

Now this may seem to be a case of borrowing trouble. Many may not think that this is necessary. I do, however, and in support of my feeling will quote from a statement made by Justice Clark in delivering his opinion to the Court on the Pennsylvania and Maryland Bible-reading cases:

The breach of neutrality that is today a trickling stream may all too soon become a raging torrent and, in the words of Madison, "it is proper to take alarm at the first experiment on our liberties."

While Justice Clark used this statement to buttress his legal arguments forbidding the Bible-reading exercises in public schools, it is clear that it can just as easily be used by those of us whose feelings are exactly opposite. Justice Douglas, who also concurred with Justice Clark and the six others, made the statement which brought about my fear, and the fears of others on this issue when he said:

Establishment of a religion can be achieved in several ways. The church and state can be one; the church may control the state or the state may control the church; or the relationship may take one of several possible forms of a working arrangement between the two bodies."

He went on to state:

But the establishment clause is not limited to precluding the state itself from conducting religious exercises. It also forbids the state to employ its facilities or funds in a way that gives any church, or all churches, greater strength in our society than it would have by relying on its members alone. \* \* \* Through the mechanism of the state, all of the people are being required to finance a religious exercise that only some of the people want and that violates the sensibilities of others. The most effective way to establish any institution is to finance it; and this truth is reflected in the appeals by church groups for public funds to finance their religious schools. \* \* \* Such contributions may not be made by the state even in a

minor degree without violating the establishment clause. It is not the amount of public funds expended; as this case illustrates, it is the use to which public funds are put that is controlling. For the first amendment does not say that some forms of establishment are allowed; it says that "no law respecting an establishment of religion" shall be made. What may not be done directly may not be done indirectly lest the establishment clause become a mockery.

This to me means that these two cases, decided by the Supreme Court, are only the beginning of "the trickling stream" that "may all too soon become a raging torrent."

Sooner or later, those who object to even the word God being used, will find some means of bringing cases before the Supreme Court to delete the word from our Pledge of Allegiance, from our currency, from our national anthem, and the Internal Revenue Service will be enjoined from permitting our churches the tax exemption they now enjoy, along with other nonsecular institutions in this country. Granted that some of our Justices have said there is no danger of some of these things being done because—in the words of Justice Brennan, in his concurrence in the Maryland and Pennsylvania cases:

While it is not, of course, appropriate for this Court to decide questions not presently before it, I venture to suggest that religious exercises in the public schools present a unique problem. For not every involvement of religion in public life violates the establishment clause. Our decision in these cases does not clearly forecast anything about the constitutionality of other types of interdependence between religious and other public institutions. Specifically, I believe that the line we must draw between the permissible and the impermissible is one which accords with history and faithfully reflects the understanding of the Founding Fathers.

On the other hand, Justice Clark, who delivered the opinion of the Court ad-

mitted the "accord with history" in these words:

It is true that religion has been closely identified with our history and Government. As we said in *Engel v. Vitale*, 370 U.S. 421 434 (1962), "The history of man is inseparable from the history of religion. And \* \* \* since the beginning of that history many people have devoutly believed that 'More things are wrought by prayer than this world dreams of.'" In *Zorach v. Clauson*, 343 U.S. 306,313 (1952), we gave specific recognition to the proposition that "we are a religious people whose institutions presuppose a Supreme Being." The fact that the Founding Fathers believed devoutly that there was a God and that the unalienable rights of man were rooted in Him is clearly evidenced in their writings, from the Mayflower compact to the Constitution itself.

Yet, Justice Clark, who linked the accord with history and understanding of the Founding Fathers which Justice Brennan stated would prevent many other institutions in American life from being attacked, might find it necessary, at a future time, to decide other cases brought before the Supreme Court in the same manner he decided the Maryland and Pennsylvania cases.

I do not feel our Supreme Court Justices, as a body, to be hostile to religion in this country. I am sure their opinions are sincerely stated and they feel they are properly buttressed by legal and historical arguments. However, our Supreme Court might find itself on the horns of dilemmas in the future, and the makeup of the Court changes from time to time.

For these reasons, I feel it incumbent to introduce my resolution, embodying several aspects of our national life which are entangled with our inescapable history of being a religious people. Again, let me reiterate, freedom is a two-way street. We must not prevent it being traveled in both directions, and above all, we must not allow it to be blocked at either end of the street.

## SENATE

FRIDAY, JUNE 28, 1963

The Senate met at 12 o'clock meridian, and was called to order by the Honorable LEE METCALF, a Senator from the State of Montana.

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

O Thou God of our salvation, consecrate with a sense of Thy presence the way our feet may go, that the roughest places may be made plain. We pray for Thy servants who stand on the national pedestals of this Chamber of governance, that—scorning narrow partisanship—they may be eager prophets of the new dawn of righteousness which reddens the eastern sky, even when so much evil is loose in the world.

Inspire us, we pray, to follow the shining example bequeathed us from the past in the virtue and valor of those whose records within these legislative Halls have helped to make the greatness of our free land. Hasten the glad day when the sadly severed kingdoms of

man's allegiance shall become the one and radiant kingdom of Thine all-embracing love.

We pray in the Redeemer's blessed name. Amen.

### DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, D.C. June 28, 1963.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. LEE METCALF, a Senator from the State of Montana, to perform the duties of the Chair during my absence.

CARL HAYDEN,  
President pro tempore.

Mr. METCALF thereupon took the chair as Acting President pro tempore.

### THE JOURNAL

On request of Mr. HUMPHREY, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, June 27, 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 the following bills, in which it requested the concurrence of the Senate:

H.R. 2221. An act to provide for the free entry of a mass spectrometer for the use of Stanford University, Stanford, Calif.;

H.R. 2675. An act to extend for 3 years the period during which certain tanning extracts, and extracts of hemlock or eucalyptus for use for tanning, may be imported free of duty;

H.R. 3272. An act to provide for the free entry of an orthicon image assembly for the use of the Medical College of Georgia, Augusta, Ga.;

H.R. 3297. An act to amend section 501 (c)(14) of the Internal Revenue Code of 1954 to exempt from income taxation certain nonprofit corporations and associations

organized to provide reserve funds for domestic building and loan associations, and for other purposes;

H.R. 3674. An act to amend the Tariff Act of 1930 to provide that polished sheets and plates of iron or steel shall be subject to the same duty as unpolished sheets and plates;

H.R. 5712. An act to suspend for a temporary period the import duty on heptanoic acid;

H.R. 6011. An act to continue for a temporary period the existing suspension of duty on certain istle or Tampico fiber;

H.R. 6246. An act relating to the deductibility of accrued vacation pay; and

H.R. 6681. An act to improve the active duty promotion opportunity of Air Force officers from the grade of major to the grade of lieutenant colonel.

#### ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 1359) to provide for an additional Assistant Secretary in the Treasury Department, and it was signed by the Acting President pro tempore.

#### HOUSE BILLS REFERRED OR PLACED ON CALENDAR

The following bills were severally read twice by their titles and referred or placed on the calendar:

H.R. 2221. An act to provide for the free entry of a mass spectrometer for the use of Stanford University, Stanford, Calif.;

H.R. 2675. An act to extend for 3 years the period during which certain tanning extracts, and extracts of hemlock or eucalyptus suitable for use for tanning, may be imported free of duty;

H.R. 3272. An act to provide for the free entry of an orthicon image assembly for the use of the Medical College of Georgia, Augusta, Ga.;

H.R. 3297. An act to amend section 501(c) (14) of the Internal Revenue Code of 1954 to exempt from income taxation certain non-profit corporations and associations organized to provide reserve funds for domestic building and loan associations, and for other purposes;

H.R. 3674. An act to amend the Tariff Act of 1930 to provide that polished sheets and plates of iron or steel shall be subject to the same duty as unpolished sheets and plates;

H.R. 5712. An act to suspend for a temporary period the import duty on heptanoic acid;

H.R. 6011. An act to continue for a temporary period the existing suspension of duty on certain istle or Tampico fiber; and

H.R. 6246. An act relating to the deductibility of accrued vacation pay; to the Committee on Finance.

H.R. 6681. An act to improve the active duty promotion opportunity of Air Force officers from the grade of major to the grade of lieutenant colonel; placed on the calendar.

#### LIMITATION OF STATEMENTS DURING MORNING HOUR

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

#### EXECUTIVE SESSION

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the new reports on the Executive Calendar.

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

#### EXECUTIVE MESSAGE REFERRED

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Ashton C. Barrett, of Mississippi, to be a Federal Maritime Commissioner, which was referred to the Committee on Commerce.

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

#### DEPARTMENT OF DEFENSE

The Chief Clerk read the nomination of Eugene G. Fubini, of New York, to be an Assistant Secretary of Defense.

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

#### THE AIR FORCE

The Chief Clerk read the nomination of Alexander Henry Flax, of New York, to be an Assistant Secretary of the Air Force.

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

#### DEPARTMENT OF JUSTICE

The Chief Clerk proceeded to read sundry nominations in the Department of Justice.

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

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

Mr. JAVITS. Mr. President, in connection with the nomination of Harry Phillips, of Tennessee, to be U.S. circuit judge for the sixth circuit, I ask unanimous consent to have printed in the RECORD a letter addressed to me, from the Department of Justice, in regard to this nomination.

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

Hon. JACOB K. JAVITS,  
U.S. Senate,  
Washington, D.C.

JUNE 23, 1963.

DEAR SENATOR: Thank you for your letter of June 14 in which you requested my comments concerning certain allegations which had been made concerning Mr. Harry Phillips, of Nashville, Tenn., who has been nominated by the President to be a judge of the Court of Appeals for the Sixth Circuit. Prior to his nomination, Mr. Phillips' qualifications were discussed with Senators KEFAUVER and GORE, and he received their full endorsement. In addition, the Department of Justice conducted a careful and rigorous investigation of his qualifications, including the usual complete appointment investigation by the Federal Bureau of Investigation. In addition, his qualifications were passed upon by the Standing Committee on the Judiciary of the American Bar Association,

which found him qualified. All of the information disclosed by these inquiries indicated that Mr. Phillips would well and faithfully perform the duties of a judge of the court of appeals, and would uphold and defend the Constitution.

Sincerely,

ROBERT F. KENNEDY,  
Attorney General.

#### THE NAVY

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

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

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

#### NATIONAL GUARD BUREAU

The Chief Clerk read the nomination of Maj. Gen. Winston Peabody Wilson, XXXXXXXX a Reserve commissioned officer of the U.S. Air Force, member of the Air National Guard of the United States, to be Chief of the National Guard Bureau for a period of 4 years to date from August 31, 1963, under the provisions of title 10, United States Code, section 3015.

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

#### U.S. AIR FORCE

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

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

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

#### U.S. ARMY

The Chief Clerk proceeded to read sundry nominations of cadets, graduating class of 1963, U.S. Military Academy, for appointment in the Regular Army of the United States in the grade indicated under the provisions of title 10, United States Code, secs. 3284 and 4353.

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

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

#### THE ARMY

The Chief Clerk proceeded to read sundry nominations in the Army which had been placed on the Secretary's desk.

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

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

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

The ACTING PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

#### LEGISLATIVE SESSION

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

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

#### EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

##### REPORT ON CONSTRUCTION OF BUILDING AT UNIVERSITY OF WISCONSIN

A letter from the Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, on the construction of a new chemistry building at the University of Wisconsin; to the Committee on Aeronautical and Space Sciences.

##### REPORT ON CONTRACTS FOR EXPERIMENTAL OR RESEARCH WORK

A letter from the Deputy Administrator, National Aeronautics and Space Administration, Washington, D.C., transmitting, pursuant to law, a report on contracts for experimental or research work, for the 6-month period ended December 31, 1962 (with an accompanying report); to the Committee on Aeronautical and Space Sciences.

##### AMENDMENT OF FEDERAL AVIATION ACT OF 1958, RELATING TO CERTAIN POWERS OF CIVIL AERONAUTICS BOARD

A letter from the Chairman, Civil Aeronautics Board, Washington, D.C., transmitting a draft of proposed legislation to amend the Federal Aviation Act of 1958 so as to clarify the powers of the Civil Aeronautics Board in respect of consolidation of certain proceeding (with accompanying papers); to the Committee on Commerce.

##### PUBLICATION ENTITLED "ECONOMIC INQUIRY INTO FOOD MARKETING"

A letter from the Chairman, Federal Trade Commission, Washington, D.C., transmitting, for the information of the Senate, a publication entitled "Economic Inquiry into Food Marketing" (with an accompanying document); to the Committee on Commerce.

##### REPORT ON U.S. CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

A letter from the Acting Secretary of State, transmitting, pursuant to law, a report on U.S. contributions to international organizations, for fiscal year 1962 (with an accompanying report); to the Committee on Foreign Relations.

##### REPORT ON UNNECESSARY PAYMENT BY THE UNITED STATES OF CERTAIN COSTS PROPERLY CHARGEABLE TO JAPAN

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the unnecessary payment by the United States of costs properly chargeable to Japan for administrative and related expenses of the military assistance program for Japan, dated June, 1963 (with an accompanying report); to the Committee on Government Operations.

##### REPORT ON UNNECESSARY EXPENDITURES FOR EXTERIOR STORAGE FACILITIES SERVING FAMILY HOUSING BY DEPARTMENT OF THE ARMY AT FORT DIX, N.J.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary expenditures for exterior storage facilities serving family housing by the Department of the Army at Fort Dix, N.J., dated June, 1963 (with an accompanying report); to the Committee on Government Operations.

##### REPORT ON OVERPRICING OF TELETYPEWRITERS PROCURED UNDER DEPARTMENT OF THE ARMY NEGOTIATED CONTRACT

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the overpricing of teletypewriters procured under Department of the Army negotiated contract with Kleinschmidt Division, Smith-Corona Marchant, Inc., Deerfield, Ill., dated June, 1963 (with an accompanying report); to the Committee on Government Operations.

##### AMENDMENT OF ACT RELATING TO ADULT INDIAN VOCATIONAL TRAINING

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the act of August 3, 1956 (70 Stat. 986), as amended, relating to adult Indian vocational training (with an accompanying paper); to the Committee on Interior and Insular Affairs.

##### REPORTS RELATING TO CLASSIFICATION STATUS OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports concerning visa petitions according the beneficiaries of such petitions first preference classification (with accompanying papers); to the Committee on the Judiciary.

#### PETITIONS AND MEMORIALS

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

By the ACTING PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of North Carolina; to the Committee on Finance:

##### "RESOLUTION 81

"Joint resolution urging Congress to reaffirm the State workmen's compensation system as the basic program for providing work-connected injuries and disease benefits

"Whereas the U.S. Congress by a series of amendments to the Social Security Act, during the period between 1956 and 1962, has extended and broadened the Social Security Act to provide disability benefits for work-connected injuries and disease; and

"Whereas the workmen's compensation laws were designed to be the basic method and remedy providing benefits for work-connected injuries and diseases and their administration has, for over 50 years, been the function of the several industrial accident boards and commissions, and has been in North Carolina since 1929 the function of the North Carolina Industrial Commission, based on the accepted principle that benefits for work-connected injuries and diseases be tailored to fit social and economic conditions at the local level; and

"Whereas the social security program has been and is of great benefit to the American people, however, the extension of the Social Security Act to provide benefits for work-connected injuries and diseases has resulted in duplication of benefits; and

"Whereas legislation resulting in further intrusion into the field of work-connected injuries and diseases tends to endanger the

survival of State-administered workmen's compensation programs: Now, therefore, be it

*Resolved by the house of representatives, the senate concurring:*

"SECTION 1. That the General Assembly of North Carolina is opposed to legislation by the U.S. Congress which would infringe on the right of this State to enact and administer its own workmen's compensation laws and to further Federal encroachment into the field of State-administered workmen's compensation programs and strongly urges that the U.S. Congress again affirm that the workmen's compensation system is the basic program for compensating work-connected injuries and diseases, and the general assembly further urges the North Carolina delegation in Congress to support legislation which will tend to accomplish this purpose.

"SEC. 2. Upon adoption of this resolution, a copy thereof shall be mailed by the secretary of state to the President of the United States Senate and the Speaker of the House of Representatives of the Congress of the United States, and a copy shall also be mailed by the secretary of state to each member of the Congress from the State of North Carolina.

"SEC. 3. This resolution shall become effective upon its adoption.

"In the general assembly read three times and ratified, this the 21st day of June, 1963.

"T. CLARENCE STONE,

*President of the Senate.*

"H. CLIFTON BLUE,

*Speaker of the House of Representatives.*

A resolution of the Senate of the State of Florida; to the Committee on the Judiciary:

##### "RESOLUTION 1417

"Senate resolution deploring and condemning the decision of the Supreme Court of the United States banning Bible reading and recital of the Lord's Prayer in public schools

"Whereas the Supreme Court of the United States on Monday, June 17, 1963, ruled unconstitutional the reading of the Bible and recital of the Lord's Prayer in public schools in cases from the States of Maryland and Pennsylvania; and

"Whereas the ruling ignores the pronouncement of this same Court in 1892 in the case of *Holy Trinity Church v. United States* where it said 'This is a religious people. This is historically true. From the discovery of this continent to the present hour there is a single voice making this affirmation,' and again in 1951 in the case of *Zorach v. Clauson* this Court said 'We are a religious people whose Constitution presupposes a Supreme Being'; and

"Whereas this senate and the vast majority of our countrymen hold fast to the belief that the United States of America became a great nation and will remain freedom's stronghold only if she remains true to her religious heritage and tradition and that a godless nation cannot survive; and

"Whereas the Court's decision based upon the complaint of an atheist is offensive and contrary to our way of life and can only result in injustice and discrimination against the great majority of our people to the comfort and pleasure of agnostics and to the comfort and pleasure of this country's enemies: Now, therefore, be it

*Resolved by the Senate of the State of Florida:* That this senate go on record as deploring and condemning this unwarranted and arbitrary restriction of the reading of the Bible and recital of the Lord's Prayer in our public schools as pronounced in the recent decision of the Supreme Court of the United States; be it further

*Resolved,* That the Congress of the United States be and it is hereby requested and urged to immediately take the necessary action to minimize the damage done by this decision either by submitting a constitu-

tional amendment or whatever else is deemed appropriate; be it further

*Resolved*, That a copy of this resolution be dispatched to the President and Secretary of the U.S. Senate and to the Speaker and Secretary of the U.S. House of Representatives and to each Member of Florida's congressional delegation.

"WILSON CONWAY,  
President of the Senate.

"Attest:

"ROBERT DAVIS,  
Secretary of the Senate."

A concurrent resolution of the Legislature of the State of Louisiana; ordered to lie on the table:

"SENATE CONCURRENT RESOLUTION 1

"Concurrent resolution to recognize and commend volunteer firemen of the State for their unselfish and dedicated devotion to the happiness and well-being of the people of Louisiana

"Whereas the volunteer firemen of this State have for generations given unselfishly of their time in the true manner of dedicated men to provide protection to the men, women and children of their respective communities and to their homes, schools and places of work and business, all of which has promoted the happiness and well-being of our people; and

"Whereas the services of such firemen have been rendered solely out of good will and with much self-sacrifice on the part of the volunteers in their voluntary exposure to the dangers of fire-fighting and in their giving of time away from regular duties and from their leisure hours, all without any compensation or remuneration of any kind, even though these dedicated men are subject to call 24 hours each day; and

"Whereas volunteer firemen have been the unselfish, civic-minded forerunners of regular paid fire departments throughout our State and Nation and for this devotion to public service have never received the formal public recognition for their contribution to the safety and well-being of our citizens and their property which they so richly deserve; and

"Whereas it is only fitting for the Legislature of Louisiana to recognize formally the valuable contributions these volunteer firemen have made for the cause of humanity: Therefore, be it

*Resolved by the Senate of the Legislature of the State of Louisiana, the House of Representatives thereof concurring*, That the legislature, for itself and on behalf of the citizens of Louisiana, hereby recognizes the invaluable services of all volunteer firemen who have served and who continue to serve the public good by protecting the lives and property of our citizens, all without pay, and hereby commend all volunteer firemen on their good will and their self-sacrifice in giving their time and efforts to the operation of volunteer fire departments throughout the State of Louisiana and for their dedication and their courage and bravery in voluntarily and unselfishly assuming the risks to life and limb for the safety and protection of their fellow citizens: Be it further

*Resolved*, That duly inscribed copies of this resolution shall be sent to the Governor of the State of Louisiana, the President of the United States, the presiding officer of each of the Houses of the U.S. Congress and to each Member of the Louisiana delegation in Congress.

"C. C. AYCOCK,  
Lieutenant Governor and President of the Senate.

"J. THOS. JEWELL,  
Speaker of the House of Representatives."

A letter from the Secretary of State of the State of New Jersey, transmitting, for the information of the Senate, a certified

copy of chapter 109, laws of 1963, State of New Jersey, which is a general revision of the military and veterans laws of that State; to the Committee on Armed Services.

HOSPITAL CARE FOR THE AGED UNDER SOCIAL SECURITY—RESOLUTION

Mr. METCALF. Mr. President, in recent weeks I have noticed another upsurge in sentiment in favor of a program of hospital care for the aged under social security. Just this week I received a copy of a resolution of the Montana State Aerie, Fraternal Order of Eagles, in support of this needed program.

I commend this resolution to the attention of my colleagues as further evidence of the broad support for a program of hospital insurance for older citizens under social security. I ask unanimous consent that the resolution be printed at this point in the RECORD.

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

"RESOLUTION 6

"Whereas the Fraternal Order of Eagles has in the past been the leader in promoting such humanitarian projects as old-age assistance, social security, workmen's compensation, jobs over 40, and other worthwhile legislation for the good of the people; and

"Whereas we appeal to go on record in favor of the medicare bill under social security: Now, therefore, be it

*Resolved*, That the Montana State Aerie, Fraternal Order of Eagles, go on record as favoring the adoption as law of the medicare bill under social security and that a copy of this resolution be forwarded to the Grand Aerie Convention and to the Senators and Representatives of the State of Montana."

CERTIFICATE

I, A. D. Tognetti, the duly elected, qualified, and acting secretary of the Montana State Aerie, Fraternal Order of Eagles, hereby certify that the foregoing resolution was duly and regularly moved, seconded, and passed by a majority vote of the Montana State Aerie convened at the annual convention at Helena, Mont., on the 19th through the 22d day of June 1963. I further certify that the foregoing is a true and correct copy of the Resolution 6 as the same was adopted as aforesaid.

Dated this 22d day of June 1963.

A. D. TOGNETTI, Secretary.

CONSERVATION OF NATION'S WILDLIFE RESOURCES IN CERTAIN AREAS—REPORT OF A COMMITTEE—ADDITIONAL COSPONSORS OF BILL

Mr. KUCHEL. Mr. President, from the Committee on Interior and Insular Affairs, I report favorably, with amendments, the bill (S. 793) to promote the conservation of the Nation's wildlife resources on the Pacific flyway in the Tule Lake, Lower Klamath, Upper Klamath, and Clear Lake National Wildlife Refuges in Oregon and California and to aid in the administration of the Klamath reclamation project, and I submit a report (No. 341) thereon.

I ask unanimous consent that when the bill is printed, as reported, additional names be listed as cosponsors of this legislation along with the distinguished junior Senator from Virginia [Mr.

ROBERTSON] and me. They are: Mr. ENGLE, Mr. JACKSON, Mr. ANDERSON, Mr. ALLOTT, Mr. BIBLE, Mr. MOSS, Mr. BURDICK, Mr. METCALF, Mr. MCGOVERN, Mr. NELSON, Mr. MECHEM, and Mr. DOMINICK.

The ACTING PRESIDENT pro tempore. The report will be received and the bill will be placed on the calendar; and, without objection, the additional cosponsors will be added to the bill, as requested by the Senator from California.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. GRUENING:

S. 1816. A bill to conserve the offshore fishery resources of the United States and its territories, and for other purposes; to the Committee on Commerce.

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

By Mr. KEATING:

S. 1817. A bill to prescribe a method by which the Houses of Congress and their committees may invoke the aid of the courts in compelling the testimony of witnesses; and

S. 1818. A bill to amend section 1621 of title 18 of the United States Code to provide for degrees of perjury, and for other purposes; to the Committee on the Judiciary.

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

By Mr. EDMONDSON:

S. 1819. A bill for the relief of Mrs. Jesse Franklin White; to the Committee on the Judiciary.

By Mr. EDMONDSON (for himself and Mr. MONRONEY):

S. 1820. A bill to authorize the Secretary of the Interior to convey certain federally owned land in trust status to the Cherokee Indian Tribe of Oklahoma; to the Committee on Interior and Insular Affairs.

By Mr. BAYH:

S. 1821. A bill for the relief of Dr. Adriano A. Agana; to the Committee on the Judiciary.

By Mr. JAVITS (for himself, Mr. KEATING, Mr. KUCHEL, Mr. ENGLE, Mr. CHURCH, Mr. HUMPHREY, and Mr. SYMINGTON):

S.J. Res. 97. Joint resolution authorizing the issuance of a gold medal to Danny Kaye; to the Committee on Banking and Currency.

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

THE 3-MILE LIMIT: AN ALBATROSS AROUND THE NECK OF U.S. FISHERMEN

Mr. GRUENING. Mr. President, the time has come for this Nation to look realistically at its questionable policy of maintaining a 3-mile territorial water, thereby permitting fishermen from other nations to deplete our fish stocks and negate our attempts at conservation and protection of this valuable resource.

Fishing vessels of other nations make themselves at home in our waters, fill their vessels with fish, and in so doing deprive U.S. fishermen of the catch.

Commercial fishing has become big business.

Some nations literally use fleets, complete with so-called mother ships which have cleaning and freezer facilities aboard. This modern method of fishing, which surpasses existing U.S. efforts, makes it mandatory for us to modernize our thinking concerning the breadth of the territorial sea. Our outmoded thinking has kept the United States in fifth place among the fishing nations of the world.

Our national policy as it concerns our commercial fishermen is quixotic. As Don Quixote tilted with windmills, we, alas, tilt with the wind. As we idealistically adhere to our antiquated and obsolete 3-mile territorial water, other nations catch our fish.

I can find no cause to grumble because Canada realistically has extended its maritime jurisdiction from the traditional 3 miles to the realistic 12 miles. Indeed, I admire and commend Canada for taking this action in behalf of its fishermen and its economy. I suggest that the United States pursue a similar course of action. I am introducing a bill today which would, under certain circumstances, extend the territorial waters of the United States to 12 miles for fishing purposes.

I suggested on April 19, 1962, when the Japanese fishing fleet had invaded Alaskan waters, that what really should be secured, besides an affirmation of U.S. fishing rights, was the extension of U.S. fishing grounds to a 12-mile limit. I said:

The 3-mile limit is an obsolete provision dating from days when 3 miles was the approximate distance a cannonball from a shore battery could hit a hostile vessel.

More recently Russian fishing fleets have been sighted, their crews busily fishing, off Kodiak, just outside the 3-mile limit.

I asked the Legislative Reference Service of the Library of Congress to explore the possibility of extending the Alaskan territorial waters for the purposes of protection of coastal fisheries earlier this month. I ask unanimous consent that a memorandum I received from the American Law Division be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Is there objection to the request by the Senator from Alaska? The Chair hears none, and it is so ordered.

(See exhibit 1.)

Mr. GRUENING. Mr. President, it is revealing that no constitutional objection exists to an extension by the United States of its 3 miles for territorial sea. Conversely, a State is not free to proclaim the breadth of its territorial sea. But there is no reason preventing the Federal Government from extending all or a portion of this Nation's territorial waters.

The fifth point raised by Mrs. Goler T. Butcher of the American Law Division is pertinent. Mrs. Butcher, in her memorandum, writes:

5. In conclusion it should be stated that this whole area of the breadth of the territorial sea and of the right of the coastal sea

to require the practice of conservation measures by other nations fishing near her coasts is at present in a state of fluidity. As recognized by the great legal scholar, Hans Kelson, the 3-mile limit, which was never adhered to by all nations, has become antiquated. Further reasons of justice and expediency would seem to give the coastal State the right to establish, in concert with other nations customarily fishing near her territory, conservation and protective measures.

In 1956 a report by the International Law Commission said that international

practice was not uniform so far as the breadth of territorial waters was concerned.

The report of the Commission added that the Commission considered "that international law does not permit an extension of the territorial sea beyond 12 miles."

Miasma which arises from the territorial sea claimed by various nations is overpowering. Consider these inconsistencies, as stated in the report:

BREADTH OF TERRITORIAL WATERS EXPRESSED IN THE SECOND COMMITTEE OF THE CONFERENCE OF APRIL 3, 1930

Brazil: Favored 6 miles.

Belgium: Favored 3 miles plus contiguous zones.

Canada: Favored a 3-mile limit.

China: Favored a 3-mile limit.

Chile: Favored 3-mile limit plus contiguous zones.

Colombia: Favored 6 miles.

Cuba: Favored 6 miles.

Denmark: Favored 3-mile limit.

Egypt: Favored 3 miles plus contiguous zones.

Finland: 4 miles and favored contiguous zones.

France: 3 miles plus contiguous zones.

Germany: 3 miles plus contiguous zones.

Great Britain: Favored 3-mile limit.

Greece: Favored 3-mile limit.

Iceland: Proposed 4 miles.

India: Favored 3-mile limit.

Iran: Favored 6 miles if a contiguous zone were added.

Ireland: Favored 3-mile limit.

Italy: Favored 6 miles if a contiguous zone were added.

Japan: Favored a 3-mile limit.

Netherlands: Favored a 3-mile limit.

Norway: Proposed 4 miles favoring the idea of contiguous zones.

Spain: Favored 6 miles if a contiguous zone were added.

Sweden: Proposed 4 miles.

Turkey: Favored 6 miles if a contiguous zone were added.

Union of South Africa: Favored 3-mile limit.

Uruguay: Favored 6 miles if a contiguous zone were added.

Yugoslavia: Favored 6 miles if a contiguous zone were added.

PRESENT TERRITORIAL LIMITS

Brazil: 3 miles for territorial sea, 12 miles for fishing.

Belgium: 3 miles.

Canada: 3 miles for territorial sea, 12 miles for fishing.

China: 3-mile limit.

Chile: 200 miles.

Colombia: 6 miles territorial sea, 12 miles fishing.

Cuba: Originally 3 miles, perhaps now the same as Russia, 12 miles.

Denmark: 12 miles.

Egypt: 12 miles.

Finland: Not over 12 miles.

France: 3 miles.

Germany: 3 miles.

Great Britain: 3 miles.

Greece: 6 miles.

Iceland: 12 miles.

India: 6 miles territorial sea, 100 miles fishing.

Iran: 12 miles.

Ireland: 3 miles.

Italy: 6 miles.

Japan: 3 miles.

Netherlands: 3 miles.

Norway: 4 miles for territorial sea, 12 miles for fishing.

Spain: 6 miles.

Sweden: 4 miles.

Turkey: 3 miles, will move to 12 miles for territorial sea.

Union of South Africa: 6 miles for territorial sea, 12 miles for fishing.

Uruguay: 6 miles for territorial sea, 10 miles for fishing.

Yugoslavia: 6 miles for territorial sea, 10 miles for fishing.

Thus, in 33 years 17 nations who participated in the 1930 conference had concluded that the 3-mile limit is outmoded, and were we to ask all nations of the world for an opinion, that number would probably be a great deal higher.

The United States of America can continue to hold to its 3-mile limit, if it wishes, but such action can be compared to "horse and buggy" thinking. The days of 1805 have passed. Three miles was the distance that a round cannon ball could be expected to hit its target.

Earlier this month I asked the Department of State for a list of countries which claim more than 3 miles of territorial sea or exclusive fishing rights. Assistant Secretary of State Frederick G. Dutton subsequently supplied such information.

In his letter of June 17, 1963, he provided a comprehensive survey of such claims made at the two United Nations Law of the Sea Conferences held at Ge-

neva, Switzerland, in 1958 and 1960, along with a synoptical table prepared at the conferences showing the breadth of the territorial sea and adjacent zones claimed by the various nation-states.

Assistant Secretary Dutton also provided a summary of unilateral claims made since the 1960 conference by 11 nations: Albania, Cameroon, China, Denmark, Malagasy Republic, Morocco, Norway, Senegal, Sudan, Tunisia, and Uruguay.

Further, he notes that eight nations are considering legislation to extend their territorial seas. Of importance is the fact that, says the Assistant Secretary:

The United Kingdom has renounced certain fisheries treaties apparently as a first move toward abandoning the 3-mile limit for fisheries.

I asked the Embassy of Great Britain for additional information and learned

the Department of State's reference was to the announcement in the House of Commons about 1 month ago that Great Britain intended to denounce the North Sea Fisheries Convention signed in 1882 and had given 1 year's notice of the intended action.

Further, I found that Great Britain had called for a fall 1963 conference of the nations involved. British fishermen, it appears, have suffered from being excluded from their traditional fishing grounds as well as finding their own waters well fished by others.

Mr. President, I ask unanimous consent that Assistant Secretary Dutton's letter and one enclosure be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Alaska? The Chair hears none, and it is so ordered.

(See exhibit 2.)

Mr. GRUENING. Mr. President, it should be recalled that the 1958 Geneva Law of the Sea Conference found the Soviet bloc and the Arab bloc insisting on 12 miles as the limit of territorial waters. The United States and United Kingdom led the group advocating the 3-mile limit, although evidencing some willingness to compromise.

Canada then supported the 3-mile limit and an additional 9 miles for exclusive fishing by the coastal state—a position we find that is taken by Canadian law.

When the United States proposed a compromise 6-mile limit for territorial waters, with an additional 6-mile contiguous zone in which the coast state would have exclusive fishing rights, subject only to "historic rights" for states whose nationals had fished in the area for the 5 years previous, the vote was close although it failed to garner the two-thirds required for adoption as a conference recommendation.

We are in fifth place among the fishing nations of the world. Ahead of us are Japan, Peru, Communist China, and the Soviet Union. According to a report prepared by the Department of the Interior's Bureau of Commercial Fisheries, the United States is the largest importer of fishery products. Last year we caught 7 percent of the world's catch and the same year we consumed 12 percent of the world's catch. Among our fish imports were shrimp, sea scallops, spiny lobster, frozen tuna, oysters, and ground fish fillets and blocks. Our imports were the highest in our history. It is reasonable to suggest that at least a larger portion of our imports comes from our own coastal waters, outside the 3-mile limit.

Our fishermen fish with old gear and still do a remarkably good job. Our fishermen continue the hook-and-line methods while fishermen of other nations use large-scale techniques, including trawling.

It is a wonder that our fishermen managed to stay in fifth place.

Even as they strive to keep alive, the Federal Government expends vast sums to restore and rehabilitate the fishing resources of foreign countries. In the past 8 fiscal years, the Federal Govern-

ment has spent \$14,587,064 in 18 foreign countries. Those countries are China—Taiwan—Indonesia, Philippines, Thailand, Vietnam, Ethiopia, India, Liberia, Pakistan, Turkey, Peru, Korea, Laos, Iceland, Yugoslavia, El Salvador, Cambodia, and British Guinea. Peru, recall, is second only to Japan as the leading fishing nation.

Personally, I consider the paradox and performance of our aiding foreign countries to rehabilitate and develop their fishing resources while we neglect our own fisheries and fishermen to be shocking and disgraceful.

The extent of territorial waters has long presented problems.

Mr. Joseph Walter Bingham, professor of law, Stanford University, discussed the complicating aspects at length in his comprehensive, readable treatise "Report on the International Law of Pacific Coastal Fisheries." In his introduction, written November 1, 1938, Professor Bingham says:

I believe that it is of the utmost importance to the future peace and security of the United States that a definite and consistent policy be adopted at once in protection of interests off our Pacific coast that we would not surrender except under compulsion. Especially we should assert at once and unmistakably our intention to protect our coast fisheries against damaging invasion and, in proper cases, against foreign use, and to extend this protection as far from our coast as efficiency demands.

We may well ask at this point, "What is the limit demanded by efficiency?"

Professor Bingham wrote of the great importance to our economy of the Alaskan salmon fisheries—"and the need of wide control over Alaskan waters to our future defense and safety"—points he said Japan and Canada and all the States recognize more clearly than did the general American public.

Dr. Bingham continued:

There is no phase of the history of international affairs which evidences more strikingly the part which selfish national interests play in the development of the doctrines of international law than the history of fishery claims and their effects on legal opinions concerning the law of jurisdiction over sea areas.

As far back as 1937, the Department of State, in a note to Japan, stated:

The emphasis which has been placed in this statement upon the situation in Bristol Bay arises from the fact that the activities of Japanese fishing vessels have been chiefly observed there; it should not be inferred for this reason that a similar situation in other Alaskan waters would be of less concern to American fishing interests.

Having in mind the high importance of the Alaska salmon fisheries as an industry fostered and perpetuated through the efforts and economic sacrifices of the American people, the American Government believes that the safeguarding of these resources involves important principles of equity and justice.

It must be taken as a sound principle of justice that an industry such as described which has been built up by the nationals of one country cannot in fairness be left to be destroyed by the nationals of other countries.

The American Government believes that the right of obligation to protect the Alaska salmon fisheries is not only overwhelmingly sustained by conditions of their development and perpetuation, but that it is a mat-

ter which must be regarded as important in the comity of the nations concerned.

In commenting on the text of the note, Professor Bingham says:

As long as American right to control our Pacific salmon fisheries is not established, there is therefore a constant threat to our peace and the circumstances of some future fishing invasion by foreign vessels may be such as to carry the controversy beyond diplomatic control.

The United States purports to hold to the 3-mile rule yet finds reasons to make exceptions. Important exceptions seem to be in connection with smuggling.

In the United States often individual States have claimed territorial waters in excess of 3 miles.

