrarily would be too much to grant any Secretary.

In addition this program continues a feature added to the 1963 act which was not in the 1961 or 1962 Feed Grain Act. This is the compensatory or Brannan-type payment to complying farmers. To the uninitiated this may seem an innocuous enough arrangement but therein lies the danger. For while this particular bill has a time limitation of 2 years, there is every evidence that the original provision making it permanent legislation may finally come back in the conference report if this bill is approved. The result of such action will be to force the farmers from now on to come to Washington each and every year to receive a part of their income. As obnoxious as this would be it would also place the farmer in the position of looking to Washington instead of the marketplace for his income. His historic independence would be gone. It is also a form of back-door spending which the Congress is trying to avoid.

Lastly and certainly not least you should evaluate carefully the cost of this legislation. It is not a cheap item in our budget. The program can and should be accomplished in a more economical fashion if it is returned to the committee. For example, payments in 1963 will be $983 million. In 1961 payments were $782 million to accomplish

the same purpose for almost the same amount of acres. Important as it is to act on farm matters, this is not a crash-type operation justifying such an expensive plan. It is my hope that the House will approve my motion to recommit and give us an opportunity to come up with a better answer.

The CHAIRMAN. The gentleman from Texas [Mr. POAGE] is recognized for approximately 30 seconds.

Mr. POAGE. Mr. Chairman, the motion to recommit will be the crux of this bill. There is no reason for anyone to feel that he can vote for the motion to recommit and then say that he is in favor of a feed grain bill. If you desire a feed grain bill vote against the motion to recommit.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. GRIFFIN].

The question was taken, and on a division (demanded by Mr. GRIFFIN) there were ayes 124, noes, 151.

So the amendment was rejected.

The Clerk read as follows:

SEC. 4. Section 326 of the Food and Agriculture Act of 1962, as amended, is amended by deleting the word "and" immediately preceding "(g)" and inserting immediately after "(g)" the following: "and (h)".

The CHAIRMAN. Under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. WRIGHT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 4997) to extend the feed grain program, pursuant to House Resolution 320, he reported the bill back to the House with sundry amendments adopted in the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

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

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

Mr. HARVEY of Indiana. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. HARVEY of Indiana. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HARVEY of Indiana moves to recommit the bill H.R. 4997 to the Committee on Agriculture.

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

The previous question was ordered.

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

Mr. HARVEY of Indiana. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordererd.

The question was taken; and there were—yeas 196, nays 205, not voting 32, as follows:

[Roll No. 29]

YEAS—196

Abele	Foreman	Murray
Adair	Frelinghuysen	Nelsen
Addabbo	Fulton, Pa.	Norblad
Alger	Gavin	Nygaard
Anderson	Goodell	Osmers
Arends	Goodling	Ostertag
Ashbrook	Griffin	Passman
Avery	Gross	Pelly
Baker	Grover	Pike
Baldwin	Gubser	Pillion
Baring	Gurney	Pirnie
Barry	Haley	Poff
Bates	Hall	Pool
Battin	Halleck	Quie
Becker	Halpern	Quillen
Beckworth	Harding	Reid, Ill.
Beermann	Harrison	Reid, N.Y.
Belcher	Harsha	Reifel
Bell	Harvey, Ind.	Rhodes, Ariz.
Bennett, Mich.	Harvey, Mich.	Rhodes, Pa.
Berry	Herlong	Riehlman
Bolton, Frances P.	Hoeven	Robison
	Hoffman	Roudebush
Bolton, Oliver P.	Horan	Rumsfeld
	Horton	St. George
Bow	Hosmer	St Germain
Bray	Hutchinson	Saylor
Brock	Jensen	Schadeberg
Bromwell	Johansen	Schenck
Brotzman	Jonas	Schneebeli
Brown, Ohio	Keith	Schweiker
Broyhill, N.C.	Kilburn	Schwengel
Broyhill, Va.	King, N.Y.	Short
Bruce	Knox	Shriver
Burton	Kornegay	Sibal
Byrnes, Wis.	Kunkel	Siler
Cahill	Kyl	Skubitz
Casey	Laird	Smith, Calif.
Cederberg	Langen	Snyder
Chamberlain	Latta	Springer
Chenoweth	Lindsay	Stafford
Clancy	Lipscomb	Stinson
Clark	Lloyd	Taft
Clausen	McClory	Talcott
Cleveland	McCulloch	Taylor
Collier	McDade	Teague, Calif.
Colmer	McIntire	Teague, Tex.
Conte	McLoskey	Thomson, Wis.
Corbett	MacGregor	Tollefson
Cramer	Mailliard	Tuck
Cunningham	Marsh	Tupper
Curtin	Martin, Calif.	Utt
Curtis	Martin, Mass.	Van Pelt
Dague	Martin, Nebr.	Waggonner
Derounian	Mathias	Wallhauser
Derwinski	May	Watson
Devine	Meader	Weltner
Dole	Michel	Westland
Dorn	Miller, N.Y.	Whalley
Dowdy	Milliken	Wharton
Dwyer	Minshall	Williams
Ellsworth	Monagan	Wilson, Bob
Findley	Moore	Wilson, Ind.
Fino	Morse	Wydler
Fogarty	Morton	Wyman
Ford	Mosher	Younger

NAYS—205

Abbitt	Daniels	Gibbons
Abernethy	Davis, Ga.	Gilbert
Albert	Davis, Tenn.	Gill
Andrews	Dawson	Gonzalez
Ashmore	Delaney	Grabowski
Aspinall	Denton	Grant
Barrett	Diggs	Gray
Bass	Dingell	Green, Oreg.
Bennett, Fla.	Donohue	Green, Pa.
Blatnik	Downing	Griffiths
Boggs	Dulski	Hagan, Ga.
Boland	Duncan	Hagen, Calif.
Bolling	Edmondson	Hanna
Bonner	Edwards	Hansen
Brademas	Everett	Hardy
Brooks	Evins	Harris
Brown, Calif.	Fallon	Hawkins
Buckley	Farbstein	Hechler
Burke	Feighan	Hemphill
Burkhalter	Finnegan	Henderson
Burleson	Flood	Holifield
Byrne, Pa.	Fountain	Holland
Cameron	Friedel	Huddleston
Cannon	Fulton, Tenn.	Hull
Carey	Fuqua	Ichord
Chelf	Gallagher	Jarman
Cohelan	Garmatz	Jennings
Cooley	Gary	Joelson
Corman	Gathings	Johnson, Wis.
Daddario	Giaimo	Jones, Ala.
Jones, Mo.	Nix	Selden
Karsten	O'Brien, Ill.	Senner
Karth	O'Brien, N.Y.	Shipley
Kastenmeier	O'Hara, Ill.	Sickles
Kee	O'Hara, Mich.	Sikes
Kelly	Olsen, Mont.	Slack
Keogh	Olson, Minn.	Smith, Iowa
Kilgore	O'Neill	Smith, Va.
King, Calif.	Patman	Staebler
Kirwan	Patten	Steed
Kluczynski	Pepper	Stephens
Landrum	Perkins	Stratton
Lankford	Philbin	Stubblefield
Leggett	Pilcher	Sullivan
Lesinski	Poage	Thomas
Libonati	Powell	Thompson, La.
Long, La.	Price	Thompson, N.J.
Long, Md.	Pucinski	Thompson, Tex.
McDowell	Purcell	Thornberry
McFall	Rains	Toll
McMillan	Randall	Trimble
Madden	Reuss	Tuten
Mahon	Rivers, S.C.	Udall
Matsunaga	Roberts, Ala.	Ullman
Matthews	Roberts, Tex.	Van Deerlin
Miller, Calif.	Rodino	Vanik
Mills	Rogers, Colo.	Vinson
Minish	Rogers, Fla.	Watts
Montoya	Rogers, Tex.	White
Moorhead	Rooney	Whitener
Morgan	Rosenthal	Whitten
Morris	Rostenkowski	Wickersham
Morrison	Roush	Wilson, Charles H.
Moss	Roybal	
Multer	Ryan, Mich.	Winstead
Murphy, Ill.	Ryan, N.Y.	Wright
Murphy, N.Y.	St. Onge	Young
Natcher	Scott	Zablocki
Nedzi	Secrest	

NOT VOTING—32

Ashley	Forrester	Rivers, Alaska
Auchincloss	Fraser	Roosevelt
Ayres	Glenn	Shelley
Betts	Hays	Sheppard
Broomfield	Healey	Sisk
Celler	Hébert	Staggers
Dent	Johnson, Calif.	Walter
Elliott	Lennon	Weaver
Fascell	Macdonald	Widnall
Fisher	O'Konski	Willis
Flynt	Rich	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Broomfield for, with Mr. Walter against.

Mr. Rich for, with Mr. Hébert against.

Mr. Auchincloss for, with Mr. Roosevelt against.

Mr. Weaver for, with Mr. Fascell against.

Mr. Glenn for, with Mr. Celler against.

Mr. Betts for, with Mr. Rivers of Alaska against.

Mr. Ayres for, with Mr. Shelley against.

Mr. Widnall for, with Mr. Sheppard against.

Mr. Fisher for, with Mr. Willis against.

Mrs. Staggers for, with Mr. Fraser against.

Mr. Johnson of California for, with Mr. Sisk against.

The result of the vote was announced as above recorded.

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

Mr. PELLY. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 208, nays 195, not voting 30, as follows:

[Roll No. 30]

YEAS—208

Abbitt	Boland	Carey
Abernethy	Bolling	Chelf
Addabbo	Bonner	Cohelan
Albert	Brademas	Colmer
Andrews	Brooks	Cooley
Ashmore	Brown, Calif.	Corman
Aspinall	Buckley	Daddario
Barrett	Burke	Daniels
Bass	Burkhalter	Davis, Ga.
Bennett, Fla.	Byrne, Pa.	Davis, Tenn.
Blatnik	Cameron	Dawson
Boggs	Cannon	Delaney

Denton	Kelly	Roberts, Ala.
Diggs	Keogh	Roberts, Tex.
Dingell	King, Calif.	Rodino
Donohue	Kirwan	Rogers, Colo.
Downing	Kluczynski	Rogers, Tex.
Duiski	Kornegay	Rooney
Duncan	Landrum	Rosenthal
Edmondson	Lankford	Rostenkowski
Edwards	Leggett	Roush
Everett	Lesinski	Roybal
Evins	Libonati	Ryan, Mich.
Fallon	Long, La.	Ryan, N.Y.
Farbstein	McDowell	St. Onge
Finnegan	McFall	Scott
Flood	McMillan	Secrest
Fountain	Madden	Selden
Friedel	Mahon	Senner
Fulton, Tenn.	Matsunaga	Shipley
Fuqua	Matthews	Sickles
Gallagher	Miller, Calif.	Sikes
Garmatz	Mills	Slack
Gary	Minish	Smith, Iowa
Gathings	Montoya	Smith, Va.
Giaimo	Moorhead	Staebler
Gibbons	Morgan	Steed
Gilbert	Morris	Stephens
Gill	Morrison	Stratton
Gonzalez	Moss	Stubblefield
Grabowski	Multer	Sullivan
Gray	Murphy, Ill.	Taylor
Green, Oreg.	Murphy, N.Y.	Thomas
Green, Pa.	Natcher	Thompson, La.
Griffiths	Nedzi	Thompson, N.J.
Hagan, Ga.	Nix	Thompson, Tex.
Hagen, Calif.	O'Brien, Ill.	Thornberry
Hanna	O'Brien, N.Y.	Toll
Hansen	O'Hara, Ill.	Trimble
Hardy	O'Hara, Mich.	Tuck
Harris	O'Konski	Tuten
Hawkins	Olsen, Mont.	Udall
Hechler	Olson, Minn.	Ullman
Hemphill	O'Neill	Van Deerlin
Henderson	Passman	Vanik
Holifield	Patman	Vinson
Holland	Patten	Watson
Huddleston	Pepper	Watts
Hull	Perkins	White
Ichord	Philbin	Whitener
Jarman	Pilcher	Whitten
Jennings	Poage	Wickersham
Joelson	Powell	Willis
Johnson, Wis.	Price	Wilson, Charles H.
Jones, Ala.	Pucinski	
Jones, Mo.	Purcell	Winstead
Karsten	Rains	Wright
Karth	Randall	Young
Kastenmeier	Reuss	Zablocki
Kee	Rivers, S.C.	

NAYS—195

Abele	Collier	Horan
Adair	Conte	Horton
Alger	Corbett	Hosmer
Anderson	Cramer	Hutchinson
Arends	Cunningham	Jensen
Ashbrook	Curtin	Johansen
Avery	Dague	Jonas
Baker	Dent	Keith
Baldwin	Derounian	Kilburn
Baring	Derwinski	Kilgore
Barry	Devine	King, N.Y.
Bates	Dole	Knox
Battin	Dorn	Kunkel
Becker	Dowdy	Kyl
Beckworth	Dwyer	Laird
Beermann	Ellsworth	Langen
Belcher	Feighan	Latta
Bell	Findley	Lindsay
Bennett, Mich.	Fino	Lipscomb
Berry	Fogarty	Lloyd
Bolton, Frances P.	Ford	Long, Md.
	Foreman	McClory
Bolton, Oliver P.	Frelinghuysen	McCulloch
	Fulton, Pa.	McDade
Bow	Gavin	McIntire
Bray	Goodell	McLoskey
Brock	Goodling	MacGregor
Bromwell	Grant	Mailliard
Brotzman	Griffin	Marsh
Brown, Ohio	Gross	Martin, Calif.
Broyhill, N.C.	Grover	Martin, Mass.
Broyhill, Va.	Gubser	Martin, Nebr.
Bruce	Gurney	Mathias
Burleson	Haley	May
Burton	Hall	Meader
Byrnes, Wis.	Halleck	Michel
Cahill	Halpern	Miller, N.Y.
Casey	Harding	Milliken
Cederberg	Harrison	Minshall
Chamberlain	Harsha	Monagan
Chenoweth	Harvey, Ind.	Moore
Clancy	Harvey, Mich.	Morse
Clark	Herlong	Morton
Clausen	Hoeven	Mosher
Cleveland	Hoffman	Murray
Nelsen	Roudebush	Talcott
Norblad	Rumsfeld	Teague, Calif.
Nygaard	St. George	Teague, Tex.
Osmers	St Germain	Thomson, Wis.
Ostertag	Saylor	Tollefson
Pelly	Schadeberg	Tupper
Pike	Schenck	Utt
Pillion	Schneebeli	Van Pelt
Pirnie	Schweiker	Waggonner
Poff	Schwengel	Wallhauser
Pool	Short	Weltner
Quie	Shriver	Westland
Quillen	Sibal	Whalley
Reid, Ill.	Siler	Wharton
Reid, N.Y.	Skubitz	Williams
Reifel	Smith, Calif.	Wilson, Bob
Rhodes, Ariz.	Snyder	Wilson, Ind.
Rhodes, Pa.	Springer	Wydler
Riehlman	Stafford	Wyman
Robison	Stinson	Younger
Rogers, Fla.	Taft	

NOT VOTING—30

Ashley	Flynt	Rich
Auchincloss	Forrester	Rivers, Alaska
Ayres	Fraser	Roosevelt
Betts	Glenn	Shelley
Broomfield	Hays	Sheppard
Celler	Healey	Sisk
Curtis	Hébert	Staggers
Elliott	Johnson, Calif.	Walter
Fascell	Lennon	Weaver
Fisher	Macdonald	Widnall

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Walter for, with Mr. Auchincloss against.

Mr. Hébert for, with Mr. Weaver against.

Mr. Roosevelt for, with Mr. Glenn against.

Mr. Fascell for, with Mr. Widnall against.

Mr. Celler for, with Mr. Betts against.

Mr. Rivers of Alaska for, with Mr. Ayres against.

Mr. Shelley for, with Mr. Broomfield against.

Mr. Sheppard for, with Mr. Curtis against.

Mr. Sisk for, with Mr. Johnson of California against.

Mr. Fraser for, with Mr. Fisher against.

Mr. Healey for, with Mr. Staggers against.

Until further notice:

Mr. Ashley with Mr. Rich.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. POAGE. Mr. Speaker, I ask unanimous consent that all Members who spoke today be permitted to revise and extend their remarks, and that all Members have 5 legislative days in which to extend their remarks on the bill just passed.

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

There was no objection.

PROGRAM FOR THE BALANCE OF THE WEEK AND FOR THE WEEK OF MONDAY, APRIL 29

Mr. HALLECK. 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 Indiana?

There was no objection.

Mr. HALLECK. Mr. Speaker, I take this time for the purpose of inquiring of the majority leader as to the program, if any, for the balance of the week and for next week.

Mr. ALBERT. Mr. Speaker, will the distinguished minority leader yield?

Mr. HALLECK. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, we are not going to program any further legislative business for this week.

The program for the week of April 29 is as follows:

On Monday, H.R. 4655, reduction of temporary additional Federal unemployment tax and authorization of employment security administrative expenses. Closed rule—2 hours.

H.R. 1762, outdoor recreation, coordinate programs. Open rule—1 hour.

H.R. 3120, simplify administration of Lead-Zinc Small Producers Stabilization Act. Open rule—1 hour.

On Tuesday, 1964 appropriations bill for the Department of Labor and the Department of Health, Education, and Welfare.

For Wednesday and the balance of the week, H.R. 3872, Export-Import Bank Act Extension. Open rule—2 hours.

H.R. 5207, amend Foreign Service Buildings Act. Open rule—3 hours.

This, of course, is made with the customary reservation that conference reports may be brought up at any time, and that any further program may be announced later.

ADJOURNMENT OVER

Mr. ALBERT. Mr. Speaker, in view of my previous announcement, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

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

There was no objection.

DISPENSING WITH THE CALENDAR WEDNESDAY BUSINESS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to dispense with the business in order under the Calendar Wednesday rule on Wednesday next.

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

There was no objection.

AMENDMENT TO THE AREA REDEVELOPMENT ACT—HELPING COMMUNITIES TO HELP THEMSELVES

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

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

There was no objection.

Mr. RHODES of Pennsylvania. Mr. Speaker, the Area Redevelopment Act, passed during the 1st session of the 87th Congress, has been successful in helping many economically depressed

communities regain lost jobs and lost productivity. This act has withstood the test of practical operation and deserves continued support by the Congress.

I am today introducing an amendment to the Area Redevelopment Act which will improve the operation and administration of section 11 of the act. My amendment gives the ARA the authority to provide funds for general studies of the economic resources of a depressed area and further provides that the ARA can circulate the results of such studies to interested firms who want to expand.

Under present law, the Area Redevelopment Administration can advance a limited amount of planning funds only after a local government has requested them for the use of an interested industry desiring to locate in the community. My amendment will permit the ARA to extend even more beneficial assistance to areas which want to identify their economic assets and shortcomings. It will not only help attract new industries to areas of substantial unemployment, it will help these areas identify the resources they possess to create homegrown jobs and businesses.

STALINISM RETURNS TO THE U.S.S.R.

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

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

There was no objection.

Mr. HOSMER. Mr. Speaker, a penetrating analysis of the probable return of Stalinism to the Soviet society, as well as perceptive sidelights on the Khrushchev image are contained in an essay just written by E. E. Smith.

Mr. Smith has had more than a little experience in Soviet affairs. His first tour of duty in the American Embassy in Moscow was in the period 1948–50 when he served as assistant military attaché. He served in the same Embassy again as a Foreign Service officer in the period 1954–56. A graduate of the Naval Intelligence School, Mr. Smith has specialized in Soviet affairs for the past 20 years with the exception of duty as a front line infantry officer in the 3d U.S. Army in Europe. His tours of diplomatic duty have included The Hague, Paris, Munich, Berlin and, of course, Washington, among others.

Mr. Smith's essay is as follows:

TO BEAT OR NOT TO BEAT

(By E. E. Smith)

I. TEARS FOR A TYRANT

"When they buried Stalin, there were tears in the eyes of many, including myself. Those were genuine tears. Although we knew even then of several personal defects of Stalin, we trusted him." This disconsolate passage was part of a 15,000-word speech Nikita S. Khrushchev delivered before a group of the Soviet elite in the Kremlin on March 8, 1963. That date was 2 days less than 10 years from Stalin's death in 1953, an event not mentioned in the Soviet press.

The text and tenor of the speech suggested that a meeting of the ruling Kremlin hierarchy had taken place in the recent past. Serious pressures on Khrushchev combined with strong differences of opinion among the confreres had precluded hard and fast decisions. As an interim measure, however, a minimal consensus obliged Khrushchev to issue a somber warning to the Soviet peoples; de-Stalinization must stop.

Khrushchev, aware of Stalin's mass murder as a central issue in Soviet life today, chose the occasion to deliver the most important political pronouncement on internal affairs since his celebrated "secret" speech before the XXth Party Congress in February 1956. Indeed, his March 8 speech was in many ways an extension of the "secret" discourse.

His speech, which was given the widest possible coverage in the U.S.S.R. bore all the earmarks of having been prepared with great care. Not only was the content of the message well thought out but the presentation was a masterpiece in Aesopian semantics. Small wonder that it has been misunderstood widely. If the analysis to follow appears to be overly involved and in some instances far-fetched, the reader should remember that Communist speeches of this type cannot be comprehended unless they are subjected to a sort of exegesis usually applied only to archeology. In particular, the frequent excursions into history are not meant to exhibit erudition but are indispensable for interpretation. Khrushchev himself did not delve into history to prove that he had read a few books and reports but to make points of the greatest importance for the future of the Soviet Union and the world.

II. THE SECRET SPEECH

In the midthirties, when Stalin had embarked upon his horrid purges, the Eighth Extraordinary Congress of the Soviets (1936) took place. Khrushchev spoke about his teacher, Stalin, in servile praise:

"Our party has victoriously led * * * the working class, because at its head stood that genius of mankind, Lenin, because our party is now being led by the brilliant Stalin. * * * During the civil war Stalin appeared in every place where the issue was in doubt, and wherever he appeared victory remained with * * * the revolution * * * Stalin, his genius and his will, are familiar to all of us * * * because there is not a single undertaking directed toward the strengthening of the might of our motherland, toward its Socialist well-being which has not been inspired by * * * Stalin. * * * We know, comrades, to whom belongs the main credit for our victories * * * to our leader * * * Stalin. * * * Wherever this gang of murderers and scoundrels, whose crimes can hardly find precedent in history, were quickly unmasked and destroyed, we are indebted primarily to Comrade Stalin, who sagaciously summoned the party and * * * workers of our country to an intensification of revolutionary class vigilance." [1]

Best evidence suggests that it was pressure of events and political rivalry, and not his free will, which pushed Khrushchev to desecrate Stalin 20 years later, in February of 1956. Most assuredly he was again under heavy pressure in March 1963 when he spoke on the unlikely subject, "high devotion and artistic mastery—the great strength of Soviet literature and art." [2]

Much has happened since Khrushchev, shocking the delegates to the party congress, tore the veil from Stalin and his insane terror.[3] He reported "prolonged tortures * * * insecurity, fear, and despair * * * mass repressions and brutal acts of violation of Socialist legality * * * terror against honest workers" and these were merely "a few manifestations" of Stalin's despotism.

"He practiced brutal violence, not only toward everything which opposed him but also toward that which seemed to his capricious and despotic character contrary to his concepts. * * * Whoever opposed (him) was doomed * * * to moral and physical annihilation."

Khrushchev's present problems began when he partially exposed Stalin's crimes and condemned certain aspects of his former boss' "terror" but failed to cleanse himself of the suspicion of complicity.

If he intended to "de-Stalinize" himself, Khrushchev had much to account and atone for. That he was forever connected with Stalin and his mass homicides was a matter of record. But we now know that he was unsuccessful in trying to disassociate himself from Stalin.