Of the 20 Coastal States in 1942, only 3—Oregon, California, and Washington—had specific territorial waters designations, being in each instance either 3 English miles or 1 marine league in breadth. Georgia, Massachusetts, New Jersey, and Rhode Island expressly adopted the 3-mile rule. Alabama, 18 miles; Florida, 9 miles; and Louisiana, 27 miles. Texas historically claimed 3 leagues—9 miles—from land along the Gulf of Mexico. Mississippi claimed 6 leagues—18 miles—and all islands within 6 leagues of the shore. These State rules, notwithstanding their questionable validity in this area of national control, do indicate that the 3-mile rule had been neither mandatory nor uniform in the United States.

While the claims of the States to territorial waters were questionable, the issue had never been specifically adjudicated. State jurisdiction was unclear until the decision in the Tidelands Oil case—*United States v. California*, 332 U.S. 19, 1947. At that time the U.S. Supreme Court ruled that the submerged oil lands were property of the National Government rather than the individual States and that it is the National Government which has the ownership and control over the territorial sea.

Thus the limit is unclear. Indeed, as Professor Reisenfeld wrote:

The problem of jurisdiction at the maritime frontier is a very complex one under American law. No uniform formula has been devised and the law is far from being well settled.

Therefore, Mr. President, I am introducing a bill which will correct the existing situation by extending the territorial waters of the United States for fishing purposes to 12 miles. I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks and that it remain on the table until July 9, 1963.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD at the conclusion of the Senator's remarks and will lie on the table until July 9, 1963, as requested.

(See exhibit 3.)

The bill (S. 1816) to conserve the offshore fishery resources of the United States and its territories, and for other purposes, introduced by Mr. GRUENING, was received, read twice by its title, and referred to the Committee on Commerce.

Mr. GRUENING. Mr. President, in 1945, President Harry S. Truman issued Proclamation No. 2668 in which he outlined the policy of the United States with respect to coastal fisheries in certain areas of the high seas. On September 28, 1945, President Truman spoke of "an urgent need to protect coastal fishery resources from destructive exploitation, having due regard to conditions peculiar to each region and situation and to the special rights and equities of the coastal States and of any other State which may have established a legitimate interest therein."

He said that it would be the policy of the United States of America "to establish conservation zones in those areas of the high seas contiguous to the coasts of the United States wherein fishing activities have been or in the future may be developed and maintained on a substantial scale."

On the same day the President issued Executive Order No. 9633 which reserved and placed certain resources of the Continental Shelf under the control and jurisdiction of the Secretary of the Interior.

And on the same day, President Truman issued Executive Order No. 9634 in which he reinforced his Proclamation No. 2668 by ordering the Secretary of State and the Secretary of the Interior to jointly recommend from time to time the establishment by Executive orders of fishery conservation zones in areas of the high seas contiguous to the coasts of the United States, pursuant to the policies in the proclamation.

Mr. President, this action by President Truman was direct and clear-cut. I would hope that we can learn from the past, and I ask unanimous consent that the full texts of Proclamation No. 2668 and Executive Orders Nos. 9633 and 9634 be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Alaska? The Chair hears none, and it is so ordered.

(See exhibit 4.)

Mr. GRUENING. Mr. President, slightly more than 1 year ago our former colleague, Senator Ben Smith, of Massachusetts, made a speech which was outstanding in content. Senator Smith, presented a realistic program for our fisheries. He outlined the problems facing our fisheries, and he noted that fishing is our oldest commercial industry.

He reminded us that fisheries employ, directly and indirectly, 540,000 American workers. As fisheries are a major industry in Massachusetts so are they in Alaska, many thousands of miles from the Eastern seaboard. As the fisheries of Massachusetts are encroached upon by foreign vessels, so are the fisheries of Alaska and of the other coastal states threatened.

Senator Smith, now Ambassador Smith, and this Nation's fishery expert at the Ambassadorial level, bluntly described the ills which plague the industry in his May 24, 1962, speech. And he observed that the United States has a remarkable knack for building up the fisheries in foreign nations while it fails to come to the aid of its own.

I agree with Ambassador Smith and point out that the United States cannot delay any longer taking vitally needed action to protect our valuable fishing resources from continued depletion by foreign fishing vessels. The time for action has come.

Finally, Mr. President, on June 4 Prime Minister Pearson, of Canada, proclaimed Canada's extension of its exclusive fishing rights to 12 miles. His statement, released by the Canadian Embassy here, gives cogently the reasons for his action on behalf of the Dominion of Canada. The arguments he adduces apply with equal force to our own problems. I ask unanimous consent that the text of his statement be printed at this point in my remarks.

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

#### LAW OF THE SEA

The law of the sea, a subject of considerable importance in international affairs, is of particular significance for Canada, the seventh largest fishing nation in the world and the fourth largest trading nation, possessing the world's longest coastline. Traditionally the breadth of the territorial sea has 3 nautical miles, but the Canadian view has long been that a breadth of 3 miles is not adequate for all purposes. It was on December 7, 1956, that a Canadian representative put forth, at a meeting of the sixth committee of the United Nations, the proposal which later came to be known at Geneva as the Canadian proposal, of a contiguous fishing zone beyond the 3-mile territorial sea which would extend to a limit of 12 miles.

In the light of the failure of efforts to bring about an agreement on the breadth of the territorial sea and the contiguous fishing zone, the Government has decided, after careful deliberation, that the time has come to take firm and national action to protect Canada's fishing industry. It is well known that foreign fishing operations off Canada's east coast, which have increased enormously over the past 5 years, are apt not only to deplete our offshore fisheries resources but are posing other problems. There are indications also that Canada's west coast fisheries may soon be threatened. In similar circumstances an increasing number of countries have felt themselves compelled to abandon the 3-mile fishing limit. All told, more than 40 countries have already extended their territorial limits and more than 50 countries their fisheries limits beyond 3 miles.

With these considerations in mind, the Canadian Government has decided to establish a 12-mile exclusive fisheries zone along the whole of Canada's coastline as of mid-May 1964 and to implement the straight baseline system at the same time as the basis from which Canada's territorial sea and exclusive fisheries zone shall be measured.

The Government recognizes that such action will necessarily have implications for other countries, particularly the United States of America and France, both of whom have treaty fishing rights in some of the areas affected and claims to historic fishing rights in other areas in question. In the case of Canada and the United States of America in particular, there is a long tradition of friendly and fruitful cooperation on fisheries problems and any action by Canada on these matters will, as in the past, take full account of U.S. interests, as well as of those other countries affected.

It may be recalled that in my discussions with President Kennedy at Hyannisport I informed him that the Canadian Government would shortly be taking decisions to establish a 12-mile fishing zone. The President reserved the longstanding American

position in support of the 3-mile limit. He also called attention to the historic and treaty fishing rights of the United States of America and I assured him that these rights would be taken into account. Discussions will be held with the United States of America with a view to determining the nature and extent of the U.S. rights and interests which may be affected by the action Canada is taking. Discussions will also be opened as soon as possible with other countries affected, and it is our hope and belief that we will be able to reach agreement with such countries on mutually satisfactory arrangements.

#### EXHIBIT 1

THE LIBRARY OF CONGRESS,  
LEGISLATIVE REFERENCE SERVICE,  
Washington, D.C., June 10, 1963.

To: Hon. ERNEST GRUENING.  
(Attention Miss Laura Olson.)

From: American Law Division.

Subject: Extension of Alaskan territorial waters for purposes of protection of coastal fishery.

1. Adequate discussion on the applicable principles of international law in this area is contained in the secondary material which has been forwarded. In particular, the monographs by Riesenfeld and Bingham are devoted to questions as to the protection of coastal fisheries. The verifaxed pages from Bishop's "Casebook on International Law," pages 487-498, "Jurisdiction Over Vessels," concern the recent unsuccessful attempts in the Conference on the International Law of the Sea to reach uniform theory and consistent practice on this. (See also CONGRESSIONAL RECORD, vol. 99, pt. 2, p. 2493, "The Exercise of Jurisdiction for Special Purposes in High Seas Area Beyond the Outer Limit of Territorial Waters," a paper by William M. Bishop.) The copy of a memorandum previously prepared in this division, "Foreign Reaction to the Assertion by the United States of Jurisdiction Over the Continental Shelf" (Butcher, 1963), deals with problems on the Continental Shelf. It should be noted that some of the Latin American States have claimed excessively wide territorial waters of a 200-mile breadth.

2. Are there constitutional objections to the recognition by the United States of a limit exceeding 3 miles for the territorial sea?

No, the United States is free to determine the breadth of its territorial sea as it may see fit. There are no constitutional problems involved.

3. What are the rights of a State in this matter?

The National Government has ownership, control and paramount rights in the marginal or territorial sea, that is, the coastal belt. The Supreme Court held in *United States v. California*, 332 U.S. 19 (1947), that the rights running to the States are "in the inland waters to the shoreward of the low water mark" and Federal rights and sovereignty exist in waters seaward of the low water mark on out to the limit of the territorial sea, whatever that happens to be, 3 miles or further.

By reason of the allocation to the National Government under our Federal system of all matters involving relations with foreign nations, all issues respecting international law are properly within the province of the Federal Government alone. Thus a State is not free to proclaim, in accordance with its own determination of its needs, the breadth of its territorial sea.

4. Notwithstanding the general rule that straits more than 6 miles in width are not subject to the jurisdiction of the coastal State, a valid claim to exercise exclusive jurisdiction over a strait may be founded upon a historical practice, whereunder the coastal State has acquired by prescription a right to include the waters of the strait within her territorial jurisdiction. Also germane here

is the fact that the proprietorship of the lands on both sides of the strait is by the same State. These considerations are relevant to the issue of the nature of the waters of Shelkof Strait separating Kodiak Island and the Alaskan peninsula.

5. In conclusion it should be stated that this whole area of the breadth of the territorial sea and of the right of the coastal sea to require the practice of conservation measures by other nations fishing near her coasts is at present in a state of fluidity. As recognized by the great legal scholar, Hans Kelsen, the 3-mile limit, which was never adhered to by all nations, has become antiquated. Further, reasons of justice and expediency would seem to give the coastal State the right to establish in concert with other nations customarily fishing near her territory conservation and protective measures.

GOLER T. BUTCHER,  
*Legislative Attorney.*

#### EXHIBIT 2

DEPARTMENT OF STATE,  
Washington, D.C., June 17, 1963.

HON. ERNEST GRUENING,  
U.S. Senate.

DEAR SENATOR GRUENING: A representative of your office recently requested a list of countries which claim more than 3 miles of territorial sea or exclusive fishing rights. A comprehensive survey of such claims was made in connection with the two United Nations Law of the Sea Conferences held at Geneva 1958 and 1960, and a synoptical table was prepared by these conferences showing the breadth of the territorial sea and adjacent zones claimed by the various states. A reproduction of the table is enclosed for your information.

Since that time several countries have made claims to an extended territorial sea or exclusive fishing zone. A summary of such claims since the 1960 Law of the Sea Conference, based on information reaching the Department, is also enclosed. In addition to the countries which have asserted claims, a number have indicated that they intend to do so. Legislation has been introduced (1) in Colombia to extend the territorial sea from 6 to 12 miles; (2) in Ghana to establish a 12-mile territorial sea, with an undefined protective area seaward of this, and up to 100 miles of fishing conservation zone; (3) in South Africa, Costa Rica, and Turkey to extend the territorial sea to 6 miles with a 6-mile contiguous fishing zone; and (4) in the Ivory Coast to extend the territorial sea to 12 miles. Moreover, Canada recently announced a decision to establish a 12-mile fishing zone, and the United Kingdom has renounced certain fisheries treaties apparently as a first move toward abandoning the 3-mile limit for fisheries.

I hope this information will be helpful to you.

Sincerely yours,  
FREDERICK G. DUTTON,  
*Assistant Secretary.*

#### SUMMARY OF UNILATERAL CLAIMS TO EXTENDED TERRITORIAL SEAS OR EXCLUSIVE FISHING ZONES, SINCE THE 1960 UNITED NATIONS CONFERENCE ON LAW OF THE SEA

Albania: March 1, 1960, restricted innocent passage in a 10-mile territorial sea. Fishing jurisdiction claimed to 12 miles.

Cameroun: June 23, 1962, claimed a 6-mile territorial sea.

China: While the Republic of China recognizes the 3-nautical-mile territorial sea, Communist China claims a 12-mile territorial sea.

Denmark: June 1, 1963, extended the fisheries limits for Greenland to 12 miles. A similar limit for the Faroes Islands will take effect March 12, 1964. Certain countries are exempted from the Greenland limits until May 31, 1973.

Malagasy Republic: February 27, 1963, claimed a 12-mile territorial sea.

Morocco: Extended fishing jurisdiction to 12 miles, except for the Strait of Gibraltar, for which such jurisdiction was extended to 6 miles.

Norway: Extended fisheries jurisdiction to 6 miles on April 1, 1961, and to 12 miles on September 1, 1961.

Senegal: June 21, 1961, claimed a 6-mile territorial sea, plus a 6-mile contiguous zone.

Sudan: August 2, 1960, extended the territorial sea to 12 miles.

Tunisia: July 26, 1962, extended the territorial sea to 6 miles with an additional 6 miles of fisheries jurisdiction for a portion of its coast from the Algerian border to Ras Kapoudia, and extended the territorial sea from there to the Libyan border to the 50-meter isobath line.

Uruguay: February 21, 1963, claimed a 6-mile territorial sea plus a 6-mile contiguous zone for fishing and other purposes.

#### EXHIBIT 3

S. 1816

A bill to conserve the offshore fishery resources of the United States and its Territories, and for other purposes

Whereas for some years the Congress of the United States has viewed with great concern the inadequacy of present arrangements for the protection, conservation and rehabilitation of the fishery resources contiguous to the coasts of the United States of America and, in view of the potentially disturbing effect of this situation, has carefully studied the possibility of improving the jurisdictional basis for conservation and rehabilitation measures in this field; and,

Whereas such fishery resources have a special importance to coastal communities as a source of livelihood and to the Nation as an important food and industrial resource; and,

Whereas the progressive development of new methods and techniques contributes to intensified fishing over wide sea areas and, in certain cases, seriously threatens fisheries with depletion; and,

Whereas there is urgent need to protect coastal fishery resources from destructive exploitation, having due regard to conditions peculiar to each region and situation and to the special rights and equities of the Coastal States: Now, therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever the Governor of any State or Territory alleges by a petition to the President of the United States that fishing by nationals of other nations in some or all of the coastal waters lying within twelve miles off the shores of such State or Territory is of such intensity or magnitude that the fishery resources in such waters are in danger of depletion, the President shall appoint a Fact Finding Board (hereinafter called "The Board") consisting of three persons, one of whom shall be a resident of such State or Territory.

SEC. 2. The Board shall, within ninety days, investigate the allegations made by the Governor and report its findings of fact and recommendations for action to the President.

SEC. 3. The President, on the basis of such report and recommendations and such other information as may be brought to his attention, may by Presidential proclamation, if he finds that the allegations are sustained by the facts:

(a) Prohibit fishing in some or all of the coastal waters lying up to twelve miles off the coast of such State by any person not a national of the United States of America; or

(b) Establish conservation zones in the coastal waters lying up to twelve miles off the coast of such State or Territory, limit the amount and type of fishing which may be conducted in such conservation zones, and

set forth when and by whom fishing may be conducted in such conservation zones.

SEC. 4. Members of the Board shall be appointed without regard to the civil service and classification laws and shall receive compensation at the rate of \$75 per day when engaged in carrying out their duties and shall, in addition, receive reimbursement for actual expenses incurred in the performance of such duties.

#### EXHIBIT 4

PROCLAMATION 2668—POLICY OF THE UNITED STATES WITH RESPECT TO COASTAL FISHERIES IN CERTAIN AREAS OF THE HIGH SEAS,<sup>1</sup> BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

Whereas for some years the Government of the United States of America has viewed with concern the inadequacy of present arrangements for the protection and perpetuation of the fishery resources contiguous to its coasts, and in view of the potentially disturbing effect of this situation, has carefully studied the possibility of improving the jurisdictional basis for conservation measures and international cooperation in this field; and

Whereas such fishery resources have a special importance to coastal communities as a source of livelihood and to the Nation as a food and industrial resource; and

Whereas the progressive development of new methods and techniques contributes to intensified fishing over wide sea areas and in certain cases seriously threatens fisheries with depletion; and

Whereas there is an urgent need to protect coastal fishery resources from destructive exploitation, having due regard to conditions peculiar to each region and situation and to the special rights and equities of the coastal State and of any other State which may have established a legitimate interest therein:

Now, therefore, I Harry S Truman, President of the United States of America, do hereby proclaim the following policy of the United States of America with respect to coastal fisheries in certain areas of the high seas:

In view of the pressing need for conservation and protection of fishery resources, the Government of the United States regards it as proper to establish conservation zones in those areas of the high seas contiguous to the coasts of the United States wherein fishing activities have been or in the future may be developed and maintained on a substantial scale. Where such activities have been or shall hereafter be developed and maintained by its nationals alone, the United States regards it as proper to establish explicitly bounded conservation zones in which fishing activities shall be subject to the regulation and control of the United States. Where such activities have been or shall hereafter be legitimately developed and maintained jointly by nationals of the United States and nationals of other states, explicitly bounded conservation zones may be established under agreements between the United States and such other states; and all fishing activities in such zones shall be subject to regulation and control as provided in such agreements. The right of any state to establish conservation zones off its shores in accordance with the above principles is conceded, provided that corresponding recognition is given to any fishing interests of nationals of the United States which may exist in such areas. The character as high seas of the areas in which such conservation zones are established and the right of their free and unimpeded navigation are in no way thus affected.

In witness whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

<sup>1</sup> See Executive Order No. 9634.

Done at the city of Washington this 28th day of September, in the year of our Lord nineteen hundred and forty-five, and of the Independence of the United States of America the one hundred and seventieth.

HARRY S. TRUMAN.

By the President:

DEAN ACHESON,  
Acting Secretary of State.

[F.R. Doc. 45-18175; Filed, Oct. 1, 1945; 11:11 a.m.]

**EXECUTIVE ORDER 9633—RESERVING AND PLACING CERTAIN RESOURCES OF THE CONTINENTAL SHELF UNDER THE CONTROL AND JURISDICTION OF THE SECRETARY OF THE INTERIOR**

By virtue of and pursuant to the authority vested in me as President of the United States, it is ordered that the natural resources of the subsoil and seabed of the Continental Shelf beneath the high seas but contiguous to the coasts of the United States declared this day by proclamation<sup>1</sup> to appertain to the United States and to be subject to its jurisdiction and control, be and they are hereby reserved, set aside, and placed under the jurisdiction and control of the Secretary of the Interior for administrative purposes, pending the enactment of legislation in regard thereto. Neither this order nor the aforesaid proclamation shall be deemed to affect the determination by legislation or judicial decree of any issues between the United States and the several States, relating to the ownership or control of the subsoil and seabed of the Continental Shelf within or outside of the 3-mile limit.

HARRY S. TRUMAN.

THE WHITE HOUSE, September 28, 1945.

[F.R. Doc. 45-18132; Filed, Sept. 28, 1945; 2:25 p.m.]

**EXECUTIVE ORDER 9634—PROVIDING FOR THE ESTABLISHMENT OF FISHERY CONSERVATION ZONES**

By virtue of and pursuant to the authority vested in me as President of the United States, it is hereby ordered that the Secretary of State and the Secretary of the Interior shall from time to time jointly recommend the establishment by Executive orders of fishery conservation zones in areas of the high seas contiguous to the coasts of the United States, pursuant to the proclamation entitled "Policy of the United States With Respect to Coastal Fisheries in Certain Areas of the High Seas,"<sup>2</sup> this day signed by me, and said Secretaries shall in each case recommend provisions to be incorporated in such orders relating to the administration, regulation, and control of the fishery resources of and fishing activities in such zones, pursuant to authority of law heretofore or hereafter provided.

HARRY S. TRUMAN.

THE WHITE HOUSE, September 28, 1945.

[F.R. Doc. 45-18133; Filed, Sept. 28, 1945; 2:25 p.m.]

**REFORM OF CONGRESSIONAL INVESTIGATORY PROCEDURES**

Mr. KEATING. Mr. President, I send to the desk two bills and ask that they be printed in the RECORD following my remarks, and appropriately referred.

The ACTING PRESIDENT pro tempore. The bills will be received and appropriately referred; and, without objection, will be printed in the RECORD as requested.

(See exhibit 1.)

The bills, introduced by Mr. KEATING, were received, read twice by their titles, and referred to the Committee on the Judiciary.

Mr. KEATING. Mr. President, the Supreme Court's recent decision overturning the contempt of Congress conviction of Edward Yellin again emphasizes the necessity for action on proposals to reform congressional investigations.

In my judgment, the following steps are required to satisfy elemental concepts of fairness in committee investigations:

First. Adoption of legislation providing for civil contempt procedures. The criminal statute now applicable to such cases has proved unworkable, inappropriate and self-defeating. It does not give either fair protection to the rights of witnesses or assist the committees in obtaining legitimate information. Congress should provide the same procedures for judicial review in its own investigations as it has provided for a host of administrative agencies in similar situations.

The proposal which I am embodying in one of these measures would authorize immediate resort to the courts for aid in requiring the attendance and testimony of a reluctant witness. Under the provisions of the bill, when a witness refuses to testify before a congressional committee, or refuses to answer a specific question, he could be required to appear that very same day in the district court in whose jurisdiction the investigation is being conducted. Upon his appearance before the court, the witness would be subject to judicial jurisdiction, and a further refusal to testify in accordance with the order of the court would be punishable as a contempt of court. This procedure should bring home to a witness that he could immediately be punished for contempt if he decides, without justification, not to testify before a committee of Congress. At the same time, if the witness is justified in refusing to testify, his vindication will be prompt and he will be spared the opprobrium of a criminal prosecution.

The present system of citing a witness for criminal contempt, getting the committee to vote on it, and a House of the Congress to vote on it, and then submitting it to a U.S. attorney for prosecution, and then convincing a grand jury to present an indictment, and later to be tried, means that it may be done a year or a year and a half later. If he is convicted, he may be fined, or he may even be imprisoned, but that is not what the committee should be trying to do or is trying to do. Oftentimes the purpose of the inquiry is entirely ended by the time that point is reached. This bill would cut that procedure short. I urge that it receive consideration.

Second. Adoption of a code of fair procedure by committees conducting investigatory hearings. I have proposed such a code for the Internal Security Subcommittee—of which I am a member—and have strongly supported, with some suggested amendments, a similar code initially proposed by the chairman

of the Subcommittee on Constitutional Rights, Senator ERVIN. I am convinced that fair procedures would enhance the work of every investigatory committee and answer much of the criticism to which they are now subject. Conclusions reached after a fair hearing will always enjoy more respect than those tainted by suspicions of arbitrariness.

Third. Adoption of an amendment to the perjury statute which would distinguish between false testimony on a material issue and false testimony generally.

That is what is embodied in the other bill which I have sent to the desk.

Under the present law, every indictment and conviction for perjury must satisfy extremely technical requirements of materiality, and as a result, acquittals have resulted in cases in which there was no doubt of the witnesses' false testimony. We are all familiar with cases of "turnabout" witnesses who offer completely contradictory testimony under oath and yet avoid any offense under the present statute. This discredits the oath and demeans our concepts of justice. Under my proposal, any false testimony under oath before a duly constituted committee of Congress would be unlawful.

This distinction would be drawn between the testimony on a material issue and false testimony generally, the first of which, of course, would be a much more serious offense.

The Supreme Court was closely divided in the Yellin case, as it has been in other contempt of Congress cases, on the extent to which the courts could review proceedings before congressional committees. But a majority of the Court has made it evident in case after case that it is prepared to engage in a searching examination of procedural regularity in every criminal prosecution for contempt of Congress.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. KEATING. I ask unanimous consent to proceed for 1 additional minute.

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

Mr. KEATING. Mr. President, it is obvious that the longer Congress delays in meeting its own responsibilities for providing fair procedures, the more judicial intervention it invites into the operations of the legislative branch. Those who are truly concerned with the independence of Congress, therefore, should be strong allies in this effort to place our investigatory activities on an unassailable basis.

That is the reason for introducing the bills. I intend to pursue diligently the adoption of Codes of Fair Procedure by every investigatory committee on which I serve.

EXHIBIT 1  
S. 1817

A bill to prescribe a method by which the Houses of Congress and their committees may invoke the aid of the courts in compelling the testimony of witnesses

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)

<sup>1</sup> See Proclamation 2667, supra.

<sup>2</sup> See Proclamation 2668, supra.

either House, any committee or subcommittee of either House, and any joint committee of the two Houses of Congress may, by an affirmative vote of a majority of its actual membership, invoke the aid of the United States district courts in requiring the attendance and testimony of witnesses and the production of evidence, in furtherance of any inquiry such House, committee, subcommittee, or joint committee is authorized to undertake.

(b) The United States district court for the district within which the inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any person by either House, any committee or subcommittee of either House, or any joint committee of the two Houses of Congress, issue an order requiring such person to appear (and to produce evidence if so ordered) and give evidence relating to the matter in question before such House, committee, subcommittee, or joint committee, as the case may be; and any failure to obey such order of the court may be punished by the court as a contempt thereof.

(c) Attorneys of the Department of Justice upon the approval and subject to the direction and control of the Attorney General, shall furnish legal assistance in invoking the aid of the United States district courts under subsection (a) to either House, or any committee, subcommittee, or joint committee which requests it.

(d) Nothing contained herein shall be construed to deny, impair or otherwise affect any existing law, procedure, or authority relating to the attendance and testimony of witnesses and the production of evidence before any committee or subcommittee of either House.

#### S. 1818

A bill to amend section 1621 of title 18 of the United States Code to provide for degrees of perjury, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 1621 of title 18 of the United States Code is amended to read as follows:

"(a) Whoever, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury in the first degree, and shall, except as otherwise expressly provided by law, be fined not more than \$2,000 or imprisoned not more than five years, or both.

"(b) Whoever, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any matter which he does not believe to be true, is guilty of perjury in the second degree, and shall be fined not more than \$500 or imprisoned not more than one year, or both."

#### GOLD MEDAL FOR DANNY KAYE

Mr. JAVITS. Mr. President, on behalf of myself, my colleague [Mr. KEATING], the senior Senator from California [Mr. KUCHEL], our distinguished minority whip, the junior Senator from California [Mr. ENGLE], the Senator from Idaho [Mr. CHURCH], the Senator from Missouri [Mr. SYMINGTON], and the Senator

from Minnesota [Mr. HUMPHREY], I introduce, for appropriate reference, a joint resolution authorizing the issuance of a gold medal to one of America's best known and best loved entertainers—Danny Kaye.

Danny Kaye is much, much more than a talented comedian, able to make us laugh and forget our troubles. This man is a humanitarian in the fullest sense because he has devoted so much of himself and his time to helping others in the world who so desperately need help.

He has immeasurably aided the United Nations Children's Fund—UNICEF—by being an ambassador at large, traveling countless thousands of miles in most of the countries of the world to bring laughter to the children of the world.

This man has proved in his own way that language differences are certainly no barrier to human understanding. He has been seen by more than 145 million viewers in 28 languages in reporting on film and television on conditions of children aided by UNICEF.

He also has actively entertained U.S. servicemen, in war and in peacetime, throughout the world. These are gifts of value beyond estimate and it is for reasons such as these that I am proposing that this country honor Danny Kaye with a gold medal, letting him know that his country is justly proud and thankful.

I point out, Mr. President, that it is expected that the entire question of the issuance of medals will be considered by the Banking and Currency Committee, of which I am a member, and also by the Congress. Therefore this joint resolution is introduced, so that this very highly deserved award may be given proper consideration.

The ACTING PRESIDENT pro tempore. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 97) authorizing the issuance of a gold medal to Danny Kaye, introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Banking and Currency.

#### RE-REFERRAL OF S. 1807 TO COMMITTEE ON FINANCE

Mr. GRUENING. Mr. President, yesterday, on my own behalf and that of Senators BARTLETT, ENGLE, McGOVERN, and SIMPSON, I introduced a bill which would accord expenditures for the exploration for and discovery of new mineral deposits, the same tax treatment that is accorded research expenditures in other industrial enterprises. This measure was assigned the number S. 1807.

This bill is frankly an amendment to the Internal Revenue Code. In my introductory statement I gave clear recognition to that fact, and stated that the measure was one within the jurisdiction of the Committee on Finance.

However, the basic purpose of the bill is solely to promote mineral development, and mines and mining generally. The Legislature Reorganization Act of 1946 places responsibility for legislation respecting mining interests generally as

well as responsibility for the development of the mineral resources of the public domain in the Committee on Interior and Insular Affairs.

Since, as I say, the basic purpose of S. 1807 is the promotion of mining interests generally, I thought that the committee with the responsibility for "mining interests generally" should be permitted to have a look at the measure also.

Therefore I asked, and received, unanimous consent that the bill be referred first to the Interior and Insular Affairs Committee and then to the Finance Committee for consideration by both of these units of the Senate, each of which has its own expertise in mining matters and in tax matters, respectively.

However, I have had a letter from the distinguished chairman of the Finance Committee, the Senator from Virginia [Mr. PYRD], in which he points out that a bill based on the President's tax reform proposals will shortly be out of the other body and before the Finance Committee. The able Senator from Virginia points out that the provisions of S. 1807 should be considered as an amendment to this tax bill.

In these circumstances, and with the assurance of prompt and, I hope, favorable consideration for our mining industry provision, I ask, Mr. President, unanimous consent that the Senate reconsider its action of yesterday in referring the bill S. 1807 first to the Committee on Interior and Insular Affairs and that the measure go directly to the Committee on Finance.

The ACTING PRESIDENT pro tempore. Is there objection to the request by the Senator from Alaska? The Chair hears none; and, without objection, the bill will be referred to the Committee on Finance.

#### PROPOSED AMENDMENT TO CONSTITUTION RELATING TO CASES WHERE THE PRESIDENT IS UNABLE TO DISCHARGE HIS DUTIES—ADDITIONAL COSPONSOR OF JOINT RESOLUTION

Mr. KEFAUVER. Mr. President, I ask unanimous consent that the name of the senior Senator from Connecticut [Mr. DODD] be added as a cosponsor of Senate Joint Resolution 35, proposing an amendment to the Constitution of the United States relating to cases where the President is unable to discharge the powers and duties of his office.

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

#### AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961—ADDITIONAL COSPONSORS OF AMENDMENTS

Under authority of the order of the Senate of June 20, 1963, the names of Mr. DOUGLAS, Mr. CASE, Mr. DODD, Mr. DOMINICK, Mr. HARTKE, Mr. KUCHEL, Mr. MORSE, Mr. PROXMIER, Mr. SALTONSTALL, Mr. SCOTT, and Mr. SIMPSON were added as additional cosponsors of the amendments submitted by Mr. KEATING on June 20, 1963, intended to be proposed by them, jointly, to the bill (S. 1276) to

amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

#### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, June 28, 1963, he presented to the President of the United States the enrolled bill (S. 1359) to provide for an additional Assistant Secretary in the Treasury Department.

#### 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. MONRONEY:

Address by Postmaster General J. Edward Day delivered at 25th anniversary luncheon, Civil Aeronautics Board, Washington, D.C., June 26, 1963.

#### THE PRESIDENT'S PROPOSAL FOR FEDERAL COERCIVE LEGISLATION IN RESPECT TO SO-CALLED PUBLIC ACCOMMODATIONS

Mr. ERVIN. Mr. President, the Charlotte Observer, of Charlotte, N.C., for June 20, 1963, carried an editorial entitled "Congress Can't Correct One Wrong With Another," which asserts that President Kennedy's appeal for sweeping civil rights legislation constitutes a disturbing study in contradiction. Since this editorial contains some trenchant observations upon the pending civil rights proposals, I ask unanimous consent that it be printed at this point in the body of the RECORD.

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

#### CONGRESS CAN'T CORRECT ONE WRONG WITH ANOTHER

President Kennedy's appeal for sweeping civil rights legislation was a disturbing study in contradiction.

He told the American people that their response to his previous appeal had been reassuring.

"Private progress—by merchants and unions and local organizations—has been marked, if not uniform, in many areas," he declared. "Many doors long closed to Negroes, North and South, have been opened. Local biracial committees, under private and public sponsorship, have mushroomed. The mayors of our major cities \* \* \* have pledged renewed action."

The most casual student of human relations should be able to predict the words that would follow such a statement.

More of the same? Another appeal to hasten the process of negotiation and change? An expression of confidence in the kind of spirit that had lowered long-time racial bars?

By all odds, yes. But the President went off in the opposite direction. And by doing so he and his advisers may have darkened a great and bright moment in the history of this country.

The President turned abruptly from an appeal to conscience to a demand that the Congress enact laws to force changes that a vast majority of Americans agree are desirable.

"Persisting inequalities and tensions make it clear that Federal action must lead the

way," he said, "providing both the Nation's standard and a nationwide solution. The time has come for the Congress \* \* \* to join the executive and judicial branches in making it clear to all that race has no place in American life or law."

Disraeli said that race cannot be ignored because it is the key to history. Law should not discriminate against race, but it cannot in itself resolve racial differences.

The President has been given bad advice. He has, in the bulk of his civil rights program, substituted wishful thinking for mature judgment. He has turned from leading to pushing in an area in which even the Supreme Court has refused to intrude—that of private property rights.

It ill becomes the President to talk in the same breath about the owning of slaves and the discriminatory use of private property. There is no sound basis on which to compare the operation of a lunch counter to the bondage of a human being.

Our strongest objection to the civil rights package is in the provision making it mandatory that owners of private businesses operate under policies set by the Federal Government. This would merely paper over the underlying motivations for the discrimination that now exists. Unless there is some degree of willingness and voluntarism on the part of property owners to end discrimination, the force of law only serves to mask the real problem or make it worse.

This is self-evident in a part of the President's speech. Thirty States, the District of Columbia, and many cities already have anti-discrimination laws as far as businesses serving the public are concerned. And yet we are told that there exist in many of these places situations which are more explosive than in other areas of the country.

We absolutely agree with the President when he says:

"No action is more contrary to the spirit of our democracy and Constitution—or more rightfully resented by a Negro citizen who seeks only equal treatment—than the barring of that citizen from restaurants, hotels, theaters, recreational areas, and other public accommodations and facilities."

But it will not be until we have impressed the truth of that observation on public officials, private citizens who own businesses serving the public, and on Americans in general that we will find a lasting solution to this domestic problem.

The President, as Chief Executive of this great Nation, deserves the respect of its people for speaking his convictions and offering his formula for leading us out of the racial maze.

All of his proposals must be given careful consideration and should be exposed to the fullest debate in Congress. We feel, too, that Members of Congress should be allowed to express the will of 180 million Americans without exposure to endless filibustering. Certainly, there are some segments of the package which lend themselves to compromise and passage.

But the proposal related to private property, in particular, is ill-advised legislation. It represents "an entering wedge" on personal choice in a "free" society that could lead to intolerable force by Government in the future.

In the interest of all Americans of all races, it should be rejected.

#### THE PRESIDENT'S OBLIGATIONS IN RESPECT TO LAW AND ORDER

Mr. ERVIN. Mr. President, the Charlotte Observer, of Charlotte, N.C., for June 21, 1963, carried an editorial entitled "President Must Emphasize Commitment to Law, Order," which makes some lucid comments upon recent events. I ask unanimous consent that

the editorial be printed at this point in the body of the RECORD.

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

#### PRESIDENT MUST EMPHASIZE COMMITMENT TO LAW, ORDER

President Kennedy declared in his civil rights message that problems of race would not be solved "by clinging to the patterns of the past."

There is widespread agreement in the country on that statement. But the fact is that the patterns of the past have been widely discarded in the last few weeks as this realization has grown in the face of Negro protest movements.

Substantial progress in such areas as the Carolinas should be given fully as much recognition as the incidents of violence which pockmark the country. The President would soon have been able to boast of a remarkable transition in all of the South, with the possible exception of Alabama and Mississippi, had he done two things.

One would have been to continue his appeal to the reason and conscience of Americans who are in a position to make drastic change possible on a voluntary basis, in the interest of economic stability, law and order, human dignity, and simple justice. This would have entailed the White House's frequent emphasis on the progress made in specific localities. An accentuation of the positive would have been invaluable.

The other would have been the President's firm determination to maintain the peace with all the forces at his command wherever protests inflamed feelings to the point that public order was threatened or had broken down.

This would have been in sharp contrast to his confident prediction that the turmoil would increase—a prediction that is exceedingly dangerous when made by the most powerful man in the country without an accompanying expression of his resolve to keep national order.

But the President continued his previous tack in his message to Congress on civil rights. In calling for the country to substitute divisive laws for personal efforts by the leaders of both races to establish better human relationships, he warned that "the result of continued Federal legislative inaction will be continued, if not increased, racial strife."

This is almost inflammatory talk coming from the President of the United States. If the civil rights proposals are rejected by Congress, there could well be a compulsion on the part of some protest leaders to fulfill this prophecy, if for no other reason than to confirm the worst fears of a national leader.

There was more of the same in the President's pressure on the Congress to act favorably on his civil rights package.

"But an explosive national problem cannot await city-by-city solutions," he said, "and those who loudly abhor Federal action only invite it if they neglect or evade their own obligations."

Thus the President hauled out two clubs in one sentence and, in effect, asked Members of Congress to act on the joint fear of public disorder and Federal intervention rather than to use their best judgment on the constitutional merits of the legislative steps he proposed.

The President and many of the Negro protest leaders obviously have failed to recognize a change in the mood of the country as peaceable picketing and lawful protest have evolved into mob scenes and physical intimidation. The pendulum of feeling has been swinging steadily the other way as laws have been defied with impunity by many of those who have insisted that obedience to law, as interpreted by the courts of the land, is the only mode of conduct for a civilized people.