Denunciation of Stalin in 1956 seemed to imply that there would be no repetition of gross injustices, chief among which was murder, and no reimposition of the "terror." The impression created after the "secret speech," whether mistaken or not, was that short of outright treason, the citizens of the Soviet Union henceforth were to enjoy a certain degree of freedom from political persecution, a "reform" to which in the fifth decade of the revolution they were patently entitled. A subsequent ostensible reduction in the arbitrary power of the terroristic and punitive organ, the secret police, tended to reinforce this expectation.

Khrushchev's policy then was to create the impression that past crimes were expurgated genuinely. But the catharsis was phoney. It assumed two distinct forms: some of Stalin's victims were rehabilitated and Soviet writers were allowed to publish toned down stories of Stalin's crimes. The apparent hope was that controlled candor would act as a safety valve; people would tire reading about concentration camps, and soon the whole phenomenon would be forgotten. Not surprisingly, this childish attempt to liquidate communism's—and Soviet Russia's—great crisis of conscience by allowing a thaw in literature failed. No one and no party can talk itself out of murder; hence the present need to embark upon a new course in exculpation: Stalin's victims were innocent, but their murder was somehow justified.

III. BEWARE THE IDES OF MARCH

The malignant tone of Khrushchev's March 8 pronouncement sent chills through the marrow of Soviet citizenry: It semed to mark the birth of neo-Stalinism. In his remarks, Khrushchev left no room for doubt that de-Stalinization in the Soviet Union must stop because, mild though it was, it already had exceeded permissive limits. Khrushchev announced in effect that he does not intend to preside over the liquidation of the Soviet regime, nor does he intend to be deposed. The signal was couched in the innocuous "Aesopian" form of a criticism of contemporary art and literature:

"In the past years," Khrushchev affirmed, "activists of literature and art have * * * concentrated on that period * * * connected with the cult of the personality of Stalin. All this is fully understandable and legal. Works have appeared in which the realities of those years are accurately illuminated * * * for example * * * the novel of A. Solzhenitsyn, 'One Day of Ivan Denisovich,' several poems of E. Yevtushenko, the film * * * 'Clear Sky,' and other works."

To these efforts Khrushchev interposed no a priori objection: "The party fully supports accurate, artistic works of whatever side of life they concern—if they assist the people in its struggle for a new society."

However, a stricture must be kept in mind: "We consider it necessary to direct the attention of all creative workers to * * * mistaken motives and tendencies. * * * These

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[1] Pravda, Dec. 2, 1963, p. 4.

[2] Pravda, Mar. 10, 1936, pp. 1–4.

[3] Walter Ulbricht, the Stalinist dictator of East Germany, called the speech a "healthy shock."

incorrect tendencies consist in the main in that all attention is exclusively concentrated on illegality, arbitrariness, and on the misuse of power."

Khrushchev did not hesitate to confess: "The years of the cult of the personality have had serious consequences. Our party," he added mendaciously, "has spoken truthfully about this to the people."

But, he avered, Communists must "remember that these years were not a period of stagnation in the development of Soviet society * * * as our enemies represent them. Under the leadership of the Communist Party, under the banner * * * of the great Lenin, our people successfully built socialism. The Soviet Union * * * was transformed into a mighty socialist government which withstood the heaviest military experiences" and won "the greatest war in history."

This was the stage setting when Khrushchev proceeded gingerly to explain his own implication in the terror.

"Now, there are frequently questions about why during the life of Stalin illegalities and misuse of power were not uncovered * * * and how should this have happened?"

It develops that this matter was extensively discussed in inner Kremlin circles.

"In party documents our point of view on this question has been more than once fully explained in sufficient clarity. Unfortunately, this has been misunderstood by some people, among whom are workers in art who try to illuminate events in a distorted manner. Therefore, even today, we are again addressing ourselves to the question of Stalin's cult of the personality."

The "sufficient clarity" of undisclosed "party documents" quite obviously was insufficient. The Soviet reader who after 46 years of "Com-Lies" (Communist Lies—the term is Lenin's) has become a great skeptic, probably is very curious about these documents which a decade after Stalin's demise still are kept locked in party safes.

"The cult of the personality"—a euphamism for such crimes as mass murder—has caused, Khrushchev suggested, a vexing problem in literature. Tongue in cheek, he pithily indicated: "They say there has been a spate of writings in magazines and publications about life of people in exile, in prisons, in camps." This is deeply disturbing.

"I repeat still once more that this is a very dangerous theme and difficult material. The less a person has responsibilities for today and the future days of our country and party, the easier it is for him to throw out this material to sensation lovers. If all writers began to write only on this topic, what sort of literature would there be? Who would dash for it? Flies, enormous fat flies. Every sort of bourgeois scum from abroad will crawl toward it."

But the people whom Khrushchev named "fat flies" were precisely the hapless subjects of the Soviet dictatorship, including, presumably, the surviving Communist idealists.

As Khrushchev continued, he sounded more and more like Baron von Munchhauson:

"It is being asked, did the leading cadres of the party * * * know about the arrests at that time? Yes, they knew. But did they know that completely innocent people were being arrested? No. This they did not know. They trusted Stalin and they did not entertain the thought that there could have been * * * repression against honorable people devoted to our cause."

Here Khrushchev's lying became clumsy. It was not that innocent people found themselves arrested. This has happened before and may occur in any free society. Under Stalin (and Khrushchev was then running the Ukraine, with one-quarter of the Soviet population) innocent people were arrested all right, but they went on to interrogation, torture, slave labor, and the "moral and physical annihilation" Khrushchev has earlier described.

The misuse of power and arbitrariness of Stalin had a specific purpose—to terrorize. To be effective, terror must be known, especially to those powerful figures whose opposition is to be deterred. The assertion that the terror escaped Khrushchev is a palpable bit of nonsense resembling an allegation that the Inquisition was intended to be known only to those who perished on the rack.

Lying is difficult and Khrushchev waded into trouble with this particular exercise. He condemned, in the same speech, Ilya Ehrenburg for his theory of silence, a contention that many Russians kept their mouths shut although they were painfully aware of the innocence of Stalin's victims. However, Khrushchev added, Mikhail A. Sholokhov, author of "Quiet Flows the Don," was singularly knowledgeable: He wrote to Stalin concerning the terrible hunger and despair in his native Don country. Stalin, not disputing what had happened, alleged that there was a quiet war being waged by the Soviet peasantry against authority, in fact an Italianka (sabotage) against the army in need of food. He replied to Sholokhov that he was seeing only one side of the problem, but politics demanded that the leader recognize both aspects.

Thus, a curious spectacle emerges from Khrushchev's text: Khrushchev himself, though a most important official of Stalin's regime, had no knowledge of terroristic crimes; Ehrenburg condemned the terror but said nothing until now, thus inviting Khrushchev's sarcasm; Sholokhov sitting in his distant Don country, knew, was better informed than Khrushchev, spoke up, but his protest to Stalin was to no avail.

That the members of the Politburo did not know even about a few of the millions of innocent victims is absurd: many of their closest friends were murdered. But if of all the leading cadres of the party, only Khrushchev (and presumably some of his present colleagues) were not aware of the arrests and extermination of "honorable people devoted to our cause," a proper question is whether such a naive dunce is fit to head the Soviet State.

Khrushchev insisted, with humble unction, that "we only found out about Stalin's misuses of power and the facts of his arbitrariness after his death and the exposure of Beria * * * that enemy of the party and people, the spy and odious provocateur."

This diversion to Beria, weak though it is as an alibi, offers nevertheless a clue to Khrushchev's present objective: He attempts to whitewash Stalin and thereby save himself. It was not Stalin who persecuted innocent people, it was Beria, and only after Beria's exposure in 1953 did the truth come to light.

The Soviet populace now presumably understood that "many, including myself" wept at Stalin's bier. But the murderers and scoundrels whom Khrushchev was castigating in 1936, included those party members whom Khrushchev's government is now rehabilitating—some of them. Yugoslav Communists place the toll of murders during Stalin's reign at 7 million—plus 7 million arrests.[4] Actually, the total is much greater. But whatever it is, Khrushchev was responsible for a portion of this bloody torrent. So far he escaped the penalty, but the ghosts have begun to haunt him and will never leave him in peace again.

IV. THE CASE FOR A REFINED NEO-STALINISM

Ghosts and survivors, prisoners and citizens suffering from slow malnutrition (as a result of Khrushchev's doctrinaire agricultural policies), as well as the skeptical new generation, must comprehend that Khrushchev's absolution was complete because of Stalin's great services to the revolution.

"The party's struggle with enemies of the revolution and socialist construction was headed by Stalin * * * Stalin's contribution to the revolutionary struggle * * * was * * * known to everyone * * * in the later years of socialist construction. Stalin's authority grew particularly in the period of the fight against the anti-Lenin tendencies and opposition groups within the party."

Khrushchev, to put it bluntly, resanctified Stalin's politics of murder. "When plots against the revolution were uncovered, Stalin * * * led the struggle for the cleansing[5] of the country from plotters * * * and enemies of the people." The party allegedly "trusted and supported him in this." And Stalin deserves great credit for "there was not once a case of treachery or treason to the cause of the revolution [like], for example, the provocation of Malinovsky[6]—a member of the Bolshevik faction in the State Duma."

Khrushchev also defended Stalin's fight against such alleged foes of Leninism as the Trotskyites, the Zinovievites, the right opportunists (also referred to as Bukharinites) and the bourgeois nationalists. In this struggle, too, the party and masses trusted him, supported him.

But here, Khrushchev is skating on thin ice and betrays his fundamental allegiance to Stalin and Stalinism.[7] Opponents of Stalin, like Zinoviev and Bukharin may have been

[4] Robert Conquest, The Spectator, "The Great Purge," Nov. 9, 1962, pp. 706–711.

[5] Here Khrushchev used "Ochishcheniye" rather than the usual "chistka" (purge). "Ochishcheniye" is a much stronger term and has no English equivalent. In Russian parlance, this word connotes a complete cleansing out, a flushing, and frequently pertains to a radical expurgation of the body.

[6] Roman Vikentyevich Malinovsky (born in 1878 in Poland) was the principal agent (or double agent) of a remarkable intelligence operation. His connection with the czarist department of police (Okhrana) began during the Russo-Japanese War. He entered into a close relationship with the Okhrana in 1909 after he became prominent in Russian trade union organizing. By directive of the director of police he attended the 1912 Bolshevik Congress at Prague. There he made a great impression on Lenin who saw to it that he was elected a member of the party's central committee. Thereupon, Lenin appointed him to the post of No. 1 Bolshevik inside Russia. Malinovsky was thereafter the principal organizer of Pravda and the leader of the Bolshevik faction in the Fourth Duma. His speeches to the latter were occasionally edited by both Lenin and the czarist police director.

Early in 1914, for reasons still obscure, he resigned his seat in the Duma and went abroad. A German prisoner of war, he performed propaganda work in prisoner-of-war camps during 1915–17. Lenin and Krupskaya sent him parcels and propaganda materials to his camp.

Prior to 1918, Lenin furiously defended Malinovsky, then under suspicion by other socialists. After the Bolshevik seizure of power Malinovsky returned to Soviet Russia, patently certain of Lenin's support. Nonetheless, after a party tribunal, he was shot.

Lenin never forsook Malinovsky. It was Stalin who damned him; here Khrushchev supports the Stalinist (as opposed to the Leninist) interpretation; namely, that Malinovsky was an "odious provocateur" in the pay and service of the Okhrana.

[7] It is interesting in this regard to compare Khrushchev's remarks at a Kremlin banquet honoring a Chinese delegation headed by Chou En-lai (Pravda, Jan. 19, 1957): "Basically and in the main may God grant, as they say, that each Communist knew how to fight, as Stalin fought * * * for the interests of the working class, for socialism * * * and against the enemies of Marxism-Leninism."

wrong[8] but they were not guilty of the crimes for which they were executed. Trotsky was murdered in Mexico many years after he left the Soviet Union. Trotsky, Bukharin, Zinoviev, et. al., were opposed to Stalin for myriad reasons; but, foremost among the criticism of these authentic party members was misuse of power and arbitrariness of Stalin. Khrushchev damned these men despite the fact that their arguments were proved correct—Khrushchev himself was the man who, albeit by implication, disclosed the correctness of the "line" of the executed opposition. The true heroes of communism (like Trotsky and Bukharin) still have to be rehabilitated, and some of the foremost names, like that of Rykov, still have to be mentioned. Hence Khrushchev justified Stalin's main purge, or as he put it, "the Flushing" (ochishchenye).

Actually, by linking, in one sentence the party opposition with bourgeois nationalists, Khrushchev again read these men out of the party. By equating the party opposition not only to nationalism but to the bourgeoisie, the class enemy, he implicitly echoes Stalin's argument that they were enemies of the party. All Khrushchev is ready to admit is that a few party members were wronged. Thus, in effect, he is upholding Stalin's party purges even today.

In the certain knowledge that millions of innocent persons perished in the Stalin era, it would have been in order, according to Socialist legality, to refer the problem of whether Communists were purged for cause or simply because Stalin wanted them out of the way, to a tribunal of the Nuremberg type. No justice can ever be obtained without judicious consideration by impartial persons.

V. WHO WAS STALIN?

If the purges were justified after all, Stalin, though he may have gone too far, must have been all right.

Sure enough: "Vladimir Ilyich Lenin considered Stalin a Marxist, an outstanding activist of our party, devoted to the revolution." Actually, Lenin never considered Stalin to be a theoretician, hence he hardly regarded him as a genuine Marxist; Lenin, however, did regard Trotsky, Bukharin, and Zinoviev as genuine Marxists. The point would be trivial if it did not denote an attempt to use Lenin, the patron saint, as a character witness for the defendant.

"We are still of the opinion that Stalin was devoted to communism. He was a Marxist. One cannot and should not deny this."

The word "still" and the entire phrasing suggests that doubts about Stalin's dedication to Marxism and the revolution were raised but not sustained.

What is the significance of this remark? For many years the question of whether Stalin served as an Okhrana agent has been debated. Alexander Orlov, whose testimony on other matters was amply borne out by Khrushchev's 1956 speech, stated that evidence of Stalin's Okhrana connection was found in police files. This find was no small factor in Stalin's purge of the NKVD, his own Okhrana during the 1930's. Khrushchev's speech indicated, as clearly as can be, that someone in the party has been digging about in prerevolutionary history of the Bolsheviks.

In other words, Stalin's whole history was investigated. Khrushchev's phrasing suggests that he was given a report on the matter. This report, it can be surmised, raised the question of whether de-Stalinization should be pushed further and the name of communism be cleared by disclosing that Stalin had been a police agent. Such a suggestion was turned down: At this crucial point the brake was put upon de-Stalinization.

But perhaps the question is not yet closed. Khrushchev may still be of the opinion that Stalin was an authentic Communist. Is he therefore still fighting those who evaluate Stalin differently? And if there is such a debate, is it not obvious that some evidence linking Stalin to the police was found, and that the unresolved problem now merely is whether Stalin was a police agent pure and simple, or a double agent who worked with the police for the party? Obviously, explosive material is lying around.

VI. THE MURKY ROAD OF PROVOCATION

Police and subversive operations are plainly on Khrushchev's mind. In more than one passage Khrushchev called attention to the entrapment type of intelligence operations Russians dub "provokatsiya." There has been no such preoccupation with the subject of "provocation" in any speech by Khrushchev since he came to power. Moreover, there has been no significant public pronouncement by any Soviet dictator on the subject of Czarist secret police penetration into Lenin's group for over 40 years. In this speech, three agents were mentioned in connection with pre-1917 events, and one who operated after the Bolshevik coup d'etat. Two and possibly three of these four were Jews.

The Soviet security forces from Vcheka to KGB have their genesis in the Czarist Okhrana.[9] Khrushchev is fully aware of this background and his speech indicates, as already pointed out, that he must recently have studied the history of police provocation with some care. Throughout his discourse were scattered references to the Czarist Okhrana, but also to Soviet security forces, and to various foreign intelligence services which duped Stalin. Odious provocations appear to have exerted considerable influence on revolutionary history.

For example, Khrushchev discussed the arrest, interrogation, and death of General Yakir,[10] "an outstanding bolshevik and military personage." He reported that as the general was about to be shot, Yakir shouted: "Long live Stalin." Khrushchev insisted that throughout the entire interrogation Yakir refused to believe that Stalin had anything to do with his arrest. Someone around Stalin had arranged a provocation to which Yakir had fallen victim. But Yakir was not the only victim to provocation, nor the single case of a Communist who failed to grasp Stalin's true role. Why then make a case out of him? He was a Jew and commanded the military forces in the Ukraine. Skilled dialectician that he is, Khrushchev, in discussing provocation, also wants to score some points in the never-ending national struggle.

VII. THE SUPERIOR LEADERSHIP OF KHRUSHCHEV

The basic tactic of Khrushchev is to prove, not only that he is the best of all contemporary Communists, but also that he is superior to Stalin and even to Lenin. The latter, he implied, was taken in by agent provocateurs. This won't happen to Nikita.

It will be recalled that Khrushchev claimed he had learned about Stalin's arrests of innocent people only after Beria's exposure. But he insisted that Stalin did not permit "one case of treason * * * to * * * the revolution * * * (like) that of Malinovsky." This name has not been mentioned publicly in the Soviet Union since 1918. Malinovsky, close comrade-in-arms of Lenin, was exposed as a police agent but probably acted as a double agent helping the party rather than the police. Khrushchev apparently sides with those who considered Malinovsky to have betrayed the revolution. Since Lenin did not believe in Malinovsky's treachery, the clear implication is that Khrushchev will not be so naive and fallible as Lenin. Khrushchev intimated that Lenin fell repeatedly in police traps, for example, he also was impressed by Zhitomirsky.[11]

At to Stalin, "his guilt consisted in the fact that he made gross mistakes of a theoretical and political character against the Leninist principles of state and party leadership, misused the authority entrusted to him by the party and the people."

Thus he caused serious damage to communism. This fine line between gross mistakes and criminal acts hides an important point. Stalin's criminality is to be argued away. But since criminal acts were committed, was Stalin a criminal by nature? Not at all.

The purges resulted, Khrushchev revealed, from Stalin's beguilement by certain foreign intelligence services. These organizations, "knowing his sick mistrustfulness and suspiciousness," produced cases and documents which seemed accurate and created the belief that "there were groups of military specialists * * * developing criminal plots in our country against Soviet authority * * * and the Soviet state."

Khrushchev's attempt to cast himself in the role of a superior Vozhd, who is immune to provocation, led him, some days after his speech, to release documents of the Nazi Gestapo which—fed to Stalin via Benes, the President of Czechoslovakia—caused the execution of Tukhschevsky and the flower of the Red army.

It remained unexplained, however, why Stalin who, according to Khrushchev, was sick only toward the end of his life, bit on such pap. Nor did Khrushchev care to argue the possibility that Stalin fed fabricated material to the Gestapo in the first place, only to have them passed back to the NKVD. Khrushchev hinted strongly that, unlike Stalin, he would not fall prey to such subterfuge.

By now the scenario was prepared for Khrushchev, the hero. None other than he helped to curb and counter Stalin's sick suspicions. Stalin had more dyela, i.e., purges

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[8] Khrushchev's economic policies are patterned after Bukharin's theories. Had Khrushchev wanted to avoid re-Stalinization, he could have easily pulled out arguments of the early 1920's, in which Stalin supported Bukharin's comparatively mild economics, particularly as related to the peasant question. By damning Bukharin, Khrushchev supported Stalin's harsh policies of the 1930's, and recondemned the peasantry to provide the capital to pay for Soviet armament. Had he been looking for reform, he would have found the justification in Bukharin's writings.

[9] The term "Okhrana" (Okhranka) is usually used in references to the czarist department of police in St. Petersburg and its various domestic and foreign offices. It was the first truly modern authoritarian police intelligence system. There was precious little it did not know about the pre-1917 revolutionary operations and personalities in and out of Russia. Professionally competent, yet subject to the pitfall which beset all such organizations, its operational methodology reflected a predilection for subterfuge and the black arts.

[10] Iona Emmanuilovich Yakir was born in 1896 and became a member of the CP in April, 1917. Together with Tukhachevsky, he helped modernize the Red Army. Both were tried (in camera) and executed in 1937.

[11] Iakob Abramovich Zhitomirsky, a physician recruited to intelligence work by the German police while a student in Berlin in 1902, was almost immediately thereafter transferred to the Okhrana as an agent. He, too, occupied an important position in Lenin's organization. Among his specialities was arranging for the despatch of Bolshevik propaganda materials across the Russian frontier from abroad. His operations were conducted in the full knowledge of the Okhrana, which seized most of the propaganda. Last identified as a surgeon with the Franch Army in World War I, Zhitomirsky's fate is unknown.

in mind, but Khrushchev recognized the trouble and saved the Soviet Union from untold grief:

"Stalin was in the last years of his life * * * deeply ill * * * suffering from suspiciousness and a persecution mania. The party * * * has informed the people about how Stalin created such cases as the Leningrad affair, the doctors' plot, and others. But, comrades, there would have been significantly more * * * if those who worked alongside Stalin * * * had agreed with him about everything. I have spoken about how Stalin had decided on the case concerning the so-called Moscow counterrevolutionary center. But not everyone had become a yes-man and the cadres of the Moscow organization were not subjected to new mass repression."

In any event, if Stalin was only sick in the last years of his life, he must have been healthy during the 1930's and 1940's, when he committed his greatest crimes. The fabrication of cases such as the Leningrad affair and the doctors' plot may have been due to a deep, horrendous disease, but that disease was not identified. At any rate, suspiciousness and persecution mania are symptoms and not a disease.

But again, Stalin was not just sick, he was egged on "by Beria and Kaganovich, afraid that among the creative intelligentsia in the postwar * * * Ukraine, some kind of nationalistic tendencies were ripening. He began to push things in order to dispense with the most outstanding writers and activists of art in the Ukraine. If the Ukrainian Bolsheviki had supported Stalin's feelings the Ukrainian intelligentsia would have suffered huge losses and probably there would have been a case (dyelo) against the Ukrainian nationalists."

Khrushchev was the leading Bolshevik of the Ukraine at that time. Hence it was his own adamant and courageous stand that prevented a postwar purge there, just as he implied that he forestalled the purge of the Moscow party organization at the time when he stood at its head.

Hence we have the following set of assertions:

1. Stalin was a true Communist.

2. In the thirties, he was provoked into the purges by foreign elements. However, he also killed many whose liquidation appears justified even now.

3. Khrushchev did protect the innocents in the Moscow organization who otherwise might have been killed by Stalin at a time when he was not yet sick.

4. Stalin was almost pushed by Beria and Kaganovich into a purge of the Ukraine at an unnamed time but was blocked by Khrushchev.

5. The Leningrad affair and the doctors' plot occurred when Stalin was deeply ill but it might have been worse had not Khrushchev interceded.

Of course, the Leningrad affair did run its full course. If Khrushchev tried to stop it, was he convinced of the victim's innocence? By contrast, the case of the doctors' plot got underway; it was ended abruptly by Stalin's death. For which action, then, is Khrushchev claiming credit? For Stalin's death? The confusion in his alibi building is plain. But it also is clear that Khrushchev is trying desperately to make his leadership claim stick.

Just as Lenin met his beguilers, so Stalin was entrapped by Beria,[12] a spy and enemy of the party and the people, who did not even consider it necessary to conceal his happiness at the grave of Stalin. Were Khrushchev's tears in good taste after all?

What is the sweating dictator trying to say? That both Lenin and Stalin were lacking in Bolshevik vigilance? What is the message? Simply this: After Stalin's death, Beria "tried to assume power and leadership in the party. At the time there actually existed a real danger. From the very first after Stalin's death, Beria began to take steps disorganizing to the work of the party * * * directed to the disruption of our friendly relations * * * with fraternal countries of the Socialist camp. Together with Malenkov, he * * * made a provocative proposition to liquidate the German Democratic Republic as a Socialist government, and * * * the Socialist Unity Party of Germany."

Lo and behold, Khrushchev was smarter than Stalin. He recognized Beria for what he was. It was unnecessary to remind the 1963 audience that Khrushchev purged Beria without benefit of Socialist legality. The liquidation of this vile person, we must infer, was justifiable terrorism. One does not talk about provocations and of means of combating them, unless there is a significant correlation to the present. If Zhitomirsky's, Malinovsky's, and Beria's are lurking about, Nikita Khrushchev is alert. The warning, we may be sure, is coming through loud and clear.[13]

VIII. REEMERGENCE OF TERROR

Khrushchev's arguments are leading back to Stalinism in its rawest form. Citing almost verbatim one of the key teachings of Stalin, Khrushchev maintained we must conduct a ceaseless struggle against the survivals of the past within the country * * * defeat the attack of the organized class enemy in the international arena. We have no right to forget this struggle, even for 1 minute. A few years ago, Stalin was condemned for the theory, then deemed to be incorrect, that the class struggle sharpens after the Communist seizure of power. Now it turns out Stalin must have been right in warning against the apparently immortal survivals of the past.

Stalin also was extolled for his contribution to communism: in defending the revolution, he was fighting "enemies of the people." This very expression "enemies of the people," which Stalin used to label his personal opponents, was strongly criticized after the 1956 speech. Thus, Stalin received credit for the very excesses for which he was being condemned.

The ceaseless struggle justifies endless terror. "Did the revolution have to defend its conquest? Yes, it had to do this, and it did it from the first days—with all decisiveness. In the first months of Soviet authority, by decree of Vladimir Ilyich Lenin, there was created a mighty organ of the proletarian dictatorship—against the enemies of the revolution—the Vcheka in the struggle with counterrevolution." [14]

The thrust of this statement is that Lenin is heralded as the originator of the terror organ. Usually, this honor is reserved for Felix Dzerzhinsky who, helpfully, was a Pole. It was Lenin who instituted terror—this precedent would legitimize the resumption of terror by Khrushchev. This is the key message of the speech.

IX. ANTI-SEMITISM IN THE SOVIET UNION

In the past, Khrushchev has demonstrated great sensitivity to the Jewish question. Now it appears that the Jewish issue has again sharpened. No other conclusion may be drawn from the unprecedented length of his discourse on the Jewish problem. With some exceptions, the overwhelming majority of persons mentioned in his speech are Jews: Azev, Zhitomirsky, Beria (Russians insist, probably incorrectly, that he was Jewish), Kaganovich, General Yakir, General Kreiser, Rosa Luxemburg, Ehrenburg, Trotsky, Zinoviev, and others.

His lead into this sticky wicket was by way of a criticism of Evgeny Yevtushenko's now celebrated poem, Babi Yar, describing the Nazi massacre of Jews in a Kiev ravine. Yevtushenko was reprehensible because he did not mention non-Jews who also were killed at Babi Yar.

In an obvious bit of apologia, Khrushchev insisted: "From the very first days of the October revolution * * * Jews were on an equal footing with all other nationalities of the U.S.S.R. * * * The Jewish question did not exist for us and those who suggest it are echoing an alien voice."

There were outstanding Jewish generals in the Soviet past. Even now, Khrushchev disclosed, General Kreiser commands all Soviet troops in the Far East. Was Khrushchev able to find only one Jewish Soviet general? The Jews account for about 3 percent of the Soviet population.

There are different types of Jews, Khrushchev explained. For example, one Jewish officer, Vinokur, telephoned him during the Battle of the Volga (Stalingrad) and said that von Paulus' interpreter Kogan, a former Khrushchev aide from Kiev, was a Jew. "One Jew served as interpreter on von Paulus' staff and another Jew served in our forces that took von Paulus and the interpreter prisoner." This precisely takes off where Stalin left the eternal theme of the "international Jew."

There is little doubt about what happened to the interpreter. Lest the lesson be lost, Khrushchev proceeded with a bit of interesting reasoning. "It is absurd to attribute to the Russian people guilt for the filthy provocations of the Black Hundreds,[15] but it is also absurd to attribute to the whole Jewish people the responsibility for Nationalism and the Zionism of the Bund, for the provocation of Azev and Zhitomirsky ('Otsov'), for the various Jewish organizations connected in their time with the 'Zubatovites' and the Czarist Okhrana (Okhranka)."

Apart from some deliberate falsifications (the Bund was Menshevik and not Zionist), the Soviet dictator recited here an impressive and quite one-sided indictment. The fantastic contributions of Jewish physicists to Soviet nuclear weapons, space exploration and electronics were not mentioned, even though such praise would have alleviated anti-Semitic sentiments. Most interesting are the references to agent provocateurs, to the Okhrana, and the gratuitous reference to Zubatov, an Okhrana official who organized socialist groups to keep the revolutionary movement under control. The policy instituted by Zubatov often has been criticized for having brought about bloody Sunday, a massacre, which was the overture to the revolution of 1905. This revolution fractured the monolithic autocracy of the Czar.

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[12] Lavrenty Pavlovich Beria, a Georgian, was head of the Soviet secret police from 1938 until his arrest and execution in 1953. He was accused inter alia of having been a British intelligence agent since 1919.

[13] Both the syntax and style of Khrushchev's speech markedly resemble Stalin's later pronouncements. This leads to speculation whether one of Stalin's speechwriters drafted the March discourse.

[14] Established on Dec. 20, 1917, 6 weeks after the Bolshevik advent to power, "Vcheka" stood for the All Russian Extraordinary Committee for Combating Counterrevolution, Speculation, and Delinquency in Office.

[15] The "black hundreds" was a relatively small terror gang organized by the czarist regime for the purpose of arranging pogroms. Khrushchev knows that they were not representative of the Russian peoples. He did not mention his own personalized "pogrom." In an attempt to find scapegoats for the miserable condition of the Soviet economy, Khrushchev's internal security forces have been busily shooting persons charged with fraud, embezzlement, and theft. The overwhelming majority of those executed have Jewish names. That some 3 percent of the population (the Jews) should have committed more than 50 percent of the economic crimes punishable by death, taxes credulity.

Does Khrushchev fear a Zubaton-type entrapment maneuver against him?

X. NO TIME FOR FATHERS

In a candid passage, Khrushchev admitted the visceral craving for freedom emerging from the thaw in his unhappy empire. Most of the current unpleasant problems stem from an abominable hankering for more liberty. "One hears conversations about some kind of absolute freedom . . I do not know what they have in mind here, but I consider that there will never be absolute freedom even under complete communism."

That settled the crucial political problem. The question of "relative freedom" was not discussed and the reins of government will not be loosened. Nor will ideological deviation be permitted.

Yet, unreconstructed bolshevik that he is, Khrushchev has recognized and identified the most serious long-range challenge to the Soviet system. This challenge he described as the so-called father-son relationship. The increasingly sophisticated Russian youth is inquiring why papushka did nothing to halt the Stalin terror. Are Khrushchev's own descendants in a questioning mood? Equally vexing has been the unquenchable youthful desire for explanations from parents, teachers, and ideologues concerning the Stalin era. Soviet youth wants to know how Stalinism could have happened in the Soviet system? Could it recur? What guarantees against its recurrence have been effected?

Khrushchev approached this most serious of problems by way of a criticism of the film, "The Guard of Illych," as yet uncompleted. In this movie, he intoned, the young people "love no one and they respect nothing, they not only refuse to believe their elders but they even hate them. They are dissatisfied with everything. They laugh and spit at it."

What is the true picture of soviet youth? "Our soviet youth are continuing their lives in labor and struggle * * * the heroic tradition of the foregoing generation, proving their great devotion to the ideas of Marxism, Leninism, and to the years of peaceful construction * * * at the fronts of the great fatherland war. Our youth are very well depicted in * * * Fadayev's novel, 'The Young Guard'."

In the bitter winter of 1948–49, the writer saw the premiere of "The Young Guard" (pt. I) at the main movie theater in Kharkov. If soviet youth was very well depicted in that film, it remains difficult to dismiss the memory of youthful viewers howling with laughter as they watched Nazi troops charging into the Ukraine, occupying beautifully constructed homes—which "our youth" knew very well did not exist in 1949, and do not exist even now.

But Khrushchev, highly exorcized about the so-called father-son problem, launched into a bitter tirade against "The Guard of Illych": "I have previously spoken * * * of the serious question raised by the meeting of the hero of the film with the ghost of his father killed during the war. To the question of the son about how to live, the father's ghost in turn asks the son how old he is. And when the son answers he is 23 years old, the father says, 'but I am 21'. You want us to believe in the accuracy of such an episode? No one will believe it. Can you imagine that a father would not answer the question of his son and not give him advice on how to go on a proper course in life?"

Khrushchev, father of his people, puts all his sons on guard, that he will indeed show them the "proper course."

But what is this proper course? Soviet youth undoubtedly has examined, for example, the statistics of the recent Russian census (the first in three decades). They know that Stalin's terror castrated soviet manhood: more soviet males in their prime perished at the hands of Stalin's executioners than were killed by the Nazis in World War II.[16]

Is the suffering, which soviet adults experienced under Stalin, to return? The fathers knew the agony; the sons know what the terror did to their country.

Khrushchev, contended that "in soviet socialist society there are no contradictions between generations * * * problems of 'father vs. son' do not exist in the old sense." But then he lashed out: "Do you want to set the young against the older generations * * * to bring dissensions into the united soviet family?" This anguished outcry merely proves that after 46 years the revolution has not become a solid accomplishment. Soviet youth is beginning to understand that the sins of communism cannot all be ascribed to Stalin. They sense that Stalin was just a symptom of a deep disease—communism. Khrushchev fears that soviet youth is about to consider him, too, as a symptom of the same disease.

XI. THE CASE OF A FEW MILLION GHOSTS

The plain fact of the matter is that Khrushchev rose to power under Stalin, that he participated in Stalinism, and that he knew all about the excesses of Stalin.

His words show plainly that he is involved in a deep personal and political crisis and that his power position in the Kremlin is under attack. To extricate himself, he is both accusing and exculpating Stalin. Apparently, afraid of provocation (infiltration and entrapment), he is putting the lurking schemers on guard that they would be summarily dealt with. In addition, he is warning the population at large that he may institute what could be called neo-Stalinism—selective terror against his opponents rather than blind mass terror against foe and friend alike.

Beset with problems that threaten to get out of hand, Khrushchev quite obviously feels insecure. It would be so easy to invoke the Castro solution to his domestic problems—"Paredon" ("to the wall"). But despite the bravado of this speech, it is not easy. The years of Stalin's unspeakable brutality still are visible in too many millions of faces.

Khrushchev knows that he is living in a jungle. He is convinced that Lenin was right when he said: "Today you must not stroke the head of anyone—they will bite your hand. It is necessary to beat them over the head, beat without mercy." Stalin, as Khrushchev himself disclosed, ordered his terrorists to beat, beat, and beat once more. To beat or not to beat—that is Khrushchev's burning quandary. But he will be damned if he beats and damned if he doesn't. Khrushchev is now the prisoner of history. The future will tell for how long he succeeded in postponing the inevitable.

[16] Pravda, Feb. 4, 1960.

KENNEDY FAILS AGAIN TO MEET SOVIET CHALLENGE

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

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

There was no objection.

Mr. ALGER. Mr. Speaker, the world press today is carrying another story of the Kennedy administration's failure in maintaining a strong and effective policy in dealing with the Soviet Union.

You cannot do business with Khrushchev and the Communists. Negotiations end in stalemate, appeasement, or the new term accomodation, meaning, we agree to the Communist demands. Yet when we do agree to Communist terms, they up their demands.

Look at the recent test ban talks and agreements as our example. Here is what the President says:

> The Prime Minister and I wrote to Chairman Khrushchev in an effort to see if we could develop some means by which we could bring this matter to a climax and see if we could reach an accord, which we feel to be in the interest of the nuclear powers, the present nuclear powers, to prevent diffusion. But, as I say, I am not sanguine and this represents not a last effort but a very determined effort to see if we can prevent failure from coming upon us this spring.

Here are the facts: Premier Khrushchev has offered only two or three inspections annually, and then only under the most restrictive conditions, actually exempting from inspection any area declared by the Kremlin to be a military area.

When negotiations began in 1958, 20 inspections annually were demanded. The Kennedy administration dropped demands to "10 to 12," then to 7. Although the presently reported concession averages 4¼ inspections annually, the effective number would actually be Khrushchev's demanded 3. This is because inspections could not reasonably be consumed on an annual basis, but must be reserved by at least 25 percent to use if needed during a period of greater suspicion during the last portion of the 7 years. We concede; they demand more.

Worse yet, or most dangerous of all, here is the final blow. Suppose Khrushchev and the Communists make a deal, signed, sealed, and delivered. They make deals only to break them. We honor ours. Only a firm, unbending dedication to protection of U.S. sovereignty can protect us with no deals, no appeasement, no accomodation—and no opportunity for them to break a promise.

REAL DEFINITION OF URBAN RENEWAL HIDDEN BY PROGRESS

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

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

There was no objection.

Mr. DERWINSKI. Mr. Speaker, the Federal urban renewal program is subject to increasing controversy and many of us feel that a thorough investigation of the operation is long overdue.

An interesting commentary of the urban renewal program appeared in the April 17 issue of the Summit Valley Times. It is an article written by its staff columnist, Lyn Daunoras.

This is a thought-provoking commentary and I place it in the RECORD, feeling

that it contributes to the attention given to this subject:

REAL DEFINITION OF URBAN RENEWAL HIDDEN BY PROGRESS

(By Lyn Daunoras)

Every once in a while we get to wondering how urban renewal will be written up in textbooks.

No doubt, it will be defined as a means of attaining progress by use of Federal funds to tear down slums of which a city could not otherwise rid itself on a local basis because of the tremendous cost involved. This would be a true enough definition on the surface.

But we wonder if anything will be said about the real meaning of urban renewal—the uprooting and dispersal—like they were cattle—of people who have neither the stamina nor the capital to move on to more desirable areas.

We read a story in the Daily News recently about the Harrison-Halsted residents who are hanging on tenaciously to their property and waging a bitter, but futile, battle to retain their homes instead of having them fall to make way for the progressive new University of Illinois.

When we came to the end of it, we felt just a little nauseated at the circumstances that have wrenched away the life earnings and security of these people and compelled them to start over again at an age when they looked forward to some well-deserved rest and peace.

The attitude of the urban renewal officials was unbelievably callous. "If they would only make the move they will find they like it after all," they say. What a lack of understanding of human nature. When a man is offered $7,000 for his paid-up home, however humble, where can he buy another home for the equivalent sum?

Today, $7,000 makes a fair down payment. To have mortgage payments (presuming at that age he can even get a mortgage) to contend with again is more than some folks can bear and it is brutal to thrust such a situation onto them.

To quote a housing official on the Harrison-Halsted matter: "Most of the hundreds of families already relocated are pleased with their new homes and new neighborhoods. Many of the families moved to the vicinity of Austin and north. Some bought new homes—but to do so, some mothers had to go to work. Families doubled up in other instances."

Said with pride. Aren't they the lucky ones—they can now live two families under a roof or with the mother going to work for the first time in order to afford the homes they were forced into buying. So the city exchanges its problem of slums for a potential problem in mental health and juvenile delinquency. That's progress.

As to clearing the slums—the necessity for razing an area has always seemed rather unfounded. For many years we had been anxious to visit New Orleans because we had heard of its romantic atmosphere, its old-world traditions, and its culinary artistry. When we finally got there, we headed right for the famous French Quarter, about which some millions of words have been written and songs composed.

I don't believe I will ever quite forget my first feeling at observing this world-famous section of New Orleans. It was old world, it was "different," all right. Nevertheless, as we stood there gazing about us I couldn't help but comment. "We have a French Quarter back home, too, only we call it the slums."

The charm of European countries lay in its old buildings and the older they are, the more picturesque. Can you imagine these countries—for that matter, New Orleans—clearing away all these old buildings to make way for progress? What would be their tourist highlight? Yet tourists who gasp at the slums here at home will go to these other places and be charmed by the same type of row buildings with outside paint peeling and roofs sinking.

The inconsistencies of man.

STILL ON THE BOOKS

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

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

There was no objection.

Mr. DERWINSKI. Mr. Speaker, now that the Ways and Means Committee has finished its public hearings, it is conducting its necessary, thorough scrutiny of the President's tax message. It is practical to call to the attention of the House the methods of tax reduction which could avoid the controversial pitfalls that face the administration's proposals.

I refer to the repeal of war time excise taxes as the proper approach to tax reduction.

The Lemonter, a community newspaper serving Lemont, Ill., discussed this issue in a concise and logical editorial in its April 18, issue. I place the item in the RECORD hoping that the clarity of expression will draw the attention of House Members:

STILL ON THE BOOKS

A special task force of the American Retail Federation is campaigning for repeal of the wartime excise taxes. It deserves all success.

These taxes, among others, were imposed as an emergency measure during World War II, and it was universally believed that a repeal would come with the war's end. But some 18 years have passed and the taxes are still being levied.

In some areas, at long last, such unfair and discriminatory taxes have been repealed. For instance, the taxes on rail and bus tickets and freight shipments were dropped, and the tax on air fares was halved.

But the retail excise taxes remain. They are applied to a lengthy list of articles—leather goods, cosmetics, certain kinds of office machinery, furs, and jewelry. These articles, for the most part, can hardly be considered needless luxuries in a nation like ours. They are a part of a way of life. They contribute to living standards. And they are almost universally bought and used.

Tax reform is now a principal topic of discussion and debate. One of the best places to start is with a set of emergency excise taxes which are still on the books almost a generation after the emergency's end.

WHAT I CAN DO FOR MY COUNTRY

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

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

There was no objection.

Mr. DERWINSKI. Mr. Speaker, in an essay contest conducted by the Argo, Ill., VFW, an outstanding young lady, Michelle Kristie, submitted the winning essay which is certainly meritorious in every respect.

I am proud to submit this article for the RECORD feeling that it reflects the spirit and determination of young Americans everywhere. It is an inspirational work by the type of student that will surely play a major role in the expansion of our Nation.

The article follows:

WHAT I CAN DO FOR MY COUNTRY

(By Michelle Kristie, age 16, 7237 West 62d Street, Argo, Argo High School student; first prize, VFW essay contest winner)

As a student there isn't very much I could do for my country but I can begin by learning as much about my Government as possible.

I could study the Constitution, be active in local youth programs, and follow the rules and codes of a junior citizen by keeping all the laws that the school and the town have set up for people my age.

As an adult the best way to help my country would be to participate in local and national elections. By participating in elections, I do not mean that by casting a vote would be enough. Before I'd cast my ballot I'd read as much as I could about the parties, and the people representing them. By becoming familiar with the various platforms of those running for office, I would be able to cast my ballot with confidence and not use guesswork.

The newspapers are a good source of information and through them I would be able to gather enough facts to choose the man I feel, would help my country most.

However, voting in all elections would not be enough, there are other ways a person can help his country. I could never be a great statesman or a hero in any war, but by being active in local organizations; especially those that are centered around education and children, I could fulfill my duties as a citizen.

The children of today will be the leaders of tomorrow, so they must be coached and taught and finally molded into good citizens.

The PTA, local youth organizations, church clubs, and social work would be a means of reaching our children. Through these organizations, I could help spread a little patriotism. It seems that there is too little of that today. We have all taken our freedom and our democratic way of life for granted. It is time we did some serious thinking about our great country.

We must not stop there. Conservation, keeping our country clean and beautiful, fighting communism, obscenity, and delinquency are of great importance.

We must educate the illiterate, for knowledge is the foundation of a solid government.

We must give help to our senior citizens, because they are the backbone of our country.

If I ever traveled abroad, I would take my manners with me and help erase the image of the ugly American, for American prestige throughout the world is of great value.

We must prove to all Americans and to the world that our country is the greatest of all countries.

I cannot do all of this alone, but with the help of every American, it can be done. It may take a long time, but when all our hopes are fulfilled, it will be a job well done, and the reward will be great.

When this happens, I shall feel that I had a part in this movement by being a good citizen.

I think that President Kennedy summed it up perfectly when he said, "Ask not what your country can do for you—ask what you can do for your country."

A BILL "TO PROVIDE THAT MEMBERSHIP BY NATIONAL BANKS IN THE FEDERAL RESERVE SYSTEM SHALL BE VOLUNTARY, AND FOR OTHER PURPOSES"

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. ST GERMAIN] 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 Oklahoma?

There was no objection.

Mr. ST GERMAIN. Mr. Speaker, this bill would accord to national banks the option of joining and maintaining or refraining from membership in the Federal Reserve System—a privilege which is now enjoyed only by State-chartered banks and trust companies.

The fourth and fifth sections of the proposed bill would provide that national banks may join the Federal Reserve System, changing from the imperative. Also, the penalty provisions invoked upon failure of a national bank to join the System are eliminated in the sixth section. The eighth section of the bill would permit national banks as well as State banks and trust companies to withdraw from the Federal Reserve System if they desire to do so. The ninth section would provide for reserve requirements for nonmember national banks. The 11th section would provide that the Comptroller of the Currency would regulate interest rates on time and savings accounts for nonmember national banks.

Optional membership for national banks in the Federal Reserve System may be supported, both on grounds of equity, and on grounds of fundamental policy. Considerations of equity arise because all banks do not benefit equally from membership in the System. There are few advantages to be derived from such membership by smaller banks. These banks generally find the check-clearing and borrowing facilities of the System less convenient than those available from their correspondent banks. To procure these correspondent services, they are required to maintain balances with those banks. As a consequence, if they are members of the System they must maintain two sets of idle balances—with the Federal Reserve, and with their correspondent bank. The advantages of optional membership are evident from the fact that the great majority of the smaller State-chartered banks have not chosen to become members of the System. National banks, which do not have this choice, are thus placed at a competitive disadvantage in terms of their operating costs, and hence their capacity to meet the terms of their rival State-chartered banks.

The fundamental policy considerations relate to the need for mandatory membership in the Federal Reserve System as a means of assuring effective monetary controls. It is doubtful that optional membership in the Federal Reserve System would impair monetary control powers significantly. Most of the larger banks of the country would undoubtedly choose to retain their membership in the System, both for reasons of traditions and prestige, and because they are able to utilize the facilities of the System more readily. This is clear from the fact that only a handful of the larger State-chartered banks have failed to seek membership in the System.

There is a possible alternate course for dealing with the problems both of equity and of effective monetary controls. This would be to require mandatory membership in the Federal Reserve System for all commercial banks or at least for all insured commercial banks. This course would not, however, fully meet the problem of equity. Most of the smaller banks would nevertheless find it necessary to maintain their correspondent relationships at the expense of additional idle balances. Moreover, since the reserve requirements imposed under State law are less onerous than those which apply to member banks, mandatory membership would represent a severe added burden to banks which are not now members of the System. For this reason, any proposal to make membership in the Federal Reserve System mandatory for all banks would necessitate a revision of reserve-requirements policy.