President Kennedy has fallen far short of the mark in making a mild appeal for restraint in demonstrations while Congress considers his proposals. There must be no question in the mind of any American that the Chief Executive intends to protect the public safety with all the resources at his command regardless of what Congress decides.

Those who proclaim the advent of the worst will get the worst, unless those able to prevent it make clear their intention to do so.

#### CIVIL RIGHTS PROPOSALS LOADED WITH DANGER

Mr. ERVIN. Mr. President, the Charlotte Observer, of Charlotte, N.C., for June 23, 1963, contained an editorial entitled "Part of New Civil Rights Bills Loaded With Danger." This editorial points out in accurate and eloquent fashion that many of the provisions of the pending civil rights bills vest in the Federal Government uncontrolled and uncontrollable discretionary powers which constitute an "infringement upon the prerogatives of States and individuals and provide no real solution to the problems that exist." I ask unanimous consent that the editorial be printed at this point in the body of the RECORD.

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

#### PARTS OF NEW CIVIL RIGHTS BILLS LOADED WITH DANGER

Almost uniformly throughout the South, responsible and progressive newspapers have written "Dear John" letters to President Kennedy on his civil rights legislative program, with stern disapproval in particular on its public accommodations section.

But southern newspaper editors and public officials who have been in the forefront of the battle for the extension of full citizenship rights and human privileges to Negroes are not alone in their opposition to providing the Federal Government with sweeping new powers over the lives and property of individual Americans.

For instance, Arthur Krock of the New York Times greeted the President's civil rights message to Congress with these sobering words:

"The antidiscrimination laws and the provisions for their enforcement \* \* \* would equip the Executive with discretionary powers over private property and individual freedom of choice that are comparable in magnitude only with those exercised in time of war and during the post-Appomattox period of southern reconstruction. The keys which would give the President access to these new and vast controls are supplied by certain words in the administration bill that are wide open to any desired official interpretations."

Krock discussed the possible meanings that could be given to such words as "substantial" and "reasonable" and "public interest." These words could be interpreted to mean whatever the Attorney General of the United States or his agents desired.

It must be made crystal clear that racial discrimination is not the issue as men of diverse political persuasion rise up to oppose the President's key proposals. As Krock again noted, in light of the vast new powers that would be entrusted to Federal officials:

"Small wonder that Congress, including many Members who have been active in the efforts to equalize the rights of all citizens, will take a long, critical look at the President's bill."

We can, in good conscience, support few of the eight basic courses of action proposed by the President to give "full equality" to American citizens.

The economic section of his program is designed to increase the efforts of government to train and educate more Americans to take advantage of job opportunities that exist. It should be useful in attacking the roots of the Negro's basic problem.

Congress should approve additional funds for the manpower development and training program, the youth employment bill, vocational education, adult basic education, and public welfare work-relief and training programs.

The President asks in the same section that Congress provide a statutory basis for the Committee on Equal Employment Opportunity now headed by Vice President JOHNSON. He did not spell out details of what this would accomplish in addition to the success the Committee has experienced. However, since the Committee deals only with employers handling government contracts, it might be useful to strengthen its authority.

A compromise civil rights bill might also safely include a renewal of the authority of the Civil Rights Commission as a useful agency in studying and reporting on violations of constitutional rights.

Senator SAM ERVIN, of North Carolina, has been an outspoken foe of the Commission. Opposition to it increased heavily when a majority of the Commissioners recommended several weeks ago that all Federal aid be withdrawn from Mississippi, an action which would have penalized white and Negro citizens alike.

The Commission has, however, performed a useful service in detailing the extent of discrimination by law and interpretation of the law, primarily in the Southern States. Simple renewal of its life and authority, without unjustified expansion, would not be unreasonable.

In the same vein, the Federal Community Relations Service proposed by the President could be one of the Nation's most useful devices in eliminating customer discrimination in private businesses. It would work with local biracial committees, providing advice and drawing upon wide experience across the Nation in overcoming barriers to equality of treatment.

The President can establish this agency by Executive order, however. There is no need to give it a statutory basis nor equip it with the powers of enforcement or subpoena.

The other proposals of the President's are unwise, or an infringement upon the prerogatives of States and individuals and provide no real solution to the problems that exist.

Briefly, these have to do with increasing Federal activity in the field of registration and voting; Federal technical and financial assistance to school districts desegregating voluntarily, which is almost bribery to obey the law; expansion of the Justice Department's authority to bring suits on its own motion in desegregation cases; the withholding of Federal funds from areas where racial discrimination is practiced, which seems to mark a turnabout on the President's rejection of the Civil Rights Commission proposal re Mississippi, and making it unlawful for any firm engaged in a "substantial" degree in interstate commerce to discriminate by race, color, religion, or national origin in serving customers.

There must be no delay in the use of existing laws nor any stinting of local effort to obtain for all citizens the rights and privileges most of us take for granted. But the almost unlimited power asked for the Federal Government by the President could, if it were to fall into the hands of the wrong individuals, be used to abrogate the rights of all.

#### RACIAL IMBALANCE IN THE SCHOOLS

Mr. ERVIN. Mr. President, the Evening Star, of Washington, D.C., for June 25, 1963, carried an editorial entitled "Racial Imbalance in the Schools." I ask unanimous consent that the editorial be printed at this point in the body of the RECORD.

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

#### RACIAL IMBALANCE IN THE SCHOOLS

In the best of all possible worlds, there is no question but that the best school environment for Negro children would be one in which the students are of varied racial, cultural, economic, and religious backgrounds. It is equally clear that such an environment does not result automatically from meeting the letter of the school integration law.

This is what the education commissioner of New York State had in mind when he directed last week that integration is not enough; that racial imbalance also must be eliminated from public schools of the State. It was not a new idea, of course. A similar point, for instance, lay behind recent demonstrations by Negroes in Englewood, N.J. But the commissioner called for drastic action in New York. And for purposes of carrying out the order, he proposed to define a racially imbalanced school as one having 50 percent or more Negro pupils enrolled.

Whatever may be said for his motives, Commissioner Allen is playing an absurd numbers game. By his own admission, the cutoff ratio of 50 percent Negroes in any school is an arbitrary figure, selected because "we had to have some definition" of imbalance. The mounting reaction, moreover, demonstrates the futility of his action. The difficulty of enforcing such a policy in New York City schools, according to Calvin E. Gross, the city school superintendent, would be insuperable. He characterizes the problem of transporting students under such a plan as unbelievable. To meet Dr. Allen's definition, racial balances would have to be changed in 235 elementary schools in the city alone. Negro leaders, who generally applauded the directive, have conceded the impossibility of its total application.

The extreme example of the unworkability of this proposal is to imagine its fate in Washington. With an overall ratio of only 15 percent white pupils in public schools, the best balance Washington could possibly achieve if all the white students were distributed equally throughout the city would be 85 percent Negro in each school. The fact is, of course, that the ratio would go even higher, for such a policy would serve only to chase additional white families to the suburbs. No one would benefit.

The concept of a homogenized school system, in which the community is scientifically shaken up to provide an "ideal" social mix, is not only unworkable—it is philosophically unsound. The right position is that race should not be a factor in pupil assignment; once that principle is abandoned, an ethical Pandora's box opens up. It is better to stick to the time-proven concept that neighborhood schools should reflect the neighborhoods which they serve.

Where "legal segregation" in schools exists in cities such as Washington and New York, the answer does not lie in frantic artificial devices which attempt to make our schools shoulder all the burdens of the community. It lies—in the case of Washington, for example—in the attraction of more whites to the central city, and the accompanying spread of a part of the central city Negro population to the suburbs. The factors which eventually will accomplish these things also are clear: Urban renewal, the

elimination of discrimination in housing, fuller employment, improvements in the economic status of the Negro—most of all, the growth of understanding and social maturity.

These are not the fast or easy means. But so far as we know they are the only means by which a realistic attack on this problem can be made.

Mr. ERVIN. Mr. President, I deem it appropriate to add at this point some observations of my own concerning certain provisions of title III of S. 1731, which embodies in its provisions the administration's recommendations concerning so-called civil rights legislation in the field of public education.

Sections 302, 303, and 304 of title III of this bill adopt the fallacious notion that public school students should be denied the right to attend neighborhood schools in their home communities, and should be transported long distances to schools in other communities if such action is necessary to effectuate the undefined ideas of the Federal Commissioner of Education in respect to so-called racial imbalance in public schools anywhere or everywhere in any or all areas of our country. These provisions not only vest in the Federal Commissioner of Education the uncontrolled and uncontrollable discretion to use Federal tax moneys to train school authorities "to deal effectively with measures to adjust racial imbalance in public school systems," and to use Federal tax moneys to transport schoolchildren from the neighborhood schools in their home communities to schools in other communities in order to prevent what he conceives to be a "racial imbalance" in such school systems, but also to use Federal tax moneys to employ "specialists to develop understanding of these problems by parents, schoolchildren, and the general public." So far as I can determine, this is the first time in American history that Congress has been asked to authorize the use of Federal tax moneys to persuade "the general public" of the rectitude of the policies or views of any administration in respect to any problem. Alas, the writer of the Book of Ecclesiastes was wrong when he declared that there is nothing new under the sun.

#### FEDERAL USURPATION IN THE REGULATORY FIELD

Mr. ERVIN. Mr. President, one of America's most knowledgeable men in the field of constitutional law is Everett C. McKeage, a member of the Public Utilities Commission of California. The Public Utilities Survey, for June 3, 1963, contains an article by Mr. McKeage, entitled "Federal Usurpation in the Regulatory Field." This article should be made available to every American who shares the view expressed by the Supreme Court of the United States in Texas against White, that "the preservation of the States and the maintenance of their governments, are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National Government." For this reason, I ask unanimous consent that the article be printed at this point in the body of the Record.

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

#### FEDERAL USURPATION IN THE REGULATORY FIELD (By Everett C. McKeage)

NOTE.—Mr. McKeage is member and former president of the California Public Utilities Commission. The opinions of the author are his own and are not to be understood as necessarily representing the opinions of any of his colleagues on the Public Utilities Commission.

So that the reader will know in advance what he is in for, I wish to make it perfectly clear that I am an old-fashioned 10th amendment lawyer—an unreconstructed rebel, if you please, and getting more so all the time. Many years ago, I was an avowed centralizer, governmentally speaking. However, time and experience have "cured" me of such fantasies.

The subject of this article, "Federal Usurpation in the Regulatory Field," covers such a broad scope involving State-Federal relationships that only the sketchiest treatment may be accorded the subject in the space allotted. Only the bare fundamentals may be presented.

When the Founding Fathers gathered in Philadelphia in 1787 to undertake the herculean task of writing a Constitution creating a General Government for the 13 separate, sovereign, and wholly independent States, they fully realized that an almost miraculous compromise would be necessary. Each of the 13 States was proud and suspicious of the others. A reading of the history of the period immediately following the close of the Revolutionary War and the proceedings of the Constitutional Convention will clearly reveal the fact that neither the States nor the people were in any mood to accept a strong Central Government, not to say a consolidated or unitary one. In those days, personal liberty and local autonomy were running at high tide. However, public opinion leaned toward some form of Federal Government, it being believed that the then exigencies demanded cooperation among the States rather than the existing conflict.

#### COMPROMISE

In this context, the Federal Constitution was framed. It was a compromise. No strong Central Government was created. Upon ratification by a sufficient number of States in 1788, a Federal form of government came into being in 1789. Contrary to what some believe, the Civil War amendments to the Constitution did not alter our form of government. We still have a republic based upon a Federal form, although centralization has been adulterating that form by gradual erosion.

It must never be forgotten that the United States is a dual form of government, and that it is an indissoluble union of indestructible States. I agree with Thomas Jefferson that no greater tyranny could be visited upon a people than to subject them to a truly consolidated Government. The core and spirit of a free society must be nourished by local autonomy. The road to centralization and consolidation is the inevitable road to tyranny. A free society could never survive in such a frame of reference.

The American people, today, are faced, as never before, with a persistent, accelerating, and ever-growing centripetal force in government which takes from the several States and deposits with the Federal Government political substance which the spirit and intent of the Constitution demand should ever remain with local autonomy. Gibbon's "Decline and Fall of the Roman Empire" should be required reading in Washington. Federal usurpation has gained such headway in the last three decades that the historical pattern of our dual form of government has become so disturbed and distorted that the several

States are fast becoming like provinces ruled over by an overweening central authority. Probably public opinion does not understand this situation because of the blandishments accompanying its gradual growth. However, the American people will realize this in the not far distant future when, probably, it will be too late to reverse this inexorable Federal encroachment.

#### PROMINENCE

In no field of governmental activity is Federal usurpation more prominent than in the regulatory field. It is here that the State and Federal jurisdictions constantly come into contact and conflict. This situation was envisioned by such Founding Fathers as Thomas Jefferson and James Madison. These two men realized that the resolution of these State-Federal conflicts would require statesmanship of the first order. They pointed out that there must be a wise accommodation between these two authorities to the end that the true spirit of our governmental policy might be maintained and preserved. This thought brings to mind the profound statement of James Russell Lowell in response to a question propounded to him by the French historian Guizot. The latter inquired of Lowell: "How long do you think that the present system of American Government will last?" Lowell responded: "Just as long as the spirit of the Founding Fathers resides in the hearts and minds of our people." There, you have it summed up in a brief statement. When the spirit of the Founding Fathers withers and dies in the hearts and minds of our people, the vitality of our institution of free government will vanish like the snows of yesterday.

All will agree that the destruction of the constituent elements of an organism will result in the destruction of that organism. The several States of this Union are the constituent elements of our National Government. The destruction or serious weakening of the several States will lead to the inevitable destruction of a free society.

There are those who say that conditions have so changed from the days of the Founding Fathers that the old rules and admonitions should not apply. Such a view is tantamount to saying that moral values have fashions and that such values change because of changing circumstances. Such thinking is of a defeatist nature. It implies that the American people do not have the moral fiber to resist the erosion of their rights through the destruction of local autonomy. The statement of George Washington in his farewell address, that change in our form of Government should not be accomplished by usurpation but rather by the method provided by the Constitution is just as wise and true today as it was when he uttered it.

#### SUPREME COURT

The subject of this article could not possibly be discussed without discussing the Supreme Court of the United States; this, for the simple reason that the Supreme Court has been more instrumental than all other Federal agencies combined for the assaults by Federal authority upon the rights of the several States. I mean no disrespect to that Court by what I say. It is common knowledge that no agency of government is perfect or within hailing distance of being so. We know that the members of the Supreme Court, like most all public officials, are, for the most part, men of average ability and lay no claim to omniscience.

The governmental theory underlying the decision by the Supreme Court in the *Shreveport* case (decided June 8, 1914, 234 U.S. 342) stands for the proposition that, whenever it becomes desirable in the judgment of the Federal legislative authority to protect or foster interstate commerce, intrastate commerce may be regulated by the

Federal authority. Measured by that rationale, about the only activity of commerce within a State which could be said to be outside the Federal jurisdiction would be the activity of an apple vender on a street corner in some small middle western town. Even this type of activity, by sophistical reasoning, could be brought within the commerce clause of the Federal Constitution. Since the decision in the *Shreveport* case, all three branches of the Federal Government have not been laggard in aggrandizing the philosophy underlying that decision, until now the apple vender referred to may well find himself within the Federal orbit.

Some of the current incursions by the Supreme Court into the political realm, if done 50 years ago, would have been as amazing as if that Court should, today, undertake to sit as a court of first instance and grant a divorce. Summing up the statements made by many of the Justices of the Court in their dissenting opinions and even in prevailing opinions, we must conclude that the only restraint upon the action of the Supreme Court is the personal sense of self-restraint which the Justices of that Court impose upon themselves and, as Mr. Justice Holmes pointed out, the sky above.

#### ABSOLUTE POWER

So, here we have absolute power wielded by men who hold their offices for life through good behavior. In this frame of reference, we are reminded of Lord Acton's or Cardinal Richelieu's statement (both have been credited with the statement) "that all power corrupts and that absolute power corrupts absolutely."

Decisions of the Supreme Court, in effect, modify the Constitution, through interpretation, just as though that document had been amended by the process of amendment therein provided. I ask you to please read "The Supreme Court in the American System of Government," by the late Mr. Justice Jackson of the Supreme Court, and "The Bill of Rights," by the late Judge Learned Hand, former chief judge of the U.S. Court of Appeals, wherein you will find that these two noted jurists concur that the Supreme Court, by its interpretations of the Constitution, in effect, modify that document, particularly where the Court overrules its prior decisions on the subject.

The circumstances to which I have just referred clearly demonstrate that the statement "To the end it shall be a government of law and not of men," has lost much of its meaning.

A member of the Supreme Court recently was quoted as stating in a public address that "The individual faces a formidable opponent in government, even when he is endowed with funds and with courage." This Justice also observed that, "The individual is almost certain to be plowed under, unless he has a well organized, active political group to speak for him." This particular member of the Supreme Court has been outstanding in his defense of the individual rights of the citizen. Due credit should be accorded him for his robust defense of the individual. However, I should like to point out that one of the most effective and permanent ways of "plowing under the individual citizen" is by the process of encouraging the gradual erosion of the rights of the several States by the monolithic authority of the Central Government. History records that liberty does not survive under a government ruled by a central authority. On the contrary, history records that liberty flourishes under local autonomy.

How many times have we heard statements made by Presidents of the United States, leaders in the Congress and members of the Supreme Court which warn against concentrating too much power in Washington, thus giving lipservice to the principles of Thomas Jefferson, but what is the performance when they are called upon to act

officially? Just why men selected out of the body of the people can so readily support concentration of authority in the Federal jurisdiction has ever been a mystery to me. If I had my way, I would require every agency of the Federal Government to have graven above its entrance these words uttered by the Supreme Court in the celebrated case of *Texas v. White* (7 Wall 700, 725, 19 L. ed. 227, 237, decided in 1869, following the close of the Civil War and arising out of that conflict):

"The preservation of the States and the maintenance of their governments, are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National Government." Above the entrance to the Supreme Court, those words would be graven in gold leaf, with the added admonition "Lest we forget."

#### LEGISLATIVE BRINKMANSHIP

Mr. BENNETT. Mr. President, I ask unanimous consent to have printed in the body of the RECORD an editorial entitled "Legislative Brinkmanship," which was published yesterday in the *Journal of Commerce*.

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

[From the *Journal of Commerce and Commercial*, June 27, 1963]

#### LEGISLATIVE BRINKMANSHIP

It may well be that House and Senate leaders will be able over the next few days to round the intricate turns and corners they must take at top speed if the Export-Import Bank is not to expire at midnight on Monday. It may be—and perhaps even at the hour these lines appear they will be well on their way. But at the time of writing prospects are sufficiently doubtful to raise the question of why such legislative brinkmanship should be practiced at all.

By getting into a familiar deadlock over the financing of the Export-Import Bank's activities, the House and Senate have let things go to the point where some of the Bank's important functions are in jeopardy, even though provision has been made for payments and repayments on existing commitments for an indefinite period after the Bank's threatened death, and even though it is pretty well understood that following such a mournful eventuality, artificial respiration would be applied and sooner or later the patient would be brought back to life.

There is little serious congressional opposition to President Kennedy's request that the life of this now venerable institution be extended another 5 years and there is apparently only moderate opposition to his request that its total lending, guaranteeing and insuring authority be raised from \$7 to \$9 billion, the explanation being that while the Bank has some \$1.3 billion of its present authority uncommitted, it may need more room to maneuver over the next 5 years.

The trouble began when the Senate and House took opposite views (as they have done so frequently in the past) on whether the Bank should be allowed to use "back-door" methods of obtaining funds through the Treasury rather than through direct appropriations (Export-Import Bank's disbursements are shown as outgo, but repayments of principal and interest are paid into the Treasury's general fund).

The Senate Banking and Currency Committee favors the "back-door" financing proposed by the President and got overwhelming support from the Senate as a whole on Monday when that Chamber backed the measure at issue by 72 to 1.

But the House, jealous of any Senate infringement on its primary responsibility for initiating appropriations measures, does not take kindly to this type of financing. Its Rules Committee and a number of its influential leaders appear to view the Export-Import Bank measure as only one phase of the much broader issue which they fought out in an intense struggle with the Senate last year.

And so both Houses have approached the deadline this week amid reports that some kind of patchwork continuing measure might be put through to hold the Bank together temporarily, but with no sign of a break in this fundamental deadlock.

We do not question the right of the House and Senate to do battle with each other over an issue as important as this. It is not only their right to do so, but their duty.

Nevertheless, there are two aspects of the impasse we find especially disturbing. The first is that the issue has been allowed once again to go unresolved right up to the eve of the Export-Import Bank's expiration. The second is the seeming disposition of both House and Senate leaders to consider that no real harm would be done if the Bank were allowed to lapse for a week or two while face-saving formulas and compromise agreements were being worked out—as they eventually were last year when other programs were threatened by the same type of dispute.

After all, it could be argued, will not existing commitments be maintained in any case? And so far as new financing is concerned, is any forthcoming project so urgent in nature it cannot be held up another week or two?

The answers can be pleasantly reassuring if only the Export-Import Bank's major, longer-range projects are considered. But when the spotlight is thrown on the export insurance and medium-term guarantees the bank offers, the picture is something else again.

Stability and continuity are prerequisites of these programs, especially as regards the insurance facilities operated in cooperation with the Foreign Credit Insurance Association. Even a temporary suspension of the Bank's authority to continue doing this business on a day-to-day basis could prove seriously disturbing. And the same is true in some degree of the medium-term guarantees made available to commercial banks.

If there were any valid reason why Congress had to confront these programs with such uncertainty right up to the last minute it might be said that, after all, this is one of the hazards of any Government operation. But since just about everyone seems to agree that Congress will ultimately vote to extend the Bank's life, the only real reason for this excursion into brinkmanship is that neither House really got down to the business of resolving its differences with the other until the very last minute.

Experiences such as this lend scant support to the assertions we occasionally hear to the effect that Congress ought to withdraw much of the powers it has granted to the executive branch and grapple with such day-to-day matters as setting tariffs and passing on mergers in the transportation industry. Brinkmanship may have certain tactical advantages in some situations, but there can be too much of any good thing.

#### AGRICULTURAL COMMODITY PRICES—SOYBEANS

Mr. DIRKSEN. Mr. President, on June 24 there was published in the *Farmers Union Herald*, of St. Paul, Minn., an editorial in regard to parity prices, and with special reference to soybeans and soybean oil and what is happening to that market. I think the editorial is worthy of greater currency;

and, for that reason, I ask unanimous consent that the editorial be printed at this point in the RECORD, in connection with my remarks.

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

[From the Farmers Union Herald, St. Paul, Minn., June 24, 1963]

#### SHORT END OF THE STICK

Farmers, with their economic tongues hanging out as a result of the constantly-tightening cost-price squeeze, wonder why the parity ratio dropped to 77 as of May 15—the lowest for that date since 1939.

There are some important reasons for that, and one of these, of course, is that the index of prices paid by farmers is the highest on record. It stands at 311 percent of the 1910-14 average.

One of the reasons for the record index of farmers' costs is the high cost of protein meal. Now here is a matter about which the administration can really do something—and we respectfully suggest that they get on the ball about it in Washington.

The basic reason for the high protein meal cost is that the Secretary of Agriculture is following a cheap margarine policy, with resultant detriment to our farmers that is adding up to higher feed costs of about \$150 million per year.

Let's examine the record, as politicians are so fond of saying:

On February 15, 1963, the average soybean price received by farmers was \$2.50 per bushel—about the same as 2 years earlier. However, between these two dates crude soybean oil prices were down 3.1 cents per pound, or about the equivalent of 33 cents per bushel of beans. Soybean meal was up \$11.60 per ton, or about 28 cents per bushel of beans.

Now what does this mean? As a result of the higher meal price level, farmers' net income was cut by \$150 million, which when added to a loss of \$75 million on the value of lard in hogs sold, results in a total reduced income of \$225 million.

U.S. consumers bought 7,755 million pounds of food fats and oils at about 3 cents per pound less than 2 years earlier—a saving of about \$225 million.

A "cheap margarine" policy shifted \$225 million in costs from all the people to the backs of the feeder—an all too patient long-time sufferer of the ever-tightening cost-price squeeze.

It's time for a change in this policy. Synthetic urea and imported fishmeal are standing in the wings ready to grab this meal market—a meal market that is a sitting duck when a cheap margarine policy forces vegetable protein meal prices too high.

Mr. HUMPHREY. Mr. President, will the Senator from Illinois yield briefly to me?

Mr. DIRKSEN. I yield.

Mr. HUMPHREY. Through the kindness of the Senator from Illinois, I have examined the editorial to which he has referred; and I find that it is the same one which I, too, read with a great deal of interest. I read it shortly after this issue of the Farmers Union Herald reached my desk. Certainly this publication is one of our excellent farm journals.

The editorial certainly merits the thoughtful consideration, first, of the Department of Agriculture, and, second, of the Members of Congress.

Those of us who come from areas in which soybeans are a major cash crop are deeply concerned over the high

prices of soybean meal, but the low prices of soybean oil.

I believe the editorial merits very favorable and very thoughtful consideration. I thank the Senator from Illinois for submitting it for the RECORD, and I am glad he is reading the Farmers Union Herald.

Mr. DIRKSEN. Mr. President, with further reference to this editorial, I have joined with the distinguished Senator from Minnesota in cosponsoring a resolution which has a bearing on this point, because in view of the fact that the Common Market is likely to menace the outlets for agricultural products, this subject really merits the consideration of the Congress.

Mr. HUMPHREY. Mr. President, I am most appreciative of the cosponsorship by the Senator from Illinois of my resolution, which is a sincere, bipartisan effort to lay before the President and the executive branch of our Government our deep concern in regard to the policies of the Common Market and our desire to see American products given opportunities to flow in international commerce.

#### U.S. INFORMATION AGENCY

Mr. JAVITS. Mr. President, one of the strongest instruments we have for bringing about better understanding of the United States and its policies throughout the world is the U.S. Information Agency. This is the major instrument by which we inform the free world as well as those in countries that are behind the Iron Curtain what we believe in and what we are doing to advance the cause of peace and freedom; and it operates in all available media—radio, newspapers, periodicals, books, movies, lectures, TV programs, exhibits, and so forth.

USIA is doing a tremendous job with what it has, but it does not have enough to compete adequately with the multi-billion dollar Soviet propaganda machine or with the Communist Chinese. Last year, for example, the Communists published 40 million books in nonbloc languages and inspired the publishing of 100 million more; during the same period USIA published only 5 million books.

There is an important responsibility to be met in the developing areas of the world; in Asia, in Africa, and in Latin America, and the United States cannot afford to be second best. The cold war is an ideological war, and in this aspect of the struggle for men's minds, we should not permit the United States to be outspented by the Communist-bloc countries.

The current USIA budget request for 1964 is \$157.9 million, far less than huge sums which the Soviets and Communist China are spending. In spite of this severe competition, the USIA budget request has been cut by \$15 million, an amount which could have the effect of curtailing the program which USIA specialists and planners had projected in Latin America. The amount requested by USIA must be related to the many areas and heavy responsibility it must undertake for projecting ideas and

information about the United States and its policies; it is considerably less than some of our big corporations spend to sell their products.

On its limited budget USIA covers a remarkably broad range of activities. USIA, for example, helps American organizations to develop new international contacts and broaden existing oversea relationships through their own communications channels in order to build confidence abroad in the principles and practices of American democracy. Through its Office of Private Cooperation it forwards informational materials on U.S. foreign policy statements to the head offices of American business firms for further dissemination to their representatives abroad. About 450 firms are cooperating in this project which involves an estimated 7,000 American business representatives overseas. Many business firms are cooperating in efforts to explain in an oversea country the value of American business investment and the American system of private enterprise.

All of these efforts—the special programs to tell the story of the betrayal of the Cuban revolution by Castro, contacts with special groups, materials for labor leaders, students, intellectuals, and the cultural elite in countries which are priority targets of Communist propaganda—these call for an adequate budget. At the very least I would hope that the Senate will restore the full amount of the requested appropriation of \$157.9 million.

As part of my remarks, I ask unanimous consent to print in the RECORD, two news dispatches in the Washington Post, June 20 and 21 respectively; a letter by Tom M. Hopkinson, account supervisor of Milburn McCarthy Associates, of New York City, written to Representative JOHN V. LINDSAY; and the document entitled "The Eighteenth Report of the United States Advisory Commission on Information," January 1963, which analyzes the activities of USIA for the calendar year 1962.

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

[From the Washington (D.C.) Post, June 20, 1963]

#### MURROW SCORES HOUSE FOR CUTTING USIA FUNDS

ATLANTA, GA., June 19.—Edward R. Murrow, Director of the U.S. Information Agency, today sharply criticized House action in cutting \$15 million from his budget. He said he would seek to have the funds restored in the Senate.

In a speech to the Advertising Federation of America here, Murrow said the cut—from \$157.9 million to \$142.7 million for fiscal 1964—would force his agency to cut down its activities in projects such as these:

Planned opening of branch USIA posts in Latin America; planned opening of information centers in five new areas of Africa; staffing of two new television studio facilities; a regional TV production center in Mexico City; cuts of one-half in television English lessons; and a reduction by three-fourths in ability to produce special videotape programs such as President Kennedy's two recent speeches on peace and civil rights.

"The restrictive judgment of the House of Representatives forces us to painful choices in which some national interest must be

compromised and some precious national opportunities cannot be seized," Murrow said.

"Most people in this country never know of our Agency unless it gets into trouble. Learn of us now, because we're in trouble now. We shall try to restore the cuts in the Senate.

"Either the House of Representatives believes in the potency of ideas and the importance of information or it does not. On the record, it does not so believe. It is the function of the Congress to decide these matters. It is the duty of those concerned with this global struggle, however, to utter warnings as to the consequences that may be expected to flow from a policy which denies the United States the opportunity to compete on equal terms.

"The U.S. Information Agency \* \* \* is the Government agency charged with the responsibility of exporting ideas and information. More money will not guarantee success, but insufficient money will threaten failure.

"We are being outspent, outpublished, and outbroadcast. We are a first-rate power. We must speak with a first-rate voice abroad."

[From the Washington (D.C.) Post, June 21, 1963]

**MURROW ASKS DOLLARS REDS SAY UNITED STATES SPENDS**  
(By Murrey Marder)

To hear Soviet officials tell it, U.S. propagandists are rolling in money, with almost limitless resources at their beck and call.

To hear American officials tell it, exactly the reverse is true; it is the Communists who virtually let go of the purse strings in the world battle of ideas.

Who is right about this propaganda about propaganda?

By coincidence, two opposing propaganda chiefs had their say this week.

Soviet propaganda chief Leonid F. Ilyichev has no exact counterpart in Washington. As secretary of the Soviet Communist Party Central Committee, his "ideological" domain is as wide or wider than that of the White House's Pierre Salinger, the Defense Department's Arthur Sylvester, the State Department's Robert Manning, and U.S. Information Agency Director Edward R. Murrow, all combined.

Ilyichev's version of Murrow's resources, however, made Murrow sound almost as though his main problem was space to stack USIA money.

**DOLLARS NOT STINTED**

"Dollars for the expansion of the propaganda machine," Ilyichev told the Communist Central Committee "are not stinted."

"The Agency's budget for this year," Ilyichev continued, "is more than \$120 million; next year it is planned to increase it by another \$26 million; the Agency has 239 departments in 105 countries; the Voice of America radio stations transmit in 36 languages for 761 hours a week; the Agency employs a staff of 1,000 \* \* \* American propaganda weighs down like a gigantic press on the minds of the people in the capitalist world, and stretches its tentacles beyond."

But, interestingly enough, Ilyichev said nothing at all about the scale or scope of Soviet propaganda resources.

Murrow did, the next day, in a speech expressing dismay with a House cut of the USIA budget request for 1964 from \$157.9 to \$142.7 million.

If USIA were to try to duplicate the cost of Soviet jamming of free world broadcasts, Murrow said, that alone would cost \$150 million a year, or more than the total USIA budget.

Last year, Murrow noted, the Communists published 40 million books in nonbloc lan-

guages around the world, and inspired the publishing of 100 million more; USIA published but 5 million.

**OUTSPENT, OUTPUBLISHED**

"We are being outspent, outpublished and outbroadcast," said Murrow ruefully.

There was but one point on which Ilyichev and Murrow agreed.

"There has not been, is not and cannot be any peaceful coexistence in ideology as long as antagonistic classes remain," warned Ilyichev, "an implacable class struggle has gone on, goes on, and will go on."

Ilyichev had no discernible difficulty "selling" his audience. But Murrow, with a demonstrably skeptical response, was left saying grimly:

"Either the House of Representatives believes in the potency of ideas and the importance of information or it does not. On the record, it does not so believe."

APRIL 3, 1963.

THE HON. JOHN V. LINDSAY,  
New York, N.Y.

DEAR CONGRESSMAN LINDSAY: As you know, the U.S. Information Agency is now presenting its budget request for fiscal 1964.

As a professional practitioner of public relations and as a person active in the work of the Public Relations Society of America, I believe I know something about the value of effective communications techniques. I am deeply concerned about the continual "money bind" of the USIA.

I think something is horribly wrong when we are spending only about one-twentieth of what Communist countries spend for overseas information activities. I think an even more damning indication of this Nation's sense of values is the fact that the \$140 million that the United States allocates for overseas information is \$50 million less than one company spends in the United States alone to sell its products. Something is out of balance.

I would like to ask you if you have ever gone "on record" for or against raising USIA budgets. I would be most interested in any thoughts you may have on this subject.

Sincerely,

TOM M. HOPKINSON,  
Account Supervisor.

**THE 18TH REPORT OF THE U.S. ADVISORY COMMISSION ON INFORMATION**

The United States-U.S.S.R. confrontation over Cuba in 1962 demonstrated once again to the world that Sino-Soviet aggressive intentions are worldwide. Berlin, the Chinese Communist invasion of India, Communist insurrection in South Vietnam and Laos as well as Cuba, are part of geographically separated incidents that illustrate potential threat, menace, and aggression. These events have made clear to every thinking neutral power the true ambitions and intentions of international communism.

For example, on October 25, 1962, in the midst of the Chinese Communist invasion of Indian territory, the embattled and disillusioned Nehru was finally compelled to say "we are getting out of touch with realities in a modern world. We are living in an artificial atmosphere of our creation and we have been shaken out of it."

The task of the USIA is to depict and document these "realities in a modern world" to the peoples of the world; to unmask the true designs of Sino-Soviet communism. USIA must also disseminate information which will help strengthen the economic, political and ideological bases of national independence in order to help make impossible external aggression or internal insurrection and subversion from Communist sources. This is the meaning of the cold war for the total U.S. communications effort. And it is in this context that USIA has a paramount role to play.

**USIA PERFORMANCE IN THE CUBAN CRISIS**

The eruption of the Cuban crisis and President Kennedy's speech of October 22, 1962, provided the opportunity for a new look at the role of the U.S. Information Agency.

What is its function? How should it operate in time of crisis? What new responsibilities does it face?

The Commission is gratified to record that USIA was among the first to be informed of the President's decisions concerning Cuba.

This early notice of impending strategic decisions at a time of national crisis gave the Agency valuable lead time which enabled it to develop its operating plans along with those of the military. Top USIA officials worked closely with the national top command and its subsidiary task forces. Drafts of the President's speech were made available to a restricted few so that radio and press would be ready with the necessary translation and pictures to move this speech to overseas audiences at the same time that it was being delivered to the American people. USIA films and television programs in multiple foreign languages were air-expressed to posts around the world for showing to audiences numbering in the hundreds of millions.

Cuba was a good example of a situation where USIA was properly used by the U.S. Government. The U.S. position was presented to the world rapidly, authoritatively, and effectively. This USIA action received national acclaim. NBC's Monitor program of October 29, carried by 150 U.S. radio stations said "USIA has once again proved its worth in getting the American point of view across to people abroad."

The advantages of such a well planned and executed foreign information program in times of national crisis are fourfold:

1. Purpose and objectives are more clearly defined;
2. Coordination within the Agency and cooperation of media and area personnel are obtained;
3. Regular and marginal programs are discarded or postponed in favor of a more streamlined operation;
4. Interagency coordination and integration with the national top command is more effective.

This Commission is pleased to report to the Congress that the USIA performance during this national crisis was exemplary. It is equally important, however, to maintain the same standards of performance at all times. It is the purpose of this report to offer recommendations which are designed to make the Agency stronger and more effective and to indicate directions for a re-examination of its role in the aftermath of Cuba.

**FIVE AGENCY PROBLEMS**

The Commission believes that the USIA has five problem areas which require special attention: (1) management and administration, (2) publications, (3) program content, (4) the expansion of Agency operations in underdeveloped areas, and (5) the need to coordinate and centralize in one building the scattered USIA operations and facilities in Washington.

1. Management and administration: The Commission has been making a continuous study of the management of the U.S. Information Agency. This study is concerned with such problems as improving internal coordination and communication, inspection and evaluation, personnel selection and placement, interagency relations and coordination, the role of the area directors, outside contracting to improve quality of programs and materials, domestic public relations, research, media coordination, forward planning, and the role of the Office of Policy.

The Commission's observations and recommendations to date have been communicated

to the Director, who has indicated that the Agency would take steps to seek solutions to these problems.

2. Publications: The Commission has called the attention of the Director to the proliferation of Agency publications over the years. Some appear to have served their original purpose and are currently useless. The Director has agreed to reevaluate each USIA publication in relation to its purpose, content, format, cost of production, and impact. This reevaluation should make it possible to reduce the number of publications.