While a case may be made either for mandatory or voluntary membership in the Federal Reserve System for all commercial banks, there is no justification for discriminating against national banks in this respect. The original purpose of the provision in the Federal Reserve Act requiring all national banks to become members of the System was to insure a sound starting point for the new Federal Reserve System. If membership had been made optional for all it might have been years before the System became established as banks joined one by one. On the other hand, serious constitutional questions might have arisen in the face of a provision requiring all State banks to become members of a Federal instrumentality. Consequently, all national banks became mandatory members of the new System and State banks were given the option of joining or remaining without the System. The time has come to redress this inequity that was necessary in 1913, the purpose of which has long since become invalid. The Federal Reserve System today is strong and sound so the national banks which are subject to all laws affecting their State competitors should be accorded equal treatment in this important matter. Whatever may have been the need for such discrimination at the time the Federal Reserve System was founded it is no longer required and cannot be supported.

WE MUST NOT LOSE SIGHT OF CUBA

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

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

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, although the United States must maintain close watch on the developing situation in southeast Asia, the United States must not be diverted from the No. 1 problem affecting this hemisphere—namely Communist Cuba.

Mr. Speaker, with Under Secretary of State W. Averell Harriman en route to Moscow today to confer with the Kremlin on the southeast Asian situation, I am hopeful that the distinguished Under Secretary will also impress the Soviets with the continued firm determination of the United States to halt the march of communism in this hemisphere.

The renewed Communist activities in Asia signal a change in Sino-Soviet relations with the West. The past has shown us that the Communists cannot be trusted. The future depends on U.S. initiative.

I urge that the United States act to control communism in this hemisphere, and not be deceived into responding to the actions of the Communists in other parts of the globe.

A BILL TO CREATE A FEDERAL BANKING COMMISSION

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] 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 Oklahoma?

There was no objection.

Mr. MULTER. Mr. Speaker, I have today introduced H.R. 5874, to create a Federal Banking Commission.

This is a revision of H.R. 4253 which was introduced by me on February 26, 1963. The revision was necessary to make technical corrections of statutory citations and to correct grammatical errors. In a bill of this size and complexity, it was too much to hope that a first draft would be without such errors.

The Subcommittee of the Banking and Currency Committee of which I have the honor to be chairman will hold hearings on the Banking Commission bill and on H.R. 729, the proposed Federal Deposit and Savings Insurance Board Act, on May 7, 8, 9, 10 and on May 13, 14, and 15.

STATEMENT IN SUPPORT OF H.R. 710, TO AMEND THE BANKRUPTCY ACT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] 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 Oklahoma?

There was no objection.

Mr. MULTER. Mr. Speaker, the following is my testimony before Subcommittee 4 of the Judiciary Committee in support of my bill H.R. 710:

STATEMENT OF CONGRESSMAN ABRAHAM J. MULTER (DEMOCRAT, NEW YORK) BEFORE THE HOUSE JUDICIARY COMMITTEE IN SUPPORT OF H.R. 710, APRIL 25, 1963

Mr. Chairman and members of the committee, I appreciate this opportunity to appear before you and make a brief statement

in support of H.R. 710 which I introduced on January 9, 1963.

I have introduced several bills over the past 15 years to amend the Bankruptcy Act with respect to the provision for priority of debts owed by a bankrupt for wages and commissions. The provisions contained in the present law are inadequate and outmoded.

The bill which is now before you does not alter the time limit of 3 months on earnings which are given priority. It proposes primarily to increase the dollar limitation on wages entitled to priority payment from $600 to $1,000.

I have also proposed to insert the word "salaries" after the word "wages." We know that these words are now often used almost interchangeably. When the original bill was enacted into law, in 1898, the term wages was applied more generally to all paid employees. In more recent times the term salary has been given the connotation of those employees paid on a weekly, biweekly, monthly or some other similar basis and the term wages has been applied to those paid on an hourly basis. This portion of the amendment is recommended to update the terminology of the law.

I have further proposed that the term "or became payable" be inserted in clause (2). The original act did not cover salesmen in its provisions for priority payment of wages. However, the act was amended in 1906 to include salesmen having a priority to claims for commissions earned along with other wage earners.

Since that time there has been a great change in the mercantile and selling process. The expansion of credit has given rise to installment buying. This trend increases annually. We generally think of installment buying in the field of consumer goods only, but there exists much of it and in many varied forms among business companies. This increased use of installment selling has changed the role of the salesman.

Many modern salesmen do not receive their commissions at time of sales, rather they are often related to payments for the goods sold. Thus these salesmen become creditors having a claim to a percentage of the receipts of the company even though the sales may have been made a year before. In such a case we might consider that a salesman earns his commission in two stages, one part is the selling of the product and the second part is contingent upon receipt of payment for the product. As the installment payments spread a salesman's commission over a long period, we should consider that any commissions becoming payable in the 3-month interim before bankruptcy action is a valid claim for earnings of that period even though the sale may have been made many months prior thereto.

In the Bankruptcy Act there are several types of debts that have priority and must be paid out of the bankrupt estate before dividends can be paid to the general creditors. All of these debts having priority of payment must be paid in full except one—the claims for wages and commissions which are limited to $600 per claimant. The $600 limitation was established in the 1926 amendment to this act.

I am sure that all of us will agree that one of the prime values of any law rests in its applicability to the current times. Can we consider a limitation of $600 on priority claims for wages of employees established in 1926 to be realistic or equitable in 1963?

The present Bankruptcy Act was established by Congress in 1898 and a limitation of $300 was placed on individual employee claims entitled to priority payment. In 1926 this figure was doubled—there has been no change in the dollar limitation since.

On February 18, 1898, Representative Sulzer speaking in support of the bankruptcy bill on the House floor praised "the provision that gives a preference to and carefully safeguards the wages of employees and the rights of the producers and wage earners of the country. Under the provisions of this bill these worthy people are absolutely protected in every respect and every safeguard is thrown around their rights to protect their wages and earnings."

Here Mr. Sulzer was speaking of the $300 limitation which would adequately cover the earnings of most employees for a 3-month period. Actually this amount would exceed most employees earnings at that time.

The $300 limitation of 1898 would cover the earnings of the average manufacturing employee's wages for 1,470 hours of work; whereas the present $600 limitation would cover only 251 hours of the average manufacturing employee's wages.

Even though Congress doubled the dollar limitation from $300 to $600 in 1926 this was even then inadequate when compared to the 1898 relative position of earnings and cost of living. During this interim the Consumer Price Index increased 138 percent and the hourly wage rate of manufacturing employees increased 217 percent.

For 37 years we have allowed this inequity to grow larger and larger. Let us take a look at some of the changes since 1926. The Consumer Price Index has increased 72 percent and the hourly wages of manufacturing employees have increased 269 percent. Thus starting with an inequity in 1926 we have made no provisions to update the law and provide safeguards for the rights of employees in bankruptcy cases.

I would be among the first to admit that the $1,000 limitation proposed is neither adequate, proper, nor equitable; however, I do feel that this is a step in the right direction and is definitely a great improvement over our present woefully inadequate $600 limitation. To leave this archaic discrimination against employees and salesmen in effect would be injurious to a worthy and honorable element of our society.

We saw a reduction in the number of failures from 17,075 in 1961 to 15,782 in 1962; however, there was a rise in the dollar volume of liabilities. These failures represent many honest employees who were not properly protected. By leaving the present limitation in effect we are encouraging employees to leave their employers if they discern that bankruptcy is probable. The loss of a few key employees at such a time would almost assure bankruptcy. Yet how can anyone expect employees to continue to work when there are inadequate provisions for their protection in case of bankruptcy? Thus, we may through our own inaction increase the number of bankruptcies in the country.

Again I urge that Congress take action to improve the safeguards of employers in bankrupt cases. From 1898 to present our Consumer Price Index has increased by more than four times and the average hourly wages of manufacturing employees have increased almost 12 times. However, we have only doubled the dollar limitation of employees' priority to claims for wages and that was 37 years ago.

The $300 limitation established in the original act would have covered 1,470 hours of work for the average manufacturing employee, today even increasing the limitation to $1,000 we will be covering only approximately 418 hours of work for the average manufacturing employee. Thus we can easily see how outdated this provision of the act is, and how essential it is for the Congress to take action to bring it more in accord with the realities of today.

I urge that H.R. 710 therefore be approved by this committee so that its enactment can be achieved this year.

Thank you for your permitting me to submit my views to you.

WASHINGTON CRIME

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Mississippi [Mr. WILLIAMS] 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 Oklahoma?

There was no objection.

Mr. WILLIAMS. Mr. Speaker, on Monday, April 15, more than 12,000 Negroes visited Glen Echo Amusement Park which is situated in Montgomery County, Md., only a few miles from the District line. From all reports, it would appear that the vast majority of these Glen Echo visitors were children of school age from Washington.

I am informed that the Monday following Easter is a school holiday for the Washington public schools. Nearly every year, roaming gangs of Negroes create serious disturbances in Washington or its environs on Easter Monday.

Although a dangerous and explosive situation developed at Glen Echo and several felonies were committed, the Washington Post got around to reporting these felonies on April 24 and referred to them as "minor disturbances."

The Montgomery County Police Department lists the following violations of law which occurred at Glen Echo on April 15:

1. A visiting student from New York State reported the theft of her wallet and cash, and advised she suspected numerous colored people, who were surrounding her while she was waiting to get on a ride.

2. A busdriver for the D.C. Transit Co. reports the loss of $30 while operating his bus on Massachusetts Avenue near Goldsboro Road. This theft is alleged to have been committed by three colored males, who fled the bus when he stopped at a stop sign at the above mentioned location.

3. The Glen Echo Park Co. reports one of their pinball machines, located in Sport Land, was forcibly entered by a large group of colored males.

4. The B. & B. Catering Co., operator of a refreshment stand in the park, reported the larceny, in excess of $100, of funds from the cash register by three to five unknown colored males.

5. A lady's wallet was found discarded in the ladies' lavatory of the Park Co.

6. A teenager reported the theft of his wallet from his rear pants pocket, while standing in a line at the roller coaster. He advised he was surrounded by colored persons at the time this theft occurred. His wallet contained $8.

7. We also have knowledge of the Burns Detective Agency people handling approximately 25 persons for minor acts of disorderliness, consisting of failure to turn in tickets on the rides, jumping railings to avoid giving tickets for the ride, and questioning the authority of the Burns' people. There were also instances where merchandise displayed on outside stands around places such as the gift shops and the popcorn stands, were taken by passing people.

The Washington Evening Star finally printed a related article on April 24 on page E6. That was on the sixth page of the fifth section of the Star.

At least six serious, felonious crimes were committed at Glen Echo that day. The Washington Post described them as minor disturbances and the Star failed to mention them.

This is an example of the type of slanted journalism practiced by Washington newspapers.

Last year, through the efforts of professional agitators, certain Government officials and others who refuse to recognize the existence of racial differences, Glen Echo was compelled to admit Negroes. Prior to that time, only white persons were admitted to the amusement park. Now, the park has become resegregated, inasmuch as most white persons no longer care to patronize this park because of the present intolerable conditions. According to the Montgomery police, 95 to 98 percent of the persons admitted to Glen Echo that day were Negro.

On the morning of April 15, two schoolbus loads of children from a southern State, who were visiting Washington, had to leave the park in the face of impending trouble. They had come to the Nation's Capital to enjoy its historical and cultural advantages but had to abandon their recreational pursuit in the face of the behavior of these young hoodlums, most of whom were Washington schoolchildren.

Because of the violence of Glen Echo and at the Washington Stadium, I would suggest that the management of those two enterprises adopt a strict segregation policy so as to protect white persons who wish to visit them.

I make this suggestion because so far desegregation in the National Capital has resulted in de facto segregation anyway. This means, of course, that white people are now denied the opportunity to attend recreational events in their own National Capital.

OUR POLICY ON CUBA

The SPEAKER pro tempore (Mr. LIBONATI). Under previous order of the House, the gentleman from new Jersey [Mr. WALLHAUSER] is recognized for 30 minutes.

Mr. WALLHAUSER. Mr. Speaker, the United States has been concerned with the problem of Cuba periodically throughout our history. We know that the concern now is greater than it has ever been as the threat of communism hangs heavy over all of our Western Hemisphere.

Because of its location and proximity, Cuba has been recognized as an important element in our strategic national security. The importance of it has increased with the development of military weapons, modes of transportation, and last—but not least—techniques in sabotage, subversion and the infiltration of the minds of the people.

We, as citizens of the United States of America, are concerned not only for our Nation, but also for all nations in the Western Hemisphere, as Cuba is a major threat to the entire hemisphere because of its binding ties with Soviet Russia. Yet, Mr. Speaker, in noting the apparent lack of interest and action by many nations in the hemisphere, I wonder if the nations to the south of us fully comprehend the situation and the threat to them and their people.

The question naturally arises, what have we, as a nation, done through those agencies of government charged with carrying out foreign policy to alert and enlist the Latin American nations in a common cause to eliminate communism from the Western Hemisphere with all of its ugly and slave-encompassing intentions and actions.

I do not question that some attempt has been made to enlist nations of the Western Hemisphere in this effort, but I doubt that we have used every effective means at our command to bring this about. The time for platitudes and pussyfooting has long since passed. It now is the time for presenting of hard facts. It is time for determined action to bring about a cohesive and effective team effort. This action cannot wait.

Under our Constitution, Mr. Speaker, the carrying out of foreign policy is vested in the President. I am sure that whatever action he decides to take in this area will be wholeheartedly supported by the people and the Congress of the United States, for all of us are deeply concerned over what is transpiring today, but before the final decision is made we have a duty to express opinions and give what might be constructive suggestions.

With the advent of a Communist regime in Cuba, it became an ideological challenge; with the advent of Soviet military presence there, it became a military one. We are aware of this and the leaders of the Latin American nations must be exhorted to assist in meeting this challenge.

Americans are united today on three points. First, that the Soviet military presence in Cuba is undesirable; second, that Fidel Castro's government is undesirable, and third, that Cuba must be returned to the Cubans under a democratic, representative, free government. We believe in this and the leaders of the Latin American nations must believe it.

Mr. Speaker, the Cuban situation is a critical challenge to the United States of America. Our future, and the future of the entire Western Hemisphere is at stake. Our prestige throughout the world is at stake. A lack of prestige, as we all know, can have a disastrous effect in our dealings with all nations be they our friends, neutrals or those walking a tightrope on the decision they must ultimately make—alinement with the free world or with the Communist world.

An indecisive United States of America will not present a pretty picture to the world. If we cannot achieve leadership in the Western Hemisphere, how can we, as a Nation, expect to continue our influence as a leader of nations in other parts of the world?

The existence of Cuba as a Communist nation, just 90 miles from our shores, and the presence of Russian military forces in the island is our challenge of today.

Yet, Mr. Speaker, we also have another challenge as relates to Cuba and I believe little or no attention has been paid to it. The decision on this challenge likewise cannot wait. The steps we may take, in conjunction with the Organization of American States, may well determine the future and development of a new Cuba when the Communists are driven from the Pearl of the Antilles.

It, of course, might be termed a long-range challenge. What is done now or not done now will provide the answer as to how we will meet it. If we sit idly by, the result, after the Communists are driven from the island, likely will be a floundering nation wracked by poverty and with no unified national aims. It would be a nation unable to achieve its rightful place as a strong and thriving member of the Western Hemisphere and the free world.

Therefore, it is worthwhile to think through briefly just what our goal is in Cuba, and think about some of the things that can be done now, so that when today's problems are solved, we will not find ourselves facing bewildering new ones tomorrow. Today's problems are how to get rid of the Soviets and Fidel Castro in Cuba. Tomorrow's will be how to deal with, guide and help with the construction of the new Cuba which must eventually emerge.

I think our long-range object, or goal, with regard to Cuba can be stated quite simply. It is the establishment of a successful, representative, honest government there with which we can deal on a mutually honorable basis. The Alliance for Progress distills the essence of what we hope for in our relations with our Latin American neighbors; we are sympathetic with their efforts to improve social and and economic conditions. But the members of the Alliance recognize that self-help and mutual respect are necessary ingredients in that process.

Our problem is that there is no such government in Cuba with which we can deal and that we have taken no positive steps to insure that the post-Castro government will be of such a nature. Put another way, forming and running a representative, democratic government in Cuba, after Castro, is going to be a difficult proposition. Are there steps which we can take now which will help insure the success of such a new Cuban political regime? I believe there are—and I would like to discuss one today. It is the recognition by the United States of a Cuban National Council set up under the authority, protection and advice of the Organization of American States.

When a resolution was introduced in the Senate last September calling for the establishment of a government-in-exile there was a flurry of debate about the idea, certain objections were raised, and it was just beginning to crystallize when the October crisis lessened interest in it. Now, of course, recent outbreaks in the ranks of Cuban exiles living in the United States has revived talk of recognition of a government-in-exile if the various factions involved can find a way to live under one roof and act in a cooperative manner with those who are seeking to help them.

Today, I raise the issue again, but with a new approach. For it to be successful we must call upon the Organization of American States to cooperate with us fully and wholeheartedly. The stakes for the member nations of that

organization are great and through leadership we must convince them of that.

It is time for the Organization of American States to take constructive steps to help bring together all factions so that a responsible leadership may be set up to meet the present crisis and the future of Cuba.

It is my belief that arguments raised so far in support of the idea for a government-in-exile fall short of the full potential which the recognition of such a government or a national council possesses. It is my hope that a broadening of the base of these arguments will raise enough discussion, and win over enough adherents to this idea for a national council, so that some action may be taken by the Congress which will be constructive in the light of our long-range goals in Cuba.

Let us leave to the international lawyers the question of whether such a government or council should be recognized as insurgent, belligerent, or as any other limited or conditional category of government. Let us assume that if we decide to take such a step that we can find the most advantageous way to do it in the eyes of the international community. Let us look beyond this to the reasons why we might want to recognize a Cuban national council.

It is my belief that it would accomplish the following:

First. Provide a rallying point for the Cuban refugees in the hemisphere.

Second. Provide a legal and effective instrument through which this and other governments could offer material and financial aid in the fight to regain Cuba's freedom.

Third. Provide a focal point of communication with the freedom-loving resistance fighters still carrying on inside of Cuba.

Fourth. Assure the Cuban people and the world that the United States is not accepting the Castro government as the permanent government of Cuba.

Fifth. Lay the basis of legal domestic support for the activities of the Cuban refugees. At present, our immigration and Coast Guard authorities must enforce strict curtailments on the activities of refugees who are trying in various ways to fight Castro.

Now, those who oppose recognition of a Cuban government-in-exile per se for various reasons have come up with certain arguments against the idea which deserve consideration and answer. In particular, the Department of State has put forward several reasons for not supporting such a move which I would like to examine at this time.

First, the State Department claims that it is their custom to recognize a government-in-exile only when it has direct contact with, or contains members of, the prior government of the territory in question. As, for example, was the case in World War II when many governments, or parts of them, fled their countries in the face of Nazi invasions—then, we could legitimately recognize a government-in-exile. In other words, the State Department claims that a government should constitute a government before being driven from its territory in order for us to recognize that it is in exile.

I suggest that the State Department examine its own files, and do a little homework on the diplomatic history of the United States. During World War I, a Czechoslovak National Council was formed for the purpose of waging a war of independence from the Austro-Hungarian Empire. Czechoslovakia was not even a separate State. The Council was formed right here in the United States, by means of the Cleveland Agreement of 1915 and the Pittsburgh Pact of 1918, which served to unify splintered exile groups. The United States recognized the Czechoslovak National Council as a de facto belligerent government on September 3, 1918, several weeks before the end of the war.

Also, during World War I a Polish National Committee was formed under the leadership of Paderewski, with the cooperation and aid of the Polish movement in Chicago. Poland had been under Russian occupation since 1863, and therefore was not even a free state, let alone self-governed. But on November 1, 1918, the United States recognized the Polish Army, under the Polish National Committee, as a cobelligerent. In neither of these cases did a government as such exist on the territory of the country involved which had any connection with the governments which we recognized.

During World War II a Polish government-in-exile was formed, following the Nazi occupation of Poland. But this was not the pre-Nazi government transplanted, for the Germans caught and detained most of the Polish leaders. This government, which the United States recognized, was composed of other Polish leaders.

The most famous example of a government-in-exile, which the State Department has apparently forgotten, is that of Gen. Charles de Gaulle during World War II. While we did not extend him recognition as "a government of France," we did recognize in August of 1943 that his French Committee of National Liberation was administering certain French oversea territories. Formal diplomatic relations were resumed after he formed a new French Government of National Unity in 1944 in his newly liberated homeland.

Therefore, the arguments of the State Department that there is no precedent for such a recognition seem to me to be rather weak.

The second major argument against recognition of a government-in-exile given by the Department of State is that such a move might cause Castro to react by abrogating the Guantanamo Treaty, or refusing to accept any representation from us through the Swiss Embassy in Havana, so that we would lose contact with his government. This would mean that we could no longer exercise diplomatic means of defending the rights of U.S. citizens still in Cuba, or such Americans as those shipwrecked skindivers recently washed ashore in Cuba.

Now, again, this argument seems weak to me. It is a universally accepted principle of international law that treaties bind States. That is, the State of Cuba is what is bound by the Guantanamo Treaty. The government which happens to be representing that State at the moment is the government of Fidel Castro. We hold his government responsible for the obligations and duties of the Cuban State. Now it is another accepted principle of international law that rupture of diplomatic relations does not constitute withdrawal of recognition of the government concerned. We still recognize Castro as the government responsible for Cuba's international conduct. But the recognition of a Cuban government-in-exile, while it may anger Castro, would not constitute a negation of his responsibilities for the conduct of Cuban affairs. This is because his is already recognized by the whole world as the existing government of Cuba. The recognition of a government-in-exile for limited purposes, which would have to be specified in the recognition proclamation, would in no sense imply that we were holding anyone but Fidel Castro responsible for events in Cuba. Besides, let us be honest about this. It is not a treaty which keeps Castro from marching onto our base at Guantanamo. It is the Armed Forces of the United States.

As far as our representation in Havana is concerned, I think we have already lost contact with Castro, and no effective communication can occur between his government and ours, government-in-exile or no government-in-exile.

Mr. Speaker, the Department of State also gives as a reason for their reluctance to recognize a Cuban revolutionary government-in-exile the fact that the refugees are too splintered to form an effective unity. May I remind you that this was the case with the Czechoslovak exiles that Masaryk formed into a government in 1918; it was true of the Polish exiles that finally rallied around Paderewski during World War I; and it was true of the Free French, who were only unified after the most strenuous exertion of leadership on the part of Gen. Charles de Gaulle. It is precisely the promise of recognition that the Cuban refugees need to draw them together in a serious, responsible effort to be of service to the Republic of Cuba.

Finally, there are concerned observers of the Cuban situation who feel that the recognition of a Cuban government-in-exile would have an adverse reaction on the underground movement which stayed behind to fight Castro. Such recognition, some feel, would make it appear that the United States was favoring a group of refugees over the underground, and might install this exile group in power in Cuba once Castro fell. This is a serious problem, and must be treated forthrightly and with great care. I suggest that many of the problems could be solved in this move by eliminating the title "Government-in-Exile." Remember that in World War I we dealt with what was called the Czechoslovak National Council and the Polish National Committee. These groups were formed not to be imposed as governments in their captive territories, but to obtain the liberation of their homeland. We must not let the Cuban people think that we are going to preempt their right to elect their own

government once they are freed of Communist domination.

It seems to me that one way to settle this problem would be to recognize the national council on the condition that they agree that once Castro is overthrown and they return to Cuba, that they will not exercise all the rights of a constitutional government, but rather will agree to serve in an administrative capacity under the supervision of the Organization of American States. At the end of an agreed interim period, free and open elections would be held. This is the kind of approach which I think we should discuss and have clearly understood prior to the recognition of any exile group.

Concerning the long-range benefits of recognition, I think that one of the most important would be that we need to be training people for us to work with in the post-Castro era in Cuba. The new Cuba will definitely be eligible for immediate aid under the Alliance for Progress, since we will certainly be committed to helping the Cubans wipe out the disasterous effects of Castro's economic policies. If we recognize a national council, they could set up a provisional ministry of economics to organize recovery planning for the post-Castro era, train economists and administrators, and perhaps even take part in a program which we could set up to familiarize them with the assistance available from AID, the Inter-American Development Bank, the Export-Import Bank, and so forth. We could do the same thing in public health, education, agriculture, and other fields of public administration. This would mean that in the immediate aftermath of the overthrow of Castro, a trained group of administrators would be available to the Cuban people, to utilize in the initial rebuilding task. In this way, the refugees would show their desire to contribute to the progressive construction of a new and free Cuba. Hopefully, many of these people would retain important government posts following free Cuban elections. The United States would find it convenient and easy to work with them through our foreign aid program, and there would be a high level of mutual understanding and respect.

I would like to close by saying that what I have attempted to do today is to open debate on the recognition of a Cuban national council on a responsible basis. I realize that some of the arguments I have mentioned are debatable, and that is precisely why they have been raised. Because I believe that, if the Congress seriously concerns itself with the pros and cons of this matter, that it will determine in a sound and sober way that there will be considerable advantages to the Cuban people, to the Cuban exiles, and to the United States, in the recognition of such national council. It is in the interest of contributing to such a determination that these thoughts are offered today to the Members of this distinguished body.

SAVE PUBLIC HOUSING

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. RYAN] is recognized for 15 minutes.

Mr. RYAN of New York. Mr. Speaker, the U.S. public housing program is about to come to a standstill. Within a few months the ceiling on annual contributions to public housing agencies will be reached. The Housing Act of 1937, as amended, imposes a limitation of $336 million per year on Federal contributions to public housing agencies. In addition, no State may receive more than 15 percent of contributions authorized after July 1, 1961.

Today I have introduced legislation embodied in two bills to amend the Housing Act of 1937, as amended, to remove these two restrictions.

This legislation is desperately needed. By June 30 of this year New York State will have reached the 15-percent limitation and exhausted its quota of units available under the act. Unless the 15-percent restriction is removed, there will be no more federally assisted public housing in New York. And unless the $336 million limitation upon annual contributions is removed, the quota of units for the entire country will be exhausted at about the same time.

The Housing Act of 1961 contemplated an additional 100,000 units of public housing. Contracts, reservations, and applications under consideration already exceed that figure.

Mr. Speaker, last September 1 marked the 25th anniversary of the signing of the Housing Act of 1937 by President Franklin D. Roosevelt. Public housing has played a crucial role in the fight against the social and economic evils of slums and has provided decent housing in a healthful environment for millions of our fellow citizens. The program must not be allowed to lapse in the face of unmet national needs.

In New York City the need for further public housing is acute. Mayor Wagner, on February 8, 1963, in a speech before the National Association of Housing and Redevelopment Officers spelled out this need:

> We still have slums in New York City. In fact, according to the 1960 census more than 500,000 housing units in New York City are deteriorating or in substandard condition. More than 276,000 such units are dilapidated or without essential plumbing facilities. Moreover, according to the 1960 census, and here is a key fact, 79 percent of all families now living in substandard quarters have incomes of less than $5,000 per year * * *. In summary, there are a minimum of 200,000 ill-housed low income families in New York City whose only prospect for improving their housing consists of low rent public housing.

The New York City Housing Authority estimates that New York City needs at a bare minimum 20,000 units a year for the next 10 years in order to meet the desperate shortage of low income housing. The State administration's policy has accentuated the city's shortage. The State does not favor low rent public housing in New York City. Out of $60 million available to the State for public housing New York City received in 1962 approximately $6 million. The State allocated about 10 percent of available State public housing funds to New York City.

Private builders will not construct low-rent housing. According to a recent study published by the Metropolitan Housing and Planning Council of Chicago, private builders are having no success in providing a decent home and a suitable living environment for low-income families. The council states:

> The prices which home builders must charge for their product limits their market to an upper income group which cannot absorb more housing than is now being produced for its use. The purchase prices of new homes, as measured by dwellings insured by the Federal Housing Administration, have increased by 61 percent in the last 11 years, although the cost of living in general has increased by only 29 percent. The continued rise in mortgage interest rates in the last 7 years has increased the monthly payments of potential purchasers and renters, thus further limiting the market for new housing.

It is often said that a State or municipality should do something to help itself. I certainly agree. New York City has an active public housing program. New York City has a total of 138,053 low-rent public housing units. Of that total 50,631 are State aided and 27,702 are city aided. This means that almost 57 percent of the public housing units were built with State and local funds.

New York's housing needs are great. New York State is now trying to house 7 percent of the Nation's Negroes, 10 percent of the Nation's aged, and 22 percent of our foreign born. Some half million Negroes have migrated to New York from the South, more than to any other State, except California. There are now 350 people per square mile in New York as opposed to the national average of 50 per square mile. The States needing little public housing are usually low in density—Wyoming has but 3.4 people per square mile—while those needing public housing are extremely concentrated like New York.

A survey of the 1960 census of housing shows that in New York City the number of sound housing units with all plumbing facilities increased significantly, but there was also a more significant increase in the number of deteriorating, dilapidated, or substandard units. In 1950 less than 15 percent of all units fell in this category. By 1960 more than 20 percent did.

Mr. Speaker, unless the present limitations on annual contributions are removed, we will witness the demise of the public housing program in a very short time. It is ironical that 1962 marked the 25th anniversary of public housing—and 1963, 1 year later, may mark its doom.

During these 25 years the low-rent program has provided housing for approximately 7 million persons. Today about 2 million persons are living in the more than 525,000 homes produced under the program. More than half of them are minors. Nearly half of the presently scheduled homes are to be designed especially for use by elderly persons.

Every State in the Union, with the exception of four, has participated in the public housing program. Among the leading recipients of the benefits are Alabama and Georgia, California and Texas, New Jersey and Pennsylvania,

Ohio, Illinois, Massachusetts, Louisiana, and my own State of New York. No section of the country has failed to take part in the program.

The progress report on Federal housing programs, issued by HHFA in August 1962, gave the following comprehensive picture of the status of the public housing program since the Housing Act of 1961 made it possible to commit the full $336 million in annual contributions:

Since enactment of the 1961 act, 117 new municipal housing authorities have been created and 17 county housing authorities. The municipal authorities are located as follows: 47 in rural places; 44 in communities of under 10,000 inhabitants; 21 in communities with between 10,000 and 49,000; 4 in 50,000 to 99,000 category; and 1 in a city of 126,000.

At the time of the progress report of 1962, 35,000 units had been put under program reservation; that figure has now risen to 58,000. The 1962 report listed 23,199 units under annual contribution contracts; we now have 32,000 in this category. In other words, 90,000 units out of a contemplated 100,000 units have already been committed. Thousands of applications for projects are backlogged at FHA, which will never be granted if the limitations on the public housing program are not removed.

We cannot even be sure that 10,000 more units will result from the uncommitted balance. The estimate that 100,000 units could be built under the Housing Act of 1961 was based on 1960 construction costs which were indexed at 103.9—1957–59=100—for residences and 106.3 for apartments. The latest Commerce Department figures show residences now stand at 106.3 and apartments at 108.8. This represents an all-time high in both categories, and there is every reason to believe that this upward trend in construction costs will continue in 1963. It is clear that public housing may not even reach its hoped for expansion of 100,000 units before the present authorization is exhausted.

Mr. Speaker, I ask that Congress provide the legislation necessary to continue this important program. Otherwise, there will be no more low-income housing forthcoming. Public housing has served about 7 million families and stimulated $6.3 billion in dwelling construction and is now in the process of implementing progressive new programs that will have far-reaching effects. After 25 years of comparative success in meeting some of the most urgent needs of our Nation, it now faces impending oblivion. We cannot allow this program to lapse, particularly not in our largest city which faces our largest housing problems. We cannot allow thousands of families to go unhoused.

We must recognize the emergency and act now.

THE PHILIPPINES CLAIMS AFFAIR

The SPEAKER pro tempore (Mr. LIBONATI). Under previous order of the House, the gentleman from Ohio [Mr. VANIK] is recognized for 15 minutes.

Mr. VANIK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include certain editorials.

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

There was no objection.

Mr. VANIK. Mr. Speaker, the recent Senate Foreign Relations Committee disclosure of $150,000 in fees to a Philippine sugar and war claims lobbyist for his work in obtaining congressional approval of the $73 million Philippine war claims bill was one of the most shocking cases on record of improper interference with the legislative process. The further disclosure of the political contributions made by this lobbyist during congressional consideration of this legislation adds fury to the fume.

On May 9, 1962, the House voted down the $73 million Philippine claims bill after an extensive public debate. During the course of the discussion on the legislation, it was apparent that some opposition to the bill was generated by some Members of Congress from tobacco growing States who resented an embargo on a shipment of American tobacco to the Philippines.

I was among those Members of this body who opposed the legislation because of instinctive fear that the $73 million payment would end up in the pockets of persons who had purchased the claims or to whom the claims had been assigned for a fraction of original value. The bill simply did not look right. There are many occasions in which the legislator with limited access to facts and under the pressure of business simply opposes legislation which does not seem right.

Immediately after this legislation was rejected, newspapers all over the country bombarded this body for its dereliction of responsibility to our Philippine friends. The following are examples of the editorial barrage to which Congressmen were exposed who dared to question the Philippine payment bill:

[From the San Francisco Examiner, May 16, 1962]

UNFRIENDLY MOVE

Congressional action in disapproving war damage claims by the Philippines just doesn't make sense.

The Philippines are our firm ally in Asia; our bonds are tempered in tradition and battle.

In a surprise move, the House of Representatives has turned down—201 to 171—a bill to pay the Philippines $73 million. The funds would have completed our payments on claims arising from World War II combat between American and Japanese forces.

On the other hand, torrents of dollars are flowing to alleged neutrals and other nations of dubious attitudes toward the United States.

In the Philippines, the reaction is bitter. Vice President Emmanuel Palaez rightly comments that "it seems the United States treats her friends more shabbily than those who are not with her."

President Kennedy has expressed regret over the House action even before President Diosdados Macapagal canceled his visit to the United States next month.

We are happy to note that there is a move afoot in Congress to reintroduce the payment bill at this session. We urge all Representatives and Senators to heal this rift between friends.

[From the San Francisco Chronicle, May 15, 1962]

CONGRESS SLAPS A VALUED ALLY

Congress, through stupidity, ignorance, or both, has welched on a promised $73 million war damage payment to the Philippines—alienating a highly valued ally at a time of dangerous crisis in nearby Laos.

Philippine President Diosdado Macapagal, who was elected on a strong pro-American platform, has postponed indefinitely his scheduled June 19 good will trip to Washington, explaining: "Our people would never understand how, under the circumstances, I could go to the United States and dwell on the subject of good will. At this present moment, the word will sound empty."

The war-damage bill, rejected 201 to 171 by the House of Representatives, would have fulfilled a 10-year-old promise to repay 86,000 Filipino claimants for losses suffered in World War II. American as well as Japanese shells and bombs wiped out many a Philippine business and farm. Payment had been pledged by an earlier act of Congress itself.

The rejection was "due to lack of understanding," a cosponsor of the payment bill explained charitably. Some uninformed opponents called it a handout.

President Kennedy, terming the rejection "a gross misunderstanding," promised to fight for quick action to rectify the blunder. The payment—trivial by comparison with U.S. foreign aid to many a less friendly nation—is a moral obligation that must be met, he said.

A second effort to honor this obligation will begin in Congress this week, and a score of Congressmen who opposed the payment are reportedly ready to change their votes. We hope so, from strategic as well as moral considerations.

With Communist offensives taking over more and more of southeast Asia, the Philippines has, until now, been a reassuringly solid foe of that Red expansion. We suggest that Congressmen stop shooting down one of the few allies the United States has left in that hot war area of the uneasy world.

[From the Washington Post, May 14, 1962]

REBUFF TO OUR FRIENDS

The House of Representatives was suffering from the political jitters when it rejected the Philippines war-damage bill. The justice of payments by this country to compensate the Filipino people for damages caused by American military forces in driving the Japanese out of the islands in World War II was fully recognized by Congress in passing the Philippine Rehabilitation Act in 1946. The question at issue in the House was the appropriation of $73 million to complete the payment of these claims. To reject the final payment after the claims have been established comes close to being an act of bad faith.

This is not, of course, the first time that Congress has failed to meet its obligation. Three successive administrations have tried to secure funds to complete these payments to the Philippines. The present performance is especially inexcusable, however, because the House rejected the bill in a rollcall vote after tentatively approving it. And its thoughtless slap at the Philippines comes only 6 weeks before President Diosdado Macapagal is scheduled to visit this country.

President Kennedy has sought to minimize the damage by urging President Macapagal to come in spite of his disappointment. The new chief executive in Manila must know that this action of an economy-minded House does not reflect any unfriendliness on the part of the American people. Nevertheless, it is most unfortunate that the House should turn down the payment of a debt to our good friend and protege in the Pacific merely because an election is in the offing.

The administration should find a way to reverse this decision if it is at all possible.

[From the New York Times, May 18, 1962]

JUSTICE TO THE PHILIPPINES

One of the saddest incidents in the postwar relationships of the United States and the Philippines Republic was the House rejection last week by a vote of 201 to 171 of $73 million worth of Philippines World War II damage claims. To Philippines President Macapagal the vote seemed a slap in the face, and he decided to postpone indefinitely the state visit he had planned to this country. Vice President and Foreign Secretary Emmanuel Palaez made the bitter comment that "the United States treats her friends more shabbily than those who are not with her."

Now the House Foreign Affairs Committee has taken steps to undo last week's action. The bill had evidently not been adequately discussed in committee or on the floor; and certainly some of the blame for the whole mess belongs to the House leadership. Many Representatives must have voted against the bill on the grounds that most of the money would not go to help the Filipinos but would fall into the hands of American-owned corporations which did not need to be rehabilitated.

The administration has now approved two important changes: First, to require recipients of payments to use them only for the economic benefit of the Filipinos; second, to stipulate that all payments be completed within a year. Surely it is possible to see that this money is carefully and honestly spent, and we believe President Macapagal's administration is eager to see this done.

[From the Christian Science Monitor, May 17, 1962]

DISCHARGE THE PHILIPPINE DEBT

After World War II the U.S. Congress enacted the Philippine Rehabilitation Act of 1946. It established a War Damage Commission and authorized $400 million for payment of claims. The object was to make payment in full of losses up to $500 and payments up to 75 percent of awards above that figure.

Representative Walter H. Judd, then a member of the Insular Affairs Committee, recalls that no one then knew what the claims would total. The committee decided to ask for $400 million and come back for $100 million more if needed. As it turned out, this covered 52½ percent of the claims, leaving 22½ percent due under the 75-percent formula.

For several years various administrations have come back to Congress asking $73 million to discharge this implied obligation. Members of the House of Representatives who voted down this bill last week gave persuasive reasons for their opposition to it—but none which would offset the impression, especially among Filipinos, that the United States was failing in a commitment to a most loyal ally.

It is true that American aid to the Philippines since the war has totaled $1,765 million; that only $550 million in reparations was collected from the Japanese, who invaded the islands; and that development projects may at this time be more important to the Philippine economy than war damage restitution.

Yet many of the thousands of corporate and individual claimants already have made investments up to the 75 percent they expected to receive. If the money were given to the Philippine Government, it probably would distribute it to the same claimants. And use of the money by them would surely benefit the economy of a republic which is a free world bastion in these days of Chinese Communist threats to Southeast Asia.

Completion of payment of the Philippine war damage awards would be one of the best proofs the United States could offer that it honors a moral responsibility.

[From the Washington Evening Star, May 14, 1962]

DISHONORING A JUST DEBT

We share the dismay of Philippine officials over the unjustified repudiation by the House of the $73 million debt still owed the Philippines under terms of a 1946 War Damage Reparations Act. Emmanuel Pelaez, Philippine Vice President and Foreign Secretary, had reason, we think, to describe the House rejection of the claim as "shabby treatment" of a longtime friend and ally.

The appropriation sought by the administration was to have settled remaining claims growing out of damage inflicted on Philippine properties during World War II. Congress, after careful study of the situation a year after close of the war, authorized payment for the damage, but at the time appropriated insufficient money to meet all the awards approved by a United States-Philippines War Damage Commission.

Apparently most of the opposition during debate on the measure centered around awards to large firms, including a brewery and a racetrack corporation. However, all the awards have been held to be justified by the reparations commission and others who have investigated the claims. To default on the entire debt because of dissatisfaction of several Members of Congress with the nature of certain awards is to dishonor a national obligation in a manner that affronts our ally in the Far East. We hope the House will reverse its unwise action of last Thursday and that the Senate will give overwhelming approval of the bill.

[From the Los Angeles Times, May 14, 1962]

THE PHILIPPINES FEEL SHORT-CHANGED

The Philippine Republic is bitter over shabby treatment by the United States, and President Diosdado Macapagal hints at canceling his proposed trip to Washington.

The U.S. Congress has just rejected a bill appropriating $73 million in war damage payments to Philippine citizens who lost property in the Japanese invasion.

In view of the billions in U.S. largesse to Tito's Yugoslavia, Nasser's Egypt, and other dubious friends of the United States, the action is hard to understand.

The $73 million is not a handout, but a debt for which the United States is morally responsible. When the Japanese smashed through the islands, the United States was the "protecting power" under international law, as the Philippines were not then an autonomous nation.

The protecting power did not protect. Hence we are liable in justice. We acknowledged the debt by paying war damage claims soon after the war, but funds appropriated then were expended before all claims were settled.

The $73 million appropriation was to cover a deficiency judgment.

President Macapagal made no attempt to conceal Filipino displeasure. Several Filipino senators called for a break in diplomatic relations with the United States.

The breach is widened by ugly reports from Manila that a Philippine commission in Washington to urge passage of the $73 million appropriation was the victim of a shakedown by tobacco-State Senators.

The Filipinos were told that the bill would have a better chance of passage if the Philippines purchased U.S. tobacco.

The Filipinos bought $7 million worth of tobacco, which caused controversy when it landed in Manila. The incident did U.S. prestige no good.

The Philippines have been perhaps the most loyal ally we have had in the world. Her sons by thousands died with U.S. troops in 1941–45. Gen. Carlos Romulo, in the United Nations, stuck his country's neck out a mile in a speech flaying Khrushchev while defending U.S. policy.

And now we repay this devotion with pettiness. The U.S. image in Asia has been damaged.

[From the Philadelphia Inquirer, May 18, 1962]

PHILIPPINES WAR DAMAGE BILL

Even though the $73 million Philippines war damage claims bill still faces opposition in the House, we are glad that Congress is getting a second chance to see justice done in this matter affecting our long-time friends and allies in Asia.

The revision of the bill during its second voyage through the Foreign Affairs Committee will, we believe, improve both the bill and its chances of passage. An amendment now requires that the funds voted (which are in addition to the $389 million already paid) shall be used for rehabilitation and economic improvement of the Philippines, not merely to repay corporations—largely American—that already have been rehabilitated. A major invitation to corrupt diversion of the money is thus eliminated.

We sympathize with Representative HAYS, of Ohio, an opponent of the measure, who feels that President Macapagal's cancellation of a planned visit to the United States, in protest of the previous failure of the bill, amounts to "putting a gun at our heads." But, given the intensity of disappointment in the Philippines over this issue, if situations had been reversed, would not HAYS or any responsible official have acted in the same way?

A principal point for Congress to bear in mind is the paradoxical, if cynical, feeling in odd corners of the world that a nation must have been an enemy of the United States to derive any benefits from it. Our generosity to fallen foes has given rise to this notion, but there is no need to advance it by lack of generosity to proven friends. Britain, France, and other allies are well aware this skepticism is nonsense.

And, after all, we promised, in 1946, to pay the money. So let's pay it.

[From the Cleveland Plain Dealer, May 11, 1962]

WE SNUB OUR FRIENDS

The House of Representatives has given a demonstration of how to alienate our friends. By a vote of 201 to 171, it defeated a bill to pay $73 million in war damage claims to 86,000 claimants in the Philippines. As a result, anti-American feeling is running high in the island republic.

This was no economy move, mind you. The validity of the claims had already been acknowledged. The opposition was spearheaded by congressmen from tobacco-growing States who resented an embargo on a $7 million shipment of American tobacco to the Philippines. This embargo was lifted after the Philippine Supreme Court declared the shipment was legal.

Many members of the Philippine Legislature are now urging President Diosdada Macapagal to cancel his projected visit to the United States. Some are demanding recall of the Philippine Ambassador to the United States and a break in diplomatic relations.

Vice President Emmanuel Pelaez said the action of the U.S. House "would seem to support the view that one has to blackmail the Americans in order to get anything from them."

The House should reconsider its action or adopt the slogan: "Billions for lukewarm and

Communist-leaning neutrals, but not one cent for our proven friends."

Subsequently and because of the insistence of the administration and barrage of editorial clamor by the press this body passed out a modified version of the claims bill on August 1, 1962.

It seems to me, therefore, that the fourth estate must assume a considerable share of responsibility for the finally approved draft of the Philippine claims bill which poured $150,000 into the pockets of a skilled lobbyist who apparently knew how to draft the public press to provide powerful persuasion for his bill.

THE 15TH ANNIVERSARY OF THE STATE OF ISRAEL

Mr. OLSEN of Montana. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. RODINO] 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 Montana?

There was no objection.

Mr. RODINO. Mr. Speaker, on Monday the 29th of April we in this body, and freemen throughout the world, will observe the happy anniversary of the founding of the great, progressive State of Israel. I had intended to join with my colleagues at that time in memorializing this happy event. However, I have just been named by the distinguished gentleman from New York who is chairman of the Committee on the Judiciary to attend the meeting in Geneva next week of the Intergovernmental Committee for European Migration. I shall, therefore, be absent from the House on Monday next. And for this reason, I have asked permission to deliver my tribute to our courageous, loyal ally at this time.

Each year, as the Israelis celebrate the anniversary of the independence of their nation, they are able to look back with pride at the accomplishments which have taken place during the intervening year. Each subsequent year since May 14, 1948, has been more progressive than the previous. For example, this past year saw an increase in industrial production of 13 percent, while citrus exports rose by 50 percent.

During a year, though, setbacks may be encountered. The unexpected death of the beloved President Izhak Ben-Zvi has left a void in the hearts of his fellow citizens and will certainly affect the independence celebrations which are to occur 1 week after his demise. The rise of the new Arab state on the flanks of Israel, which has also caused tension within the Middle Eastern area, may affect international trade and the balance of power. Yet, on the whole, the year has dealt kindly with the Israelis.

The struggle to reach the present economic state has been difficult. Confronted with immigration problems, hunger, unemployment, border skirmishes and underdevelopment, the Government officials have used every means to forward growth in their land. Leaning heavily upon the United States for financial and technical aid, and enforcing a strict austerity program, the Government succeeded in eliminating the basic problems and eventually take the initiative in development planning and operation. The results are self-evident. Wherever one travels today in this land of milk and honey, modern structures confront the viewer.

In Eilat an 11-story building rises majestically on the seacoast, a symbol of the new prosperity of this Red Sea port. In the Negev, three entirely new cities have been constructed to house the workers who labor in the nearby potash plants and marble quarries of the Dead Sea region. Beersheba, once the sleepy frontier town of the Negev, now claims 43,000 residents.