3. Program content: The Commission has long felt that the contents of Agency programs were in need of periodic review and evaluation. It has recommended to the Director that he establish two committees, one on print and the other on radio, for the purpose of examining programs for quality and effectiveness. It has further recommended that the membership of each committee consist of at least one and possibly two public members who have earned reputations as experts in print and/or radio. Finally it has urged that such review of the contents of Agency materials produced in Washington and in the field should be conducted at least once a year and possibly on a semiannual basis.

A principal purpose of this review should be to differentiate between the impact and volume of Agency output. For sheer quantity of output, produced frequently in routine fashion, is no substitute for effective communication and impact.

4. Expansion of the Agency in the developing areas: The emergence of many new nations in Africa and the acceleration of the Sino-Soviet threat in Latin America have made it necessary for USIA to augment its capabilities and resources in these two important areas. The Communists' use of radio, motion pictures, literature, and friendship societies for the purpose of undermining national cohesion, promoting Communist-led revolutions, sabotage, and disorder is unrelenting and constant. This is a problem that must be met.

Considerable energy and time have been devoted by hardworking officers to expand USIS facilities and to bring the U.S. story to peoples and lands that were not exposed previously to the facts about the United States, its intentions, and its people.

Visits by members of the Commission, however, have revealed that in some instances the Agency may have moved too fast and perhaps prematurely. There are indications that some areas are not yet ready to absorb the full range of USIS facilities that have been directed at them. There are questions about the wisdom of moving into certain countries with all USIS media and resources. And there are questions about the advisability of conducting USIS operations in areas far removed from the capitals of countries.

The Agency has agreed to some of these observations and has informed the Commission that it is rethinking and evaluating its practices in these areas.

5. The need for one USIA building in Washington: The U.S. Information Agency has existed as an independent Agency since 1953. The legislation authorizing its functions and activities was passed in 1948. Since that time, the USIA has become a permanent part of the U.S. Government. In the opinion of this Commission it will remain part of the permanent structure of the Government so long as we continue to exist as a nation with important strategic interests and responsibilities throughout the world.

There is, however, a long neglected need to increase its effectiveness by concentrating its facilities and personnel in one building.

A previous report of the Commission, issued in February 1954, called the attention of the Congress to this predicament. That ninth report recommended that "The Agency still finds its staff spread out in three or

four buildings, one of which is of considerable distance from the others. The Commission believes that the work of this Agency would be substantially improved if its entire personnel and necessary broadcasting facilities could be housed in one building." This was in 1954.

Today, 9 years later, the Agency is in 11 buildings and the wasted man-hours spent in travel from building to building are impairing the efficiency with which this Agency and its programs are managed and directed.

This Commission renews the recommendation of 1954 and urges that the Congress provide the necessary relief to USIA. Operating in one structure would enable it to improve the coordination of all media services, areas, policy, research staffs, and administration.

In addition to these five problems, the Commission wishes to bring to the attention of Congress again, the serious need for career legislation and a substantial increase in representation funds for the Agency.

Although the Congress has granted some increase in these funds, the amount of out-of-pocket spending by USIS officers which is not reimbursed by the Agency has continued to increase. Entertainment and hospitality are accepted means of establishing and developing important contacts abroad. Officers should not be hampered year after year by having their hands tied financially.

It is important to the success of this Agency's work that its foreign service officers enjoy status and receive remuneration that is in keeping with the complexity of their work and responsibilities. They should be assured of tenure and of an opportunity to advance to the highest ranking positions that foreign service officers can reach on the basis of merit and ability. They should be encouraged to move ahead in a career service that could lead eventually to assignments as ministers and ambassadors.

Career legislation will have the effect of attracting capable young men and women who wish to make the U.S. information foreign service a lifetime career. To accomplish these purposes, the Commission requests the Congress to give serious consideration to the long-standing Agency's request for the legislation that it needs.

Recently the Committee on Foreign Affairs Personnel, constituted at the request of Secretary of State Rusk, issued its report "Personnel for the New Diplomacy." The Committee lists among its members, former Secretary of State Christian A. Herter, who served as its chairman, and George V. Allen, a former Director of USIA. The Committee's report focused on the personnel problems and needs of the Department of State, the Agency for International Development (AID) and the USIA.

The Committee is to be commended for recognizing the emergence and analyzing the dimensions of "the new diplomacy."

No longer do diplomats merely observe and report, the Committee said. They now do things overseas.

No longer can the responsibilities of the United States in world affairs be met by "generalists" alone. There is a growing need for personnel who are specialists in a wide variety of fields and they must be given greater recognition.

No longer should U.S. representatives abroad consider themselves as representatives of individual agencies. "They are first and foremost representatives of the United States."

To accomplish the goals of American foreign policy with the instruments of the new diplomacy, the Committee recommended—

1. The establishment of a family of compatible services consisting of the Foreign Service, the Foreign Information Service, and the Foreign Development Service, which would be governed by uniform statutory provisions regarding personnel management.

This entails a systematic interchange of personnel, equality in conditions of service, and the consideration of senior personnel of all three Services in filling top executive posts in foreign affairs. For example, "the ranks of career minister and career ambassador should be open to qualified career officers in AID and USIA." At the same time, the Committee pointed out that "if foreign affairs officers are to be groomed to fill positions of command and leadership, they should have experience in foreign information and foreign development activities."

2. The need to improve the career opportunities for specialized personnel.

3. The establishment of a National Foreign Affairs College at the graduate level "under the highest auspices and leadership."

The report contains numerous other observations and recommendations which are worthy of serious consideration. The Commission hopes that the appropriate executive agencies in the Government will submit to the Congress requests for legislation embodying those recommendations that will strengthen, develop, and train the personnel who will become the "new diplomats."

#### THE U.S. INFORMATION PROGRAM IN AFRICA

This Commission has received excellent briefings from the Assistant Director for Africa on the problems and potential of the African Continent and on the challenges that face the newly created African nations.

In the summer of 1962, the Chairman of the Commission spent 5 weeks visiting 10 countries in Africa. He traveled extensively in each country and studied the USIS and related operations. He investigated especially radio, television, motion pictures, and print operations in each country that he visited. He also examined USIS libraries and problems pertaining to the exchange of persons program.

The Chairman's observations and recommendations were transmitted to the Director of USIA and to the Assistant Director for Africa and his staff. The highlights of his major findings included the following:

1. The basic problem in Africa for USIA appears to be the erroneous application of European techniques to a continent with emerging nations, multiple tribes, and many languages—a continent where the people are not well informed about the United States or Russia and appear to be not much concerned about either country.

The Agency should therefore review its material on the basis of what it expects to accomplish. It should determine which media can best accomplish its purposes in Africa. At the same time, each medium must reorient its thinking and tailor its output in relation to what is pertinent for Africans irrespective of the suitability of this output in other geographic areas.

For example, much of USIS material in Africa presupposes a knowledge of the United States. In many places, this knowledge is almost nonexistent. USIA media personnel must bear this in mind constantly as they develop their programs and materials.

2. It is difficult to communicate by radio in Africa because of the multiplicity of languages and dialects. This poses an important challenge to the Agency because it will soon place into operation a large, new, modern transmitter complex in Liberia.

USIA must make sure that the contents of its programs broadcast from this new station take into consideration the variety of local attitudes, hopes and aspirations, levels of development and literacy that characterize this continent.

There is therefore a need for a meeting of African public affairs officers for the purpose of discussing how the different media can turn out material more closely tailored to the needs and problems of the different nations of Africa. This meeting should focus

especially on the new VOA African Service and the type of programs that it develops.

USIA is also planning to create a training center in Monrovia. For this it should be commended. Such a center might well serve to train people from other countries in Africa in every phase of mass communication.

3. Film, print, and photographic material should contain a more balanced presentation of whites and Negroes in the United States. There is great interest in Africa about the life and progress of the American Negro. Washington media should intensify its efforts to provide the African posts with this type of information. It is also important that USIA point out candidly civil rights issues and problems in the United States. At the same time the steady progress of the Negro in America should be underscored.

4. There is a tremendous interest and potential in sports throughout Africa. USIA should encourage private groups to sponsor the distribution of sports kits. The activities of the People-to-People Sports Committee are to be commended and encouraged. More athletic equipment, coaches, performers, and sports information would be welcomed by African schools, colleges and youth groups.

5. There is considerable and repeated criticism of the manner in which exchange personnel are handled in the United States. In particular, the training, reception, processing and hospitality for foreign radio and television managers and technicians in the United States leave much to be desired.

In addition, the present exchange practice in Africa has produced the following conditions: (1) when the best students are siphoned off for training and education in the United States, a deterioration of the student body that remains in the home country sets in; (2) a lack of incentive to teach develops; (3) too many exchangees desire to remain permanently in the United States; (4) when the exchangee returns to his native land he finds frequently that the type of training he has received cannot be adapted to his future life.

Two suggestions are presented for consideration:

(a) More on-the-job training in the use of basic technical facilities should take place in the foreign country or in some centrally located area abroad, by bringing in experts from the United States. A good example was the press seminars held in Africa in 1962. Although problems may occur and have occurred in the initial stages, this type of activity should be increased.

(b) A more comprehensive training program for foreign radio and television personnel who are qualified to come to the United States and for future managers and executives is an important opportunity that should not continue to be handled superficially. Perhaps the National Association of Broadcasters (NAB), the National Association of Educational Broadcasters (NAEB), or American universities who can offer specialized training in this area, can establish a small unit which would be responsible for arranging more adequate training programs.

The Agency's Broadcast Advisory Committee did pioneer work in this area about 10 years ago. The Committee should be encouraged to reexamine the present status of the exchanges and training of foreign radio and television personnel, including the planning of their itineraries in the United States.

6. How much should USIA do in countries which are not yet viable economically or politically? This matter was discussed earlier in the report. It bears on the question of whether it is necessary to establish USIS posts in all African countries where communications media are primitive, illiteracy is almost 90 percent of the population and horizons are tribal and parochial.

7. There is substantial overlap among U.S. agencies in the English-teaching program.

There is need for more coordination on a Government-wide basis in this important activity. There is need for an overall decision to determine who is to do what with the funds that are available for English teaching.

8. There appears to be a surplus of material in English at French-speaking posts in Africa. Similarly, some of the material in French which is distributed to French-speaking areas is relevant for France but almost entirely inapplicable to Africa. There is a need to develop more French language books and pamphlets which are of greater interest to the African audience.

9. Many programs are too somber, heavy, and textual instead of being an interesting reporting of events and activities in Africa or in the United States.

In addition to the above suggestion for improvements, the chairman observed that the libraries are especially good and the USIA newsreel, today, is a worthwhile project in the audiovisual field. Most important, USIS personnel conduct operations under serious handicaps, in many cases under severe hardship conditions and under circumstances that are difficult to comprehend by Washington media. Their high morale, optimism, and sense of mission, is deserving of the highest commendation and this applies to their families as well.

#### THE U.S. INFORMATION PROGRAM IN LATIN AMERICA

The conditions that exist in Latin America call for a continuous and expanded USIS effort.

An areawide revolution is exploding. The desire to reduce poverty, literacy and disease, the heritage of the masses for so many centuries, has gained increased momentum.

These conditions are being exploited by Communist forces reinforced from their base in Cuba. They conduct extensive and intensive campaigns through propaganda, infiltration of students, labor, peasant groups, and the military. They penetrate important agencies of mass communications. They consider themselves the vanguard of the world revolutionary center in Moscow.

In the 1961 issue of the authoritative *Manual on the Fundamentals of Marxism-Leninism* (p. 516), the Communists wrote "judging by the nature of the problems now facing the peoples of Latin America, it is a question of launching an 'anti-imperialist democratic revolution' (their emphasis). The events of recent years testify that this new stage of the national liberation struggle in Latin America has already begun and is successfully developing despite the counterattacks of the reactionary forces and the intervention of the United States."

There are, however, strong advantages on the side of freedom in this struggle. For example, the Alliance for Progress is an imaginative program designed to channel revolution in a desirable and peaceful direction.

The tasks of USIA are therefore twofold. First, to explain the Alliance for Progress, and to promote its fullest understanding by the people of Latin America so that they accept this as a joint enterprise requiring sacrifices from all. The second task is to expose the true nature of Communist penetration and infiltration originating to a considerable degree from the Communist base in Cuba.

The Commission agrees that a major effort is needed in the following areas:

1. More information centers and binational centers should be located in student and working-class quarters. The potential of the binational centers as American informational and cultural tools has not been fully realized. A review of their purpose, space facilities, financing, and personnel is in order.

2. Additional labor information officers are needed to assist in this important area.

3. Book translations should be increased sharply in order to equip USIS libraries with collections that are at least 75 percent in Spanish or Portuguese. There is need for agencies that operate book programs to maintain close working relations both in Washington and in the field.

4. Television and radio production should be geared to the tasks of USIA and targeted to Latin American audiences.

5. American-sponsored primary and secondary schools need strengthening. They are forces of positive influence and it is necessary to equip them with competent staff that can remain in a country long enough to do an effective job.

6. English teaching is increasingly in demand throughout Latin America. The American agencies need to coordinate their activities in order to insure that the United States is meeting the demands and creating a positive impact with its English-teaching program. There is need for more and better central direction, training, and advice for the grantees who supervise this program.

The Commission believes that a steady and strengthened effort in Latin America must be made by USIA. The programs and projects should be based upon comprehensive research to determine the most effective approaches and media in particular countries.

#### THE U.S. INFORMATION PROGRAM IN EUROPE

The USIA program in Europe has been subjected to increasing criticism from Congress in recent years.

Probably the oldest program in USIA, it emerged from World War II as a response to the information, cultural and educational needs of former enemy-occupied countries. It attempted to provide former Fascist and Nazi countries with information on a democratic society and a free economy. At the same time, it disseminated information about the rising tide of an aggressive Communist movement that was making dangerous inroads in the rich fabric of European civilization.

The formulation of the Marshall plan and the creation of NATO provided the information program with additional tasks. And the subsequent economic integration of Europe posed new important challenges.

As Western Europe recovered from its wartime devastation and chaos, as local Communist expansion receded, as the Western allies grew in strength and prosperity, and as the European countries approached the unification provided by the Common Market, questions were raised concerning the continued necessity of an information program in Western Europe.

In response to this criticism, the Agency reduced its European budgets, cut its personnel, and eliminated certain libraries and information centers. But these actions did not satisfy some critics. They believe that countries with advanced educational systems, with superior communications media, and with increased strength and prosperity did not require large information, educational, and cultural programs from the United States. They asserted that USIS in Europe served no purpose useful to the U.S. national interest.

This Commission has frequently recommended the elimination of all marginal programs in Europe. Furthermore, with the dramatic improvements in the European economy and with the resurgence of more stable governments, there has been no re-examination of the proper role of the U.S. communications program in Europe.

Recently, the Director informed the Commission that he has established a small group of experienced foreign service officers to conduct such a basic reappraisal.

The Commission believes that this action has been long overdue and commends the Director for his initiative in this important area.

The Commission believes the United States as a modern 20th century state, with worldwide interests, should continue to conduct an adequate program in Europe. What is needed is a prescription of its new role which takes greater cognizance of contemporary European conditions. Accurate explanations and official U.S. interpretations of U.S. positions and policies are as important in Europe as they are in other sections of the world.

Frequent trips to Europe by present and previous members of this Commission have revealed the importance of USIS libraries and information centers. The work they do with Europeans as well as with Asian and African students in Europe has been productive and has advanced the national interest.

Nevertheless, the location of some of these libraries should be reexamined with a view toward moving them to areas where workers and students live. And perhaps some of the USIS libraries in the embassies could be converted into specialized libraries. The experience and results that USIS has had with information centers in Rome, Paris, and London bear out this recommendation.

It is also possible that past emphasis on media output for Europe should be supplemented by more personal contact work. For there can be no question about the value of personal contact by ambassadors, ministers, public affairs officers, cultural affairs officers, and other members of the U.S. mission staffs. The U.S. representative must strive to seek out individuals and groups from all walks of life and to establish easy channels of communication with them. This is one reason why more representation funds are indicated. Placing more emphasis on personal contact might require personnel assigned to Europe whose abilities are more in line with the new tasks.

These and other USIS activities need to be reappraised. The Commission looks forward to the results of the Director's study of USIS in Europe.

#### THE INFORMATION PROGRAM AND U.S. STRATEGY

In addition to specific current problems this Commission also has considered the broad role of USIA. Here a brief review of the history of USIA may be helpful for it shows how the changing purpose of the U.S. information program has been directly related to the changing strategic position of the United States.

When Public Law 402 (the Smith-Mundt Act) establishing the authority for an information program was passed in 1948, it was in response to gradually stepped up Communist propaganda campaigns that were spreading throughout the world, intent on undermining the United States and free men everywhere.

Since that time three major strategic confrontations between the United States and the U.S.S.R. have occurred:

1. The first was the 1948 Berlin blockade in which the United States successfully defended the beleaguered city of Berlin and by a massive airlift repulsed a deliberate Russian effort to drive the Allies out of the city. In 1948, President Truman had charged the foreign information program with the task of portraying a "full and fair picture" of the United States. Its purpose was to present a true picture of the United States and to combat Communist propaganda, including the facts concerning Soviet aggressive intentions in Berlin.

2. The second was the outbreak of the Korean war in 1950 when American intervention changed the climate of the cold war. At that time the President called for a "campaign of truth" which led to a stepped up information program with an appropriation about three times the amount available in the previous year. This was "the psychological offensive" in support of the U.S. effort in Korea.

Following the Korean war, the USIA was established in 1953 as an independent agency of Government. Its purpose and objectives as approved by President Eisenhower were "to submit evidence to peoples of other nations by means of communications techniques that the objectives and policies of the United States are in harmony with and will advance their legitimate aspirations for freedom, progress, and peace." This has remained the Agency's mission.

In 1954, with the support of the President and the Agency's first Director, Mr. Theodore C. Streibert, a "cultural offensive" also was mounted to compete with the Soviets in this arena. This emphasis on the Agency's cultural program was continued and expanded under Directors Arthur Larson and George V. Allen.

3. The third major confrontation between the United States and the U.S.S.R. occurred in Cuba during October of 1962. The results of this latest strategic encounter and the vital participation of USIA in it give a new significance to the U.S. Information Agency.

#### THE CHANGING MISSIONS OF USIA

The changing missions that have been assigned to the foreign information program partly because of changing U.S. strategy, are reflected in the confusion attending the information program's attempts to adjust to these changes.

There have been periods when the Agency's chief emphasis has been placed on "long-range cultural programs." And there have been other times when Agency policies, programs, and operations were organized primarily around short-range, tactical, day-to-day issues and the elimination of bush fires. Both the objective reality of international conditions and the strict reality of the budget have affected the courses that the Agency pursued at any given time.

In periods of intense crisis, such as in times of major United States-U.S.S.R. strategic confrontations, the USIA must perform undertake important functions which are oriented around the work of the fast media and aimed at getting the American position to the people of the world. But during intercrisis periods the Agency's emphasis has fluctuated sharply.

The difficulty with these fluctuating strategies and missions has been evident in the buildup of certain operations, their drastic reductions or wholesale dismantling when conditions changed and then the long laborious need to rebuild them in one area or another when crises subside, Soviet competition increases, or relatively calm areas flare up.

Confusion over the purpose and role can perhaps best be seen by examining the mere changes in name that have characterized the Agency's central policy office during the past 10 years.

In August 1953 there was an Office of Policy and Plans.

By September 1953 this became the Office of Policy and Programs.

In March 1957 it reverted to the Office of Policy and Plans.

But in April 1958 it became an Office of Plans.

And in August 1962 it was and remains at present an Office of Policy.

During this period, in response to the views of different directors and different administrations, the Agency experimented with combining program and policy functions, planning and policy functions, abolishing "policy" or abolishing "plans."

Perhaps such experimentation was inevitable as the foreign information and cultural programs attempted to satisfy the requirements placed upon them by conflicting views, by different directors, by competing ideas of its proper role and by the objective facts of national and international affairs.

Throughout these years of changing purpose one other fact also has become evident.

During the short history of the U.S. information program relatively little attention has been accorded to long-range planning and policy considerations.

This Commission believes that the Agency should have both short-range and long-range objectives. It cannot escape the duty of acting as the Government's foreign public relations arm on a daily basis and especially in times of crisis. It has performed well and continues to perform well in transmitting daily foreign policy guidance from the Department of State and in converting it to daily propaganda guidance for the benefit of the fast media.

The Commission suggests, however, that the Agency must also organize and staff itself to provide long-range forward planning that would encompass the most effective use of its information, educational, and cultural programs.

It has been said that creative men build private communications agencies, but that businessmen eventually run them. This Commission suggests that creative plans, policies, and programs are as important as effective executive management and administration. Both are necessary. But a balanced view of and attention to short-range operations and long-range forward planning are also both necessary.

The occasion of the third major confrontation between the United States and the U.S.S.R. is a good time for the USIA and the U.S. Government to review the role of the ideological, information or psychological arm of the Government. The purpose of such a review would be to further strengthen its assets and capabilities, shore up and improve its gaps and vulnerabilities, and introduce a strong, effective forward planning operation which would provide new ideas and a more carefully studied long-range stability to the total U.S. communications effort.

Another reason for the creation of a small forward planning unit, which as its first task might well start and conduct such a review, may be found in the criticisms of USIA.

#### USIA CRITICS

Although the U.S. information program earned the plaudits of the Nation with its performance during periods of crisis like Cuba, Berlin, Suez, and Korea, there remains considerable uneasiness among a number of thoughtful critics concerning its role and performance in intercrisis periods.

Deeply concerned critics, which include Members of Congress, certain foreign correspondents, businessmen, advertising and public relations counselors, the cold war councils, as well as this Commission have raised serious and searching questions about the adequacy of its size and the validity of its approach to the problem of communication and persuasion.

While the Commission does not agree with all the criticisms listed below, it does feel that they raise questions worthy of serious consideration. Here then are some of the criticisms of USIA that have been publicly expressed:

1. Merely purveying information is not enough. The United States must engage in ardent persuasion which by its nature is aggressive and creative. In a nation of great politicians, great lawyers, and great salesmen, it should be evident that it is necessary to advocate causes, positions, and products aggressively in order to win adherents.

2. Our most urgent job is not merely to interpret U.S. policy and the U.S. way of life, but to more pertinently establish in men's minds the basic distinction between Western and Communist concepts of society.

3. As the expansion of international operations has taken more and more U.S. publishers, advertisers, public relations counselors, communications experts, academicians, businessmen, and labor leaders into other countries, they have become more aware of the nuances of communicating with

foreign peoples. They have reported on the existence of huge gaps of information about the United States. They have recoiled from the considerable amount of distortion and misinformation about U.S. aims that exist. Many have returned home charging that the U.S. information program has been inadequate in methods and magnitude as well as in aggressiveness and imagination. They advocate that the U.S. military and economic assistance programs should be supplemented with a continuous propaganda program of proportionately comparable size and supported by a proportionately larger fiscal base.

4. Some critics have said that a much larger appropriation is necessary. Suggested amounts have ranged from doubling the present appropriation to 5 percent of the total U.S. overseas budget.

5. There is a need to develop and execute propaganda initiative strategies in order to counter and defeat the impact of Communist foreign propaganda. For this Communist propaganda disseminates Communist foreign policies and accompanies Communist actions bent on the destruction of the United States.

6. Every aspect of present USIA activities should be reexamined. Peacetime programs should be abandoned in favor of cold war needs.

7. U.S. propaganda should carry less of a "made in U.S." label and more of it should be put into the hands of dependable nationals of the countries that we are attempting to persuade and influence. Leaders of the target peoples themselves must be more involved.

8. Washington should do more about tapping the resources and talents of U.S. commercial media, public relations firms, and advertising agencies.

9. The concept of USIA is not big enough to handle the powerful instrument of propaganda.

10. Considerably enhanced research and training programs are needed in order (a) to develop firmer foundations for our foreign information programs in relation to the opinions, attitudes, hopes, aspirations, and misconceptions of the foreign audiences, and (b) to provide personnel with a more thorough understanding of Communist organization, strategy and tactics, and the most up-to-date knowledge of how to communicate and persuade more effectively. Equally important, the Agency must utilize research and the results of research much more effectively in Latin America, Africa, Asia, and Europe than it has in the past.

The Commission believes that a review of the mission of USIA should be made in the light of these criticisms and interpreted in the perspective of new directions in the cold war since the Cuban crisis. The establishment of a small forward-planning unit would enable such a reexamination to get underway.

#### THE TASKS AND FUNCTIONS OF FORWARD PLANNING IN USIA

The tasks of the proposed forward-planning unit would be to:

1. Study and determine the strategic priorities of USIS operations in relation to specific countries, communications facilities and media, and personnel. Which countries, for example, should require the greatest concentration of USIS energy and resources? Is an American presence necessary in all countries? Are all media and programs needed in all countries? Are USIS communications facilities adequate, modern, and effective?

2. Assist in mapping out overall strategic objectives and policies in relation to the availability of funds.

Too frequently program decisions have been predicated on budgetary and appropriations considerations. There is need for a more objective and sustained effort to formulate programs first, provide a thorough

justification for them and then calculate the fiscal resources necessary to implement these programs.

3. Generate ideas concerning programs and program content in the light of the fluctuating trends of the cold war.

The growth and institutionalization of an agency frequently brings with it bureaucratic rigidity and routine. Less attention is paid to the new idea generated either from within or without the agency. A well-functioning, forward-planning unit should afford hospitality for the consideration of many ideas, and stimulate the generation of these ideas from all expert sources, public and private, that are seriously concerned with the prosecution of the cold war.

A long-range, forward-planning unit should also give impetus to a serious consideration of the following searching questions about the Government's foreign communications program that have been posed increasingly by serious and sympathetic observers of the USIA:

Should the United States continue to conduct information and cultural activities in Western Europe?

Should the United States abolish its libraries and information centers in Europe?

Should the United States depend exclusively on binational centers?

Should education, cultural and information programs remain independently administered among a half-dozen agencies in Washington? Should there be one place in the Government where all of these activities are put together? How can efforts of the Agency for International Development (AID), Peace Corps, USIA, State, Health, Education, and Welfare (HEW), Labor, Commerce, and Agriculture in the foreign ideological and psychological areas be more effectively coordinated?

How can we evaluate more realistically the results of U.S. programs on a country-by-country basis in order to reduce and eliminate marginal ones, strengthen and enhance effective ones, and introduce new ones that can help fill important gaps and remedy areas of weakness?

Are we doing enough with foreign youth, students, labor, and intellectual groups? What new instruments both private and public are available that would strengthen U.S. programs in these areas?

Have we exploited to a maximum the private resources of American business, labor, education, advertising, and public relations? For example, is there an American businessman's committee which works with USIS in helping to tell the American story accurately and authoritatively? Is there sufficient liaison established with foreign labor groups either directly or indirectly or through the good offices of American labor representatives and their contacts through the IOFTU? Is there a carefully planned effort to acquaint intellectuals and universities with the most reputable and prominent intellectuals and universities in the United States? How can U.S. Members of Congress do more either as individuals or as members of the various interparliamentary organizations?

Have we exhausted our efforts to develop interallied operation in the communications field outside of periods of crisis when a promising degree of collaboration is attained?

Are we recruiting the best available personnel?

Should we conduct operations in the hinterland of a country as well as in its capital?

What can be done to improve further the training program in the study of foreign communications, foreign languages, and Communist propaganda strategy and tactics? What types of social science investigations in the foreign field can be encouraged and channeled into studies of communications and persuasion? Is the level and type of research commensurate with the needs of

the Agency and the opportunities that become available to it?

What have been the results of 14 years of USIS activities in particular countries? What are our accumulated assets and how can they be utilized more effectively?

How can the Office of Administration and its constituent elements do a more orderly job of forward planning in the light of the above and related questions?

Recently, a 3-year study of mass communications in Latin America, Africa, and Asia, completed by UNESCO, showed that two-thirds of the world population lack the barest means of being informed of news at home, let alone of events abroad. What implications do these findings hold for USIA programs, techniques, and media?

These questions and others like them require careful and continuous thought by a high-level, forward-planning group that would be staffed with the Agency's most capable senior officers. This group should be free to call in experts from academic, business, communication, labor, farm, and youth groups for suggestions, advice, and counsel.

In particular there is a need for forward planning in the new era of world communication that has been opened by Telstar.

#### FORWARD PLANNING IN A NEW ERA OF WORLD COMMUNICATIONS

Three important scientific discoveries and technological inventions have combined to alter significantly international relations during the past two decades and have had important influences on U.S. strategy and on the mission of USIA.

The first was the release of nuclear energy with its profound military implications and peacetime application. The creation of the Atomic Energy Commission (AEC) and the funds appropriated to develop and perfect military weapons as well as peaceful uses of the atom have received the full support of the American people. The results have had an important impact on the nations and peoples of the world.

The second was the developments and explorations in outer space with the launching of manned and other satellites which have shortened further the physical distances between nations. The establishment of the National Aeronautics and Space Administration (NASA) and the projection of space programs designed to reach the moon and the planets have electrified the world. Substantial sums of money have been appropriated to support this huge undertaking which has caught the imagination of the American people. Not all the consequences can be foreseen at this time but they promise to bring new horizons, new products, and new ways of thinking to 20th century man.

The third major invention is the recent U.S. success in launching a communications satellite capable of transmitting words, pictures, and other symbols from the United States to Western Europe. This byproduct of experiments with satellites has also required heavy investment in research, engineering, and equipment which has given us the means with which to communicate images across oceans instantaneously. This system when it is finally perfected and made more permanent will permit the transmission of information and ideology to the far corners of the world—it represents a real challenge to the U.S. information program.

If intercontinental television is to be a constructive force for world peace and international understanding, considerable research into the ideological and psychological dimensions of international communications is called for. Nations around the world have expended huge sums of money which have produced major breakthroughs in the physical and biological sciences, in technology, and engineering. Nothing comparable has

even been approximated in the complicated field of international communications.

Leading research experts in social science and communications should receive support and encouragement to define and lay out the critical dimensions in international communications, to pose the proper questions and to undertake the necessary research designed to shed light on the many problems that stand in the way of mutual understanding.

This Commission suggests that the appropriate committees of Congress, consider holding hearings on what research can contribute to improving international communications which reduce tensions and promote stability and international understanding. For the problem of international communications with the advent and potential of the space satellite requires at least as much thought, attention, and support as was given to atomic energy and other aspects of space exploration.

This could also be an important task for the USIA forward-planning unit. The accumulated USIA experience in communicating with foreign audiences should be focused on the potentials that have hardly been explored. USIA can perform an important function by sharing its information, experience, and knowledge with the appropriate committees of Congress, other executive agencies, and the national networks.

It is of course clear that the U.S. Information Agency cannot do the entire job. There is a large area in which the private individual represents his country when he is abroad either as a visitor or as a long-time resident. It's up to each individual citizen to participate in his own field of interest or occupation. The citizen as tourist or as businessman, labor leader, farmer, scientist, educator, artist, and journalist (press, radio, and television), in his increasingly frequent trips abroad can help build a better understanding of the United States through his own channels of communication.

There are, however, negative elements to the U.S. foreign information programs. There are occasions when actions of individuals and the circulation abroad of movies, television programs, and paperback books give an unfavorable impression of America. Frequently the damage done cannot be easily repaired and the adverse effect cannot be easily countered by USIA with all its facilities.

The job of conveying a favorable image of the United States is a difficult one at best. In competing with the Sino-Soviet Communist powers which control their citizens and their actions, it should be understood that many factors other than USIA contribute to the U.S. standing abroad or lack of it. For example, private American citizens abroad are uncontrolled, unbridled, and uncensored. This is the pride of our system. Nevertheless it is hoped that in their conduct and in the products they distribute, Americans will take into consideration detriments as well as benefits to the national interest which result from their actions.

#### THE USIA ROLE IN TELSTAR AND WORLD COMMUNICATIONS

As technological developments and inventions foster the increased flow of communications among the peoples of the world, more people than ever are being exposed to different values, ideas, and information which are processed by others. There are few places left in the world where because of the press, radio, television, advertising, and the movement of people, some form of international communication hasn't taken place. And at least in the national capitals of the world what is frequently news in Paris is also news in Rio, Djakarta, or Washington.

The American success with Telstar in 1962 marked an important milestone in the estab-

lishment of a new world communications system.

The role of USIA in this revolutionary development as a purveyor of official communications and as a supplement to the work of private agencies and facilities is most important. USIA has already assisted in the development, promotion, and arrangements underlying the initial transatlantic programs transmitted by the communications satellite. In facilitating the efforts of the U.S. national networks, USIA has made an important contribution to the emergence and further development of a world communications system.

The Chairman of this Commission, on the occasion of the first successful transatlantic television transmission, commended the U.S. national radio networks as follows:

"Significant in the success of this country's Telstar program was the voluntary cooperation of highly competitive, privately owned networks. Working together ABC, CBS, and NBC encompassed in a twinkling a thesaurus of magnificent sights and sounds of the United States and its citizens.

"This was a marvelous moment of accomplishment for millions of free people throughout the world. Telstar should likewise shine as a beacon of freedom and hope to millions of enslaved peoples across the earth.

"In days to come, you will further utilize Telstar and other similar satellites to transmit the living experience of our people to all who wish to see and hear, regardless of national boundary lines, concrete walls or bamboo curtains.

"I am certain that this accurate and instantaneous reflection of our American way of life—the reporting of our failures as well as our successes, our goals unaccomplished as well as our achievements realized—will speak with unparalleled eloquence the sincere friendliness, the deep desire for peace that motivate and guide the American people and our free, democratic government.

"I am also certain that when the nations and races of the earth are constantly tuned to common sights and sounds and experiences, the cause of international understanding and peace will be notably advanced."

The networks' intense interest in the potential of this new technological marvel, are recorded in the following excerpts from their replies:

President Leonard H. Goldenson, of ABC, said, "Here at ABC we were all delighted at the results of this first test which were beyond all expectations, and naturally we join with our colleagues at CBS and NBC in their excitement over the future prospects of intercontinental television.

"I personally consider this historic event a major step toward greater understanding and world peace through space communications."

President Robert E. Kintner of NBC said, "whatever the application of this new technology may be, we are confident that it will extend the horizons of broadcast journalism on an international basis, so that we can bring instantaneously to our audiences in the United States a picture and understanding of the great news and cultural events of other countries, and conversely it will enable European and other overseas broadcasters—as well as broadcasters in the United States—to originate coverage of events and developments in this country for audiences overseas. I share your conviction that the end results will surely spread a closer understanding among the nations of each others' institutions and aspirations."

One important question faced by private carriers and USIA is what is to go on Telstar. As with all channels of communication, it is the contents that flow through them that remain a constant challenge to the imagination, ingenuity and sensitivity to audience

taste and need that are displayed by producers, directors, writers, and performers.

Neither the potential nor the astronomical expense of Telstar is fully appreciated at present. The world has received only a glimpse of what is possible. The future is marked with exciting possibilities that will require considerable expenditures of funds. USIA has an important role to perform in the unfolding of this future and will require additional sums of money to participate in this international project. The Commission urges that USIA give this project the highest priority. It warrants the continued sympathetic consideration by the Congress.

#### CONCLUSION

In summary, the Commission believes that the Cuban crisis opened a new phase in the cold war and placed new responsibilities on USIA.

The Commission has considered the present role, functions, and operations of the USIA. It suggests that five important problems require attention. They are:

1. The need to improve management in USIA.
2. The need to reduce the number of publications that are no longer useful.
3. The need to initiate annual or semi-annual reviews of program output by committees whose membership would include outside experts on print and radio.
4. The need to review the expanding programs in Africa and Latin America.
5. The need for one USIA building in Washington in order to improve the Agency's operating efficiency and management.

This report has also included the major recommendations and observations of the Chairman's report on Africa. In a continent of many nations, tribes and languages, the USIA cannot assume that techniques and material that have proved suitable in European or other areas are equally effective in Africa. The media support programs for Africa should be reviewed in order to assure that media products are tailored to the problems, interests and conditions in Africa.

Latin America represents an important challenge that must be met. The entire economy is an explosive one. Population increases steadily. Demands to reduce poverty, ignorance and illness have increased. Such conditions are ripe for the Communist agitator and organizer. This must be understood by USIA in the context of the promise of the Alliance for Progress. Exposure of short- and long-range Communist goals for Latin American countries especially as they were manifested by the Russian buildup in Cuba, is an additional task for USIA.

The Commission is pleased to report that a reappraisal of the Agency's program in Western Europe has been initiated by the Director. Its purpose is to redefine the role of USIA in Europe in the light of the emergence of the European community as a prosperous and powerful force in international affairs.

The Commission has traced the changing role and mission of the foreign information programs during the past 15 years. These have fluctuated with different national strategies and with the experience and orientation of different directors who guided and directed the program.

The Commission believes that the Agency has both short-range and long-range objectives. Although USIA has received national praise for its performance in the Cuban crisis, there is a need to develop longer range plans in the light of cumulative criticism of the Agency's role and approach to the cold war and in recognition of the fact that the United States-U.S.S.R. confrontation in Cuba has opened a new phase of this war.

The Commission has recommended that the Agency establish a high level forward-planning unit staffed with its most senior officers. This staff should deal responsibly

with these criticisms and with the new challenges and opportunities ushered in by the recent crisis in Cuba and the Chinese Communist invasion of India.

Finally, the Commission suggests that the implications and repercussions of Telstar, the American communications satellite, may be as far reaching as the discovery of atomic energy and the explorations of space. It is important to the national interest that USIA exploit and develop this opportunity to the fullest. To do so effectively will require additional research into the opinions, attitudes, misconceptions, taste, and interests of foreign audiences.

With the assistance, support, and understanding of the Congress, this new mighty instrument of international mass communications can be used to educate and inform the peoples of the world about each other. It will enable the United States to disseminate accurate and authoritative information about its policies, people, and intentions through a medium that will have a powerful impact on the peoples of the world. It will demonstrate vividly the goals of the United States and the achievements of freemen everywhere.

Respectfully submitted.

J. LEONARD REINSCH,  
*Chairman.*

SIGURD S. LARSON,  
CLARK R. MOLLENHOFF,  
M. S. NOVIK,  
JOHN L. SEIGENTHALER,

DECEMBER 28, 1962.

#### MEDICAL PERSONNEL

Mr. JAVITS. Mr. President, the need for doctors, nurses, therapists and other trained professional health care personnel is growing at a rate that is increasingly urgent. The growth of population is far outstripping the ability of our schools to attract and produce the required numbers. Moreover, costs of a medical education have risen far beyond the ability of all but a relatively small number of students to meet. This shortage of health service personnel could well result in a decline of medical quality and needless hardship and suffering. Federal assistance in meeting these needs is essential, including the legislation now pending before the Congress, and a long-range program seems essential.

A provocative and stimulating paper on how to create tomorrow's health services on the basis of recognized needs and resources has been written by Marion B. Folsom, former Secretary of Health, Education, and Welfare, in his capacity as chairman of the National Commission on Community Health Services. I ask unanimous consent to have printed in the RECORD Mr. Folsom's article entitled "Today's Health Needs and Tomorrow's Services," which appeared in the Journal of Public Health, June 1963.

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

#### TODAY'S HEALTH NEEDS AND TOMORROW'S SERVICES

(By Marion B. Folsom)

A number of problems must be dealt with if Americans are to enjoy continually improving medical services in the years ahead. One of these is the lag in the application of knowledge which research and experience have already given us and will continue to give. For instance, the Public Health Service estimates that failure to use new find-

ings results each year in 88,000 unnecessary deaths from cancer, 20,000 deaths from rheumatic heart disease, and needless suffering of countless victims of other ailments.

Another general problem needing our urgent attention is the lack of proper coordination of health activities. There is far too much duplication of effort and far too little overall planning at local, State, and national levels. Our resources of men and money could be employed far more profitably if more wisely administered and more closely coordinated.

One must also add to the list of our general problems the indifference of the individual, particularly as expressed in his failure to have regular physical checkups.

These are, as I say, some general problems, but in looking to the future it seems to me that there are three overriding problems: The education and training of the manpower needed; the provision of adequate health facilities and services; and certain problems relating to medical research. Let me comment briefly on each.

#### MEDICAL SCHOOLS

Several competent studies in recent years have indicated that about 20 new medical schools must be provided by 1970 if the present ratio of doctors to population is to be maintained, and if our health services and research facilities are to be adequately staffed. Existing schools would also have to increase their enrollments.

The need for additional schools is underscored by the fact that the number of physicians relative to population increased between 1930 and 1950, but has remained about constant since then. One may find it a remarkable and disturbing fact that 20 percent of the physicians entering practice in the United States during 1961 were educated abroad. Considering our position in the world, it seems strange indeed that we should have to depend upon foreign medical schools for so many of our physicians. Ought we not to be training all of the doctors we need and many more in addition to serve the needs of less well-developed countries?

Yet, of the 20 new medical schools we need, I understand that only 9 have been projected and no buildings are actually under construction, largely because of lack of funds.

The Eisenhower administration recognized this acute need in 1956 when the President recommended to Congress that \$50 million a year be appropriated for a period of 5 years to be given in the form of grants on a matching basis to medical schools for research and training facilities. Altogether, this would have provided a half-billion dollars—a figure that would largely have met the need at that time for expansion of the medical schools.

In the Public Health Services Act of 1956, Congress voted matching grants of \$30 million a year for research facilities, but nothing for teaching facilities. These grants were extended over a 7-year period, making a total of \$210 million in Federal funds available for this purpose.

These research grants have been of great help but funds are still needed for classrooms and laboratories for teaching. The Eisenhower and Kennedy administration have both made recommendations for Federal matching grants for this purpose, but action has unfortunately been delayed. The delay results from extraneous issues rather than from any objection to aid to medical schools as such. In the past Congress, a bill was reported out by the House committee, but it did not come to the floor for a vote. It is hoped that action on a similar bill will be taken in the present Congress.

In seeking matching funds to qualify for these Federal grants, the schools must appeal to individuals, corporations, foundations, and State governments. Since 1956, they

have been most successful in obtaining these matching funds for research facilities.

A problem related to the inadequate teaching facilities is the shortage of qualified applicants for medical training. Although the number of college graduates has been going up steadily, the number applying for medical schooling has been going down. Though the ratio is much higher in topflight schools, the average for all schools is less than two applicants for each one accepted. So limited a selection cannot guarantee a most highly qualified student body.

Medicine is losing its popularity as a career because of the long training required, the high cost, and competition from other rewarding careers, especially in science. Then, too, there are relatively few fellowships and training grants available to medical students, and they do not have the same opportunities for part-time jobs as do other graduate students. Little is done to interest high school and college students in the attractiveness of a medical career.

Constructive measures can be taken, however, to overcome these obstacles. Scholarships and fellowships from Federal, State, and local agencies should be expanded, and these should be made available particularly to members of lower income families. There should be an expansion of loan funds such as those provided under the National Defense Education Act.

We may note with interest that as part of last year's bill, the administration proposed a fellowship program for needy medical school students, but opponents eliminated this provision from the bill.

Medical schools, of course, occupy a key position in the health field. Not only do they train the physicians, research workers, health officers, and teachers, but the university medical center is also being recognized more and more as the real center for all the community's health needs.

In view of the increase in the older population, schools in their curriculums should give more attention to training for treatment of the chronic diseases and especially in rehabilitation techniques. Great progress is being made in vocational rehabilitation and rehabilitation of the aged to self-care, but there is a serious shortage of trained personnel.

We also have a shortage of nurses and this problem will grow with the growth of our population. The expansion of both 2- and 4-year undergraduate programs is urgently needed—and we must find ways to encourage more young women to enter the nursing profession.

In many cities, the 2-year community colleges are now conducting nurses' training programs in cooperation with the community hospitals. In my home city of Rochester, our recently organized community college is providing student nurses with first-year training in academic subjects, whereas the nurses had previously been trained entirely by the hospitals. This results both in a saving to the hospitals and in a better education as well. The school plans to begin a 2-year program for an associate degree this year.

#### MEDICAL RESEARCH

Under the stimulus of growing financial support, medical research has been expanding both in governmental and private fields. I recall that when I went to the Department of Health, Education, and Welfare in August 1955, the appropriation for medical research and research training was approximately \$100 million for that year. The appropriation for 1962—only 6 years later—approached \$800 million, including funds for construction of health research facilities.

Much of the increase in Government-supported research has been carried on by the university medical schools with grants from the National Institutes of Health. Support for medical research comes from

other sources, too. In 1961, of the billion dollars spent for medical and health-related research, 57 percent was provided by the Federal Government, 29 percent by private industry, and 14 percent by all other sources—State and local governments, foundations, general hospitals, voluntary health agencies, and other nonprofit institutions from their own resources. We must continue to expand this non-Federal support and avoid relying altogether on the Federal Government for research funds.

Here, again, the lack of trained personnel is a serious handicap. Fortunately, after World War II, the Federal Government inaugurated the policy of granting fellowships to graduate students in science and medicine. A steady increase in the number of trained workers has resulted. But if medical research is to continue expanding, the medical schools will be pressed to carry on the necessary research work and to train the needed research workers. The Federal Government's own research programs are seriously restricted because of the comparatively low salaries paid to scientists and others in responsible positions. For instance, the salaries of certain key scientists in the National Institutes of Health are substantially below those in medical schools and those for comparable positions in industry. The last two administrations, in order to attract and hold top scientists and other key people in Government, have recommended raising their salaries and we may hope that this will be accomplished. I think higher pay in the top positions would improve administration in all branches of the Federal Government.

With the rapid increase in available funds, so many projects are now being submitted for the consideration of the National Institutes of Health that the present system of review by various study units and advisory councils probably needs improvement. Some feel that greater use should be made of block grants, giving greater autonomy to the dean of the medical school or the department head for initiating and following up the individual projects. In the current year, the National Institutes of Health is awarding \$20 million in general research support grants. These grants and other broader forms of support place more responsibility on the medical schools.

At the present time, while medical research seems to be adequately financed, we should remember that the costs are only about 6 percent of the total cost of development and research of all kinds. Investment in health should always command a high priority on our resources. The immediate problem is one of improving the research organization and facilities and increasing the supply of skilled research personnel.

#### HEALTH FACILITIES AND SERVICES

A third major problem is the utilization and cost of health facilities and services. Perhaps this problem is the most readily solved, given earnest community action.

As millions of our citizens know, medical care is very expensive. Related to the cost-of-living index, the rise in the cost of medical care is startling. For example, the overall increase in consumer prices from the 1947-49 base to October 1962, was 30 percent. During this same period, the cost of medical care rose 66 percent, or more than twice as much as consumer prices. Hospital daily services charges increased 160 percent—a significant factor in the overall increase in medical prices.

I think the sharp increase in hospital rates, when properly evaluated, can point to both the cause and the cure of many of our problems. Higher hospital rates can be explained in part by the rise of hospital wages to more realistic levels, by increased cost of food and other items, and by the increased cost of modern diagnostic and treatment services.

More laboratory procedures are used per patient and treatment costs have advanced as new technics have been developed. Relatively more people are using hospitals, particularly for the delivery of babies and in cases of terminal illness. The shortening of hospital stays results in proportionately more acutely ill patients in a hospital at a given time so that staffing requirements per bed or per patient-day have increased markedly.

But another factor of equal importance, and hard to justify, lies in the field of administration. I have particularly in mind the overutilization of beds in the acute hospitals and the lack of coordination between the hospitals and other community health agencies, both public and private. These matters are complicated in many cases by the concern of board members and administrators for the interests of the individual institution rather than for the needs of the community as a whole. This narrow concern shows up, for example, in their desire to have operating income increased by high occupancy. They also see advantages in having more beds.

But it should be recognized that for every bed added beyond the requirements of the community and for every bed occupied by a patient who could be served in a lower-cost facility, or cared for at home, overall medical costs go up for everyone and so do health insurance premiums. This form of overutilization or inappropriate utilization is a hard problem to solve, not alone because hospital administrators favor high occupancy, but because the doctor and the family often wish to have the patient in the hospital even when this is not medically necessary.

There is a great need for research in the field of hospital administration as the possibilities for improvement are considerable. Unfortunately, the funds from public and private sources have been inadequate for this purpose.

In our community planning, the general hospital should continue to play a key role in providing adequate medical care for the community, in serving as a training center for young doctors, and in conducting research. Yet there is need for several other types of health facilities, both to relieve the demand for the expensive beds and services of the general hospital and to give lower-cost service more appropriate to the needs of the individual patient. These include extended-care units for those recovering from serious illnesses, nursing homes for the chronically ill, organized home care, mental hospitals, rehabilitation centers, and homes for the aged. In only a few areas of the country are there satisfactory facilities and services of these types.

The ideal plan—and more and more metropolitan general hospitals are following this course—is to develop units within the general hospital for extended care, for the chronically ill and for mental patients, and to provide rehabilitation units and organized home-care programs in cooperation with the medical profession and visiting nurse associations, and to develop close affiliation with a home for the aged.

#### COMMUNITY PLANNING

A personal experience of mine illustrates the nature and extent of this problem. When I was asked some time ago to be chairman of the allocations committee of the 1962 campaign for funds for the six hospitals in Rochester, the initial requests from the hospitals were much higher than the amount which we thought could be raised in the community. I was told that there was an acute situation as far as beds in the general hospitals were concerned and that there should be considerable expansion in beds to meet the growing population in the next few years. I expressed doubt about this, based upon my experience in Washington, and I raised a question as to the real need for this expansion.

I also told the leaders of the fund that I did not want to take the responsibility of making the allocations when the only other members of the allocations committee were the administrators and presidents of the hospitals. I therefore suggested that we set up in the city an agency with wider representation to plan and coordinate the work, not only of the six hospitals, but of the other health facilities, both voluntary and governmental.

I found general agreement to this suggestion and we organized the Patient Care Planning Council, consisting of the key people concerned with the health needs and services of the community, the people who are responsible not only for planning but for putting the plans into effect.

Our first undertaking was a survey of the patients in the private hospitals to determine the type of facilities these patients needed at the particular time the survey was made. The survey covered 70 percent of the 2,000 beds in these hospitals. It was conducted by 14 teams of 2 doctors each—a surgeon and an internist, half of the doctors being from the community and half from the outside. The Medical Society and the hospitals gave complete cooperation and we had the assistance of experts from the U.S. Public Health Service, who were very much interested in the survey, and from the University of Rochester Medical School.

The survey indicated that in the surgical cases, approximately 11 percent of the beds were occupied unnecessarily on the basis of medical standards. In the medical cases, 23 percent of the beds were considered unnecessarily occupied for medical reasons. The teams of doctors also indicated that if we had other facilities available—that is, if we had the right kind of extended-care units and better nursing-home facilities—in the case of the surgical patients an additional 2 percent could have been released from the acute hospital beds and, in the case of the medical patients, an additional 8 percent could have been released. In other words, if we had had the right type of facilities and services, we could have released over 30 percent of the medical patients who were at that time occupying the acute beds. Some of these patients should have been in extended-care units, some in nursing homes, some could have been taken care of through outpatient services, some through organized home care, and some could have been cared for at home without any special services.

As the result of this study, we reduced considerably the estimated requests for acute general beds. Of the additional beds we plan to provide, about half will be in what we call extended-care units, designed to take care of those patients who are not fully recovered but who are not sick enough to require all the services given to those in acute beds. We contemplate that these beds can be provided at about half the construction cost of general hospital beds and that the services can be provided for about half the operating cost. These beds are not intended for chronic cases and if at the end of about 60 days the patient does not show recovery, he would be transferred to a long-term care facility. While the cost of this service will be less, we feel that the quality of service for this type patient will be improved since it will concentrate primarily on rehabilitation.

Thus, rather than spend larger sums for more beds in the acute units of general hospitals, which we now doubt that the community really needs, we will have released funds for replacing old and obsolete buildings and equipment with modern, more efficient, and better facilities.

As the result of the bed survey, each hospital has set up a utilization committee. These committees were not very effective at first and the medical society has now asked

each hospital to conduct periodic surveys, similar to the original survey, to make sure that the utilization committees are functioning properly. In my opinion, in very few hospitals do the utilization committees do a good job.

About 2 years ago, an organized home-care service was established in Rochester in cooperation with the hospitals, the medical society, and the Visiting Nurses Association to take care of people at home who are not sick enough to require the services of a general hospital but who require some medical and nursing service. Several hundred patients have been served, with an average cost per day of only \$7.63—one-fifth the daily hospital rate. The current caseload is about 100. Without this service, many of these patients would be occupying beds in the general hospitals.

Two of the hospitals had intended to buy new laundry equipment but we induced them to await the results of a study which the Regional Hospital Council had underway for a centralized laundry. This study has been completed and the hospitals have now agreed to set up a central laundry, with substantial savings anticipated. The hospitals have also engaged an outstanding management firm to study the coordination of laboratory services. They have reported that such a plan is feasible, with substantial savings in cost and improvement of service. The firm is now engaged in developing specific recommendations.

Our planning council is engaged in another study of the proper facility for an outlying community and how it should be related to a city hospital. We have had another committee studying the improvement of mental health services. We are now agreed that the next step should be the addition of a psychiatric unit in a second hospital (the university hospital already has one) for both inpatients and outpatients.

Our planning council was asked by the board of supervisors of the county and by the city officials to study the problems of the Municipal Hospital, the County Infirmary and Home for the Aged, and the county tuberculosis hospital to determine the proper functions which these governmental hospitals should perform in the community and how they can be better coordinated with the voluntary hospitals. With the aid of a panel of outstanding health authorities we brought from the outside, we developed a program under which the Municipal Hospital will be turned over to the University of Rochester Medical Center and the county will increase its payments for welfare patients to eliminate the deficit, which has been substantial. All three groups have agreed to our recommendations. Agreement has also been reached on our recommendations for the county home and infirmary, which were based largely on a survey made 5 years ago but upon which little action had been taken. We are still studying the problem of closer coordination of the infirmary and the tuberculosis hospital.

Our campaign last fall for funds for the hospitals was very successful. The contributions exceeded our announced goal by \$1,500,000, which will be used to reduce the borrowings required. One important factor in our success was the realization by the large contributors and the general public of the thorough, objective study and careful planning which had preceded the determination of our needs and allocations.

We look upon the planning council as a permanent agency and have been pleased with the fine cooperation we have received from all agencies in the community—both governmental and voluntary. That we have been able to get action on our recommendations results to a large extent from the fact that the membership of the council consists of those who make the decisions for the individual institutions and the community.

Thus the council is an action as well as planning council.

Because of the progress we have made in community planning in Rochester and the need for extending the planning to the surrounding areas, the Rochester Regional Hospital Council has recently been given a substantial grant by the U.S. Public Health Service to enable us to engage a director and staff to establish area planning for the 11 counties included in the Rochester Regional Hospital Council. The main functions of both the community planning council and the area planning council will be investigation of the present facilities and services and a comparison of these facilities and services with the needs. Based on this, we hope for agreement on a plan to meet the current situation, an outline of a master plan for future growth, and finally the implementation of such a plan.

As the result of our progress so far in Rochester, we are convinced that there is a great opportunity for reducing the cost and improving the quality of medical and health services through community planning.

#### NATIONAL COMMISSION ON COMMUNITY HEALTH SERVICES

Congress recently appropriated a sum under the Community Health Services and Facilities Act of 1961 to encourage such planning. The largest single grant under this act was awarded the American Public Health Association for the establishment of a National Commission on Community Health Services. The commission also received two other grants, from the W. K. Kellogg Foundation and the McGregor Fund.

The National Commission on Community Health Services is sponsored by the American Public Health Association and the National Health Council. The American Public Health Association is an individual membership organization channeling the interests and desires of professionals in the fields of public health toward considered professional goals. The National Health Council is a federation of national agencies broadly concerned with health and welfare and with related agency activities, one of which is community organization and planning for health.

The first meeting of the commission was held in New York City, September 10, 1962. Twenty-three commissioners have been appointed, representing a broad cross section of the country and of various groups concerned with health services. In addition to these, Dr. Berwyn F. Mattison and Mr. Peter Meek, representing the American Public Health Association and the National Health Council, respectively, are ex officio members. I was asked to serve as chairman of the commission.

Dean W. Roberts, M.D., M.P.H., has been selected as executive director of the commission. Dr. Roberts has had wide experience in the field of health administration, research, and planning. He directed the 4-year study on chronic illness in the years 1952-56, and comes to the commission directly from the National Society for Crippled Children and Adults.

Dr. Roberts and his staff have established headquarters at 7815 Old Georgetown Road, Bethesda, Md., and are well into the preliminary phase of developing the commission's studies.

The commission's work will embrace a series of studies and reports on community health services. The period for accomplishing its objectives is 4 years. Within that time, it will study health service needs, resources, practices, and trends in the Nation as a whole and in selected communities. The commission will be especially aware, in its studies and reports, of the many changes in community organization and makeup which have taken place in recent years, and it will direct attention to improvement in planning and delivery of health services.

The commission's work will be done in three separate projects. One of these, the community studies project, will develop studies in 20 widely separated communities throughout the country. The studies will be conducted by the communities themselves, within a general format which the community and the commission will have agreed upon in advance. The purpose of the studies will be to assess the health needs of these communities and to make recommendations for improved health services. Moreover, they will be encouraged to test their recommendations in action as soon as possible. The community studies will be assisted by the staff of the national commission, who will furnish study guides, consultation, and such assistance in the production of reports as may be indicated.

Another project to be conducted simultaneously with the community studies project will develop information nationally in certain specific subject areas, such as environmental health, mental health, the coordination of health services, and the interrelation of the various health agencies. The study implement will be a series of task forces. The purpose of these task force studies will be to place the community studies in perspective and to develop provisional reports and working papers for the third project, which is a National Conference on Community Health Services.

The conference would be held in the third year of the project operation. It will be attended by experts in various fields of public health from across the Nation, who have not participated in the studies, and who are not committed to any points of view which the studies may present. The purpose of the conference will be to provide critical analysis for the reports and to achieve consensus on the recommendations. In a sense, the national task force reports will serve as a backgroup against which to view the community studies; they, in turn, will give focus and local validation to the national study. In the meantime, many of the findings of the community studies will have been made public and will have been tested in action by the time of the national conference.

#### CONCLUSION

I have quite intentionally emphasized the need for a more prudent use of our resources. The funds available from the Federal Government and other sources for advancing the public health are limited. Other unprecedented demands are now placing a heavy burden on our resources. Expenditures for defense and atomic energy, foreign aid, and related security matters will be about \$55 billion during the current fiscal year. There can be little hope of any significant reduction in these areas for some time. We are planning to spend between \$4 and \$5 billion a year on the space effort. While many people may feel that at least part of this huge sum could be more properly spent in other fields, such as health and education, it is evidently the considered judgment of our representatives in Congress that these space expenditures rate a higher priority.

We may also expect to see greater expenditures in the field of higher education. Two factors seem to make this inevitable. The high birth rate of the mid-1940's will result in a sharp increase in the college-age population beginning next year or so. Furthermore, a higher percentage of high school graduates are going on to college and graduate schools.

If the country is going to meet the essential needs in these and other areas, we shall have to avoid inefficiency and deny ourselves the luxury of unwise and unnecessary expenditures in all areas. For instance, we must see that people do not occupy expensive hospital beds in acute general hospitals merely because they have hospital insurance. We must see that less expensive care is available through extended care units, nursing homes, organized home care, and outpatient

services when these are sufficient and, indeed, better suited for the patient.

No longer can we afford the haphazard construction of hospital and other health facilities resulting from inadequate community planning and organization. Nor can we afford the luxury of administrators putting the interests of their own hospitals above the interests of the community as a whole. The wise use of our resources must be a concern of government at all levels and of the private volunteer agencies and the individual citizen as well.

#### THE REPUBLICAN PARTY AND CIVIL RIGHTS

Mr. JAVITS. Mr. President, at this time I wish to speak in regard to a situation which is developing in the Republican Party, my party, which I think is of the utmost consequence for our Nation. In this connection, I ask unanimous consent that I may proceed for an additional 3 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I am very deeply disturbed, and I think the country has every right to be very deeply disturbed, about a debate which seems to be pending at this time as to what the intentions of the Republican Party are in regard to civil rights legislation, and especially, about the bandying about of the term "lily white" with respect to the destiny and the policy of my party.

I was deeply concerned to read in the New York Times of today a statement by Roy Wilkins, executive director of the National Association for the Advancement of Colored People, in which he said:

It is the Republicans, not the Dixiecrats, who are the conversation pieces around the Nation.

I believe this is a mortal threat to my party. It would be a very serious threat to the country if the Republican Party went lily white. I refuse to believe at all that it will. I shall fight it with every element of my being as a grave disservice to the party of Lincoln and a grave disservice to our Nation, especially at this time, when it is very clear that the votes of Republicans will make or break civil rights legislation. At long last the moral note with respect to civil rights has been sounded by the President. But the vote will be a moral vote, and the President does not have the necessary votes in his own party to support his program. We all know it. We all know that civil rights legislation has not a prayer and cloture—which we will have to have at some stage of these proceedings—has not a prayer, unless we have Republican votes.

In the course of the discussion, which looks almost like a onesided political counteroffensive—though I do not believe it is so—the President and the Democratic leaders in respect of civil rights are as sincere as we are on this side. What is being overlooked is that Republicans have given support. For example, I have previously referred to the 18 out of 33 Republican votes for cloture last February on the effort to amend rule XXII. I have referred to the overwhelming Republican vote for the so-called part III in the 1957 civil

rights bill, which we lost, but we certainly did not lose it because of the failure of Republican support.

I am not making any apologies for the party. I am pointing out only that the general impression which is now being created, that the party is fighting some sort of struggle about whether or not to be lily white, is solely attributable to the fact that more than a majority for civil rights is expected of the Republican Party. I am sure we will furnish a majority, but what is asked for is more than that. I think there is the greatest likelihood that we will meet that test, too. But I think it will call for Republicans throughout the country—and that is my reason for speaking out—to speak out upon this subject and to make clear that the Republican rank and file knows that we are the party of Lincoln and that we fully intend to support effective civil rights legislation, to demand of their legislators that they do the same, and ask the public not to be confused by the debate which now seems to be taking place in the newspapers, or by the doubts which some people entertain.

Mr. President, second and very importantly, the point about the bipartisan character of the effort, if it is to succeed at all, must be fully recognized and understood. It cannot be glossed over or fussed over. There is no hope for it unless the Democrats as well as Republicans support it, and unless it will be the considered, express, and articulate intention of the Democrats and their leaders to cooperate fully to respect and give dignity to Republicans who themselves are cooperating in relation to civil rights, so that the issue will not be merely a question of the President's program, but a matter of supporting the country's program and the basic needs of our Nation.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

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

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from New York? The Chair hears none, and it is so ordered.

Mr. JAVITS. I pointed out—and I am not given to glossing over things—that even as to the attitude of the minority leader, it is a fact that although he opposes the public accommodations section—which I think is very important and I shall fight very hard for it—as the minority leader on the Republican side, the Senator from Illinois [Mr. DIRKSEN] has supported a number of the issues, one being the very important part III of the 1957 bill to desegregate the public school system, an issue which has not had affirmative support on the floor of the Senate, and to which his weight gives great affirmative support. I am still hopeful that we might even persuade him to be for some version of a public accommodations section. All I am pointing out is that we on the Republican side, first, do not deserve these speculative fears, but they exist. Therefore they must be recognized by two groups in our country: First, Republicans themselves, who must be more articulate on

the subject, and, second, Democrats, who must recognize that the effort is a bipartisan program. It is not merely a question of supporting the President. It is a program in support of basic constitutional law, public order, and public morality.

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

Mr. JAVITS. I yield.

Mr. HUMPHREY. I commend the Senator from New York for his remarks today. As one of the Senators on the Democratic side of the aisle, serving today as the acting majority leader, I wish to make crystal clear that there is absolutely no room for partisan bickering and partisan advantage on the question of civil rights legislation, if we wish to pass the measure. It is the desire of the Senator from Minnesota, as it is the desire of my colleague and friend from New York [Mr. JAVITS], my able compatriot, the good Senator from California [Mr. KUCHEL], and others, to pass an effective and meaningful civil rights program that would embody the suggestions and proposals that were sent to Congress by the President in his message and in the bills that have been introduced. Some of those bills may be modified, because they will go through the legislative process. But the principles and substance of those bills represent what we feel is an essential program.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that I may use the 3 minutes allocated to me in the morning hour.

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

Mr. HUMPHREY. To make false accusations against political leaders or political parties is a disservice to the cause of civil rights legislation and to the program that our country needs.

I know that if we are to be able to close off the debate in case there is filibuster, we shall need 22 or 23—perhaps more—votes from our Republican friends. If we are to pass civil rights legislation we shall have to have help from our Republican friends.

So I should like to make it crystal clear that if the President's program is to be more than a message, if it is to be a program of action, we must have bipartisan cooperation. When I joined as a cosponsor with my colleagues on this side and on the Republican side, I took that pledge, and I will fulfill that pledge, commitment, and promise. I thank the Senator from New York for speaking today as he did. He had every right to do so. I assure him and his colleagues that the Senator from Minnesota will do everything that he can to preserve the unity, cooperation, and spirit of understanding that now exists on this very vital important subject of national policy. The problem is like fighting a war against discrimination and bigotry. This is a great national effort. We ought to have the same kind of unity and sense of purpose to overcome the bitter problems of discrimination, prejudice, and bigotry as

we have in our struggle against Communist tyranny. Unless we can have that kind of unity, we shall be defeated.

So I say again to Senators on the Republican side that we need to march together. We need to learn how to work together. We need to learn how to work together on this issue if we desire victory; and the Nation needs a victory on this question.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

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

Mr. JAVITS. I wish to make myself understood. First, I am not accusing the press of fomenting something that is not so. Reporters at the Republican National Committee meeting got certain impressions. Reporters at the Young Republicans meeting in San Francisco got certain impressions. One of our leading candidates for the presidency is stating certain views about civil rights. I do not maintain that there is no foundation for what those reporters have said. What I am appealing for is that the Republicans express themselves, and that Democrats who believe in bipartisanship will state that the effort will not be a political approach. I point out that we can escalate the civil rights bill to include the FEPC program which the President sent us. He said also that he would favor discretionary authority to cut off aid to States if Federal money is used to build segregated projects. We might decide to make that requirement mandatory, though it may not be part of his program. The point is that we need a meaningful program. For that we must unite.

The ACTING PRESIDENT pro tempore. The time of the Senator from New York has expired.

Mr. KUCHEL. Mr. President—

The ACTING PRESIDENT pro tempore. Does the Senator from California seek recognition?

Mr. KUCHEL. I do.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from California.

Mr. KUCHEL. Mr. President, with fellow Republicans and my friends across the aisle on the Democratic side I placed my name on proposed legislation in the field of civil rights, which came here a few days ago from the White House. Beyond that, with a group of my colleagues on the Republican side, I introduced substantially the same group of proposals many months ago. We did the same thing in the last Congress. We have done so, generally, for many, many years. In doing so we acted as Americans. I should like to speak for a moment simply as a Republican, proud of the heritage of his own political party.

The only place I know of to find out what the Republican Party of the United States of America stands for in 1963 is to read and study the compact it made at the city of Chicago with the American people in the last presidential campaign. The 1960 Republican national platform is a progressive document. It solemnly promised that the Republican Party would work to eliminate the evil,

miserable, contemptible filibuster from the rules of the U.S. Senate. I have tried to carry out that compact on more than one occasion. The Republican platform in 1960 promised to move forward in the field of civil rights—it dealt specifically with the cause of equal treatment under law for all Americans.

There is not an individual on the Democratic side of the aisle who for one moment would deny any of us over here the great pride we take in the memory of the first President of our party, Abraham Lincoln. I have followed the Lincoln philosophy. So did our great leader Dwight Eisenhower, under whose leadership we made progress, legislatively, in 1957.

There is no way that any one Member of the U.S. Senate or any one citizen can direct or order another citizen to make up his mind in any fashion. One can reason. One can attempt to persuade. In the last analysis, I suppose we should all be thankful that every American citizen can make up his mind on any public question simply as he sees the light.

So far as I am concerned, what the Republican Party pledged to the American people in 1960 I intend—as best I can—to see carried out in the U.S. Senate; and I am glad, in a bipartisan fashion, to move forward hopefully toward success legislatively so that we will not view as a sham the American theory of equal treatment under law for all Americans.

#### THE NEW "MARINE HIGHWAY" TO ALASKA

Mr. GRUENING. Mr. President, a new approach to Alaska is now available. It has unique aspects. In Alaska it is known as a "marine highway." It consists of an impressive ferry system composed of three mammoth vessels operated by the State of Alaska which ply daily between Prince Rupert, British Columbia, and all principal southeastern Alaska points, and thence to the interior of Alaska over highways.

The marine highway became a necessity when, 9 years ago, the only U.S. carrier abolished its passenger service between the lower 48 States and Alaska. This left as the only means of passenger transportation between the older States and Alaska the commercial air services and by automobile over the long, unpaved Alaska highway through Canada.

As long as Alaska was a territory, remedying this situation was impossible. The restrictive Organic Act fastened on the territory in 1912, by which Alaska was shackled up to the time statehood was achieved, forbade the territory to incur any debt.

But statehood once achieved, Governor Egan proposed a \$23 million bond issue to establish two ferry systems in Alaska. The legislature approved; the people of Alaska ratified the proposal; and the construction of three ferries—in U.S. shipyards, of course—ordered. The first of these, the S.S. *Malaspina*, has been operating since late last winter. The prospective visitor drives through the beautiful Canadian Rockies to Prince

Rupert or he can connect with the Alaska ferries through a Canadian ferry service from Vancouver, British Columbia.

These ferries, luxuriously appointed, make possible the viewing of one of the most beautiful, and yet not too well-known trips up the "Inside Passage"—a scenic waterway protected from the ocean swells by an archipelago of forested islands.

The new highway is described in the current issue of U.S. News & World Report. It is illustrated profusely and I regret that the CONGRESSIONAL RECORD does not allow the use of photographs. But I ask unanimous consent that the text of the article: "Now a New 'Highway' To Alaska By Sea" be printed at this point in my remarks.

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

#### NOW A NEW "HIGHWAY" TO ALASKA BY SEA

You can now take a short cut to Alaska, where the 1963 tourist season is just beginning.

Motorists heading for the 49th State can save 600 miles of driving and a day's time by using the new route.

This short cut is not a road but a recently established ferry line, in which the State of Alaska has invested \$15 million.

If everything works out as planned, the State will get its money back—and more.

For Alaskans, the ferry opens up a regular line of communication with the southeastern tip of their State, relatively isolated up to now. It also promises cheaper transportation of people and goods in an area where the cost of living has been high.

For visitors, the State-owned ferry line provides not only an alternate route to reach the interior of Alaska, but also some of the most magnificent scenery in the world. It is expected to give a big lift to the tourist business.

Two automobile routes now lead to Alaska.

One is the famous Alaska Highway, stretching for 1,523 miles across the northwestern corner of Canada and continuing to Fairbanks and Anchorage.

The other is the new, 450-mile marine highway through the fjords of the Alaskan Panhandle.

Many visitors to Alaska this year, it is reported, plan to go by one route, return by the other.

#### STOP, SEE, CONTINUE

The southern terminus of the ferry line is at Prince Rupert, in British Columbia, about 600 miles north of Seattle.

There you board a modern, 352-foot ferryboat at 9 a.m., and head north at 16 to 20 miles an hour. The narrow channel winds between snow-capped mountains that rise sheerly out of the water.

En route, there are brief stops at Ketchikan, Wrangell, Petersburg, Juneau—the State Capital—and Haines.

Travelers can break their journey at any of these places if they like, do some sightseeing, and catch a later ferry.

If you stay aboard, you arrive at Skagway at 3 p.m. on the second day of the trip. Skagway is at the end of the line. During the gold rush of '98, Skagway was the jumping-off point for miners headed for the Klondike.

At Skagway, you can put yourself and your car on a narrow-gauge railway for a trip of about 100 miles to Whitehorse, in Canada's Yukon Territory. Or you can leave the ferry at Haines and drive north.

Either way, you join up with the Alaska Highway that takes you to Fairbanks and Anchorage.

During the summer months, three ferryboats will provide frequent service in both directions. Each boat can carry 500 passengers and 108 automobiles. Their normal running time for the trip will be 30 hours.

Accommodations include lounges with reclining seats and wide windows, dining facilities, a bar and a limited number of staterooms.

The passenger fare from Prince Rupert to Skagway is \$30. Add \$8.50 per person for a stateroom.

The charge for autos, trucks and trailers varies with their length. It works out to about \$98 for a compact car, \$122 for a standard-size car, \$304 for a car and 35-foot trailer.

The \$15 million ferry system was planned as a money-saving substitute for a modern highway in southeastern Alaska. To build an equivalent road through this rugged, mountainous country, it is estimated, would take \$700 million.

The first ferryboat went into service last February, and the idea of a "marine highway" caught on fast.

So far, the ferries have been carrying an average of 175 passengers and 25 vehicles per trip.

#### AID TO INDIA

Mr. LAUSCHE. Mr. President, my attention has been called to an article written by Mr. Louis R. Rukeyser, out of New Delhi, India, carried in the Baltimore Sun. In this article it is stated by Mr. Rukeyser that a leading Indian official declared that the massive aid the United States has given to India will "all be spoiled" unless an early decision is made to support a publicly owned steel plant at Bokaro.

We have given, by way of aid to India, \$4 billion since 1951.

India now wants \$900 million with which to build a governmentally owned steel plant, to compete with private industry.

Some question has been raised about justification for taking money earned in free enterprise of the United States and sending it to India for the purpose of establishing a governmentally operated and owned steel plant to compete with private industry.

The Clay Committee, appointed by the President and consisting of 10 members, including Mr. Clay, recommended vigorously against the United States giving financial aid for the purpose of socializing industry in foreign countries. That recommendation of the Clay Committee has direct application to what is happening in India.

I am astounded to learn that this high official, Chidambaram Subramaniam, Minister for Steel and Heavy Industries, has had the audacity to say that all the good we have achieved through the gifts and loans of American dollars—amounting to \$4 billion—shall be washed down the drain unless we hurry up and promise to give them this additional \$900 million. It does not seem reasonable to me. It does not seem fair to the taxpayers of the United States.

This gentleman went on to say that an early decision is absolutely essential. He was asked whether they would probably go to Red China to get the \$900 million, and he made no comment.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. LAUSCHE. Mr. President, I ask unanimous consent to have 1 more minute.

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

Mr. LAUSCHE. If India is saying to our Government, "Unless you give us the \$900 million promptly, we will go to Russia for aid to help establish this plant," I would say to them, "Go." Red Russia will never give them the money, and if she does, it will be on terms under which India will have to sell its soul.

#### FEDERAL TRADE COMMISSION

Mrs. NEUBERGER. Mr. President, one of the important regulatory agencies is the Federal Trade Commission, which has such an important role to play in enforcing and policing the provisions of the Sherman Act, the Clayton Act, and the Robinson-Patman Act.

Few consumers are aware of the importance of the Federal Trade Commission in protecting their rights. The Chairman of the Federal Trade Commission addressed the International Home Furnishings Market in Chicago on June 19, 1963, at which time he gave an appealing account of a portion of the work of his Commission.

I ask unanimous consent to have excerpts from this speech printed in the RECORD.

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

I can tell you very quickly, gentlemen, what the Federal Trade Commission is, and what it does. To begin at the beginning, the Commission is an agency of the Federal Government, created in 1914 by the Federal Trade Commission Act. The agency itself is composed of five individual members, each of whom is appointed by the President, by and with the advice and consent of the Senate.