Industries in the major cities of Haifa, Tel-Aviv, and Jerusalem set the pace for economic expansion. Industrial production which in 1948 amounted to but $255 million, totaled $1,200 million in 1962. In all other fields, statistics would show familiar increases which have taken place during the past 15 years. The gross national product rose from $818 million to $2,075 million and exports grew from $29.7 million to $280 million.

The Government, democratic in design and structure, safeguards the rights and privileges of its people. It also assures them the maximum benefits available. Education is compulsory but free, thus attaining for the county a literate status comparable to Western standards. More and more young students are attending higher education facilities made available through the Government's annual budgetary measures. Those desiring vocational training in agriculture or industry are given the opportunity to attend the several excellent vocational institutes which now exist and which continue to grow with the country.

Because of the tremendous rate of immigrants, among whom were carriers of malaria, trachoma, and various sundry diseases, the need became great for medical facilities and doctors to protect those already in residence and curb the diseases in the newcomers. By 1962, there were 5,000 physicians practicing in Israel, with numerous medical institutions ready for training and research. The Hadassah Hebrew University Medical School, originally located on Mount Scopus but forced to rebuild elsewhere when the grounds fell into the hands of Jordanian troops, has already provided for approximately 10 percent of all practicing doctors. The reputation given to these graduates is reflected upon the school and enables it to claim the highest standards of any medical school in the Middle East. Today this rapid development of medicine has brought to even the remotest farm village adequate medical care.

Modern science has been the greatest boon to Israel's development; for without solar energy, irrigation of vast sandy areas would be nonexistent. Water, always in short supply, is now drawn from the sea and, through a cheap desalinization process, used in cultivating the succulent fruits and vegetables for which Israel has become famous. Science has also been responsible for the increases in yields of various agricultural crops, enabling the people to become almost self-sufficient with regard to food. Furthermore, through the use of modern scientific methods, the ancient copper mines of Timna, last mined during the time when Israel was a powerful kingdom between the Babylonian and Egyptian Empires, are again producing sufficient copper ore to sustain industrial production.

Israel is today the most modern and stable nation in the Middle East. An enemy of communism, it is looked upon and respected by the Western Powers as an ally. With the United States, a relationship has developed which has become a lasting friendship. On this, their independence anniversary, I wish to congratulate the people of this progressive nation and extend to them the wish for their continued prosperity and for the continued vitality and growth of their beloved nation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MARTIN of California, for April 26, 1963, on account of visit to U.S. Coast Guard Academy, Board of Visitors.

Mr. MAILLIARD, for Friday, April 26, on account of official business as member of Board of Visitors, U.S. Coast Guard Academy.

Mr. HEALEY (at the request of Mr. KEOGH), for Wednesday, April 24, and Thursday, April 25, on account of illness.

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. VANIK, for 15 minutes, today.

Mr. PATMAN, for 15 minutes today, and to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

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

Mr. MADDEN and include a statement he made on legislation before the House Interstate and Foreign Commerce Committee on Tuesday of this week.

Mr. FINNEGAN.

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

Mrs. MAY.

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

Mr. POWELL in two instances.

Mr. GILBERT.

Mr. WELTNER.

Mr. SIKES in two instances.

SENATE BILL AND JOINT RESOLUTION REFERRED

A bill and a joint resolution of the Senate of the following titles were taken

from the Speaker's table and, under the rule, referred as follows:

S. 980. An act to provide for holding terms of the U.S. District Court for the District of Vermont at Montpelier and St. Johnsbury; to the Committee on the Judiciary.

S.J. Res. 89. Joint resolution designating the week of May 20–26, 1963, as National Actors' Equity Week; to the Committee on the Judiciary.

ADJOURNMENT

Mr. OLSEN of Montana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 11 minutes p.m.), under its previous order, the House adjourned until Monday, April 29, 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:

740. A letter from the Acting Secretary of the Army, transmitting a draft of proposed legislation, entitled, "A bill to amend section 123 of title 10, United States Code, to apply during emergencies proclaimed by the President"; to the Committee on Armed Services.

741. A letter from the Comptroller General of the United States, transmitting a report on audit of Washington National Airport, Federal Aviation Agency, for the fiscal years ended June 30, 1961, 1960, and 1959, pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67); to the Committee on Government Operations.

742. A letter from the General Services Administration, Acting Archivist of the United States, transmitting a report of the Archivist of the United States on records proposed for disposal in accordance with the provisions of the act approved July 7, 1943 (57 Stat. 380) as amended by the act approved July 6, 1945 (59 Stat. 434) and the act approved June 30, 1949 (63 Stat. 377); to the Committee on House Administration.

743. A letter from the Assistant Secretary, Department of the Interior, transmitting a proposed concession contract with Circle Line-Statue of Liberty Ferry, Inc., that will authorize the corporation to provide boat transportation service between New York and the Statue of Liberty National Monument for a period of 20 years from October 1, 1962; submitted pursuant to the act of July 31, 1953 (67 Stat. 271), as amended by the act of July 14, 1956 (70 Stat. 543); to the Committee on Interior and Insular Affairs.

744. A letter from the Attorney General, transmitting a draft of proposed legislation, entitled, "A bill to amend section 1498 of title 28, United States Code, to define the word 'owner'"; to the Committee on the Judiciary.

745. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation, entitled "A bill to amend section 1871 of title 28, United States Code, to increase the per diem and subsistence, and limit mileage allowances of grand and petit jurors; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BURLESON: Committee on House Administration. House Joint Resolution 245. Joint resolution to provide that Members of Congress shall be limited to per diem allowances and necessary transportation costs in connection with travel outside the United States, and for other purposes; with amendment (Rept. No. 236). Referred to the Committee of the Whole House on the State of the Union.

Mr. THORNBERRY: Committee on Rules. House Resolution 325. Resolution for consideration of H.R. 3872, a bill to increase the lending authority of the Export-Import Bank of Washington, to extend the period within which the Export-Import Bank of Washington may exercise its functions, and for other purposes; without amendment (Rept. No. 237). Referred to the House Calendar.

Mr. TRIMBLE: Committee on Rules. House Resolution 326. Resolution for consideration of H.R. 4655, a bill to amend title IX of the Social Security Act with respect to the amount authorized to be made available to the States out of the employment security administration account for certain administrative expenses, to reduce the rate of the Federal unemployment tax for the calendar year 1963, and for other purposes; without amendment (Rept. No. 238). Referred to the House Calendar.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 5175. A bill to authorize the issuance of certificates of citizenship in the Canal Zone; without amendment (Rept. No. 239). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of Missouri: Committee on House Administration. Senate Concurrent Resolution 6. Concurrent resolution accepting the statue of the late John Burke, of North Dakota, and tendering thanks of Congress therefor; without amendment (Rept. No. 240). Referred to the House Calendar.

Mr. JONES of Missouri: Committee on House Administration. Senate Concurrent Resolution 7. Concurrent resolution authorizing the temporary placement in the rotunda of the Capitol of a statue of the late John Burke, of North Dakota, and the holding of ceremonies incident thereto; without amendment (Rept. No. 241). Referred to the House Calendar.

Mr. JONES of Missouri: Committee on House Administration. Senate Concurrent Resolution 8. Concurrent resolution to print the proceedings in connection with the acceptance of the statue of the late John Burke, of North Dakota; without amendment (Rept. No. 242). Referred to the House Calendar.

Mr. JONES of Missouri: Committee on House Administration. Senate Concurrent Resolution 9. Concurrent resolution for ceremonies in the rotunda in connection with the statue of the late Joseph Ward, of South Dakota; without amendment (Rept. No. 243). Referred to the House Calendar.

Mr. JONES of Missouri: Committee on House Administration. Senate Concurrent Resolution 10. Concurrent resolution to tender thanks of Congress to South Dakota for the statue of Joseph Ward, to be placed in Statuary Hall; without amendment (Rept. No. 244). Referred to the House Calendar.

Mr. JONES of Missouri: Committee on House Administration. Senate Concurrent Resolution 11. Concurrent resolution to print as a Senate document the proceedings at the acceptance of the statue of Joseph Ward, to be placed in Statuary Hall; without amendment (Rept. No. 245). Referred to the House Calendar.

Mr. FOGARTY: Committee on Appropriations. H.R. 5888. A bill making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1964, and for other purposes; without amendment (Rept. No. 246). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. POAGE:

H.R. 5860. A bill to amend section 407 of the Packers and Stockyards Act of 1921, as amended; to the Committee on Agriculture.

By Mr. SHORT:

H.R. 5861. A bill to amend section 407 of the Packers and Stockyards Act of 1921, as amended; to the Committee on Agriculture.

By Mr. ASPINALL (by request):

H.R. 5862. A bill to amend section 8 of the Taylor Grazing Act of June 28, 1934 (43 U.S.C., sec. 315g); to the Committee on Interior and Insular Affairs.

By Mr. DIGGS:

H.R. 5863. A bill to provide that no Federal financial or other assistance may be furnished in connection with any program or activity in the United States in which individuals are discriminated against on the ground of their race, religion, color, ancestry, or national origin; to the Committee on the Judiciary.

By Mr. DULSKI:

H.R. 5864. A bill to amend the Federal Employees Health Benefits Act of 1959, to eliminate any discrimination against married female employees; to the Committee on Post Office and Civil Service.

By Mr. GRAY:

H.R. 5865. A bill to authorize the Secretary of the Army to place a memorial tablet in Woodlawn Memorial Cemetery, Carbondale, Ill., in commemoration of the memorial ceremonies held there on April 29, 1866; to the Committee on Interior and Insular Affairs.

By Mrs. GRIFFITHS:

H.R. 5866. A bill to extend for 3 years the provisions of the Juvenile Delinquency and Youth Offenses Control Act of 1961; to the Committee on Education and Labor.

By Mr. HARRIS:

H.R. 5867. A bill to amend section 14 of the Natural Gas Act; to the Committee on Interstate and Foreign Commerce.

By Mr. HOLLAND:

H.R. 5868. A bill to provide Federal financial assistance for the construction and expansion of public junior college academic facilities; to the Committee on Education and Labor.

By Mr. LLOYD:

H.R. 5869. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. McLOSKEY:

H.R. 5870. A bill to amend the Tariff Act of 1930 to impose additional duties on cattle, beef, and veal imported each year in excess of annual quotas; to the Committee on Ways and Means.

By Mr. McMILLAN:

H.R. 5871. A bill to amend section 11 of the act of April 1, 1942, in order to modify the retirement benefits of the judges of the District of Columbia court of general sessions, the District of Columbia Court of Appeals, and the juvenile court of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. MORRIS:

H.R. 5872. A bill relating to the establishment of concession policies in the areas administered by National Park Service and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 5873. A bill to provide needed facilities and services not otherwise available for the accommodation of visitors in the areas administered by the National Park Service, by

authorizing the Secretary of the Interior to guarantee loans which are part of concessioner investments in such facilities and services, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MULTER:

H.R. 5874. A bill to establish a Federal Banking Commission to administer all Federal laws relating to the examination and supervision of banks; to the Committee on Banking and Currency.

By Mr. ROGERS of Colorado:

H.R. 5875. A bill to amend section 6 of the act of August 24, 1912, to provide for payment of salaries covering periods of illegal demotions; to the Committee on Post Office and Civil Service.

By Mr. RYAN of Michigan:

H.R. 5876. A bill to amend certain provisions of the Area Redevelopment Act; to the Committee on Banking and Currency.

By Mr. RYAN of New York:

H.R. 5877. A bill to amend the U.S. Housing Act of 1937 to remove the existing 15 percent limit on the amount of assistance which may be provided thereunder for low-rent public housing in any one State; to the Committee on Banking and Currency.

H.R. 5878. A bill to amend the U.S. Housing Act of 1937 to remove the existing limit of $336 million a year on the amount of annual contributions which may be contracted for by the Public Housing Administration to assist low-rent public housing; to the Committee on Banking and Currency.

By Mr. ST GERMAIN:

H.R. 5879. A bill to provide that membership by national banks in the Federal Reserve System shall be voluntary and for other purposes; to the Committee on Banking and Currency.

By Mr. SIBAL:

H.R. 5880. A bill to amend section 333 of title 38, United States Code, to provide a 3-year presumption of service connection for active tuberculous disease cases in peacetime; to the Committee on Veterans' Affairs.

By Mr. TOLL:

H.R. 5881. A bill to promote the cause of criminal justice by providing for the representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the United States; to the Committee on the Judiciary.

By Mr. WILLIAMS:

H.R. 5882. A bill to prohibit the location of chanceries or other business offices of foreign governments in certain residential areas in the District of Columbia; to the Committee on the District of Columbia.

By Mr. ASPINALL:

H.R. 5883. A bill to correct a land description in the act entitled "To provide for an exchange of lands between the United States and the Southern Ute Indian Tribe, and for other purposes"; to the Committee on Interior and Insular Affairs.

By Mr. KNOX:

H.R. 5884. A bill to amend section 541 of title 38, United States Code, to increase the rates of pension paid to widows of veterans of World War I, World War II, or the Korean conflict, and to liberalize the income limitations applicable thereto; to the Committee on Veterans' Affairs.

H.R. 5885. A bill relating to the classification for duty purposes of certain wood particleboard imported after July 11, 1957, and before May 25, 1961; to the Committee on Ways and Means.

By Mr. UDALL:

H.R. 5886. A bill relating to the establishment of concession policies in the areas administered by National Park Service and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 5887. A bill to provide needed facilities and services not otherwise available for accommodation of visitors in the areas administered by the National Park Service, by authorizing the Secretary of the Interior to guarantee loans which are part of concessioner investments in such facilities and services, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FOGARTY:

H.R. 5888. A bill making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1964, and for other purposes.

By Mr. MOORE:

H.R. 5889. A bill to provide legal assistance for indigent defendants in criminal cases in U.S. courts; to the Committee on the Judiciary.

By Mr. RHODES of Pennsylvania:

H.R. 5890. A bill to amend the Area Redevelopment Act so as to increase the authorization for technical assistance thereunder and to provide that such assistance may include planning advances for market and feasibility studies; to the Committee on Banking and Currency.

H.R. 5891. A bill to direct the Interstate Commerce Commission not to approve or authorize, until December 31, 1964, the consolidation or merger of carriers by railroad subject to part I of the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

By Mr. WHALLEY:

H.R. 5892. A bill to amend the Internal Revenue Code of 1954 to provide an additional income tax exemption of up to $1,500 for a taxpayer, spouse, or dependent who is a student at an institution of higher learning; to the Committee on Ways and Means.

By Mr. HARVEY of Michigan:

H. Con. Res. 142. Concurrent resolution to establish a joint congressional committee to conduct a full and complete study and investigation for the purpose of proposing a code of ethics to govern the conduct of Members of Congress; to the Committee on Rules.

By Mr. FINO:

H. Con. Res. 143. Concurrent resolution congratulating the American Veterinary Medical Association on its centennial; to the Committee on the Judiciary.

By Mr. UDALL:

H. Res. 327. Resolution creating in the House of Representatives a Committee on Grievances to study complaints concerning the conduct of Members of the House of Representatives and to make investigations and appropriate recommendations thereon; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Colorado memorializing the President and the Congress of the United States relative to amending the Internal Revenue Code of 1954; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Florida, memorializing the President and the Congress of the United States relative to opposing the passage of any law which will eliminate capital gains treatment in connection with the sale and use of timber or discourage the production of the maximum of timber on the forest lands of Florida; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States relative to enactment of legislation providing for continued maximum employment at the Fore River Shipyard; to the Committee on Armed Services.

Also, memorial of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States relative to enactment of legislation extending financial aid to the Commonwealth of Massachusetts for purification of the waters of the Merrimack River; to the Committee on Public Works.

Also, memorial of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States relative to enactment of legislation repealing the 10-percent excise tax on telephone service; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States relative to enactment of legislation providing medical care for the elderly through social security financing; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Rhode Island, memorializing the President and the Congress of the United States relative to enacting legislation implementing the programs set forth in the President's special messages on mental illness and mental retardation, youth, and the elderly citizens of our Nation; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ADDABBO:

H.R. 5893. A bill for the relief of Abraham Kiali; to the Committee on the Judiciary.

By Mr. BROWN of California:

H.R. 5894. A bill for the relief of Salvador Munoz-Tostado; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 5895. A bill for the relief of Stilianos Vauzukakis; to the Committee on the Judiciary.

By Mr. DELANEY:

H.R. 5896. A bill for the relief of Irini Vasiliadis; to the Committee on the Judiciary.

H.R. 5897. A bill for the relief of Calogero Davi; to the Committee on the Judiciary.

By Mr. DOWDY:

H.R. 5898. A bill for the relief of E. F. Fort, Cora Lee Fort Corbett, and W. R. Fort; to the Committee on the Judiciary.

By Mr. FERNÓS-ISERN:

H.R. 5899. A bill for the relief of Gunvor Gronlien Satra; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 5900. A bill for the relief of Jacobo Temel; to the Committee on the Judiciary.

By Mr. OSTERTAG:

H.R. 5901. A bill for the relief of Mr. Alessandro Ricci; to the Committee on the Judiciary.

By Mr. WALTER (by request):

H.R. 5902. A bill for the relief of Eric Voegelin; to the Committee on the Judiciary.

By Mr. WHITTEN:

H.R. 5903. A bill for the relief of Dr. James T. Maddux; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

94. By Mr. SNYDER: Petition of Mrs. Augustus West, and other residents of Louisville, Ky., relative to the preservation of the Monroe Doctrine; to the Committee on Foreign Affairs.

95. By the SPEAKER: Petition to the City Council of Royalton, Ohio, petitioning consideration of their resolution with reference to requesting Congress to take immediate steps within their powers as are necessary to

terminate the influx of Communist made goods; to the Committee on Ways and Means.

96. Also, petition of the City Council of Whitehall, Ohio, petitioning consideration of their resolution with reference to their concern of the Communist goods being sold in the United States; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

Secretary McNamara and the Defense Department

EXTENSION OF REMARKS
OF
HON. ROBERT L. F. SIKES
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 25, 1963

Mr. SIKES. Mr. Speaker, I have, of course, been witness to the controversies between Secretary of Defense Robert S. McNamara and a number of congressional committees. I shall not attempt to pass judgment on these subjects or the controversies. But I do feel that many important steps have been taken by Secretary McNamara for the improvement of the services and that dollars definitely are being saved for the American taxpayer through his leadership. For instance, one of the major steps taken by Secretary McNamara to improve logistics management in the Department of Defense was the establishment of the Defense Supply Agency.

The Agency became operational January 1, 1962 and consolidated logistics functions related to the procurement of common supplies and services at wholesale level.

The action was in line with recommendations of various committees of the Congress. Beginning with the recommendations of the Bonner subcommittee in 1952, the passage of the O'Mahoney amendment to the 1953 defense appropriation bill, and later the McCormack-Curtis amendment to the Reorganization Act of 1958, the Congress had continually prodded the Department of Defense in the direction of unified logistics management.

Commenting upon this problem before the Subcommittee on Defense Procurement of the Joint Economic Committee March 28, 1963, Secretary McNamara said:

> It seemed clear to me, as it had to this committee for many years, that only through the establishment of a separate, single supply support agency could we ever hope to find a lasting solution. The result was the creation of the Defense Supply Agency, which now does the buying, the stocking, and where necessary the surplus disposal of a wide range of commonly used supplies and services. Within its area of responsibility, it will greatly help to ensure that we buy only what we need.

As to the progress achieved by this action, Secretary McNamara listed the following: A reduction of 3,700 personnel by the end of fiscal year 1963; $33 million operations and maintenance saving; $233 million reduction of inventory anticipated in fiscal year 1963 and a further reduction of $112 million in fiscal year 1964; phased reduction over the next 2 years in the number of storage points for DSA-managed supplies from 77 to 11.

A significant factor in the successful transition from integrated commodity and service management within the military departments to unified management by the Defense Supply Agency has been the organizational arrangements approved by Secretary McNamara when he established DSA. To understand what this has meant in better support, more effective management of resources, and accelerated decisionmaking, it is necessary to review the situation which existed prior to DSA.

Within the Department of the Army, for illustration, an integrated commodity agency bought and distributed foodstuffs to all of the military services. This agency reported to the Quartermaster General who, on specified matters, reported to the Deputy Chief of Staff for Logistics. In turn, the DCSLOG reported to the Assistant Secretary of the Army for Installations and Logistics who next reported to the Secretary of the Army who finally reported to the Secretary of Defense.

Each succeeding level of authority reviewed, evaluated, and passed judgment upon the action proposed by the commodity manager. Much the same situation obtained in the Navy, where the reporting channel ran from the commodity manager through the Bureau of Supplies and Accounts to the Chief of Naval Materiel, the Assistant Secretary of the Navy, the Secretary of the Navy, and thence to the Secretary of Defense.

Under the improved arrangement, the commodity manager reports directly to the Director of the Defense Supply Agency who reports directly to the Secretary of Defense. Thus, two to three levels of review and supervision were eliminated by establishing DSA as an independent agency of the Defense Department.

This has permitted substantial reductions in decisionmaking time, administrative detail, and paperwork. In the reporting area alone two significant achievements have been realized:

The Secretary of Defense receives a summary management data report monthly within 25 days after the cutoff date. Formerly he received a comparable report on a quarterly basis within 60 days after the cutoff date.

DSA's reporting system requires the field activities to expend a combined total of 100,000 fewer man-hours than had been expended under the former organizational alinements.

Of 537 recurring reports which were required of the field activities by their former headquarters, 253 have thus far been eliminated—a 47 percent reduction.

It may be said, therefore, that improvements have been made in the timeliness of reporting and in reducing the reporting workload.

Other examples of efficiencies derived from eliminating intervening levels of review and supervision include the following:

Substantial reduction in the time required for preaward clearance of significant contract awards, which may range in amounts from $300,000 to several million dollars. DSA completes the clearance in 5.7 days.

Formerly cases arising out of defense contracts which required decision by the Board of Contract Appeals were prepared by the field activity, reviewed in the Army technical service, then by the Judge Advocate General, who finally presented the matter to the Board. Now the field activity presents the case to the Board, subject only to surveillance of the counsel, DSA.

By vesting the director, DSA, with the responsibility and authority necesary to the execution of assigned missions, the Secretary of Defense has made possible the realization of benefits derived from consolidating like activities under unified management, including reductions in overhead costs, reduced staffing, elimination of duplication, faster response, better utilization of inventories, reduced stockage, and faster decisionmaking.

Independence Day of Sierra Leone

EXTENSION OF REMARKS
OF
HON. ADAM C. POWELL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 25, 1963

Mr. POWELL. Mr. Speaker, on April 27, Sierra Leone will celebrate the second anniversary of her independence. On this memorable occasion, I wish to take this opportunity to extend warm felicitations to His Excellency, the Prime Minister of Sierra Leone, Sir Milton Margai, and His Excellency, the Ambassador of Sierra Leone to the United States, Richard Kelfa-Caulker.

The progress made within the country under the able Prime Minister during the past 2 years, economically and socially is noteworthy. His wise counsel and leadership during frequent consultations on matters of mutual interest between the other independent countries of west Africa has contributed immeasurably to this progress.

Sierra Leone originated in 1787 as a haven for freed Negro slaves. On land purchased from the local natives, the British Government established a colony to receive those liberated from slavers captured on the high seas, and with British support, to reestablish themselves in their native continent.

To the capital city, Freetown, with its beautiful natural harbor, came merchant ships of all flags and, over the years, the colony and the protectorate area adjoining grew in population and village settlement. With this population growth came more wealth and more chance for development of health and educational facilities.

Since independence Sierra Leone has continued its progress in all directions. Diamond mining, heretofore a major industry, is to be supplemented by new iron ore mines. Factory development is being stressed.