Much of our real expertise resides in our staff. At the present time, the Commission has a total of less than 1,200 employees. About half of these—or roughly 600—are lawyers. The others are economists, technicians, clerical personnel, and so forth. About three-fourths of the total 1,200 are stationed in the Washington, D.C., area. The remainder, or slightly less than 300, are assigned to our various field offices, and textile and fur offices, located in major cities throughout the country. Thus, we now have general field offices in 11 cities: Seattle; San Francisco; Los Angeles; Kansas City; Chicago; New Orleans; Cleveland; Atlanta; Arlington, Va.; New York City; and Boston. These various offices are staffed primarily by attorneys who assist in the preparation of cases before the Commission—those who, by the use of shoe leather and patient digging after the facts—build the groundwork for our cases. Each of these offices has an attorney in charge who will be happy to see you any time. On occasions, he'll even loan you one of his attorneys for speaking engagements.

Now in case some of you consider our nearly 1,200 employees an extravagant number, consider the fact that, with the exception of certain regulated industries—such as banks, railroads, utilities, etc.—our jurisdiction extends to every party engaged in interstate commerce. It would be very difficult,

of course, to determine how many of this country's business enterprises are engaged in interstate commerce. But we know that, in 1962, the Nation had 4,752,000 operating businesses. And in fiscal year 1962, we received 1,451 complaints from businessmen who thought their freedom to trade was being wrongfully invaded by other businessmen. In addition, we had another 5,519 complaints charging various forms of business deception.

In other words, gentlemen, the Federal Trade Commission is supposed to keep virtually the entire American economy free and clear of all unfair business practices.

And while we are not always certain about the exact extent of our success, we have never doubted the soundness of our objectives. The following statement by a distinguished commentator will give you some idea of the role the antitrust and trade regulation laws play in the American economy. That comment reads, as follows:

"We have already noted that the free market is a delicate plant. Whatever businessmen may say or economists may hope, its existence depends upon the Sherman and Clayton Antitrust Acts, the policing of the Federal Trade Commission, the provisions included in numerous statutes, and somewhat more than one new antitrust prosecution by the Department of Justice in every week of the year. These operations do not merely police the free market. They maintain it."

What are these laws and what do they provide? There are four major statutes: the oldest is the Sherman Act of 1890; the next two are the Federal Trade Commission Act and the Clayton Act (both passed in 1914); and the fourth is the embattled Robinson-Patman Act of 1936.

The Sherman Act has two very brief sections: in general, the first prohibits conspiracies to restrain trade, and the second prohibits monopolizations and attempts to monopolize. The Federal Trade Commission Act has only one substantive provision, our versatile section 5. The whole prohibition is wrapped up in 19 short words. It says: "Unfair methods of competition in commerce, and unfair or deceptive acts or practices in commerce, are hereby declared unlawful." A lot of territory is covered in those 19 words, however. Business practices that violate the older Sherman Act have been held to be an unfair practice within the meaning of the Federal Trade Commission Act. Accordingly, the classical forms of collusion among competitors—such as price fixing; dividing up markets and customers; and agreements to boycott competitors, suppliers, or customers—are subject to our jurisdiction.

Our responsibilities go far beyond these so-called hard-core offenses, however. We are to stop these things in their incipency—to catch the weed in the seed. Under the Sherman Act, except for a handful of per se offenses, an offender cannot be stopped unless it can be demonstrated that he has already caused definite damage to his competitive environment. Under the FTC Act, on the other hand, the tiger cub can be seized before his stripes, or his saber-teeth, have begun to show.

Consider, for example, the matter of false and deceptive advertising. This is a competitive device that the Sherman Act is powerless to reach. Yet this is a species of commercial unfairness that takes a terrible toll, not only from the American consumer, but from the honest businessman as well. Businessmen in another industry—and sometimes even businessmen in the same industry—frequently consider the phony ads they see as a rather harmless bit of nonsense. The thing they don't seem to understand is that every dollar taken from the consumer by a false ad is a dollar they themselves won't be able to get.

Restraints of trade are even more harmful to our economic well-being. Note, for ex-

ample, the offenses dealt with by the Clayton and Robinson-Patman Acts. The Clayton Act, as originally enacted in 1914, dealt with price discrimination (sec. 2); exclusive dealing (sec. 3); mergers (sec. 7); and interlocking directorates (sec. 8). In 1936, the price discrimination provision—section 2—was amended and greatly expanded by the Robinson-Patman Act.

Now I read in the press from time to time that there is supposed to be some sort of conflict between the Sherman Act and the Robinson-Patman Act. Thus, it is said that there is "an inherent philosophical conflict" between "the hard competition philosophy of the Sherman Act and the soft competition philosophy of the Robinson-Patman Act." The business community is advised that the whole affair amounts to a "jungle" of "narrow, trap-loaded" laws that merely give it a choice as to which of the two statutes it wishes to violate.

The Supreme Court has flatly rejected this contention time and again. Only a few months ago, in the landmark case of *Federal Trade Commission v. Sun Oil Co.*, the Court held that our prohibition of a particular price discrimination was, and I quote, "not only consistent with the objectives of the Robinson-Patman Act but with the general antitrust policy of preserving the benefits of competition." Critics of the law, especially those who are called to the bar to answer for having injured someone else by means of a price discrimination, forget to mention that the law does not question a raising or lowering of prices so long as all customers are treated alike, and so long as the lowering isn't done to wipe out some smaller competitor. Indeed, under the act, a seller is free to charge some of his customers higher or lower prices than he charges the others if he can do so without injuring either his own competition, or the competition of those customers who got the lower price. In fact, even a discrimination that does injure competition will be pardoned by the statute if the discriminating seller can show that he was acting in self-defense (that is, meeting an attempted price raid by one of his own competitors). He will also be exonerated if he can show that the lower price to the favored customer was cost justified (that is, if he can demonstrate that selling to his favored customer is cheaper than selling to the others). This, of course, is nothing but fair; the seller who, by reason of efficiency, is able to effect savings for his customer has every right to pass those savings on to the customer. The purpose of the Robinson-Patman Act is to assure that the businessman who risks his fortunes in the marketplace shall be judged by his own economic performance, not by his ability to induce his suppliers to give him favored treatment.

Take your own industry for example. I understand that some 40 to 50 percent of your ultimate selling price for furniture reflects the price you paid for materials. And I would assume that, at least in the manufacture of case goods, a very substantial part of these materials costs—perhaps one-third of your selling price—would be the amount you spend for lumber, your basic material. If this is the situation—if your lumber costs are really such a large part of your ultimate selling price—how long could any one of you last if a competitor was able to get his lumber at, say, a 20-percent lower price than you were required to pay?

Let me tell you about a classic price discrimination case that I think is directly on point with your situation. While I'm going to change the names to protect the innocent, the case itself was very real. It was decided by a U.S. court of appeals, and a petition asking the U.S. Supreme Court to hear and reverse it was denied.

The case involved a firm we will call the Little Canning Co., a canner of beans and similar products. The principal actor in the

story was the firm's chief executive officer, whom we will call Mr. Little. His principal competitor was a company we will call the Goliath Packing Co. And one of Mr. Little's largest items of cost—an item that cost him about one-third of his total production costs—was the tin cans in which he packed his products. He bought these cans from a company we will call the Gargantua Can Co.

Now Mr. Little's troubles began when he discovered that his customers and potential customers were buying canned beans just like his at a price that was below his costs. Perplexed by this situation, Mr. Little visited several other packers and compared his costs with theirs. He began to check and recheck in an effort to locate his leak. He started selling direct to the trade, eliminating his brokers, in order to save the 3 or 4 percent brokerage fee. Further, Mr. Little took to the road himself, operating a one-man sales department, in order to avoid having to pay salesmen. Despite all these efforts at cost-cutting, and despite his firm conviction that his company was just as efficient as any of his competitors, Mr. Little was never able to get his costs down to a point where he could sell in the market at a price that would give him a profit. Always the Goliath Packing Co. was underselling him.

At this point, Mr. Little was getting suspicious. He was, as I mentioned, buying his tin cans—one-third of his total costs—from the Gargantua Can Co. That supplier's representative was a gentleman we will call Mr. Seller. Each time the contract for the purchase of cans was renewed, Little asked Seller if the contract he was being requested to sign was as good a contract, and gave the same favors, as the contracts Seller was then making with his other buyers in that area.

Little was always assured that his fears were groundless. Seller assured him that nobody in the area had any better contract, that they were all the same—all the contracts were alike—big or little.

But the Goliath Packing Co. was still selling below Mr. Little's very lowest price. So he had another conversation with Gargantua Can's salesman. He told Mr. Seller that he was running into some extremely low prices made by the Goliath Packing Co., and that he had also been comparing his costs with some other packers. He explained further that he had been rechecking costs on boxes, sugar, and everything else that went into the making of a can of beans, except cans, and that he was forced to conclude one of two things—that Goliath Packing Co. would either go broke (because they were selling their goods too cheap) or they were getting concessions in can prices. In reply to this, Seller assured Mr. Little that there wasn't a word of truth in it, that everybody paid the same for cans—the same prices.

Mr. Little reported to his supplier's salesman a rumor that Goliath Packing was being allowed to use Gargantua Can's closing machines free of charge, while other customers, including the Little Co., had to pay a rental charge. To this Mr. Seller indignantly retorted that Little was out of his mind—that everybody paid rental for the closing machines, that everybody paid the same for everything.

As it turned out all of Mr. Little's fears were quite well-founded. The total concessions Gargantua Can had been giving to Goliath Packing over the years amounted to approximately 11 to 18 percent of the price being paid by other buyers, including Mr. Little. These included sums given for advertising purposes, special credits, certain monthly allowances or rebates, and the rent-free use of the supplier's closing machines.

What was the competitive result of these discriminations? The jury found that Mr. Little's company had been damaged in the amount of \$30,000. Since the antitrust laws provide for treble damages in such cases, the court trebled this amount, bringing it

to \$90,000. In addition, Little was awarded attorneys' fees of \$18,500 for a gross total of \$108,500.

Mr. Little's company, however, was not the only one that got hurt. And Goliath Packing, the favored customer, had waxed prosperous.

The court of appeals noted that, while Goliath Packing's business had been almost at a standstill for the 5 years preceding the date on which it began to get the price advantage over its competitors, its business had increased 300 percent in the 5 years following the receipt of those price concessions. It was expressly found that the price discriminations in favor of Goliath Packing, and against its competitors, had helped it drive out those competitors.

Is this kind of "selective price discrimination"—to use the words of one of the statute's critics—an appropriate and reasonably fair tactic to secure as large a portion of the market that you can? I submit to you, gentlemen, that this kind of thing is neither fair nor appropriate. In the case I have just described—and as it often is in other price discrimination cases—the concessions were granted secretly, furtively, amidst a host of evasions and misleading statements made to small businessmen who were watching their lifeblood being drained away before their very eyes.

As your industry literature plainly indicates, you understand quite well that furniture competes with every other industry that is seeking the consumer's dollar. As one of your commentators has so succinctly put it:

"The point to remember is that if they [the consumer dollars] are on the hood of a super eight, there's not much left for Chippendale, Sheraton, Wormley, Gibbings, you or me."

But have you considered that other industries can—and that, in fact, some of them do—compete against you unfairly? Thus, the size of the slice that a particular industry takes from the whole pie, that is, from the total of the consumer's disposable income, can be increased not only by honest and competitive means, but by suppressing competition between its various members. The object of price-fixing conspiracies, of course, is to exact more dollars for less goods. The result is a decrease in consumer purchasing power. If the conspiracy permits the industry to take \$1 million more for its products than it would have gotten had its members been competing with each other, then the consumers who lost that money obviously cannot spend it for the products of other industries, such as furniture.

Perhaps an even greater danger here, however, is the fall in production that generally accompanies these unlawful price inflations. In sapping the consumer's purchasing power, they make it impossible for the consumer to continue buying the same volume of products. Some producer, somewhere, has to cut production. When production is cut, workers are laid off. The stopping of weekly pay checks causes a further drop in total consumer purchasing power, thus setting in motion a chain reaction that feeds upon itself. Those of you who remember the great depression can bear witness to the snowball effect of these downward spirals in buying power.

Thus, restraints of trade, regardless of the particular segment of the economy in which they occur, hurt all its other segments. No industry is an island.

Your sales are directly dependent upon the general prosperity of the American economy.

The furniture industry cannot, no matter how hard it tries, make money while 12 million men are unemployed, as there were in the great depression. Men without money are not consumers at all; they are what the economists call economic zeroes. And there is no more effective way to produce more of

them than by suppressing competition and inflating prices. That is why we say that you can't cheat on the antitrust laws. Violators may escape the attention of the little band we have at the Federal Trade Commission, and they may avoid prosecution at the hands of the Justice Department. But there is no escaping from the inexorable economic law that says you can't sell furniture to a man who can hardly pay for a roof over his head.

I ask you, therefore, to support us in our efforts to see that American industry continues to compete honestly and fairly, and that it continues to give the consumer more and better goods for every single one of her precious dollars. Enrich her with an ever-higher standard of living, and you cannot fail to enrich yourselves.

#### PEACE CORPS VOLUNTEERS

Mrs. NEUBERGER. Mr. President, I am pleased to see the importance that various States place upon their citizens who have joined the Peace Corps. Oregon State University calls attention through its magazine, *The Oregon Stater*, to the large number of its alumnae who are serving as volunteers.

The Oregon State graduates and their assignments in the Peace Corps, as well as the story of a wedding which took place in Brazil, are the subject of this article.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

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

#### THEY JOINED THE PEACE CORPS

On December 22, at the Union Church in Copacabana, Brazil, Myra McBride, 1959, Peace Corps volunteer, became the wife of fellow Peace Corp member Bob Anderson.

The wedding ceremony was almost a Peace Corps project because most of the families and stateside friends were unable to attend. So, as Myra described it:

"Our brother and sister volunteers did everything for us," she said.

"Our wedding party consisted of a Brazilian host sister, a volunteer from Puerto Rico, and a sister volunteer from Michigan. The men assisting were our national project leader, our medical doctor, and a fellow volunteer from Iowa. The role of Father McBride was ably handled by our Peace Corps representative.

The wedding ceremony of Peace Corp Volunteer Myra McBride came off without a hitch—thanks to the Peace Corps members. And this may simply illustrate the remarkable versatility of members of the Peace Corps. Whether it's slogging up a slippery jungle trail to a remote village, teaching children in Africa, or explaining latest agricultural techniques in East Pakistan, the Peace Corps has adapted remarkably well to conditions in foreign countries. And arranging for weddings comes under the heading of "things the Peace Corps can do."

At the time this report was made, there were 23 Oregon State alumni who are volunteers in 18 different countries. There are many Oregon State University students who are planning on entering the Peace Corps for the 2-year period of service after graduation or before they graduate.

Mrs. Mable Mack, 1928, an assistant director of extension services, is the Peace Corps representative on the campus.

Most everyone is familiar with the Peace Corps and what they are trying to do. For a governmental program established by Congress only in September of 1961, there has

been a tremendous surge of enthusiasm, publicity, and actual good works in this short period of time.

Briefly, the Peace Corps objectives are to promote world peace and friendship by making available to interested countries Americans who will:

1. Help the people of these countries meet their needs for trained manpower.

2. Help promote a better understanding of the American people on the part of the peoples served.

3. Help promote a better understanding of other peoples on the part of the American people.

To do this the Peace Corps has established a realistic, tough, dedicated program which selects realistic, tough, dedicated people of all ages who have all sorts of skills and talents necessary to help people of other countries advance their standard of living.

The Oregon Stater magazine corresponded with a number of Oregon State University alumni in Peace Corps work. Not all responded to the invitation to write down some of their thoughts about the program and their life. This was understandable, since many of the Oregon Staters are living in remote areas and have few enough hours in a day to fill out another questionnaire.

Indeed, one volunteer wrote: "Please edit the slightly sarcastic tone of some of my replies but at this stage in the game most Peace Corps volunteers have had so many questionnaires thrown at them that one more sometimes seems like the last straw."

However, the information received indicates a Peace Corps volunteer to be intelligent, specialized, devoted to the Peace Corps objectives, and highly altruistic. Any romantic ideas of exotic living in foreign lands of the travel brochures have long since been knocked into a cocked hat by realistic training programs developed by the Corps.

Myra McBride Anderson majored in elementary education at Oregon State. She received her first experience living abroad in Japan as an international farm youth exchange student. After graduation, she taught school in Corvallis and then volunteered for the Peace Corps.

She obtained her first training in Washington, D.C. Her second phase of training was in Puerto Rico where she received intensive language instruction and completed a physical conditioning program. As in all Peace Corp training, Myra's training concluded with orientation in the host country before actual work began.

Myra's work first consisted of working with the 4-S clubs (4-H equivalents) in Brazil in the rural Minas Gerais country. Since marriage, Myra has started her second year in the Corps by assisting the 4-S work at the state office in Belo Horizonte.

We feel that our Peace Corps in the 4-S program is making a small but significant contribution toward helping our neighbors in Brazil. We have only 8 months in the field working with our extension counterparts but we are seeing results.

The many bumpy kilometers driven over dirt roads, the hours spent in making home visits, the countless cups of coffee drunk in rural homes, and time spent to study Portuguese, etc., is paying dividends in stronger 4-S clubs.

Another Peace Corps veteran doing important work in Kuala Lumpur, Malaya is Willard D. Weiss, 1957. Prior to volunteering, he had worked for 2 years for a Portland engineering firm and was doing graduate work at Oregon State University in structural engineering.

Weiss entered the Peace Corps training at Northern Illinois University in March of 1962 for a 12-week orientation course. He arrived in Malaya in June with a group of 31 volunteers. The Oregon State University engineer is assigned to the public

works department of the Federation of Malaya and is doing bridge design.

Weiss says: "Our office is responsible for design of all Federal highway bridges for Malaya. The standards of engineering design are practically equivalent to that of a State highway department in the United States.

"My major accomplishments, besides a number of small jobs, have been the design of a highway bridge at Bentong and an overpass for a new highway junction."

Weiss makes a particular point of showing that the standards of work are high.

"As you can see, it is a far cry from the usual notion of Peace Corps work—groveling in the mud, etc. I think the popular conception of the Peace Corps is still a bit inaccurate."

Why do Americans join the Peace Corps? Well, Willard Weiss had a good reason.

"Basically, I was motivated by a desire to be of service in an area where that service is most urgently needed. Obviously, an engineer can make a valuable contribution to society almost anywhere—even in Portland.

"Rather than serve a society which is already affluent, has all its basic needs satisfied, and is now in need of a higher level of facilities—wouldn't it be better to concentrate on the society that is still struggling to get food in its stomachs, roofs over its heads, and clothes on its backs?"

Weiss acknowledges that what he says "probably sounds very idealistic." But he goes on to add that "I think it is also very realistic. The various nations of the world are now sufficiently interdependent that we Americans are directly involved with the well-being of countries such as Malaya. Therefore, my assistance in developing Malaya's highway transportation system, is, I feel, a responsibility that cannot be denied.

"They (the Malaysians) harbor some misconceptions about us—mostly acquired through American movies—but these are not hostile or dangerous in any way, just require adjustment."

In Nigeria, Grace Hamilton, 1959, is teaching zoology and biology at Queen's College, a girls secondary boarding school in Yaba near Lagos. She is part of the sixth installment of a number of volunteers scattered throughout Nigeria.

Grace took her training during October, November, and December at Columbia University Teacher's College and arrived in Nigeria in early January.

She is interested in finding out what it is like to live in other cultures.

She wrote: "The Peace Corps gives more opportunity for a person to person exchange than do many assistance programs. Any exchanges for the purpose of good will and strengthening the amenities between peoples of the various countries will tend to magnify the common bonds all people have and to minimize the differences.

"It is harder for people to develop hatreds against each other when they have had firsthand contact with one another under amiable conditions. I like to think that I can have some small part in promoting a world condition in which differences can be settled without recourse to war. If I can do my part in helping the Peace Corps idea to succeed, I will be happy."

Miss Hamilton said that at first her experiences in Nigeria were a bit frustrating but that things improved rapidly.

"Odd as it may sound," she said, "my most gratifying experience was demonstrating the dissection of the dogfish brain in preparation for my zoology students doing the same. Anything which one can make real for them gives gratifying results."

She is enthusiastic about the Peace Corps idea and says "the United States can be proud that the Peace Corps concept germinated on American soil."

Volunteer Dale Martin, 1961, is one of 150 Peace Corps members assigned to the

Dominican Republic. He is living in San Juan, a farming center of 24,000. At Oregon State he majored in agronomy and animal husbandry. Now he is organizing local boys into 4-H Clubs, teaching improved farming and livestock methods in an effort to break the one-crop hold of sugar on which the economy is 70 percent dependent.

Dale remarked: "Rural people are alike throughout the world. I felt at home the first day I got here and I feel more so with each passing day."

One of 600 Peace Corps members assigned to the Philippine Islands, Courtney Lantz, 1960, joined the Peace Corps last June after doing graduate work in meteorology at Oregon State University. He took an intensive 10-week preparatory session in San Francisco before going to the Philippines.

Lantz was the first Peace Corps man to be assigned to Gapan, located northeast of Manila in the central plains of Luzon. He is teaching physics at the Neuva Ecija South High School.

"We were welcomed and accepted with open arms," he said. Lantz has 150 physics students in three classes. "Two years over here will be equivalent to 3 years in college as far as I'm concerned.

"I have no complaints about my students," he added. "I have good ones and bad ones, bright ones and slow ones, energetic ones and lazy ones—just like in the United States or anywhere else in the world."

Other Oregon Staters assigned by country include: Jim and Billie Cairns, 1959, India; Glenn Chambers, 1961, Bolivia; James Chapman, 1961, West Pakistan; Betty Ann Cline, 1957, Philippines; Richard Crist, 1965, Guatemala; Sandra Good, 1961, Peru; Irvan Guss, 1961, British Honduras.

Sandra Johnson, 1961, Malaya; William Mehloff, 1960, Philippines; Preston Minto, 1958, Chile; Ambrosia Noetzel, India; Sara Officer, 1958, Ceylon; Kent Oldenburg, 1960, Colombia; William Russell, Pakistan; Richard A. Smith, 1961, Dominican Republic; Melvin (Tobe) Zwegardt, 1962, Senegal (Africa); Sandra Silverman, Philippines.

In addition, Dr. William Unsold, 1951, is deputy area representative for the Peace Corps in Nepal where some 80 American teachers are helping establish vocational high schools, colleges, and agricultural extension units. He is now participating on the American mountain climbing expedition on 29,028-foot Mount Everest.

In a very short time, these alumni will be joined by other Oregon Staters. One student is Curtis Paskett, 1964, who hopes to go to the Virgin Islands.

A senior in agriculture, Dave Hipply, Akron, Ohio, feels that the Peace Corps is a good way to pass on information to others. Reading the book "The Ugly American" opened his eyes to what could be accomplished through a program such as the Peace Corps.

There are approximately 25 Oregon State University students who hope to enter the Peace Corps program within a short time. They will join almost 4,500 Americans who are now overseas. It is expected that this number will almost double by the end of 1963.

The efforts of these Oregon State alumni and the thousands of Americans like them have not passed unnoticed. Every country has asked for double or triple the number of volunteers already at work.

Colombia's President Valencia said in his inaugural address: "The mission which they (volunteers) are furthering is truly extraordinary and meritorious, worthy of continental integration that this Peace Corps which allows a young man from Chicago to know the thoughts of a man from Sabana-larga or Frivaitoba."

Certainly, not everyone is enthusiastic over the Peace Corps. Some Americans still believe that this relatively new program must

be tried and tested over a longer period of time. Others simply believe it to be another governmental agency which may mushroom into an unwieldy redtaped organization.

However, Oregon State University alumni reporting direct from the field believe the Peace Corps is a very worthwhile program.

"But," as Peace Corps member Willard Weiss notes, "it is a sobering fact that most of the good that is done by volunteers won't be apparent until long after they have left their host country."

## CIVIL RIGHTS

Mr. MANSFIELD. Mr. President, one of the great speeches in this session was made yesterday by the distinguished Senator from Connecticut [Mr. RIBICOFF], former Governor of that State, and a former Member of the House of Representatives. I am disappointed that this speech, which I think was of major import, has received so little consideration in the press and communications media of this country.

Unfortunately, because of circumstances over which I had very little control, I was not in the Chamber at the time the Senator made his speech, but I have read his speech with great interest, and also the comment made by the distinguished senior Senator from Oregon [Mr. MORSE], with which I completely agree.

The Senator from Oregon had the following to say, which I think should be incorporated in the RECORD again:

Mr. MORSE. Mr. President, I wish to commend and highly compliment the Senator from Connecticut for the great speech he has just delivered on the floor of the Senate, for, in my judgment, he struck the tone that must prevail, in the public interest, throughout the historic debate that will take place in the weeks ahead on the issue of civil rights. I would have the record show today that I wish to be associated with the Senator from Connecticut in every statement that he uttered in his magnificent speech.

I truly hope that, so far as the Senate debate is concerned, each Member of the Senate will give careful heed to the code of conduct the Senator from Connecticut proposed in his speech today, because, in one sense, that is the way it could be described.

I not only commend and compliment the distinguished Senator from Connecticut, but I wholeheartedly approve of what the distinguished senior Senator from Oregon said at the conclusion of that speech yesterday.

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

Mr. MANSFIELD. I yield.

Mr. MORSE. The Senator from Montana is taking exactly the same position that all of us knew he would take as our majority leader. I am very glad to join the Senator from Montana in reaffirming my praise of the speech of the Senator from Connecticut.

Mr. MANSFIELD. I appreciate what the Senator has said. I refer those who are interested to the speech of the Senator from Connecticut, which is carried in the CONGRESSIONAL RECORD beginning at page 11880. It is entitled "Responsibility in the Civil Rights Crisis—A Must for Negro and White, Citizen and Legislator."

It is often said that the equivalent of "right" is responsibility. In this country where the rights of men are greater than have ever existed in human history, the requirement of responsibility in the exercise of those rights is also greater. Democracy is clearly built on the theory that the individual will be responsible for his own action. He is responsible for law and for the rights and liberty of others.

We are indebted to the Senator from Connecticut for expressing these thoughts so clearly in his speech delivered on the Senate floor yesterday. Speaking of the President's civil rights proposals and of the entire Negro effort to obtain the rights already granted to other Americans, Senator RIBICOFF stated:

When citizens peaceably assemble to make their views known, when they hold mass meetings to call attention to their grievances, they are exercising a fundamental right in the great tradition of our country. But when they disregard the rights of others, when they obstruct the peaceful activities of others, when they contribute to public disorder, they place themselves outside the law, and they forfeit their claim to achieving their own objective—the law's protection.

The Senator emphasized the importance of this point in connection with the proposed Washington march. As long as any assembly maintains the highest order and respect for the difficult but necessary demands of democratic procedures, it may serve a useful purpose. But if in any manner that attitude is not preserved, such assembly will do the cause it wishes to serve irreparable harm. There is no place in a democracy for legislation by intimidation.

It is my sincere hope that all Senators and all Americans will read and consider Senator RIBICOFF's words. They counsel restraint and responsibility as well as right.

A man ends by respecting those rights in others which he wishes to have respected in himself.

This is the principle we must remember in the days ahead.

Mr. HUMPHREY subsequently said: Mr. President, earlier today there was comment in reference to the civil rights program before the Senate. I wish to associate myself with the comments of the Senator from Montana [Mr. MANSFIELD] and the Senator from Oregon [Mr. MORSE] in reference to the magnificent address delivered yesterday by the senior Senator from Connecticut [Mr. RIBICOFF]. I had the CONGRESSIONAL RECORD turned open on my desk to page 11880 and had planned to make a comment concerning Senator RIBICOFF's remarkable presentation of yesterday. I have read the speech. It is one of the most thoughtful and meaningful addresses delivered in this body for many a year.

The Senator from Oregon is eminently correct when he says it is a code of conduct for the forthcoming debate, not only in Congress but throughout the American public. We are indebted to the Senator from Connecticut. I associate myself with his endeavors.

### UNITED STATES-FRENCH RELATIONS

Mr. MANSFIELD. Mr. President, it is with deep regret that I noted that Information Minister Alain Peyrefitte evidently speaking for President de Gaulle made the statement that "the French Government has never doubted President Kennedy's resolution," and then continuing stated, "but it may well ask what the successor of President Kennedy may say in 10 years' time."

As one who has great admiration for President de Gaulle and who is very cognizant of his outstanding war record, his great achievement in bringing inner stability to France, and his decisive leadership in the Algerian crisis, I must say that this statement of his spokesman comes as a distinct disappointment.

What President Kennedy is trying to do is to heal the split in the Western Alliance and to bring unity in place of disarray. No man has worked harder or shown such devotion to the Western cause than the President of the United States. No country would benefit more from real Western unity and a restoration of the original intent of the alliance than France. No man could play a more significant role in that alliance than President de Gaulle.

We recognize him as a great man of France and the West and he is, potentially, a great world statesman. We appreciate his devotion to his country and his desire to restate its glories and restore its prestige. But the world has changed greatly even in our lifetime, and if we are to survive—all of us in the West—as free peoples we must accept the fact of change and adjust our outlook and policies accordingly. Indeed, the only permanent thing about this world and universe in which we live is change itself.

To imply, as Mr. Peyrefitte does, that President Kennedy is but a passing phenomenon of strong resolve in an America of weakness and irresolution is to cast a gratuitous slur which I cannot believe represents the considered sentiment of the people of France. Indeed, to follow this distorted line, one might rephrase Mr. Peyrefitte's statement to say that "the American Government has never doubted President de Gaulle's resolution but it may well ask what the successor of President de Gaulle may say and do in 10 years' time."

To do so, however, would be to compound the error. The truth is that there are ties between France and the United States and among all the nations of the West which are of such profound significance that they ought not to be jeopardized by this sort of parochialism and pettiness of phrase. The truth is that no one knows what conditions may confront the world a decade hence. What we can know, what history teaches us to know, is that irrespective of transitory personalities in government, the peoples of France and the United States and the West will be better off if these conditions are confronted in essential unity rather than in disunity. It would be most helpful if President de Gaulle would join President Kennedy in this high purpose.

Mr. JAVITS. Mr. President, I had in mind speaking on this subject today. The Senator has spoken out so clearly and so well that I would like to associate myself with what the Senator has said. He has made an excellent statement, and deserves the commendation of all of us.

I would like to say to the Senator, as I am rather active in the affairs of NATO, as is the Senator also, that one thing that struck me about this situation very forcibly was that it came at a time that France was insisting upon an independent nuclear force and demurring to the possibility of making up an all-European force; and at a time that Army divisions and Naval squadrons were being withheld from the North Atlantic Treaty Organization, in line with the policy of President de Gaulle.

France apparently is operating on the theory that the defense of Europe is viable, whereas the United States does not believe, in accordance with its commitments to NATO—and it has every right to speak from strength—that the defense of the United States is viable.

The Senator is correct in taking position that France is a sovereign country and that De Gaulle is its duly elected leader, but that at the same time it does not mean we cannot protest and call to the attention of the French people, so that they may know, that this country is ready to serve the total defense of freedom and that it does not doubt President Kennedy, who is backed not only by the Republicans and Democrats alike, but that it also supported Presidents Eisenhower, Truman, and Roosevelt, who pursued the same policy, and that we are dedicated to the cause of the defense of freedom throughout the world.

I see in the Chamber the Senator from Mississippi [Mr. STENNIS]. He knows as well as I do that New York City is just as vulnerable as is Amsterdam in this day of modern missiles and rockets.

So I join with the majority leader in expressing to him how deeply I feel about the propriety of his speaking on this subject and in speaking out to the French people, so that they may know that the American people support President Kennedy, as they supported the President before him, and as they will support the President after him, in the belief that the defense of freedom is indivisible. If the French people do not feel the same way, they are being their own worst enemy, and the enemy, as well, of the whole Atlantic Community.

Mr. MANSFIELD. I thank the Senator from New York.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an editorial published in today's New York Herald Tribune and an article published in today's issue of the New York Times.

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

[From the New York Herald Tribune, June 28, 1963]

#### KENNEDY AND DE GAULLE TALK AFTER ALL

When President Kennedy set out on his grand European tour, no one failed to observe that he was making a grand detour around France, the home of President

Charles de Gaulle. Mr. Kennedy would speak with the leaders of Germany, Ireland, Britain and Italy, but it was considered a certainty that he would not be speaking with the exasperatingly stubborn leader of France.

History has proved otherwise. One of the extraordinary aspects of Mr. Kennedy's European tour is that he and General de Gaulle have actually engaged in a dialog without actually meeting or seeing each other. President Kennedy addressed President de Gaulle through a speech to an audience in Frankfurt. The speech, delivered Tuesday, was carried instantaneously to Paris by the press. President de Gaulle replied yesterday through a speech delivered in Paris by his Information Minister. And this was carried instantaneously to Dublin, where Mr. Kennedy was stirring Irish hearts and memories.

Dialog by proxy, like marriage by proxy, is not exactly the best way to conduct serious matters, but it's certainly the next best thing to the real thing. And the long-distance dialog between the Presidents of the United States and France may crack the ice and open the way to direct and perhaps even fruitful exchanges.

Mr. Kennedy's statement at Frankfurt, publicly pledging the United States to risk the destruction of its own cities if necessary in defense of European freedom, struck a blow at the heart of De Gaulle's position. The French President claimed that the United States never would take this risk. The American President said it would. The majority of Europeans, including French, would prefer to believe the American rather than the French President.

General de Gaulle, thrown on the defensive, replied through his Information Minister that Mr. Kennedy may be trusted but his successor, in 10 years' time, may not be.

His reply was impressive only because of its weakness, reflecting, perhaps a deep uncertainty of the rightness of the course on which De Gaulle has embarked. If France does not know what will happen to the United States in 10 years' time, we might reply that we do not know what will happen to France and De Gaulle in 10 years' time.

We do not know because the disruptive policies of De Gaulle have made prophecy difficult.

If De Gaulle would return France to a strong Atlantic alliance, then he and we would better be able to forecast the future—security and life for the United States, France, and all other free countries of the world.

[From the New York Times, June 28, 1963]

#### PARIS SKEPTICAL OF KENNEDY VOW—DE GAULLE AID DOUBTS THE PLEDGE OF DEFENSE WOULD BIND LATER PRESIDENTS

(By Drew Middleton)

PARIS.—President de Gaulle's Cabinet spokesman today questioned the durability of President Kennedy's pledge to defend the U.S. allies in Europe.

The French Government has never doubted Mr. Kennedy's resolution, Alain Peyrefitte, the Minister of Information, said. But it is entitled to ask about the policy of Mr. Kennedy's successors.

This first official public response to the American President's speech at Frankfurt on Tuesday was coupled with a sharp reminder of a historic fact that lies at the root of French and European doubts about the U.S. intentions in event of war.

Mr. Peyrefitte said: "France would have wished, in 1914, to have the United States at her side, as, also, in 1939, when war broke out." But in World War II, he emphasized, "the United States came to our side only in 1941."

#### DETERRENENTS DISCUSSED

The French spokesman gave an equally emphatic reply to the President's assertion

that separate national deterrents turned back the clock. This was interpreted as applying to France's independent nuclear force and her withholding of army divisions and naval squadrons from the North Atlantic Treaty Organization.

"It is necessary for the survival of the country that France should have control of the means of her own defense," the Minister of Information said. "It is not reasonable for a country to abandon itself completely to another country for its defense."

This is basic Gaullist doctrine. Mr. Peyrefitte, it is understood, conferred with General de Gaulle before giving his views, which came in a speech to the Parisian Parliamentary Press Association.

He began his comments on French-American affairs by deploring a tendency he said he had noted in some newspapers, French as well as American, to represent the debate over the future of the Atlantic community as a prizefight. He explained:

"For example, a certain Charlot [a popular name for President de Gaulle] wins one round and a certain John wins another. They let us believe that in the third round John has taken his revenge on Charlot."

#### HE ATTACKS PREMISE

But the Minister of Information then began to attack the premise that John had won the third round.

The chief target for Mr. Peyrefitte's remarks and for other comments by officials is Mr. Kennedy's statement that the United States would risk its cities in a nuclear war to defend cities in Europe. The French Government does not believe such a statement would be binding on a future U.S. administration.

Even some of Mr. de Gaulle's critics found this statement hard to accept. They do not believe that should a nuclear threat come to Europe, Mr. Kennedy or any President of the United States would equate Detroit and Lille or Amsterdam and Boston.

The Government is looking forward to President de Gaulle's visit to Bonn next week as opportunity to recover lost ground.

The talks there will center, the sources said, on issues such as the prices of agricultural products. This is a main block on the road toward economic and political unity in the European Economic Community.

But General de Gaulle is expected to have an opportunity to emphasize the importance to West Germany and France of carrying out the countries' treaty of cooperation and a chance to leave the impression that, if France must pursue her national policy in isolation, she will do so without anxiety.

#### THE PRESIDENT'S VISIT TO IRELAND

Mr. MANSFIELD. Mr. President, in the June 24, 1963, Montana-Standard there appears an editorial which deals in a most understanding fashion with the reactions to the President's visit to Ireland. The Butte-Anaconda region of Montana, which the newspaper serves, has been one of the great immigrant melting pots of the Nation. From Scotland, Wales, England, Ireland, Yugoslavia, Scandinavia, Italy, Greece, and, indeed, from many lands men and women with strong wills and willing hands came to labor and to make a life in and around the mines of Butte and the smelter Anaconda. They came with many cultures and speaking in many tongues but the continuing process of Americanism has worked its transformation on these many strains. Out of the many there has flowed a continuous emergence of the one—of the single

mainstream of Americans containing within itself a blend of the capacities and uniquenesses of all the national and racial strains which have merged in it. This drama of convergence and emergence has been enacted in the Butte-Anaconda with striking clarity as well as the State of Montana and it is one which also goes on continuously throughout the Nation. Out of it emerges an American strain which is different from any of its parts but is rooted in all of them. And, indeed, there is no more striking example of this wonderful human phenomenon than the President of the United States.