The University College at Fourah Bay, in Freetown, under its leader Dr. Davidson Nichol, is becoming a focal point in the joint moves to establish a uniform west African higher education program in both the English and French speaking ex-colonies. This program would raise academic standards generally to a consistent standard, and help in providing the compelling needs of the newly independent west African nations with able and well-educated leadership based on African traditions.

I would like today to salute Sierra Leone on its independence anniversary and wish it continued success in its important position as part of emerging Africa.

The East Atlanta Elementary Band Parents Association—Sponsors of the Best School Band in Dixie

EXTENSION OF REMARKS
OF
HON. CHARLES L. WELTNER
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 25, 1963

Mr. WELTNER. Mr. Speaker, I would like to bring to the attention of my colleagues the existence of a civic enterprise of unusual merit and achievement in my district—the East Atlanta Elementary Band Parents Association, Inc., accurately designated as "sponsors of the best school band in Dixie."

This group, of which Mrs. J. G. Strange, of Atlanta, is currently president, is a chartered, nonprofit organization, operated by the parents of the band members, for the purpose of advancing the musical education of children. These are average families, who, alone, could not give their children an adequate musical education, but by working together, they are able to provide the finest.

This band is made up of children in grades three through seven, from seven Atlanta schools, and a few children from De Kalb County schools. These children begin in C band, progress to intermediate, or B band, then to advanced or A band. Each child progresses according to his own rate, with no set rules governing his progression. The children are taught by the director, during school hours, for 15 or 20 minutes per week. About 5 percent take private lessons. The advanced, or A band is made up of 80 to 90 children, playing a wide variety of band instruments, the more expensive of which are owned by the association. The band's director is Charles I. Bradley, who organized this continuing group in 1947.

National recognitions of their outstanding achievements are numerous, their most recent honor being typical. The executive board of the Mid-West National Band Clinic has unanimously voted to invite the East Atlanta Elementary Band to attend its clinic in Chicago in December 1963. Each year only eight of the Nation's most outstanding bands are accorded this honor, and of the eight, only one is a grade school band. I take understandable pride in this distinction.

Eliminate Guidelines Distribution System in Our Postal Service

EXTENSION OF REMARKS
OF
HON. JACOB H. GILBERT
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 25, 1963

Mr. GILBERT. Mr. Speaker, I am including in the CONGRESSIONAL RECORD my statement to the Committee on Post Office and Civil Service, in which I urged the committee to vote favorably on legislation which would entirely eliminate the work measurement systems in the postal service. My statement follows:

Mr. Chairman and members of the Committee on Post Office and Civil Service, your committee has under consideration the subject of work measurement standards which now prevail in our postal system. I wish to express my strong disapproval of the guidelines distribution system now in effect and to urge that necessary action be taken to completely eliminate this system.

I am convinced that this multi-million-dollar measurement system represents a total loss of money; it is service disrupting and time wasting; it delays delivery of mail to patrons rather than improves service. You are familiar with the program; I wish to emphasize that the minutes each day that each employee must take to fill out the card reports now required, add up to many thousands of man-hours lost each year.

It is agreed that it is important to keep the Post Office Department operating at a top level of efficiency. At the same time, we must help keep the welfare and just treatment of our postal employees in mind; they are equally important. There is much evidence that the program creates tension which actually results in decreased production; postal employees insist that the program results in innumerable letters of warning, counselings, deprivation of overtime, harassment, intimidation, and termination of jobs, although the Post Office Department would have us believe that no disciplinary action of any kind is supposed to be taken as a result of statistics or data generated by the work measurement system.

It is pointed out that if measurements of mail production are required, they are readily available through other methods; number of bags of mail can be easily counted when they come into the post office; postage canceling machines can also give an accurate relative count of amount of mail handled on a given shift.

From the postal employee's standpoint, the program is based upon the presumption that the worker will not produce, will not render conscientious service, will not work at the required speed or efficiency unless he is watched or his work counted. This is obnoxious to the faithful employee who puts forth his best efforts in his job every day. He feels humiliated and unhappy, and these feelings are not conducive to good morale or high level performance in any field. The occasional laggard or unconscientious employee can be quickly spotted by the supervisor and proper disciplinary action taken against the offender; it is totally unnecessary, and most unfair to subject the entire working force to humiliation and harassment to take care of the few offenders.

I submit that the costly program of guidelines can be eliminated without decreasing postal service one iota; that it is unnecessary, and serves no good purpose whatever. The money saved can be spent to better advantage in a constructive manner to increase the service rendered by the Postal Department.

I urge your committee to vote favorably on legislation before you which would entirely eliminate the work measurement systems in the postal service.

Independence Day of the Republic of Togo

EXTENSION OF REMARKS
OF
HON. ADAM C. POWELL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 25, 1963

Mr. POWELL. Mr. Speaker, on April 27, the Republic of Togo will celebrate the third anniversary of her independence. On this occasion we wish to extend warm felicitations to the people of this Republic.

On April 27, 1960, a small west African nation gained its independence from French control, the Republic of Togo. We can all remember our shock at the news last January of the brutal assassination of the President of Togo, Sylvanus Olympio. This able leader was cut down by machinegun fire at the very gates of the American Embassy, where he had gone to seek protection.

His death was only the latest happening in the strife-torn history of this area. Togolese territory became a German protectorate in 1894, and its peoples were ruthlessly exploited in the development of German plantations. By the League of Nations mandate in 1922 the country was divided between the French and British, where it remained under divided authority, first as a mandate area, then as a United Nations trusteeship territory, until the fall of 1956 when, by national plebiscite, the area became an autonomous Republic within the French Union.

After independence the country, under President Olympio, made good progress toward political and economic stabilization in spite of continuing border difficulties with the Republic of Ghana. Such progress made even greater the shock of last January's military uprising.

Togo is now under the political control of a council of ministers, headed by Prime Minister Grunitzky. Developments in Togo are being closely observed by neighboring African countries; the President of Dahomey, Hubert Maga, has

been appointed by the governments of the other ex-French African colonies to offer guidance to the Togolese Government in its efforts to draw up a new constitution, and to insure the democratic process to the people of Togo.

This joint cooperation to help a fellow country going through a period of instability is but another example of the growing effort among the newly independent nations of Africa to secure for themselves a stable political situation in which to develop.

On this anniversary of Togo independence we should applaud the efforts to maintain the restrained policy being followed and extend to all those involved our sincere hope that such restraint will continue, and that Togo will emerge from this time of trouble a unified and strong nation, dedicated to progress and partnership within the free world.

Address by Hon. Thomas J. Dodd at Opening of Theater on the Campus of the University of Connecticut

EXTENSION OF REMARKS
OF
HON. THOMAS J. DODD
OF CONNECTICUT
IN THE SENATE OF THE UNITED STATES
Thursday, April 25, 1963

Mr. DODD. Mr. President, on April 17, I had the pleasure of participating in ceremonies attending the opening of a splendid new theater on the campus of the University of Connecticut, the New College Theater. This marked the first new theater opening in Connecticut in more than 10 years and it provides an outstanding entertainment facility for the people of the university and the surrounding area.

I ask unanimous consent to have printed in the CONGRESSIONAL RECORD the remarks which I made on that occasion.

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

REMARKS OF SENATOR THOMAS J. DODD AT THE OPENING CEREMONIES OF THE NEW COLLEGE THEATER, UNIVERSITY OF CONNECTICUT, STORRS, CONN., WEDNESDAY, APRIL 17, 1963

I wish to thank the sponsors of these opening ceremonies at Stanley Warner's New College Theater, here on the beautiful campus of the University of Connecticut, for inviting me to take part.

I understand that this is the first new theater to be opened in Connecticut in more than 10 years. So we have here something of a gamble; a demonstration of the new spirit of resurging confidence in an industry which has had its growing pains in recent years.

Up to tonight, this fine edifice has been just a building, a splendid building to be sure, but still mere stone, steel and mortar. Henceforth, however, it will somehow take on a new dimension and become interwoven into the lives and minds and imaginations of its patrons in a way that is difficult to describe or assess.

I try to think of what the local moving picture theater meant to me when I was a boy growing up not far from here in Norwich, and what the theater has meant to me in other places.

I think first of the hours of vicarious adventure, of the fascinating look at distant worlds, of the glimpse of the infinite variety of man's experience which so excited the imagination and stretched the horizons of the mind.

I think of the violent emotions so readily conjured up by the artistry of the screen; joy, sadness, indignation, inspiration, contempt, adulation.

Ofttimes, of course, the objects of these emotions were unworthy; the distance worlds were false worlds.

Ofttimes the appeal was to our ignorance or to our superficiality rather than to our intelligence and genuineness.

But, as there have been poor and even senseless films, so have there been great films, such as the one you are to see tonight.

It is, I think, auspicious, that the management has chosen the picture "To Kill a Mocking Bird" for its premiere presentation, for it presents to us the motion picture in its highest form, as an art, as a medium which helps us to perceive reality, an art form which causes us to grasp the significance and the poignancy of man's existence, which reveals to us our abiding bond with all men, though they may be distant from us in time, place and social climate.

Tonight's film shows us what a moving picture can be and reminds us of what it has been, many, many, times in our experience.

It entitles us to be hopeful about what films will be like in the future.

It causes us to look a little deeper into the human heart; to see injustice, not in the abstract, but in the flesh; to see virtue, not in a rule book, but in the lives of a man and his family; to see, perhaps with a new significance, the weaknesses and the strengths we see in our neighbors and ourselves; to recapture for 2 brief hours something of our childhood, with all its fears and all its limitless horizons; and to feel with a new immediacy and compassion the chords which link us to other men and to other times.

The motion picture is at once a distinct and sophisticated art form, and, as well, the popular art of the American people. As we view the development of this art, we learn something about a free society, something of alarm and something of hope.

In movies, as in all other aspects of a free society, we see the conflict between artificiality and artistry; between the shoddy and the substantial; between the tinsel and the true; between the shallow and the sublime.

For art, like politics, like economics, is another testing ground upon which the free way of life must prove itself.

We believe in the free system. We believe that men and women possess that divine spark which the fuel of free inquiry and free interchange of thought will ignite and cause to burn ever brighter.

We believe in the competition of ideas rather than in the censorship of ideas, and we are willing to accept much that is cheap and shoddy because we hold that over the decades a free people, seeing the contrast between the bad and the good, will not only in large measure reject the bad, to which the would-be censor rightly objects, but will also go far beyond that and will come to insist upon a level of art and of truth higher than that which the mere censor could perceive or attain to.

This is the heart of our national creed and tonight, in a small way, we pay tribute to that creed by celebrating the opening of a new forum of free expression, as well as a center of entertainment for the people in this area.

And so I see this opening of the College Theater at the University of Connecticut as a notable occasion.

I am grateful for the opportunity to be here and I wish each of you the first of many, many, memorable evenings within its walls.

The Important Role of the Republican Minority in the 88th Congress

EXTENSION OF REMARKS
OF
HON. CATHERINE MAY
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 25, 1963

Mrs. MAY. Mr. Speaker, our colleague from the State of Washington [Mr. PELLY], during the Easter congressional recess, made an important speech to the chamber of commerce in Kennewick.

Under unanimous consent previously obtained, I ask that this speech pointing up the important role of the Republican minority in the 88th Congress be printed in full at this point:

THE TWO-PARTY SYSTEM AND PARTY UNITY

As a minority Member of Congress, mine is an important responsibility. Like other members of the minority party under the two-party system, it is my responsibility to assure that the American people get as much as possible the facts of both sides of foreign and domestic issues. Under the Constitution, the minority of the legislative branch has an important role. The minority must examine the language and provisions of all administration legislative proposals. In order to strengthen good programs or avoid ill-conceived ones, the minority must suggest alternatives and debate the merits and demerits of all suggested programs. Today, the Republican Party rightly must challenge the policies of the Democratic Party where we find them wrong or ill advised. This is our role.

The press from day to day reports the respective viewpoints of both parties and the issues as the record is written in the daily proceedings of Congress, and thereby an informed public opinion is created. Consequently, the great force of public opinion is stirred and political action consummated.

One very important function of a partisan minority party is frank criticism of the executive branch leadership in the event preelection promises are broken, or power is abused, or mistakes are made. Indeed, a vigorous and vocal minority is absolutely essential, where, as under our Constitution, the sovereign power is vested in the people themselves.

A minority party is the manifestation of government of the people, by the people, and for the people. It is a manifestation of freedom of speech. It is the very safeguard of democracy.

In this spirit, in the role of honest opposition, I appear before you today. I am here as a part of the checks and balances of our Government. As a member of the legislative branch, I must criticize the executive branch where I think it is failing to do the right thing. I criticize freely but never disrespectfully the man or men who hold office, but never the office itself. For example, I have an obligation to not spare President Kennedy; at least, I must not withhold judgment of his actions.

Never has the importance of minority opposition been pointed up so emphatically as

with the Cuban situation, or so it seemed to me, because I, myself, was involved. I suddenly discovered that Members of Congress and the press corps were being deliberately misled by our State Department in an effort to tranquilize the American people about the Communist threat in Cuba. This was at the very time the Defense Department had solid intelligence reports as to Soviet missiles and the Communist military offensive threat to the United States in Cuba. I was misinformed by the State Department and told no such threat existed. In briefings, the State Department not only withheld information, but on its own initiative gave false information. At that time, the public was, and still is, extremely concerned over the Cuban situation and it was obvious that an attempt was made to use the press and Members of Congress to calm public agitation, at least until after the November 6 elections.

Under our system of government, as you know, the people must have the true facts. The most serious and dangerous policy that I can conceive of under our constitutional form of government is for an agency of Government to deliberately misinform the public or withhold facts in order to justify its actions or policies.

Whereas 10 years ago there were less than 600 public relations positions in the various agencies of Government, we are safe in assuming that today there are not less than 1,350. These individuals are subject to the policymaking decisions of the administration and can be, and often are, used to sell the people on what a good job the administration is doing.

And the only safeguard against having the people and the Nation being brainwashed by those in power is an alert press and a vigilant minority party.

Right now, the subject of management of the news is being debated. How shocking to have an administration official, as was the case recently, uphold the right of a Government to lie. There is such a thing as national security, and no one asks that vital secrets be released. But in a Republic such as ours, the facts must not be twisted to fool the people. As a newspaper editor testified recently, catch a government lying and the people will never again trust that government.

As a member of the minority party, I am here to warn you that much as all of us might wish differently, our country and our freedom is not having easy going in this troubled world. The Kennedy administration has muffed the ball in its conduct of our foreign affairs.

The way we handled the Skybolt issue has cost us considerable respect in Great Britain. We spoke out of turn and caused a major political crisis in Canada. We have antagonized France and the solidarity of our common European and Atlantic defense is out of balance. In plain language, there is a growing official desire to coexist with our enemy, the Kremlin, and if necessary, to disarm and end nuclear testing without inspection. All the while, we are not getting along with the non-Communist nations. Bluntly speaking, we placate our enemies and insult our friends. We have been giving away our money through foreign aid, but getting no friends. We are in a war now, and American boys are being killed in South Vietnam. I do not suggest that Democrats or this administration want this war. The point is, however, that our foreign affairs are not going well, and do not let any White House press conference or managed news release convince you otherwise.

Like every American, I want the President to succeed. He is my President, too. But in all honesty, I can't go along with an administration which says Cuba is a showcase of Communist failure.

The truth is, Cuba is a Soviet beachhead in the Western Hemisphere. The truth is, the Monroe Doctrine has been violated and it is being violated every single day.

If Cuba is to be what Mr. Kennedy says it already is, an example of Soviet failure, then Castro and communism must be destroyed. That is the way to make it a showcase of Communist failure.

My job as a member of the minority is to keep that fact before the American people.

My job is to not let the alleged withdrawal of ICBM Soviet missiles obscure the sad story of the Bay of Pigs and the humiliation of the United States ransoming the Cuban freedom fighters. Nor should we forget our backing down on promised inspection of the missile withdrawal.

My job, as I see it, is to find out the details about any deals between Premier Khrushchev and President Kennedy, because the public should have the complete details of any nuclear testing ban and any secret disarmament agreements.

Mr. Khrushchev is one of the shrewdest men of all history. He has no integrity nor any regard for his word.

A minority party has an important assignment in debating any decisions or arrangements the administration makes with him or with other nations.

Of course, the President has certain responsibilities in connection with foreign policy. He makes agreements. That's his job, not mine. As a member of the legislative branch, and especially as a U.S. Representative, my job is to see that he does the right thing. But as a Republican, I am not under obligation of silence to refrain from criticism, if criticism is called for.

What is bipartisan foreign policy? As Senator Vandenberg, the originator of bipartisanship in foreign affairs, declared, a minority party has a responsibility to debate foreign affairs. He said we should debate them totally, "down to the water's edge," to quote his own words. I am proud of the restrained way in which the Republicans in Congress have exercised this function.

As to domestic affairs, I make no bones about it, I am here to give you the Republican viewpoint. I am here to recall to you the words of Candidate Kennedy, campaigning for President, when he promised to "get the Nation moving again."

Candidate Kennedy called for a goal of 5 percent annual growth rate and reduction of unemployment to 4 percent. You remember that.

After the election, the President sought to achieve his goal by deficit Federal spending to increase the public purchasing power. He initiated an accelerated public works program and other vast spending measures. The minority party opposed this solution and warned that such fiscal irresponsibility would never create prosperity.

And now Mr. Kennedy has found that the Republicans were right. The growth rate did not improve. Unemployment went up to 6.1 percent with that massive Government spending.

And now it is my responsibility to point up a second mistake and to warn that in the light of this failure what the administration is proposing will aggravate and enlarge the first failure and could have extremely serious consequences. The President's plan, as you know, is to increase deficit spending by reducing taxes, to combine tax reduction with increased Federal spending.

Painful as it is to one who has long called for lowering of the tax rates, I must warn that this second Kennedy solution will never work. Instead, our Republican position is that Federal expenditures must be held to last year's total and not increased, which represents a cut in the Kennedy 1964 budget of at least $7 billion. On the other hand, a combination of curtailed expenditures and a tax cut will do the trick and provide a stimulant to prosperity and more jobs. We Republicans hold that confidence in our dollar will be restored with economy in Government, and will mean an end to the flight of gold; will mean expansion of business; will mean higher employment; will mean better consumer purchasing power; will mean an increase in Government revenue; will mean an end to continual raising of the national debt.

Republicans urge cuts in foreign aid, and President Kennedy now agrees, since the Clay report.

Republicans urge cuts in the cost of the space program.

Republicans say a new Federal Department of Urban Affairs and billions of dollars isn't necessary, with the farmer and everyone else paying the bill, just to provide certain big cities with assistance for mass transportation problems.

Republicans are opposed to increased Federal spending.

We oppose planned Federal deficits.

And my role as a member of the minority party is to raise these issues.

I say an increase in the national debt during comparative prosperity is unsound. Rather, we should be paying it off.

I say Federal aid to education, and ever-growing concentration of power in Washington, D.C., is dangerous.

I believe in keeping government close to the people, where the citizens have a voice in their own affairs.

Republicans oppose Federal regimentation and bureaucracy.

As a strong, vital party, Republicans can play an effective part in support of these principles.

In this respect, it is obviously essential that there be unity among Republicans.

My mission on this trip through the State and in traveling throughout eastern Washington with Bill Walter, the State chairman of the Republican Party, is to seek a GOP victory in 1964 through party unity.

Republicans won't win elections otherwise. Republican philosophy and principles won't prevail.

I emphasize—to win, we must have party unity.

If we hope to elect a Republican to the White House in 1964, there must be unity.

And the same formula is true with regard to winning the governorship in Washington State and to having a Republican legislature in this State.

Those of you who are Democrats will understand the problem of disunity. You have it, too. But the Democratic Party being numerically stronger can afford disunity in its ranks, where the Republicans can't afford it.

I have had letters from my constituents who have said that unless the presidential candidate they favor is nominated, when it comes to a vote they will abstain. Conservatives or liberals, they indulge in splinter-group thinking and put a personality above the overall common heritage of their political party. They overlook the fact that a President, be he liberal, conservative, or middle-of-the-road, under the Constitution must carry out the laws and policy of a duly constituted legislative branch. They overlook that Congress on the national level is where, properly, policy is initiated and programs made. Or, on the State level, it is the State legislature that writes the ticket, not the Governor.

Republicanism is what this country needs. So I am pointing up the weakness of the Kennedy administration, and that it fails to understand the forces underlying growth that instead of accelerated massive Federal spending and planned deficits, the answer to prosperity is incentives and business confidence to modernize and expand industrial production plants and equipment.

This policy will make American industry more competitive and will preserve our own markets and increase foreign sales.

Pump priming and deficit spending create distrust and business uncertainty. They cause our economy to slow down.

True, some Republicans don't vote for economy and some Democrats do.

But, I submit that this is the record. Democrats, when they have control of Congress, have run up 93.4 percent of the national debt. That is the record. Our party philosophy is different from that of the opposition. Democrat congresses have approved deficit spending budgets or deficiency appropriations which resulted in deficits during 20 of the last 27 years. That is the record.

There were Democrats who voted against those spending sprees and Republicans who voted for them.

But, as the record of Congress will show, the majority of Democrats voted for them and the great majority of Republicans voted against them.

I have cited the record of Congress, but with the State legislature it is the same. The majority of Republicans steadfastly advocate under all possible circumstances that the people, not the Government, should manage their own affairs and spend their own money.

The majority of Republicans are opposed to Government providing benefits that the people can as well provide themselves.

The majority of Republicans tend to oppose increased Government intervention and the majority of Democrats tend to support centralized, big government.

That is the issue of the New Frontier, and frankly, I am here to raise that issue. In a nonpartisan meeting, one doesn't tell the audience how to vote. We just point up the issue as between the two parties.

But especially, as a minority Member of Congress, I point out now that in the first 3 years of the New Frontier, the national debt will have gone up $27 billion.

And I emphasize, this huge increase in the deficit is not a matter of the cost of the national defense.

President Kennedy's 1964 budget request proposes, for example, $2 billion more than in 1963 for other than military expenditures.

This is a $9 billion increase over 1961 for other than defense spending.

Under the New Deal and the Fair Deal and the New Frontier, et al., the Government has expanded until it takes more than 30 percent of all money earned by the people and spends it and a lot more besides, for socialistic programs. There are those who favor socialistic programs; well and good, that is what they are getting. But, I ask you, How long can the American worker, the American farmer, and the American merchant bear the burden? How long can our Nation and its Treasury and our finances be sustained under the stress of massive Government spending? I hope we never find out. If we do get to that point, our free enterprise system will have disappeared.

I assert, republicanism is the answer. Under a Goldwater or a Rockefeller, or a Knowland, or a Romney, if the Republican Party is united, I assert the party can win.

My role in raising a minority voice is to speak out for what I believe will leave to the future a strong America and a free America.

The Republican Party calls for wiser and firmer policies in foreign affairs.

The Republican Party calls for wiser and more prudent policies in domestic affairs.

If you disagree, then you have lost nothing but your time in listening to me.

If you agree with me, then I submit you should be active politically for a Republican victory in 1964 through party unity.

Finally, let me thank you for your attention and willingness, in the fine American tradition of freedom, to allow a political discussion in a nonpartisan meeting. No man or party has a complete monopoly on wisdom, but certainly I have logic on my side.

You have been patient; for that and for your friendly attention, I say thank you, and above all else, Republicans and Democrats can agree on one issue: "God bless America."

Quality Stabilization Legislation

EXTENSION OF REMARKS
OF

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1963

Mr. MADDEN. Mr. Speaker, the Subcommittee of the House Interstate and Foreign Commerce Committee opened hearings this week on the quality stabilization legislation. This legislation was reported favorably by the House Interstate and Foreign Commerce Committee and the Rules Committee in the last session. On account of the rush pending adjournment, it was impossible to have the bill considered on the floor of the other body last session. It was reported favorably by the Subcommittee of the Senate Commerce and Finance Committees.