The article previously referred to is one of exceptional perception in its treatment of this subject and I ask unanimous consent that it be included at this point in the RECORD.

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

#### COUSIN JACK'S BACK—IT COULDN'T HAPPEN IN BUTTE

The Associated Press informs us in a dispatch from New Ross, Ireland, that Mrs. Mary Ryan, a third cousin of President John Fitzgerald Kennedy, intends to greet her distinguished relative in a manner which would raise Gaelic eyebrows in Butte.

She intends to welcome him as "Cousin Jack."

It is hinted that New Ross and perhaps other communities in the Republic of Eire will sport banners as the President visits them, bearing the legend, "Cousin Jack Comes Back."

By this sort of thing, the Widow Ryan and the President's other cousins and relatives intend to call attention to the fact that Kennedy, whose forebears were native to Ireland, is still in a sense one of them, and that Ireland has produced a strain capable of producing in turn a man worthy of the highest office the greatest Nation on earth can bestow.

All of the people of Butte, including those of Irish descent, will understand that the Widow Ryan and the other good folks of the Ould Sod mean well. But for special reasons having to do with Butte's early history, there are elements of incongruity in the spectacle of any Irishman being greeted anywhere as "Cousin Jack."

To this day, decades after strong feelings generated by nationalistic variations have subsided in Butte to good-humored badinage or have been eliminated altogether in the melting pot of Americanism, the phrase "Cousin Jack" does not mean "My Cousin John."

First in Butte, and for a long time only in Butte, the phrase "Cousin Jack" was applied to the Cornish; sometimes to the Welsh, often to the English, and sometimes even to the Scotch and the Manx. The Cornish had it first.

In the latter years of the 19th and the early years of the 20th century, Cornish miners came to Butte, found the going good, and wrote to their relatives in distant places, advising them to give Butte a try.

It was not uncommon in those days for two Cornishmen to approach the boss at a Butte mine and for one to say:

"This 'ere's my cousin Jack from 'ome. Can thee give 'im a job?"

Thus the term "Cousin Jack" became pinned upon the Cornish, and in time even the women of their nationality were likewise set apart in Butte slang as "Cousin Jennie." They brought to Butte the art of concocting that epicurean masterpiece of pie crust, beef and onions which, respectfully designated the Cousin Jennie Pasty, is as

closely identified with Butte as Big Butte itself.

Remaining fittingly proud of national origin, the descendants of immigrants from many lands who live today in Butte do not unduly emphasize their differences. Certainly there is no ill feeling between them as groups.

Still, something difficult to define remains, and because of that elusive something we are sure that President John Fitzgerald Kennedy, if ever he visits Butte, will not be hailed as "Cousin Jack."

#### RESOLUTION OF DAKOTA AND MONTANA PIONEERS OF THE PIONEERS OF THE WEST ASSOCIATION

Mr. MANSFIELD. Mr. President, there has come to my attention a resolution recently adopted by Dakota and Montana pioneers of the Pioneers of the West Association. This resolution urges the construction of a short segment of highway on the Montana-North Dakota line which would open up to visitors a fascinating region of historic interest in the vicinity of the confluence of the Missouri and Yellowstone Rivers. In this region are located the ghost towns of Fort Union, Fort Buford, and Old Mondak.

As the resolution so ably recalls, these places are part and parcel of the history of the Old West or the Wild West. Opportunities for preserving relics of this kind for the edification of Americans— young and old—are fast disappearing in this rapidly changing Nation of ours. I would hope, therefore, that favorable consideration will be given to the objectives of this resolution. I ask unanimous consent that the resolution previously referred to be printed at this point in the RECORD.

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

#### FORT UNION, FORT BUFORD, AND OLD MONDAK, GHOST CENTER OF WILD WEST DAYS: WHERE THE MISSOURI AND THE YELLOWSTONE FLOW, JUNE 8, 1963

Pioneers of North Dakota and Montana, in convention assembled at Sidney, Mont., passed the following resolution which refers to a statement made by the Interior Department of National Parks in their report of information covering the above, Old Mondak, in particular. This report covers Fort Union, Old Mondak, and Fort Buford. The hundred pioneers unanimously approved the following resolution:

"It is the conviction of the pioneers present that the above report did not have sufficient information. For this reason, we reject the portion of the report covering Old Mondak, a ghost town.

"The report was issued in 1962. We shall add factual data so it presents real facts as they were and as they are. R. S. 'Dick' Nutt left his horse ranch and became the banker of Mondak. He didn't know anything about a bank, and Mondak didn't know how to proceed. There was no law covering banks; so they put up a sign which read, 'This is a bank.' Thieves, gamblers, robbers, cattlemen, trappers, and hunters all had banking to do. We made our own laws up until 1909; at that time, a deputy sheriff came to town. Homestead government still prevailed.

"The Great Northern Railway made a track from their coast line to the river dock, where they received freight and discharged freight for the big country across the river.

Mondak was the center of transportation. In 1908 we secured Captain Seneshall with his huge ferryboat, which was a real service to the entire country.

"The post office was established in 1904. We put up a large elevator; Mondak was a good trading place. There were 12 saloons, gambling rooms, wholesale liquor offices. North Dakota was dry and, naturally, liquor found its way over Dakota. People didn't mind shooting but, with a few drinks, bullets got careless and some people got hit hard. Mondak was the wildest town in northern Montana or western North Dakota.

"The important sequence of this entire situation is the highway from Williston, N. Dak., through the beautiful valley of Trenton and Fort Buford. Nearly all the valley land is irrigation; the final is reached at the Fort Union flag pole. This is the dead end of highways.

"Therefore, the following plan is highly embraced by engineers: Construct a primary highway beginning at a point on the Montana, North Dakota State line on Highway No. 2, directly south through old Mondak, Fort Union, and Fort Buford; thence, across a bridge to Highway 87 in the Yellowstone Valley; thence, through to Yellowstone National Park. Only 7½ miles of construction is needed. We have two States, four counties, and the U. S. Public Bureau of Roads; the cost would be very small. This connection will do big things for tourists and traffic. There is only one confluence of these two great rivers; worldwide is their fame. Millions of Americans and Canadians will use this proposed national park; the people of this country will all have this trip in their vacations. We therefore offer this additional information as strictly reliable and solicit your approval of the bill now before Congress.

"Dakota and Montana Pioneers, Pioneers of the West Association, R. S. Nutt, President; Ralph Blair, Vice President; Mrs. Viggo Andersen, Social Service; Lucy Fisher, Historian; Mary Woods; Orval J. Woods; George W. Semmis, President; Howard J. Sissel, Secretary."

#### TOWN OF MEDWAY

Mr. DIRKSEN. Mr. President, on behalf of the Senator from Massachusetts [Mr. SALTONSTALL] I ask unanimous consent to insert in the RECORD a statement by him on the 250th anniversary of the town of Medway, Mass.

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

##### STATEMENT BY SENATOR SALTONSTALL

This week the town of Medway, Mass., is celebrating its 250th anniversary. A historical pageant depicting the growth of Medway from the year 1713 to the present is planned.

From a territory originally belonging to the Nipmuck Indians, Medway was incorporated on October 25, 1713, by an order of the General Court of Massachusetts. At that time the total population of the town was 45.

Farming was the principal industry at first. However, in 1825, the Duncan Wright Woolen Mill utilized the waters of Chicken Brook in West Medway for industrial power. At about that same time, Medway was the home of the Holbrook Bell Foundry, established by Maj. George Holbrook. Before its franchise was sold in 1825, it was the only bell foundry in the country, and it had cast more than 11,000 bells for worldwide distribution.

Presently Medway is a residential and manufacturing town. Among its industrial establishments are the awl and needle department of the United Shoe Machinery

Corp., the Sanford Mill & Textile Co., and the Veritas Chemical Co. Most of the town's 6,200 residents are engaged in these business enterprises.

Medway has always been a civic-minded community. In 1781, the town instructed its representatives to the general court to favor a public accounting of all disbursements of public funds. By a town vote taken in 1783, Medway registered its opposition to unwise public spending, recommending "the greatest economy and frugality with regard to the expenditure" of public funds.

Medway is a town carved out of the New England wilderness by a hard-working and forward-looking people. On this their anniversary, I commend the people of Medway for their outstanding record of 250 years of service to Massachusetts and to the country.

#### THE WORLD FOOD CONGRESS

Mr. HUMPHREY. Mr. President, I also submit for the RECORD a statement in regard to the World Food Congress, which ended here in Washington, D.C., on June 18. I have a feeling that the Congress of the United States, which was so instrumental in connection with that conference, by authorizing it, would like to know of its accomplishments and of the general trend of the conversations and discussions there.

Mr. President, it will be recalled that on June 4 a total of 1,000 persons from more than 100 countries gathered in Washington, D.C., for a 2-week World Food Congress. The U.S. Department of Agriculture served as the host Department to the Congress for the U.S. Government, and Secretary of Agriculture Freeman was Chairman of the Congress.

This Congress came at a crucial point. In order to meet the basic needs of the 6 billion people who will inherit the earth by the end of this century, world productivity of food and other basic needs will have to be tripled or quadrupled. This will mean an effort involving nearly three-fourths of the people who today make up the world's population—a great majority of them in the very early stages of economic development. The time left to us is barely 35 years.

The World Food Congress addressed itself to two major aspects of how this gigantic task can be accomplished: First the problem of matching the rapidly increasing needs of a fastgrowing world population with the development of national and human resources, in order to provide a life of plenty and dignity for all; and, second, the problem of matching rising expectations with a revolution in organized will. The tempo of the Congress was set by President Kennedy in his inaugural address, when he said:

So long as freedom from hunger is only half achieved—so long as two-thirds of the nations of the world have food deficits—no citizen, no nation can afford to feel satisfied or secure. We have the ability, we have the means, and we have the capacity to eliminate hunger from the face of the earth. We need only the will.

One question that dominated the discussions was that of population growth in relation to resources. Several speakers at the World Food Congress stated that the underemployed labor in the developing countries, which now represents

a threat to their stability and social peace, could become their most important resource. Physical resources, they said, should be viewed, not mainly in material terms and as fixed quantities, but in relation to man's determination and assiduity in exploiting them. They also vary according to the scientific and technical knowledge which is constantly advancing. The great scientists who addressed us opened up wide vistas of hope and achievement.

There also are the prospects for new sources of food, to which Prof. Daniele Bovet, of Italy, referred. He mentioned the systematic cultivation of marine algae; the use of fresh-water algae, particularly chlorella, and plankton; the synthesis of the elements essential to human nutrition, through chemical and fermentation processes; the production of carbohydrates and fats, and of certain of the essential amino acids now acquiring industrial importance. Prof. Henri Laugier, of France, spoke of the unlimited possibilities offered by the photosynthesis of raw materials that occur abundantly in nature—solar energy, carbon dioxide, and water.

Mr. President, the major objectives of development are to raise productivity and income, as a means of securing better levels of living and nutrition; to expand education and employment, as a step toward social equality based on mutual respect; to use renewable resources in ways that safeguard the welfare of future generations; to achieve economic, no less than political independence. In this broader sense, development involves the whole economic and social structure in each nation.

There can, however, be no standard plans for development, since in each case it must be dictated by social and economic factors in the country involved.

Until only a few years ago there was general resistance to the idea of planning, and the confusion between planning and coercion persisted in the minds of many. It now is generally accepted that to achieve the fullest use of resources, a conscious and integrated orientation of effort is essential. The techniques of planning, however, need to be given more attention; and the essential condition that success depends on persuasion and the enlistment of enthusiasm, rather than on simple dictates from above, needs to be better realized.

Investment of personnel and capital in efforts to obtain a fuller utilization of the work force in agriculture and in measures to increase agricultural productivity must be given high priority in national development plans. It also is important that plans for improved levels of nutrition are included in national development plans, not only with the object of correcting nutritional deficiencies, but through such action to improve the general economy by increasing the productivity of manpower.

If agriculture is to have primacy in the development process, the best ways to approach this problem must be found. Large areas capable of development still remain unused. If these lands remain uncultivated, in spite of the increasing pressure of population, there must be

good reasons for this. In these cases, often there is the need, over a long period, for heavy investment which is not forthcoming. There also are the social difficulties which arise from internal labor migrations and the political difficulties resulting from migrations to other countries. While these problems must continue to receive the attention of both the national governments and international organizations, the immediate possibilities appear to be more in the increasing of crop yields and livestock productivity by processes already tried with success in some of the developed countries, rather than in extending acreage on any considerable scale. We should, however, not discount the possibility of dramatic breakthroughs which may come with the advance of science and technology, such as in desalinization of sea water, for irrigation.

In all countries which show the most spectacular advances in agricultural productivity, the use of fertilizers has been a crucial factor. The use of fertilizers, however, must be accompanied by the supply of a whole complex of other requisites suited to the local ecological conditions—better seeds, pesticides to control diseases and insect infestation, regulated irrigation and drainage, better tools and implements, and so on.

Simultaneously, more attention must be given to make animal husbandry more productive, through improved breeding, larger and more balanced supplies of foodstuffs, and measures of disease control. The fullest use must be made of land and water resources, through soil conservation measures, large- or small-scale irrigation schemes, improved methods of farm management, including double cropping distribution and rotation of crops, and allocation of pasture and forest to the areas to which they are best adapted. Timber trend studies show that the years ahead will be an opportune time for developing countries well endowed with forest resources or enjoying favorable conditions for the production of timber to develop these resources. Planning the fuller utilization of forest resources is, therefore, of the utmost importance for these countries.

At the international level, trade and aid are two of the most important factors now affecting the rate of overall growth of the developing countries. Urgent action is needed, on the basis of international solidarity, first, to strengthen efforts to reduce obstacles to the exports of developing countries; take initiatives for establishing commodity agreements, including new types of agreements, and a further exploration of compensatory financing or other schemes for reducing the impact of fluctuations in the foreign exchange earnings of developing countries; and, second, to undertake a world plan, in quantitative terms, in regard to nutritional needs, and to coordinate national plans in order to arrive at a better balance between export supplies and import demand, based on projections of future trends. As for external aid, there is a growing realization that, to be effective, it must be more closely linked to national development plans and adequate resource surveys. If hunger and

malnutrition are to be eliminated by the end of this century, a much faster rate of economic growth than that envisaged so far appears clearly necessary. In this connection, emphasis was laid on the need for much closer coordination between international financial assistance and international technical assistance. In particular, it was stressed that international organizations should be adequately strengthened to increase the effectiveness of their technical assistance operations; that governments of both developed and developing countries should make special efforts to provide experts at all levels, and that voluntary agencies should also contribute to this end; that intercountry technical surveys covering ecological zones where the problems of agriculture and forestry are similar should be undertaken, to provide a basis for national or regional development plans; that the development of watersheds and river valleys should be undertaken under international auspices, where desirable, as in the case of the Mekong; and that a series of spearhead development zones should be established in each ecological region, to facilitate the exchange of experience and the mobilization of common efforts.

On the important question of involvement of people, Commission Four of the World Food Congress arrived at conclusions which call for special attention.

The task of eliminating the scourge of hunger and malnutrition requires continuous consultation and ceaseless exploration of every means of cooperation and development. To this end it has been suggested that the freedom from hunger campaign should be continued until the final objective is achieved, and for this purpose national committees should be established in all countries where they do not yet exist, and should be placed on a continuing basis; a World Food Congress should be held at periodic intervals; at each congress, the Director-General of the Food and Agriculture Organization of the United Nations should present a world review of the food situation in relation to population and overall development, together with a proposed program for future action. The world review and program should take into account the progress of national development programs, institutional reforms in various countries, the findings of technical and economic surveys, the scope and problems of international cooperation for the elimination of hunger and malnutrition, and the developing countries' requirements for technical and financial assistance for rural development programs; and in preparing this world review and program, the Director-General of FAO should have the assistance of high-level committees appointed for this purpose in each country participating in the freedom from hunger campaign.

Mr. President, I have touched on the major issues discussed at the World Food Congress. In the light of these discussions, there has emerged a declaration to be adopted as the final act of this congress. I shall ask that this declaration be included in the RECORD at the conclusion of my remarks.

Twenty years ago another international conference—at Hot Springs, Va.—laid the basis of a charter for the FAO which continues to remain our guide in the struggle against world hunger.

The dimensions and urgency of the problem of hunger have increased tremendously since 1943, and vast new pressures for economic and social betterment have arisen in the underprivileged parts of the world. While it is clear, as this Congress has demonstrated, that the technical difficulties have been grossly exaggerated, one also finds that many of the development programs, drawn with technical perfection, have not been implemented, for lack of adequate measures and because of the failure to mobilize mass enthusiasm for development. The condition of the rural masses in many countries has deteriorated, and social injustice continues to hamstring the efforts for progress in many lands. Independence has been accompanied by inevitable growing pains, and the burdens that the transition entails on the administration often have been aggravated by the pursuit of selfish interests and private wealth. In some countries, too, the problems of pressure on the land and of ignorance and backwardness are reflections of odious discrimination between men.

At the international level, the effort which is being made now is certainly far greater than what was being done a decade ago. But it is small in relation to the needs, and is also small in relation to what can be done. The difficulties in international negotiations on commodity agreements or on the coordination of international trade have been described as technical. Perhaps there is an element of truth in that description; the main reason, however, is the reluctance of governments to undertake measures which might weaken their national powers of control.

Yet at the same time there is, below the surface, a stirring of forces which can transform the scene. These forces distinguish the climate of 1943 from that of 1963. In the first place, we now have the certainty of possessing the know-how for abolishing hunger and malnutrition. Even in 1943, scientific advance was far ahead of application in both the developed and the developing countries. But at that time there had not been the massive drive of science which has dwarfed mankind's every previous achievement, and there had not been in some countries the staggering increases in agricultural productivity which show what may follow if ever the right policies are applied.

The concept of survey and mobilization of human and physical resources for the initiation of a process of development was hardly known. In fact, planning was associated with only one type of political regime. Administrators, technicians, biologists, economists, and scientists worked in almost complete isolation from one another, and there was little attempt at coordination at either the national level or the international level. These new concepts of survey and coordination now are regarded as commonplace, and enter into all our plans and programs.

Second, there now is a much greater awareness of the existence of world hunger. What is more important, the consequences of the growth of inequality, of the growing misery of the developing countries, and of the ever-increasing enrichment of the rich, are now better realized. The fact that "surpluses" are surpluses only in name, and the fact that they must be used to help the developing countries to help themselves, were perceived by few in 1943. It took at least 10 years for action to be initiated, and it took nearly 20 years for this philosophy to become the consensus of world opinion. Today, it is realized by public leaders, by men of good will everywhere, and by the rising elite in the developing countries, that peace or war will be determined by the outcome of the race between population and resources. This is all the more so since we have had an extension in communications which has forged the interdependence of mankind and has led to its unity as never before in history. A striking evidence of this new solidarity is the response which the freedom from hunger campaign has evoked in the developed countries, for it has strikingly shown that common people everywhere are ready to work together in the task of development.

It is not astonishing, therefore—and this is the third major difference between 1943 and 1963—that in the developed countries it has become the established policy to extend assistance to countries which are in the process of development. The questions on which agreement is yet to be reached are now more of scale and form. Principles still are to be established to insure that distribution is equitable, and that all countries participate in the task of international reconstruction.

Mr. President, the historic World Food Congress is now at an end. But in reality it is but beginning—the beginning of a new worldwide effort in the war against hunger. We have taken the measure of the situation with which we are confronted; we have discussed the strategy and tactics of the battle in which we are engaged; we have renewed our solemn pledge to work together in order to abolish hunger.

All this will be fruitless if we fail to act, for in that event we shall meet with disaster the proportions of which we can foresee even today. We stand before the bar of history. Let not future generations accuse us of failure to take action while there was time. From that great assembly, let the clarion call go forth to the peoples of the world that freedom from hunger can be won and must be won within our lifetime.

Mr. President, it was my privilege to sponsor in the U.S. Congress the resolution authorizing the World Food Congress and to encourage the U.S. Congress to provide the necessary appropriations for it. I am very much pleased also that the two Houses of the Congress of the United States served as hosts for the delegates from the more than 100 na-

tions. We had a fine reception in the courtyard of the Old Senate Office Building, and it was well attended.

I am pleased to note that the presiding officer [Mr. McGOVERN] was in attendance at that reception, and also at several meetings of the World Congress. The Senator from South Dakota was looked upon by the delegates as one of the outstanding figures in American public life because of his great leadership in the food for peace program, and his understanding of the importance of food as an item of peace and social progress. The Senator from South Dakota has brought honor to himself, his State, and our country by the excellent manner in which he has provided leadership in the use of food and fiber as an instrument of social and economic progress and policy.

I ask unanimous consent that a declaration of the World Food Congress be printed at this point in the RECORD.

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

#### DECLARATION OF THE WORLD FOOD CONGRESS

We, the participants of the World Food Congress, assembled at Washington under the freedom from hunger campaign to take the measure of the problems of hunger and malnutrition, and to explore the means for their solution, having in mind that freedom from hunger is man's fundamental right and that all human beings—without distinction of any kind—are entitled to its realization through national effort and international cooperation; conscious that today, in spite of 20 years of effort since the Hot Springs Conference which led to the foundation of FAO, the curse of hunger, malnutrition, and poverty still afflicts more than half of mankind; alarmed by the extent to which the explosive growth of population, at a rate unmatched by adequate increases in productivity, is intensifying human needs and is giving still greater urgency to the attainment of freedom from hunger; profoundly aware that the recent attainment of political independence by many hundred millions of the world's population gives a new urgency and a new dimension to the aspiration for higher levels of living, of which freedom from hunger is the first prerequisite; convinced that scientific and technological progress now make it possible to free the world from hunger, but that such freedom can only be accomplished if all the available human and natural resources of the world are mobilized to this end through balanced economic and social development, hereby declare:

That the persistence of hunger and malnutrition is unacceptable morally and socially, is incompatible with the dignity of human beings and the equality of opportunity to which they are entitled, and is a threat to social and international peace;

That the elimination of hunger is a primary task of all men and women, who must recognize their duties as well as their rights as members of the human race, and must fight to achieve freedom from hunger in every corner of the earth; this obligation being also inherent in the pledge of the nations under the U.N. Charter to take joint and separate action, to achieve higher standards of living, full employment and conditions of economic and social progress, and development as indispensable elements of peace;

That the responsibility to free the world from the scourge of hunger lies jointly with

the developing countries themselves who must take all measures within their power which are necessary to achieve this objective; with the developed nations who must cooperate with the developing countries in their efforts, realizing that freedom from hunger cannot long be secure in any part of this interdependent world unless it is secure in all the world; with the United Nations and the specialized agencies who must intensify and coordinate their efforts to assist the nations in this task; with other international organizations and with nongovernmental organizations, e.g., religious, youth, women's organizations and other voluntary groups, agricultural and labor organizations, and associations of trade and industry, who must inform and stimulate the people so that they can play their part with understanding and vigor, therefore urge:

That the task of elimination of hunger from the face of the earth should be conceived in the framework of a worldwide development dedicated to the fullest and most effective use of all human and natural resources, to insure a faster rate of economic and social growth; and

That to this effect, speedy and decisive action be taken:

1. By all governments of the developing countries (a) for a planned and integrated use of resources which at present are largely underutilized; (b) for the adaptation of their institutions to the requirements of economic and social progress; and, more specifically, to secure the most effective administrative machinery, to give incentives to increased production through insuring just and stable prices, and to reform, where required, unjust and obsolete structures and systems of land tenure and land use so that the land might become, for the man who works it, the basis of his economic betterment, the foundation of his increasing welfare, and the guarantee of his freedom and dignity;

2. For the maximum utilization of the stock of scientific and technical knowledge and the promotion of both short- and long-term adaptive research suited to the conditions and requirements of the developing countries; and

3. For the massive and purposive education of the rural populations, so that they will be capable of applying modern techniques and systems, and for universal education to expand the opportunities for all.

Further urge that to assist national efforts, and allow speedier implementation of development programs within a worldwide framework, international cooperation be strengthened, in particular so that:

1. Present adverse and disturbing tendencies in the trade of the developing countries be reversed and that for that purpose adequate and comprehensive commodity agreements be devised, development plans be coordinated, and other appropriate measures taken; and

2. The volume and effectiveness of financial, material, and technical assistance be increased; and

3. There be a more equitable and rational sharing of world abundance, including an expanded and improved utilization of food surpluses for the purpose of economic and social development.

Express the hope that the current efforts for bringing about universal disarmament will succeed and that the vast sums now being spent on instruments of destruction will become increasingly available for the elimination of hunger and malnutrition and the promotion of human well-being.

Therefore pledge ourselves and highly resolve to take up the challenge of eliminating hunger and malnutrition as a primary task of this generation, thus creating basic con-

ditions for peace and progress for all mankind; to mobilize every resource at our command to awaken world opinion and to stimulate all appropriate action, public and private, national and international, for this overriding task, and to this end give our wholehearted support to the freedom-from-hunger campaign until its final goal is achieved.

#### DAVIS-BACON ACT AMENDMENTS

Mr. KEATING. Mr. President, early in this session of Congress, I joined with 11 other Senators in offering legislation to amend the Davis-Bacon Act. This bill (S. 450) is presently pending in the Labor and Public Welfare Committee, and a similar bill (H.R. 6041) has been reported favorably by a committee in the other body.

The Davis-Bacon Act was passed in 1931 and amended in 1935 to provide that the prevailing wage be paid on all Government-contracted construction. In the thirties, this was progressive legislation designed to protect the organized worker and the responsible employer from low-wage competition in bidding on Government contracts. It was, in fact, a Republican Congressman from New York, Robert Bacon, who initiated this legislation three decades ago. He cited in particular, the high labor standards prevailing in New York, and the fine labor-management relations which existed in the construction industry. These costs, however, forced the New York contractor into a disadvantaged position in bidding on Government contracts against competitors who did not pay high wages.

In 1963, however, considering only the pay envelopes of the workingman does not give us a true indication of the prevailing wage and an amendment is needed to protect the advances made by organized labor during the last two decades. Today, almost 10 percent of the value of wages is put into fringe benefits and humanitarian welfare programs which unions and management have developed to improve the living standards and insure the security of workers in the construction industries.

It is estimated that the "nonpaycheck pay"—or total cost of fringe benefits paid to American workers—now totals more than \$20.6 billion a year. This is more than five times the value of such benefits paid in 1946. The increase of payments to private pension and welfare plans has been most impressive, rising nearly 700 percent since the war to a record \$9.6 billion last year. Eighty percent of American workers are covered by employer-financed life insurance plans, and three-quarters are protected by some form of employer-financed health insurance.

Today there are over 5,000 welfare and pension funds in the construction industry alone covering well over 70 percent of the building tradesmen. Some provide hospitalization, retirement funds, life insurance. Other contractors contribute heavily to apprentice training programs similar to those organized by

the plumbing and steamfitters union and the electrical workers union. In this latter instance, in particular, it seems incredible that we are spending taxpayers' money on manpower training and other programs to alleviate unemployment and produce a skilled labor force, yet we continue to penalize citizens of initiative and responsibility because the present Davis-Bacon Act does not encourage their private efforts to accomplish the same results. They are, in fact, hindered by the absence of this much needed amendment, since contractors who do not provide fringe benefits, including apprenticeship training, can bid on Government contracts with an unfair advantage. It should be noted that very few nonunion contractors have any type of apprenticeship programs.

Mr. President, in fiscal 1963, the Federal Government is expected to spend \$8 billion for construction while civilian public works expenditures will be in the neighborhood of \$6.5 billion. The prevailing wage concept is now applied to all Government construction of hospitals, airports, schools, civil defense construction, highways, water pollution facilities, and all Government housing. Because this program is so extensive, and because so many private contractors and workmen are hindered by the application of the present law, I urge Congress to follow the lead of those progressive States, among them my own State of New York, which already include fringe benefits in the determination of the prevailing wage, and to amend the Davis-Bacon Act without delay.

Mr. President, I ask unanimous consent for an article describing the need for this legislation which appeared in the *Construction Craftsman* for April 1963, to be printed in the *RECORD* at this point in my remarks.

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

**FRINGE BENEFITS: AN INTEGRAL PART OF TODAY'S WAGES—FEDERAL WORK SHOULD GO ONLY TO CONTRACTORS WHO INCLUDE THEM AS PART AND PARCEL OF THEIR BIDS**

Jobs including Federal funds should be awarded on the basis of contractor efficiency, know-how, and skill—with permission denied to depress local prevailing wage standards. Amendment of the 1931 Davis-Bacon Act should be immediately made—to include fringe benefits as an integral part of labor cost in figuring bids on federally supported construction work. Eighteen Senators sponsored S. 452 in this session of Congress, and six companion bills (H.R. 404) were introduced in the House of Representatives to provide this much needed legislative remedy.

When the Davis-Bacon Act was enacted into law in 1931, such matters as health, welfare, insurance, and pension plans were not in existence for building tradesmen. A craftsman received the sole sum of his earnings only in his pay envelope.

Since that time, the building trades unions have been in the vanguard in creating and developing funds to protect millions of construction men—who devote their lives to the industry—and their families. These funds provide such benefits as hospitalization, sickness, disability and accident insurance, life insurance, and pensions; and to maintain apprenticeship training programs.

These humanitarian welfare programs have been developed by and within the industry itself. They were initiated during World War II when a freeze was imposed on wages, and increases were permitted only on certain so-called fringe benefits because they were noninflationary.

Today these benefits are a part of virtually every construction collective bargaining negotiation.

Today there are over 5,000 welfare and pension funds in the construction industry alone. Most of these are of the health and welfare type, financed primarily by employer contributions of so many cents per hour, for each hour worked by a covered employee. Well over 70 percent of the building tradesmen are covered by welfare and pension funds.

When these plans were first started, a 5 cents or 7 cents contribution per covered employee per hour was typical. Today, during the course of collective bargaining, building tradesmen increasingly elect to take wage increases in the form of much needed welfare programs so that they can provide some benefits for their families in an hour of need.

At the present time in many areas, employers contribute 25 cents or 30 cents per hour to these health and welfare funds.

It is unfair and unjust—both to the building craftsman and to enlightened employers—that these welfare programs, which have been bargained for in lieu of wages, should not be included as wages within the meaning of the Davis-Bacon Act.

It is evident that a constantly increasing portion of the employer's labor cost is being devoted to such health, welfare, pension, and apprenticeship programs. Because these types of payments have increased tremendously in the past decade, they now represent a very significant portion of wages and of an employer's labor cost.

The Davis-Bacon Act requires the Secretary of Labor to predetermine "the minimum wages to be paid to the various classifications of mechanics and laborers which shall be based upon the wages \* \* \* prevailing for corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the city, town, village, or other civil subdivision of the State \* \* \* in which the work is to be performed."

As the Davis-Bacon Act has been interpreted, these benefit programs—which in most situations constitute around one-tenth of a building tradesman's hourly earnings—are not taken into consideration in determining the prevailing hourly wages for the various classes of mechanics and laborers.

This means that contractors who do not have such welfare programs for their employees can come into a local area, and, simply because their labor costs are lower, undercut already established fair employers who do contribute to these programs for their employees.

When this happens, it means that local building tradesmen who have elected to take wage increase in the form of benefit programs in order to provide for their families are depriving themselves of work which they could otherwise obtain. The fair employer is also placed in a steadily deteriorating competitive position.

Fair contractors have a strong interest in correcting the present inequitable basis upon upon which bidding goes forward. That interest was expressed in last year's House of Representatives' subcommittee hearing by a substantial number of Representatives who supported H.R. 9656, which is identical with this year's H.R. 404. This measure was reported out (with amendments) of the subcommittee favorably. It is now before the

full House Committee on Education and Labor. We expect the full Committee to act on H.R. 404 after the Easter recess.

G. R. Collins, president of the National Constructors Association, expressed the employer interest in the fringe benefits question as follows:

"Recognition of this responsibility is a part of today's world. Member companies of the National Constructors Association accept this as a social and public responsibility and have agreed, at the bargaining table, to pay their share.

"Member companies have obligated themselves not only to pay wage rates established by building trades in local contract negotiations, but also to pay fringe items such as health and welfare fund payments and so forth. These fringe items have become an increasingly important factor in the labor cost of a construction project.

"The other side—the nonunion or open shop contractor—has no such obligation, contractually to contribute to the health and welfare of his employees, or the training of replacements in the skilled construction forces of the country. He becomes in a sense, a free rider.

"As a result, the public purpose of Davis-Bacon is vitiated, and the public policy is largely nullified."

This year's H.R. 404 would in the same manner require the Secretary of Labor to include in wage predeterminations under the Davis-Bacon Act the prevailing rate of payments to benefit plans for the purpose of providing medical or hospital care, pensions or retirement, life insurance, sickness, accident or disability insurance, and unemployment benefits; or for defraying costs of apprenticeship or other training programs.

H.R. 404 would modernize the Davis-Bacon Act by eliminating the most glaring loophole that has developed in its structure. The bill would treat welfare program contributions as what they really are, an integral part of a building tradesmen's wages. It thus recognizes and protects the true, established wage scale.

Provisions similar to those set forth in H.R. 404 have been enacted by State legislatures in recent years. New York, California, Connecticut, Massachusetts, Pennsylvania, Rhode Island, Washington State, and Wisconsin already predetermine these prevailing welfare benefits by provisions in their State prevailing wage laws.

Similar protection should be provided by Congress for similar coverage of building tradesmen under the Davis-Bacon Act.

Congress must once again affirm its time-honored and tested prevailing wage principle—to insure that the purchasing power of the Federal Government will not be used either to press down the prevailing wage standards of building tradesmen; or to place fair contractors, sharing the burdens of social progress, in an unfair competitive position.

H.R. 404 reaffirms this fundamental principle. It is designed to remedy the present glaring deficiency. Its provisions are just, fair, and in the public interest.

Congress is urged to carry forth the legislative procedure with all possible expedition so that the necessary changes in this area can be made at this session.

#### DU PONT ESTATE TURNS OUT TO BE BANK HOLDING COMPANY AND NOT CHARITABLE TRUST

Mr. DOUGLAS. Mr. President, an extremely interesting article appeared recently in the international weekly newspaper Labor. The author, Michael

Marsh, suggests that the Senate was misled in 1955 and 1956 when we were considering the Bank Holding Company Act. Senators will recall that several interests were exempted from the definition of a bank holding company under the act. One of these was the Du Pont estate which some Members of Congress argued was only a charitable trust and hence should be exempted. I will not indulge in recriminations, but I will say that the facts which Mr. Marsh has brought to light vindicate the position of those of us who questioned this exemption. It may well be that the Banking and Currency Committee should reopen this matter, and to promote consideration of whether we should do so I ask unanimous consent that Mr. Marsh's article from the June 15, 1963, Florida edition of Labor be printed in the CONGRESSIONAL RECORD along with my remarks.

Another interest exempted in that act was Financial General Corp. Chairman Martin of the Federal Reserve has strongly urged Congress to eliminate this exemption. Perhaps Chairman Martin might let us know his views on revoking the apparent Du Pont exemption.

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

[From Labor, June 15, 1963]

SENATORS MISLED ON DU PONT ESTATE—BANK LAW EXEMPTED BALL, LET HIM KEEP THE FEC—CHARITY EXCUSE CITED—BANKING EMPIRE GIVEN FREE REIN—WHO HID THE FACTS?

(By Michael Marsh)

Members of the U.S. Senate were deceived about who gets the money from the giant Alfred I. du Pont estate when, back in 1955 and 1956, the Senators were considering a law that might have forced the Du Pont estate to get rid of its nonbanking interests.

That fact came to light this week in the wake of last week's revelation by Labor. Those revelations showed that Mrs. Alfred I. du Pont has gotten nearly all of the Du Pont estate's huge income for over two decades.

Like nearly everyone else, the Senators back in 1955 and 1956 thought that most of the Du Pont estate's money went for charity, to help crippled children.

That mistaken belief was apparently an element in exempting the Du Pont estate from the Bank Holding Company Act, which Congress passed in 1956.

If that act had not been worded to exempt the Du Pont estate, then Edward Ball—the estate's leading trustee—would not be in charge of the strikebound Florida East Coast Railway today.

Ball and the Du Pont estate, to hold onto their \$700 million banking empire, would have been forced to give up control of the FEC Railway, the St. Joe Paper Co., and their other interests.

Under the Bank Holding Company Act, bank holding companies are required to divest themselves of control of all nonbanking companies, in order to prevent monopoly and unfair competition.

#### LARGEST BANKING GROUP

The Du Pont estate does, in fact, act like a bank holding company. It owns a majority of stock in the Florida National group of 30 banks, with assets of \$700 million. The Florida National group has advertised itself as the "largest banking organization south of Philadelphia and east of the Mississippi."

But Congress defined "bank holding company" in the act to exclude the Du Pont estate and the Florida National group of banks. Why?

That question was raised by opponents of the banking holding company bill during House debate on the bill, June 13 and 14, 1955. A leading House sponsor of the bill replied that the Du Pont estate was "a good charitable trust" and that Congress seeks to "encourage charitable gifts and purposes."

#### DOUGLAS RAISED QUESTIONS

The bill then passed the House, 371 to 24. Senate hearings were held in July 1955. Senator PAUL H. DOUGLAS, Democrat of Illinois asked at those hearings why the "Du Pont group" should be exempted.