Considering the avalanche of support for this legislation over the country and also by Members of both parties in the House and Senate, I do hope that this legislation will be enacted into law as soon as possible.

The following is the statement I made on H.R. 3669 and H.R. 3670 before the committee at the opening of the hearings on Tuesday, April 23.

STATEMENT OF HON. RAY J. MADDEN, OF INDIANA, BEFORE THE SUBCOMMITTEE ON COMMERCE AND FINANCE, HOUSE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE ON H.R. 3669 AND 3670, THE QUALITY STABILIZATION BILL, APRIL 23, 1963

Mr. Chairman and members of the subcommittee, your cooperation in holding these hearings demonstrates that you are much concerned over the devastating methods of merchandising in recent years that is causing great damage to the manufacturers, retailers, and consumers throughout the country.

This bill last year obtained, after lengthy hearings, a favorable report from both the House Interstate and Foreign Commerce Committee and from the Rules Committee. It also obtained a favorable report from a special subcommittee of the Senate Commerce Committee when our Congress adjourned.

Obviously thorough study has been given this measure. I respect the judgment of my colleagues who have given this bill their approval. It is a question of life or death for hundreds of thousands of small businessmen. Let's do our duty to them by moving quickly and effectively to make the quality stabilization bill the law of the land.

Basically, the quality stabilization bill offers a major step in curbing dishonest practices that are misleading the consumer in merchandise values. It spells out bait advertising, deceptive pricing, and published misrepresentations of the product as reasons why a manufacturer may protect the property rights in his brand name or trademark.

The public will be helped by the enactment of the quality stabilization law, since the established price and quality symbolized by the brand name will be a standard from which it may judge the competitive values of products. The consumer will be guarded against the unscrupulous operator who uses the honored brand name or trademark to build store traffic at the expense of his more honest competitors, while recouping his loss at the same time on overpriced, inferior, and blind merchandise.

This legislation will call for no Government bureaucracy or department to supervise or enforce it.

The law will be 100 percent optional with the manufacturer, retailer, wholesaler, and consumer.

It will provide incentives for quality products to be distributed through quality conserving resellers.

In our long and critical struggle against communism, the American system of free enterprise must be our major weapon. Business failures in recent years and the growing lack of protection for consumer purchases demand action by this Congress.

We cannot permit the further degeneration of the brand name system of distribution. We must arrest the growing rate of failure of small business in this country. We must give the incentive to the manufacturer in this country to build toward excellence, and we must protect the consumer from junk merchandise.

The quality stabilization bill covers specific areas in which a manufacturer can control, that is, prevent the unfair use of his own property—his trademark—by the reseller. These areas are:

(1) Intentional misrepresentation as to make, model, size, age, etc.; (2) bait and switch merchandising tactics; or (3) deviation from the established price.

The manufacturer who elects to use the quality stabilization law will publish the retail price or resale price range governing the sale of his product. He is given this right so that he may protect the quality of the product, the goodwill of his brand name, the ethical reseller, and the consumer. Competition will be promoted, not restricted, by the quality stabilization law, and the interaction of competitive forces will insure that the manufacturer's price represents fair value or else that manufacturer will be forced out of business. Any price established under this law will be at the manufacturer's peril. This is the way the free enterprise system should function.

If a retailer knowingly violates the published policy of the manufacturer by engaging in any one or all of the three specific practices named in the bill, then the manufacturer may revoke the right of that offending retailer to make any further use of the manufacturer's name, brand, or trademark.

The quality stabilization bill is not a one-way street. It imposes an obligation on the manufacturer as well. Specific provisions insure that equity be practiced by the manufacturer in his relations with his resellers and in the enforcement of the act.

Under the Quality Stabilization Act, both the reseller and the public will know where each manufacturer stands as to policy and quality consistency. The manufacturer no longer will have the convenient excuse that he cannot protect good resellers against unfair competition.

Essentially, this bill is only a confirmation by Congress of the unanimous decision of the U.S. Supreme Court in *Old Dearborn Distributing Co.* v. *Seagram-Distiller's Corp.*, 299 U.S. 183 (1936) which held that the manufacturer possesses property rights in the goodwill symbolized by his trademark. This bill implements that decision by charting a specific route the manufacturer may

use to protect his trademark as it moves along the channels of distribution.

CONSTRUCTIVE COMPETITION INSURED

The Quality Stabilization Act would leave the anti-price-fixing provisions of the Sherman Act intact. Any group of manufacturers or wholesalers or retailers who effect collusive price fixing between themselves would be courting prosecution under the Sherman Act.

To underscore that the quality stabilization bill will promote competition, it must be emphasized repeatedly that the manufacturer alone must make the basic marketing decision—whether to stabilize his price, as a means of restoring and improving quality, or to rely primarily on price alone to attract customers. It is, after all, his brand and his reputation which is at stake. Only he can make the decision. However, before he can use the Quality Stabilization Act, there must be goods usable for the same general purpose available to the public from other sources. The brand name owner's product must be in free and open competition.

Wholesalers and retailers will be free, too, to determine whether they wish to handle products of stabilized quality or a competitive unstabilized one. They may elect to handle top brand lines which are stabilized and others on which they can vary the price. It is their decision. If they elect to handle the quality stabilized brand, they must respect the law and the manufacturer's established policy. This means that the reseller may not abuse the brand name by misrepresentation as to make, model, size, or age, by bait and switch merchandising techniques, or by selling that brand name product at other than the manufacturer's established price.

THE CONSUMER'S INTEREST

This legislation safeguards the consumer. This committee is not unmindful of the situation that results when an unprincipled retailer can take advantage of a product by running a loss-leader ad. For every dollar spent by the misguided customer who is brought in on account of this ad, sacrificing a brand name or a trademark of some producer, that customer spends an estimated $9 for inferior products at the regular or higher price.

It does not take long for that honored product to lose customers. Soon the loss-leader advertiser drops the brand name product and picks up another quality product to pack temporarily his store with unsuspecting customers. It is operations of this kind that the quality stabilization bill will control by protecting the customer, the producer, and the small retail man.

Enactment of the quality stabilization bill will result in availability of products in which the public can have confidence, confidence in their stabilized price and in their quality. Customers can buy that which they seek: quality and price, or price alone. The retailer, by offering both quality stabilized and unstabilized brands, can give the consumer an excellent mix of durable, high-quality products and products of lesser quality whose prices fit his pocketbook or his limited needs.

There will be many brands, made by reputable manufacturers, which will not be stabilized even though some of their brands are stabilized. The quality stabilization bill will affect discount merchants only as to the products the manufacturers place under quality stabilization and then only as to the brand name thereof. On those products the manufacturer will have the legal and equitable right to protect his property. But the discounter is optionally free to handle quality stabilized products along with merchandise that he does not elect to come under quality stabilization.

It is not the purpose of the quality stabilization bill to put anyone out of business. Indeed, it is my conviction that it will reduce the number of small businesses whose owners find it necessary to liquidate.

This bill will help sustain, in a positive way, our brand-name system of distribution that has in the past enabled legitimate retailers and manufacturers to build a successful marketing economy second to none in the world.

Opponents of quality stabilization legislation attack it by smear propaganda, identifying it with fair trade and price fixing. Anyone who reads and studies this bill can easily determine for himself that no provision in the bill identifies it with fair trade or even remotely with price fixing.

The quality stabilization bill contains none of the usual fair trade language. There is no provision for contracts as the bill is wholly predicated on the owner's property rights in his good name; there is no dependence on a nonsigner clause as is the case with fair trade. The essential difference is that fair trade enforcement is to compel a dealer to raise his prices for a product, while under the quality stabilization bill, the action is one akin to trespass—to stop a reseller from abusing a manufacturer's property right in his trademark reputation.

HELP EMPLOYMENT

In urging speedy consideration of this bill by this committee, I direct your attention to the fact that unrestrained price slashing disables labor, industry, resellers, and the public. Unless the quality stabilization bill is enacted, our entire economy will deteriorate at a time when our President is asking for economic growth to strengthen our Nation for survival.

I represent the great industrial Calumet region of Indiana. In recent years consumers and small retailers have been asking me what can be done to reestablish confidence in retail marketing. Unemployment in my area is critical.

Enactment of this quality stabilization legislation will contribute more toward restoring employment than any other legislation before this Congress. When a manufacturer is forced to make 15 men do the work of 20, and is forced to employ cheaper and less skilled labor as well as inferior materials, both American labor and the American consumer are injured where it hurts most. Congressman JOHN DENT will testify as to pressures upon our production economy resulting from the jungle merchandising prevalent today.

In conclusion I call to your attention that almost 70 national trade and professional organizations have endorsed the quality stabilization bill. These include:

National Retail Hardware Association.
National Office Machine Dealers Association.
Independent Garage Owners of America.
National Association of House to House Installment Cos., Inc.
National Sporting Goods Association.
National Association of Retail Clothiers and Furnishers.
National Retail Furniture Association.
Retail Jewelers of America.
Master Photo Dealers and Finishers Association.
National Appliance and Radio-TV Dealers Association.
National Wholesale Jewelers Association.
National Stationery and Office Equipment Association.
Wholesale Stationers' Association.
Toy Wholesalers' Association of America.
Billiard and Bowling Institute of America.
Gift and Decorative Accessories Association of America
Marine Manufacturers Safety Equipment Association.
National Association of Sporting Goods Wholesalers.
American Fishing Tackle Manufacturers Association.
Archery Manufacturers and Dealers Association.
National Wholesale Hardware Association.
Fountain Pen and Mechanical Pencil Manufacturers' Association, Inc.
American Watch Association, Inc.
Watch Material Distributors of America.
Automotive Service Industry Association.
National Association of Bedding Manufacturers.
National Industrial Distributors Association.
Christian Booksellers Association.
National Shoe Manufacturers Association.
Wallcovering Wholesalers Association.
National Small Business Association.
American Research Merchandising Institute.
American Retailers Association.
National Art Materials Trade Association.
National Shoe Retailers Association.
Motor and Equipment Manufacturers Association.
Northamerican Heating and Airconditioning Wholesalers, Inc.,
National Association of Women's & Children's Apparel Salesmen, Inc.
American Watch Manufacturers Association.
National Bicycle Dealers Association, Inc.
National Audio-Visual Association, Inc.
National Office Furniture Association, Inc.
National Outerwear and Sportswear Association.
National Frozen Food Association, Inc.
The Automotive Warehouse Distributors Association, Inc.
National Association of Glove Manufacturers.
National Marine Products Association.
National Association of Retail Druggists.
Paint & Wallpaper Association of America, Inc.
Retail Tobacco Dealers of America.
National Association of Tobacco Distributors.
National Retail Farm Equipment Association.
American Pharmaceutical Association.
National Conference of State Pharmaceutical Association Secretaries.
Metropolitan Cities Drug Association Secretaries.
National Association of Chain Drug Stores.
Toilet Goods Association.
American Booksellers Association.
National Wholesale Druggists Association.
Automotive Electric Association.
Corset & Brassiere Association of America.
Proprietary Association.
The Independent Shoemen.
National Candy Wholesalers Association.
Manufacturing Jewelers & Silversmiths of America.
Laundry & Cleaners Allied Trades Association.
Luggage & Leather Goods Manufacturers Association.

I call further to your attention that this is strictly nonpartisan legislation. Eleven U.S. Senators of both parties have cosponsored the quality stabilization bill, and approximately 25 Members, from both parties, have introduced the identical bill in the House of Representatives.

I remind you again of the approval given this measure last year by your committee, by the Rules Committee, and the special subcommittee of the Senate.

And I urge you to think of the purposes of the bill and its goals not in terms of theory, not in terms of statistics, but as a measure affecting people of flesh and blood with a real problem of survival or failure in a business that is perhaps small, yet still a precious thing to them. It is not coincidental that

the thousands upon thousands of members of these 70 national associations view the quality stabilization bill as the one essential piece of legislation before this Congress.

The 15th Anniversary of the State of Israel

EXTENSION OF REMARKS
OF

HON. EDWARD R. FINNEGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1963

Mr. FINNEGAN. Mr. Speaker, on the 29th of April, Israel will celebrate its 15th anniversary as a state, and I am pleased to join with her friends in honoring this date. It has been my custom on past occasions to direct my colleagues' attention to various aspects of Israel's outstanding achievements on the road to becoming a nation once again. In other years I have spoken of the history of Israel's rebirth in the 20th century, its continuing problems in its surroundings and its internal development and progress.

Today I would like to center my remarks on the program which Israel has initiated in the field of technical assistance to other developing countries. The experiences which have come from the struggle to build a state in Israel are being made available to those who are willing to learn from them. Owing to prevailing psychology in many of the newly created states, Israel represents an ideal source of assistance. The Israeli experience in the face of internal and external difficulties makes an eloquent appeal to countries whose problems are similarly overwhelming.

Modern Israel has developed into a stable, technologically advanced state. The generous assistance which organizations like the United Jewish Appeal have rendered Israel over the past 15 years has had much to do with this progress. However, there is another factor which has had an even more important influence on Israel's remarkable growth. The sense of belonging to a common effort, highly intensified by external dangers and internal needs, has been fruitfully channeled into a wide variety of cooperative enterprises and institutions. This spirit was mobilized to deal with the special problems which Israel faced with its land and population. Over the years this process has produced a body of specialized experience and expertise.

The newly created states of Africa and Asia have found in Israel an example to emulate, and Israel has responded by making available to these nations the great benefits of its experience. And what are the successes to which the new nations are attracted? At its inception Israel entered upon the task of equipping its people with a common language and with the necessary skills to begin building a nation.

The urgency of these needs led to the development of new techniques of civil, general, and vocational education. Many of the problems Israel has had to deal with are similar to those which the underdeveloped nations now face, and the striking success of Israel's efforts and methods are appealing. Israel has been asked to share with other states its experiences and it has responded generously within its limited resources.

In order to deal with the growing volume of requests for cooperation and assistance, Israel created a department of international cooperation within the Ministry for Foreign Affairs. Because of limited financial and manpower resources, Israel's programs of assistance must adhere to certain basic considerations. First, the effectiveness and impact of the assistance on the development of the recipient country must be taken into account. Second, Israel must concentrate its aid in those areas where Israeli experience has produced expertise which is particularly relevant to the problems of the new nations. Third, Israel usually emphasizes tangible projects which can be completed within a relatively short period of time and which require a minimum of resources, but which will lay the foundations for further development plans.

There are now four main categories into which Israeli technical cooperation falls. First, the program provides for manpower training in Israel. Second, experts, advisers, instructors, and survey teams are dispatched on request to interested countries. Third, Israeli teams plan and organize training facilities abroad. Fourth, teams prepare and implement itinerant courses in developing countries using the latest training aids.

In the area of manpower training Israel has provided courses for 1,547 trainees from 77 countries. In view of the paramount impact of agriculture on developing countries, many of the courses deal with the techniques of modern farming, for example scientific feeding and breeding methods with different types of livestock and crop rotation. Agriculture is one of the specific spheres in which Israel has acquired considerable experience in the course of her own development. In addition to the agricultural programs Israel provides training in education, the vocational fields, nursing, cooperative movements, and others. One of the more dramatic examples of Israeli cooperation has been carried out in Burma. While a group of over 100 Burmese ex-servicemen was trained on several agricultural settlements in Israel, a team of Israeli specialists in soil conservation and irrigation surveyed an area in Burma's arid zone and drew up plans for revitalizing the land. The Burmese, on return, worked with the specialists and applied their Israeli training to the production of new crops by mixed farming and irrigation.

Israel has been asked to play a role in several vast, multilateral development schemes. In conjunction with the Government of Upper Volta and the U.N. Special Fund, Israel established an agricultural training center to implement the benefits in the field of agriculture arising from the Upper Volta project.

In its program of international cooperation Israel has organized joint companies with Israeli private firms and local interests or governments of development countries as partners. For example, Zim, Israel's national shipping line ran the Black Star Line together with Khana; the Ghanaian Government holding 60 percent of the share capital. Zim set up a nautical school at Accra to provide marine officers and crews. As Ghanaian seamen became fit to command and sail their ships the Israeli crews returned to the Israel Merchant Navy and the Israeli capital was withdrawn from the Black Star Line for reinvestment elsewhere in developing countries.

In addition to training nurses for medical and public health work, Israel has undertaken several ambitious projects in the field of medicine and Israel now manages and directs several hospitals in Ethiopia and Ghana. Staffs for these institutions and others are training in the Hadassah-Hebrew University Hospital in Jerusalem. An eye clinic was established in Liberia by Israeli surgeons and physicians while a doctor and 10 nurses from Liberia were given specialized instruction at the Hadassah. Within a few years, the Liberians themselves will be fully competent in ophthalmology and able to take over the central clinic.

These then, are some of the programs which Israel has so dynamically undertaken within her limited resources. The moving spirit underlying all of this is, in my opinion, a genuine attempt to spread a gospel of international cooperation and assistance within a framework of hard work or self-help. Young nations, sharing similar problems, have much to gain from sharing their solutions to these problems. The Israeli technical assistance program involves much more than technical assistance. The spirit and dedication which have infused the steady growth of Israel inspires the new nations to get on with the task before them.

Mr. Speaker, it seems to me and to many others, that we all can benefit from Israel's experience with her foreign aid program. In many ways it lends itself to more efficiency and accomplishments than does a program launched on a more grandiose scale. No one country or organization, including the United States or the United Nations, is able to undertake by themselves the solving of the myriads of problems facing the emerging underdeveloped nations of the world. If Israel's efforts are copied and used by other nations who have reached this point of maturity there is hope that through the interchange and cooperation of one small country with another, great strides will be made toward eliminating much of the poverty and underprivileged conditions now prevalent in many areas of the world.

To me there is no better way to honor the 15th anniversary of the State of Israel than to pay tribute to her unselfishness in helping others less fortunate, when she is still faced with almost unsurmountable problems of her own.

Veterans' Home Loan Program

EXTENSION OF REMARKS
OF
HON. ROBERT L. F. SIKES
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 25, 1963

Mr. SIKES. Mr. Speaker, I am pleased to note the very sound status of the veterans' home loan program in northwest Florida. Through information provided to me by Mr. Rufus Wilson, manager of the Veterans' Administration for Florida, I can state that the veterans of 15 counties including Leon and those west have received 13,375 home loans since the inception of the program approximately 18 years ago. Of this number, as of April 15, 1963, only 48 homes have experienced foreclosure. About this same number are in trouble as far as monthly payments are concerned, but some of these will become current thus avoiding foreclosure.

Of the total number of loans made to west Florida veterans, 1,164 were direct loans and the remainder were made by private lending institutions and guaranteed by the Veterans' Administration.

According to Mr. Wilson, VA along with FHA has given considerable attention to the issuance of speculative commitments. The VA is considering each subdivision on its individual merits and sales records. Through this method the agency has avoided large speculative subdivisions and yet at the same time has not prevented builders from building when they could sell homes.

Escambia County veterans have been approved for 5,152 home loans and 26 of the foreclosures have taken place there. Okaloosa shows a total of 2,780 loans with 8 foreclosures; 2,343 VA loans have been made in Leon County with approximately a dozen foreclosures as of April 15. Bay County veterans have made 1,711 loans with less than one-half dozen foreclosures.

In Florida approximately 163,000 veterans have taken advantage of the VA loan program to provide houses for their families. Foreclosures are spotted being concentrated mostly in four counties of the State. The portfolio of VA loans shows a total of more than $1½ billion. I join Mr. Wilson in complimenting the veterans of west Florida and the entire State for the manner in which they have met their obligations to a Government which has helped them.

While I have quoted Mr. Rufus Wilson, who has done very capable work as manager of the Veterans' Administration in Florida, I wish also to include Mr. Tom David and the entire staff of the VA who participate in housing loans for their sympathetic and cooperative attitude toward assisting veterans of Florida to obtain the housing they need.

SENATE

FRIDAY, APRIL 26, 1963

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

The Reverend R. Trevis Otey, pastor, Glasgow Baptist Church, Glasgow, Ky., offered the following prayer:

Our Father, we thank Thee today for Thy love and grace, as revealed to us in Jesus Christ, Thy Son. We rejoice in Thy manifold blessings freely bestowed upon us. We ask for understanding to receive these as gifts from Thy loving hands, and for wisdom to use them for Thy glory.

We thank Thee, Lord, for these Senators, whom Thou hast ordained as Thy servants. We ask Thee to give them strength and courage to fulfill Thy purpose for our land. Give to them peace of heart, clarity of mind, and strength of purpose to the end that this shall truly be "one nation under God."

This, Holy Father, is our prayer, in Jesus' name. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 25, 1963, was dispensed with.

MESSAGE FROM THE PRESIDENT

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

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 a bill (H.R. 3662) for the relief of Mrs. Margaret Patterson Bartlett, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 3662) for the relief of Mrs. Margaret Patterson Bartlett was read twice by its title and referred to the Committee on the Judiciary.

LIMITATION ON STATEMENTS DURING MORNING HOUR

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

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Committee on Aeronautical and Space Sciences and the Subcommittee on Antitrust and Monopoly Legislation of the Judiciary Committee were authorized to meet during the session of the Senate today.

CHIEF MEDICAL DIRECTOR, VETERANS' ADMINISTRATION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 140, House bill 4549. I understand it has been cleared with all sides.

The motion was agreed to; and the Senate proceeded to consider the bill (H.R. 4549) to amend section 4103 of title 38 United States Code with respect to the appointment of the Chief Medical Director of the Department of Medicine and Surgery of the Veterans' Administration.

Mr. HILL. Mr. President, this bill was passed unanimously by the House of Representatives, and has been reported by the Senate Committee on Labor and Public Welfare.

This is a minor bill; it merely follows a precedent established by Congress in making possible the appointment of a retired officer of the Army, Navy, or Air Force as Medical Director of the Veterans' Administration, and merely provides that while serving in that position he shall receive the salary fixed by statute for it, and that upon his retirement from that position he may be eligible to receive the retirement pay which he is authorized to receive as a member of the Armed Forces.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an excerpt from the committee report.

There being no objection, the excerpt from the report (No. 182) was ordered to be printed in the RECORD, as follows:

EXPLANATION OF THE BILL

Chapter 73, title 38, sets forth the functions, activities, and responsibilities of the Department of Medicine and Surgery of the Veterans' Administration.

Section 4103(b) provides for the appointment of the Chief Medical Director by the Administrator with the requirement that he be a "qualified doctor of medicine." The former Chief Medical Director, the distinguished physician, Dr. William S. Middleton, recently retired from this position because of age. At the present time, the Administrator of Veterans' Affairs is considering several individuals for appointment to this important post. In this connection, he is utilizing the services of the Special Medical Advisory Committee authorized by section 4112 of title 38. This Medical Advisory Committee, the members of which are nominated by the Chief Medical Director, is charged with the duty of advising the Administrator through the Chief Medical Director, questions relating to the care and treatment of disabled veterans and other matters pertinent to the Department of Medicine and Surgery.

In order to provide the widest latitude in the selection of a new Chief Medical Director, this legislation is necessary in order to permit the consideration of doctors retired from the Armed Forces for the position of Chief Medical Director. This legislation would permit the Administrator to have through December 31, 1963, the opportunity of appointing the best qualified individual available to this post, from any source, be it civilian service or service in one of the branches of the Armed Forces.

As indicated in the favorable report from the Veterans' Administration which follows, there would be no additional cost to the Government, nor any duplication of compensation, by the enactment of this legislation since it permits a retired officer to waive