Senator Robert S. Kerr, Democrat of Oklahoma, replied that, as regards the Du Pont estate, "the only uses are for charitable purposes."

Senator J. Allen Frear, Democrat of Delaware added: "The person who left the estate left it predominantly for charitable purposes. I have had it explained to me, not in detail, but in a mild form, because the person who set up the trust estate was originally from my State."

Later Senate hearings were held in February 1956. At those hearings, F. N. Belgrano, Jr., then president of Transamerica Corp., the Nation's leading bank holding company, protested against including his outfit in the act while exempting the Du Pont estate.

Senator A. WILLIS ROBERTSON, Democrat of Virginia, chief Senate sponsor of the act, replied that the Du Pont estate "is quite different from your type of operation."

"Well," said Belgrano, "it is not any different from a practical standpoint, Senator, in my opinion."

"There is a lot of difference," Senator ROBERTSON retorted, "between those who are working for Mr. Belgrano and his stockholders and those who are working for crippled children and other charities."

The following April, Senator ROBERTSON skillfully steered the Bank Holding Company Act through the Senate. President Eisenhower signed it into law on May 9, 1956, significantly remarking as he did so that "the exemptions and other special provisions [in the act] will require the further attention of Congress."

Yet—all this time—the Du Pont estate's income has not been going to crippled children but chiefly to Mrs. du Pont, who is Edward Ball's sister. As Labor reported last week, Mrs. du Pont's income from the estate has been running between \$5 and \$7 million a year or more.

How were the Senators so misinformed about the Du Pont estate's income, back in 1955 and 1956? Labor put that question to Senator ROBERTSON, who now heads the Senate Banking and Currency Committee.

#### CAME FROM RESERVE BOARD

Thinking back, ROBERTSON said the original draft of the Bank Holding Company Act had been furnished him by the Federal Reserve Board (which now administers the act).

The FRB spokesman, ROBERTSON said, explained that the draft was drawn to exempt the Du Pont estate as a "charitable trust."

ROBERTSON added that Edward Ball had also written to him at the time, about the Du Pont estate's exemption. Ball is described by the estate as "coordinator" of the Florida National group of banks.

#### HAD WRONG IMPRESSION

ROBERTSON indicated that the Senators thought at the time that the money from the Du Pont estate went primarily to crippled

children, though they were aware that some annuities were paid from it also.

Mrs. du Pont's huge income from the estate is in the form of annuities. At her death, the estate's income will then go for charitable purposes. Mrs. du Pont has given generously from her income, including 12 percent to the Nemours Foundation for Crippled Children.

Ball, not his sister, has taken chief charge of the Du Pont estate from the beginning, keeping under wraps the facts about where the estate's money goes.

Ball is also board chairman of the FEC Railway. He has pleaded "poverty" in refusing the FEC's "nonoperating" employees the same 10.28 cent hourly pay increase granted by all other class I railroads a year ago. The FEC employees have been on strike for this pay hike since January 23.

#### CURTAIN SLIGHTLY LIFTED

One slight "lifting of the curtain" on the Du Pont estate took place at the very end of the Senate debate on the Bank Holding Company Act, on April 25, 1966.

Senator Homer Capehart, Representative of Indiana, then submitted for the record a long legal document analyzing the late Alfred I. du Pont's will and showing that Mrs. du Pont, not crippled children, got most of the income.

But Capehart didn't mention this point in the debate, and his document was too late. The Senate a couple of minutes later passed the bill, carrying in it the exemption for the Du Pont-controlled banks.

#### ACCOMPLISHMENTS OF THE ACCELERATED PUBLIC WORKS PROGRAM

Mr. BARTLETT. Mr. President, a little over 9 months ago—last September 13 to be exact—the Congress enacted the Public Works Acceleration Act with an authorization of \$900 million for the initiation and acceleration of public works in areas of substantial and persistent unemployment or underemployment and economic underdevelopment. The general purposes of this act are not only to increase employment where jobs are urgently needed, but also to meet longstanding public needs, improve community services, and enhance the health and welfare of citizens of the Nation.

Six weeks later—on October 24 last—\$400 million was made available for this program so that it could be gotten underway at the maximum possible rate during the following 4 months with the understanding that the administration would then ask for a supplemental appropriation.

Area Redevelopment Administration of the Department of Commerce immediately activated the accelerated public works program. Within a matter of days a large number of unemployed in critical areas were at work on direct Federal projects in the national parks and forests and on needed flood control and soil conservation projects which otherwise would not have been started. In this manner, the accelerated public works program was put into effective operation in the shortest possible time, thereby helping to alleviate unemployment conditions in the face of the oncoming winter and carrying out the expressed intent of the Accelerated Public Works Act.

In the meantime, communities and local public agencies in distressed areas all over the country resurrected old plans and initiated new plans for long-needed public facilities and improvements, such as adequate water and sewage facilities, hospitals, public buildings, and other community improvements—not only essential for the public health and welfare but necessary also to attract private enterprise and capital to the area and thereby utilize the available local manpower with the resultant alleviation of local economic distress.

For localities in distressed areas, public works projects such as these have generally lain dormant because of the inability of these communities to finance them and therefore the necessary plans and specifications had to be prepared or brought into line with current community needs in support of applications for accelerated public works financial assistance. This, of course, took time. But the hope and need of these communities for such projects and the financial assistance offered under the accelerated public works program which could make them possible effectively sparked local action throughout the Nation. Project applications began to pour in for accelerated public works assistance in ever-increasing numbers with the result that within 3 months after the first appropriation was made available for this program, this impressive record had been made: As of January 24, 1963, \$361 million or over 90 percent of the \$400 million appropriation had been allocated to 14 Federal agencies participating in the accelerated public works program for projects in areas of substantial and prolonged unemployment. Of this amount \$110 million went to 10 Federal agencies and was immediately put to work for direct Federal projects such as conservation work in our national forests and wildlife ranges, medical and sanitary facilities on Indian reservations, modernization and extension of small post offices, repairing dams and locks of flood control installations, public roads and other authorized public works; \$251 million had been committed for waterworks and water pollution control, sewer and waterlines, hospital facilities, police and fire stations, streets, libraries, and other public buildings as well as other types of needed community facilities for which communities put up matching funds. Within this 90-day period, ARA-accelerated public works had cleared over 2,900 projects for construction under this \$361 million, including those community facilities for which an estimated additional amount of \$250 million in local funds were required; and these 2,900 projects were all in various stages of accomplishment from applications in process of approval to actual onsite activity. Projects falling within the accelerated public works grant-in-aid category, of course, require a longer period of time from initial planning to onsite activity than was necessary for direct Federal projects, most of which had been planned for some time and needed only the neces-

sary funds to be put into immediate execution—a circumstance which enabled these Federal agencies to put thousands of unemployed to work on accelerated public works projects within a matter of a few days and during the winter months when weather conditions prevented other projects from being started.

During this same period, the local governments in most of these distressed areas quickly demonstrated their strong desire to alleviate their unemployment conditions and to undertake long-needed community improvements with the result that at the end of January 4,526 applications had been received for accelerated public works financial assistance totaling \$964 million. Accordingly, in order to protect local communities from the expense of preparing plans and applications and voting bond issues for projects which it then appeared could not be funded under the initial appropriation, ARA announced the discontinuance of processing further applications of accelerated public works grants-in-aid except those for projects in the most distressed areas which were eligible for grants over 50 percent. This is the record of the accelerated public works program during its first 3 months in operation.

Before the end of February all of the \$400 million appropriation, except for \$3.7 million retained for contingencies, had been allocated by the President to the Federal agencies participating in the accelerated public works program.

Processing grant-in-aid projects was then well underway and, in accordance with the provisions of the published rules and regulations implementing the Accelerated Public Works Act, preference was given to approving projects for which reasonable assurance had been furnished that on-site work would be started within 120 days after accelerated public works funds were committed for it. By the first of April, virtually all of these funds had been committed to approximately 3,000 public works projects in all parts of the country and localities receiving project approvals were making every effort to complete their project plans and meet the financial obligation of matching funds.

Such preparations, including securing bids and awarding contracts in accordance with applicable local law, generally caused a lag in time between the approval of a project application under the APW program and the actual on-site start of work. In some areas adverse weather conditions prevented earlier starts of projects under contract.

Accordingly, as the direct Federal program decreased, the increasing impact of the grant-in-aid program under the initial \$400 million appropriation began to show the desired results in May. Reports from the participating agencies now indicate that over 3,310 out of a total of 3,831 will have started onsite work by the end of June—at a time when the ranks of unemployed are increased by new classes finishing school.

As of June 18 the accelerated public works program administered and coordinated by ARA with the participating Federal agencies, has accomplished the results shown on the following tabulation:

Accelerated public works program—Estimated Federal cost of projects approved Oct. 29, 1962, through June 18, 1963

[In thousands]

States	Health facilities	Public buildings	Streets and repairs	Water and sewer	Conservation and others <sup>1</sup>	Total for States	States	Health facilities	Public buildings	Streets and repairs	Water and sewer	Conservation and others <sup>1</sup>	Total for States
Total	\$43,513	\$44,346	\$48,835	\$161,798	\$93,326	\$391,818	Nebraska	\$300	\$529	\$245	\$153	\$94	\$1,321
Alabama	1,210	3,650	448	3,275	1,778	10,361	Nevada	57				350	407
Alaska	545	329	329	2,595	1,308	4,777	New Hampshire	370		264	359	136	1,129
Arizona	115	1,945	933	2,785	5,778	13,749	New Jersey	2,613	3,647	363	9,022	3,293	18,938
Arkansas	780	550	517	3,376	2,704	7,927	New Mexico	185	1,132	2,302	866	4,156	8,641
California	1,552	2,945	1,126	2,331	5,795	13,749	New York	3,569	1,106	381	6,891	1,448	13,395
Colorado	14	380	132	1,185	816	2,527	North Carolina	50	1,600	1,221	3,235	2,634	8,740
Connecticut	207	285	662	2,039	1,036	4,229	North Dakota				277	125	502
Delaware		14		320	26	360	Ohio	2,809	351	1,360	5,618	810	10,948
Florida	2,378	825	685	2,329	207	6,424	Oklahoma	752	997	1,671	2,596	2,671	8,687
Georgia	1,406	1,090	1,009	2,345	1,512	7,962	Oregon		634	2,909	1,085	3,031	7,659
Hawaii		53		492	545	1,530	Pennsylvania	7,762	5,907	2,132	15,879	3,596	35,276
Idaho		155		1,677	355	3,864	Rhode Island		125				
Illinois	3,459	51	1,586	4,756	2,458	12,310	South Carolina	601	1,005	522	2,159	1,240	5,527
Indiana	1,243	522	613	3,245	452	6,075	South Dakota			146	240	678	1,064
Iowa			328	200		528	Tennessee	76	803	665	6,366	2,769	10,679
Kansas			730	730		730	Texas	96	875	2,300	4,514	2,627	10,412
Kentucky		3,809	2,130	11,036	2,504	19,479	Utah			1,114	726	391	4,151
Louisiana	1,325		956	9,174	3,261	14,716	Vermont						410
Maine	105	18	261	1,334	750	2,468	Virginia		53		359	1,245	2,333
Maryland			7	407	1,099	1,513	Washington		160	2,577	2,163	3,603	8,503
Massachusetts	3,406	478	903	4,332	329	9,088	West Virginia	2,800	2,534	2,972	7,427	4,065	19,798
Michigan	1,216	5,068	2,259	17,762	6,046	32,351	Wisconsin	177	487	953	1,298	1,005	3,920
Minnesota	789	145	1,169	1,543	3,083	6,729	Wyoming		105	94	272	413	779
Mississippi		190	1,526	2,831	2,818	7,365	Guam						
Missouri	350	49	1,034	2,267	2,253	5,953	Puerto Rico	1,370	400	2,029	2,585	3,584	9,968
Montana		302	677	439	2,498	3,916	Virgin Islands					330	330

<sup>1</sup> This includes conservation, rehabilitation and repairs, improvements and all the other types of projects.

NOTE.—Of the \$391,818 reported above \$104,473 has been reported for projects under the direct supervision of Federal agencies and \$287,345 has been reported for projects involving local matching funds.

On June 4, the President allocated \$428 million of the supplemental appropriation of \$450 million recently passed by Congress for the continuation of this accelerated public works program. The allocations made to four Federal agencies participating in this program were:

Housing and Home Finance Agency, Community Facilities Administration, \$250 million, for public works projects; Department of Health, Education, and Welfare, \$125 million, for hospital and waste treatment projects; Department of Agriculture, \$26 million, for direct Federal projects for the preservation of forests and for grant-in-aid projects under the State forestry program; Department of the Interior, \$19 million, for direct Federal projects for the preservation of forests and for grants-in-aid for State fish and wildlife restoration projects.

I understand that, as of June 21, 75 percent of the \$375 million allocated to HEW and CFA had been programmed for accelerated public works projects in eligible areas in all of the 50 States. The programming of these projects by ARA is intended to maintain the continuity of the accelerated public works program, augment its increasing effect upon the unemployment problems in distressed areas, and assure that maximum employment opportunities under this program will extend into the winter months wherever possible and within the limitations of the funds available for it.

Unfortunately, the State of Alaska with its limited construction period due to climatic conditions, was the last of all the States to feel the benefits this program offers, not only in the alleviation of unemployment but particularly in the construction of critically needed public facilities vitally affecting the health and welfare of the citizens of Alaska. However, even under these conditions, 36 projects requiring \$4.8 million of accelerated public works funds were approved

under the \$400 million appropriation. Of these approved projects, 27 were direct Federal projects amounting to \$2.2 million which were quickly put into operation. The nine grant-in-aid projects, consisting mainly of water and sewage facilities, could not be started until the construction season arrived. With matching local funds, the total cost of all of these projects amounts to \$7.1 million and it is estimated that they will generate over 4,000 man-months of on-site employment in these critical areas. An equal number of man-months employment will also be created off the project sites in related fields of material and equipment suppliers, transportation, etc.

Prior to the January 24 cutoff date, 45 additional project applications totaling approximately \$11.5 million were filed by distressed communities in Alaska. In this connection, the urgent need of these communities for the assistance afforded by the accelerated public works program can be seen from the conditions prevailing in the community of Dillingham. The water supply for many residents is obtained from their own wells, deep or shallow, safe or polluted. Sewage disposal for most of these residents is by septic tank or cesspool; the soil is saturated with sewage effluent and drainage in the area is very poor with the result that sewage runs down some of the streets. The Alaska Department of Health has a large file of correspondence on these conditions, which maintain a constant threat of a typhoid epidemic as well as causing constant outbreaks of diarrhea. A makeshift sewer system was begun 2 years ago, at the insistence of the department of health, which alleviates the problem of downtown sewage drainage from the main streets but which is entirely inadequate for anything else.

These are the incredible conditions existing in this distressed community. The people of Dillingham have been trying for 10 years to acquire adequate and proper water and sewage facilities but their major stumbling block has been the lack of local funds.

Additional evidence of the urgent need of other distressed communities in Alaska and the hope engendered by the accelerated public works program is shown by the resolution of the Senate of the Legislature of Alaska, which was sent to the Secretary of Commerce Luther H. Hodges on March 26, 1963, and which relates the critical need for accelerated public works assistance for water and sewage facilities in a number of communities. Unfortunately, the applications to HEW and CFA for accelerated public works assistance for these facilities were filed too late to be considered under the first accelerated public works appropriation. We are hopeful that these projects will be approved under the supplemental appropriation.

The benefits already received by the State of Alaska under the first accelerated public works appropriation are greatly appreciated by those communities which have had such financial assistance for needed public facilities. I am sure that all of the communities in distressed areas throughout the United States which have received such assistance under the accelerated public works program are equally grateful for the benefits afforded by it.

“GOOD INTENTIONS LEGISLATION” AND AREA DEVELOPMENT

Mr. MUNDT. Mr. President, during the years that the present administration has been in office this Congress—and the people of America—have had

proposed to it what I think can best be described as "good intentions legislation."

This is legislation proposing to establish programs and projects which look good on paper because they are noble in purpose and sound very, very good as they are launched from the soaring rhetoric speech writing platform down at the White House.

Recommendation of "good intentions legislation," I expect, is considered to be smart politically. I am convinced that frequently this is the primary reason for recommendations of such a proposal because so often we find that "good intentions legislation" is a highly ineffective—and frequently the least effective—way to attempt to solve a particular problem.

The practicality of a good intentions bill is left to the imagination until such a program is actually in operation. And when a proposal is in what one could best term the "imagination stage" it is difficult to refute the arguments of what great accomplishments and progress will be achieved.

Opponents of "good intentions legislation" are derided for opposing progress; for kicking the man that is down and out; for standing in the path of genuine humanitarianism.

Yet once the program is actually put into operation we find so very often that the fears and misgivings of those who suggested a cautious approach are well-founded.

Money is virtually thrown away, the particular problem remains and possibly worsens because the wrong approach has been enacted into law, and all that is left are the "good intentions" and another addition to the national deficit.

Bill Sumner, Washington correspondent for the Aberdeen, S. Dak., American-News and other newspapers served by the Ridder Publications Bureau here, puts his finger on one example of what I term "good intentions legislation"—the exhaustion of area redevelopment program which the Senate approved the other day.

His column, appearing in the June 25 issue of the Aberdeen paper, demonstrates the folly of this program which has swerved far from the course charted for the Congress when the good intentions of the ARA idea were first revealed.

Mr. President, I ask unanimous consent to place in the RECORD this excellent analysis by Mr. Sumner.

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

[From the Aberdeen (S. Dak.) American-News, June 25, 1963]

AREA REDEVELOPMENT: ADMINISTRATION IS GRIEVED

(By Bill Sumner)

WASHINGTON.—There was an abundance of administration grief here the other day over the narrow defeat in the House of the \$455.5 million extension of the Area Redevelopment Administration Act. Republicans combined with southern Democrats to beat it, temporarily, and have been accused of voting against the unemployed of the Nation, who now total 4.9 million.

The accusation is an appeal to the simple minded, an approach the President has

found so gratifying, and no doubt we'll have another go at it here, starting in the Senate, a body whose majority likes the simple approach when it can be found.

The facts about ARA are difficult to get over. They involve astronomical sums of money, labor statistics, interest rates, and other boring topics. And the unfortunate thing about it is that these matters are decided on the basis of philosophy rather than fact. It is the Democratic discipline to be for ARA in other words, in spite of the fact that it has been so badly managed that the program is a shambles.

The Area Redevelopment Act was signed into law May 1, 1961. It provided authority for industrial loans for both urban and rural areas, public facility loans and grants, technical assistance and worker retraining in areas of unemployment.

It was approved as a 4-year program and set into action with an appropriation of \$394 million. It was supposed to revitalize distressed areas, put men to work, and has generally been regarded as a boon to civilization.

In 2 years, however, with loans and grants funneled into 836 areas, the ARA has created only 35,226 new jobs. Some of the projects have cost up to \$277,000 per new job. And in this vast attempt at State manipulation of the economy, plants have simply been moved from one area to another, piece-work sweatshops have been created, new industries have been created—using cheap Federal loans and minimal investments—in fields suffering from existing over-production.

Some items:

A shoe plant established in southern Indiana was made possible by an ARA loan of \$474,300, a retraining program costing \$64,272, and an ARA grant and loan totaling \$235,000 to provide water and sewage facilities for the company. The shoe industry is one of the Nation's seriously depressed industries, with high unemployment, but this new, nonunion plant, whose piece-work employees get about \$51 per week now goes into competition against companies paying substantially higher wages.

In 1961, the ARA helped the Mack Truck Co. relocate its plant in Hagerstown, Md., a redevelopment area, by providing \$60,000 for the training of machine-tool operators. What has happened to the 2,000 men formerly employed at the Mack plant at Plainfield, N.J., is anybody's guess.

This past February, the ARA granted a loan of \$1.8 million to a Detroit hotel corporation for a 432 unit motor hotel in a city with only 54 percent of its hotel capacity occupied.

The list of such doings is long. It adds to the picture of a badly administered program which is transplanting unemployment in response to political pressures. Such is the urge to please the various legislators, the agency has gone out of its way to start at least one project per depressed county. This last is also for the purpose of pressure on legislators less inclined to view the ARA with pleasure. It gets the mayors, the county commissioners, the real estate operators and the bankers of their constituencies on the side of the ARA in the clamor to get more and more Federal money. Some Congressmen, in fact, did not dare vote against this bill, and this included some 20 Republicans representing depressed areas.

#### FREEDOM'S BIRTHDAY

Mr. MUNDT. Mr. President, as we approach the 187th birthday of the signing of our Declaration of Independence, citizens throughout this Nation are moved to the expression of sentiments recalling those great deeds of our Revolutionary period when the colonists threw

off the shackles of oppression imposed upon them by their British ruler.

One such expression is contained in an excellent article appearing in the June 25 issue of the Lutheran Witness, the official organ of the Lutheran Church—Missouri Synod.

It is entitled "Is Patriotism Dead?"

The article, written by Harold E. Berger, chaplain of the Veterans' Administration Hospital, Topeka, Kans., provides much food for thought in helpfully reminding us that our Fourth of July is not just another holiday but "our sacred day of freedom" and an appropriate time to again proudly proclaim our allegiance to God and country.

Mr. President, I found Chaplain Berger's article most inspirational and respectfully request that it be included in the RECORD at this point for I think others will, as I have, gain much from it as we approach Independence Day.

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

IS PATRIOTISM DEAD?

(By Harold E. Berger)

"I still get a real hard-to-define feeling down inside when the flag goes by." These are the words of Col. John Glenn, astronaut, after his memorable orbital flight.

In biting contrast we read these disconcerting words in a full-page advertisement by one of our Nation's great tire industries: "Of the 46 million families in the United States, it is estimated that only 10 percent own an American flag." Can this be true in a country so proud of its past, so dedicated to its future?

But there are other factors which indicate that if American patriotism is not dead, it resembles a state of suspended animation. A well-educated man remarked the other day that "patriotism is too provincial for this sophisticated day."

NOSTALGIC MEMORIES

At a joint meeting of veterans organizations there was genuine agreement that each year patriotic celebrations interest fewer citizens. Only a handful of people turn out. Generally these are the very old and the very young.

Many of us have nostalgic memories of stirring celebrations on Memorial Day and Independence Day. Nearly every home proudly displayed Old Glory. There were parades and picnics, bands and orators. Veterans proudly wore their uniforms and displayed their medals.

On July 4 the bang of firecrackers sent the family dog under the bed for cover. Roman candles and colored lights brought "ohs" and "ahs" from children and adults. Tissue paper balloons powered by candle heat floated over the city.

Today many of us hear only a few sporadic sputterings of smuggled firecrackers and see only a feeble flickering of sparklers as a few of our citizens express their desire to celebrate. Instead of a "glorious Fourth" we now have a "gory Fourth" marked by murder and mayhem on our Nation's highways, with many drownings and other fatal accidents to garnish the holiday with grief and mourning.

FLAGS, BELLS

But a star of hope shines for the future. Public-spirited citizens are aware of the apparent deterioration of patriotism in our Nation. Communities, civic organizations, and even industries have set out to revive the national pride our fathers showed.

To encourage the display of the Stars and Stripes on national holidays, flags are being

offered at cost by newspapers and large business concerns. Entire communities are organizing full-scale observances of national holidays, which have been consecrated to help us remember historic occasions and our blessed heritage of freedom.

Churches are being urged to ring their bells on national holidays. It is in order for churches to express gratitude to God for our form of government, which protects the rights of all churches on an equal basis and favors their work without directly supporting or governing them.

#### BIG KICK

Patriotism is not dead in America. The triumphant space journeys of our astronauts have revealed that beneath the tarnished surface there still remains the sterling silver of true Americanism. In time of crisis and national emergency it glistens like early morning dew.

The huge ticker-tape parades for our returning astronauts inspired these words from Col. John Glenn: "I'm certainly glad to see that pride in our country and its accomplishments is not a thing of the past. It gives me a big kick to see so many school-children on the street waving the flag and being proud of it. Thank goodness, this is not old fashioned. Freedom, devotion to God and country are not things of the past. They will never become old fashioned."

The example of our spacemen will do a great deal to rekindle the waning fires of patriotism. Their words will carry much weight with our youth, for the astronauts have won youth's respect and admiration.

#### "FAITH 7"

It is gratifying to note that these heroic Americans who have rendered their highest devotion to their country have also given witness of their faith in God. Astronaut Glenn attends church regularly. His pastor says John generally worships at the early service. In winter he comes early enough to help shovel the snow from the walks.

Speaking of his spaceship comrades, Glenn says: "I think that all seven of us have that religious faith which we express in our own individual ways. Astronaut Malcolm Scott Carpenter talked of his faith last year before he was orbited onto space. I have what I consider an abiding faith which sustains me at all times."

In view of this unanimous testimony of religious belief it is understandable why Air Force Maj. L. Gordon Cooper named his ship *Faith 7*. It is also no surprise that the same adventurer into space closed his address before a joint session of Congress with a prayer composed in the midst of his 17th orbit.

#### REAL AMERICA

When Nikita Khrushchev visited our country, he was duly impressed with our military and industrial potential. In addition to our farflung agricultural and economic resources he saw something else. Undoubtedly he discovered that the United States is not what Hitler mistakenly called a decadent democracy. The supreme leader of communism must have seen the spires of our churches and the towers of our schools of learning.

Did the Red dictator discover the real source of American greatness? Did he touch the pulse of the real America? James Russell Lowell describes the undergirding foundation of our America when he portrays the mission of our Founding Fathers:

"What sought they thus afar?  
Bright jewels of the mine?  
The wealth of seas, the spoils of war?  
They sought a faith's pure shrine."

#### MOVING SCENE

Every American is deeply impressed with his sacred heritage as he stands before the beautiful Mount Rushmore Memorial in

the Black Hills. Towering 6,000 feet into the blue, carved into the solid granite mountain, each figure in proportions of a man 465 feet tall, are the sculptured likenesses of the great American patriots Washington, Jefferson, Lincoln, and Theodore Roosevelt.

Thousands upon thousands annually visit this shrine. Each visitor rediscovers his national pride and birthright as he beholds the hallowed features of our American forebears.

Similarly a moving scene is often repeated at the tomb of the Unknown Soldier at Arlington National Cemetery, before the Lincoln Memorial in Washington, and wherever Americans gather to remember the heroic leaders or our divinely blessed history.

#### MISSOURI PIONEERS

As Lutheran Christians we are thrilled too when we view the historic monuments of our pioneer fathers, as well as when we visit the shrines of national glory. One is deeply impressed with the courageous faith of the Perry County Lutherans who built the humble and solid cradle of our church in the Missouri wilderness.

The pages of American history are well documented with stories of valor describing our ancestors. Through the years Missouri Synod Lutherans have always been stalwart supporters and defenders of the freedoms guaranteed under our national Constitution.

Whenever the thousands of our youth have been called to the colors, chaplains of our church have marched with them. Our Armed Services Commission has written a much admired record of service to God and country for many years. The commission's seal has the emblem of Luther and the U.S. shield side by side, surmounted by the American eagle. Supporting this emblem as a foundation is the cross.

#### RICH RETURNS

As we observe our sacred day of freedom, the story of our courageous past unfolds before us. We have come into a heritage which we did not create, but our responsibility is to preserve it. We can maintain our heritage, or we can throw it away. We can invest it so that it will yield rich returns to our children and their children, or we can squander it in living for the moment, in dull blindness to its value, in crass selfishness.

It is a time, therefore, to raise our country's flag over our doorsteps. Independence Day is an appropriate time to proclaim our allegiance to God and country.

"I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

#### U.S. ASSISTANCE TO THAILAND

Mr. McGEE. Mr. President, recently I had the opportunity to read a speech made by Mr. Kenneth Todd Young, Jr., our Ambassador to Thailand made before the American Chamber of Commerce in Bangkok on June 5.

This speech is one of the most cogent and articulate explanations of just what we are trying to do in our foreign aid programs that I have ever read. Ambassador Young not only outlines the program, but, more importantly, explains the reasons behind the emphasis placed on various aspects of our overseas efforts.

Mr. President, I commend this speech to my colleagues in this body and I ask unanimous consent that it be printed in the RECORD.

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

#### UNITED STATES ASSISTANCE TO THAILAND

##### I

Mr. President, Your Highnesses, Excellencies, and distinguished guests, we can all appreciate the words of an author-friend of mine who wrote that "the overseas public relations of American foreign aid are a series of perplexities." We have our share of them here. Misstatements in our press perplex our Thai friends and disturb our relations. Misinterpretations of American intentions and American aid puzzle us. It almost reminds one of Shakespeare's description of his times in "Measure for Measure": "There is scarce truth enough alive to make societies secure, but security enough to make fellowship accursed."

So I think that it would be timely to describe our assistance programs for Thailand in order to try to increase understanding of them. What are their purposes and their limitations? This is by way of a factual assessment, a report to Americans and others who have a moral and financial interest in the stewardship of our program in Thailand.

##### II

Perplexing doubts and questions can be resolved by understanding—particularly by an understanding of our intent. Around the world there has been genuine puzzlement as to our motives. We are often asked: "Why does the United States aid us?" Many ordinary people around the world did not believe that the stated principles of our aid reflected the will of our people and revealed the true purpose of our aid.

I am sure that time and the facts have proven, and will continue to prove, that we mean what we say. We the American people speak with a community of spirit for an equality of purpose and dignity on the part of all participants in a cooperative effort. We only ask for mutuality of purpose, contribution and responsibility in self-interest and self-reliance.

Our programs here must harmonize with the cultural and moral requirements of Thai institutions as well as reflect the ideals of American democracy. We know well that "friendship which is gained by purchase and not through grandeur and nobility of spirit is bought but not secured." We do not want that kind of friendship at all.

Instead we seek the friendship of honor, dignity, and self-respect. We aim at a "decent world order of independent states." That is our vital interest. The congressional act under which we operate opens with this broad statement of policy: "It is the sense of the Congress that peace depends on wider recognition of the dignity and interdependence of men, and survival of free institutions in the United States can best be assured in a worldwide atmosphere of freedom."

The statement of policy goes on to say that "it is a primary necessity, opportunity, and responsibility of the United States, and consistent with its traditions and ideals \* \* \* to help make an historical demonstration that economic growth and political democracy can go hand in hand to the end that an enlarged community of friendly, stable, and self-reliant countries can reduce world tensions and insecurity."

President Kennedy has recently said:

"The prospect for freedom is also endangered or eroded in countries which see no hope for a better life based on economic progress, education, social justice, and development of stable institutions."

"These are the frontiers of freedom which our military- and economic-aid programs seek to advance; and in so doing, they serve our deepest national interest."

## III

For our security, the Congress authorizes us several ways to make the taxpayers' funds available overseas for technical and capital assistance.

Different types of aid are needed to do different jobs. But each type of aid is only a catalyst. Each can help convert the raw materials of economic progress and social justice to the desired purposes. So, our aid is marginal, supplemental. We are only a small part of the process, whatever mixture of aid we use.

What, then, are the tools we have for achievement of security—in the broad economic and social sense? The first is the development loan. Its purpose is to promote economic development with a minimum of burden on the recipient country by providing loans on easy terms. This is the heart of our worldwide-aid program and represents an efficient business-like approach to economic assistance. But the loan is different from a grant.

A second is the development grant. Its purpose is to develop human resources by improvement and expansion of education and other fields of human endeavor. I include technical assistance here which provides the nerve center of development.

The third tool is the combination of the investment guarantee and the investment survey. Their purpose is to stimulate both domestic and foreign private enterprise to build and operate industrial plants to create national wealth and provide jobs. These instruments can encourage American industry to bring its technicians, equipment, and managerial know-how to Thailand in situations where private corporate management would not otherwise be inclined to commit its resources.

The fourth tool is supporting assistance—a form of grants which is more in the category of an emergency operation for countries threatened with special problems of insecurity, instability or insolvency.

And finally, the extremely important instrument of military assistance continues to strengthen the defensive capability of allies and friendly countries threatened with external Communist aggression or internal Communist subversion. This is largely a grant program.

There are, in addition, project loans from the Export-Import Bank, our Public Law 480 assistance in agricultural commodities, our student and exchange programs, our own participation in the U.N., IBRD, and other international organizations' economic programs, and our Peace Corps.

Congress and the President have deliberately chosen to make the long-term development loan rather than the 1-year grant the main catalyst of Government aid in economic and social fields. The loan technique connotes dignity, self-respect and honorable relations. It equalizes the lender-receiver relationship. It avoids the sensitivities of sovereign governments and proud peoples such as the Thai and Americans. It creates a businesslike atmosphere for negotiation in the spirit of give and take. It is a precise and controllable instrument for organizing and financing projects which take several years to mobilize and complete. It is a form of aid because of its favorable terms. The loan also aids a country's economy by stimulating self-help which leads ultimately to a country's reliance on its own sustained growth.

The shift in Thailand from grants to loans and grants has required careful consideration and planning by the U.S. Government and recipient countries. I can assure you that for at least 2 years this mission has worked to alert, explain and help the Thai Government prepare in advance for this shift. We know that the shift from non-project grant funds to loans would require increasing funds from the Thai budget to replace our grant aid. We wanted to give

our Thai colleagues plenty of time to study and react to aid based on grants and loans rather than only grants. The United States postponed the effect of the shift from 1962 until 1963 or 1964 in order to soften the transition and give time to prepare for it. Thus, nonproject grant expenditures continued in substantial amount in 1963 and will not be phased out until 1964. In the meantime we have been encouraging Thailand to come forward with detailed loan applications we can consider.

## V

The United States in this fiscal year of 1963 will have obligated in fact the amounts and types of programs which I proposed last October to His Majesty's Government. By our definition we have not cut, and do not intend to cut, the total of nonmilitary assistance. It remains on the order of \$27 million of obligations. A development loan of \$11 million is included and the total of loans could have been more if additional applications had been received. Development grants will come to about \$8 million, and grants of supporting assistance to about \$8 million if the road program works out. But this is a different program from before.

This program has a new look, a new personality, a new shape. The basic strategy, the plan of action and the requirements of resources have been rather well worked out on a joint Thai-United States basis. Subject to congressional approval, this program will be continued in fiscal 1964 and into the near future until its various parts are completed, and we phase out.

The "mix" of these types of programs, and forms of aid, is important in achieving the desired integrated effect. There are three inter-related parts of the program: administrative development, social and economic development and security development. We have, together with our Thai colleagues, created several new programs and then consolidated them with others into a streamlined, simplified plan to assist the internal development and defense of the kingdom.

One of the most interesting aspects of the aid programs is in the administrative project that goes to the grassroots. Our development grants and supporting assistance help His Majesty's Government in their expanding efforts to connect remote parts of the country with the Government and to promote efficient public administration. There are schools for training village chiefs and provincial officials in national orientation, local administration, and in counter-subversion. There are many new two-way radio transmitters and receivers which village leaders are now operating in their homes or offices for official communications. There are the small air strips and small roads being built in remote areas to quicken communications, take out sick people, bring in doctors and many other services.

The socio-economic strategy is now focused on accelerating rural development. I have come back from many trips to villages in the northeast and the north feeling that somehow our portion of rural assistance programs was not having adequate impact. Water, roads, medical care, school materials, more crops and markets, and even local security are the felt needs in many parts of Thailand. These are not big, costly projects. And the people understand them. I have been impressed by the small earth dam down the Peninsula at Ban Kow Pow which the villagers appreciate having sponsored by His Majesty.

So, following the Prime Minister's emphasis in the northeast development plan and the National Security Organization, we have realigned our organization and retooled our programs to concentrate our resources on many small projects in target areas in rural Thailand as specified by the Thai Government. Of course, our resources are supplemental and no substitute for those of

the Thais. We can only assist them in getting their people and resources mobilized.

Specifically, we did several small things in the last several months. We turned over about \$200,000 worth of equipment to the first three mobile development units. We have just procured 100 tons of fertilizer for distribution by the Department of Rice to demonstrate to farmers in these areas how they can increase their yields and thereby their incomes. We have provided an additional \$150,000 to accelerate our joint village health and sanitation programs. We have just begun work on the first two feeder roads under our joint program.

There has just arrived in Ubon a special U.S. Navy Seabee technical assistance team. They will help villagers with small public works such as dams and village roads, and train Thai technicians to take over this work. And Peace Corps volunteers will add needed personnel in community development and rural resettlement until Thai workers are recruited and trained. Our forces in SEATO Exercise Thanarat will undertake civic action projects in the northeast in what His Majesty and the President call Operation Friendship.

These are just some of the more recent lines of attack on rural problems which we will be executing jointly with His Majesty's Government. Many existing rural and other action programs are not mentioned here for lack of time. Some older grant programs will be dovetailed, tapered off, or converted to loan programs where possible.

For security development, a large amount of hardware has been arriving in Thailand every week to help equip the police and armed forces so that they will be ready to fulfill their missions as soon as possible. In the U.S. assistance program I have put primary emphasis on getting communications, mobility and versatility to deal with Communist guerrilla warfare. That is why more new radios, armored personnel carriers, helicopters, and aircraft are coming into Thailand.

The important thing in Thailand is to prevent Communist guerrilla incursions and "aggression by seepage" before they can occur rather than to deal with them after infected areas begin to spread as happened elsewhere in southeast Asia. This need not happen here. But that depends, as my experience in southeast Asia proves, on executing a hard-hitting compact strategy of timely administrative, socio-economic and security development.

Progress must go hand in hand with protection along the Communist periphery. Social progress without protection incites Communist attack. The better you prepare, the more diverse are their countermeasures. Therefore, it is prudent in dealing with such ruthless opponents to overmatch their moves and, above all, to build upon our past progress and success with varying mixes of programs and techniques.

Our assistance also deals in cultural and social affairs. This may sound irrelevant to some. But we believe that the contest in the world today is mainly over the hopes, fears, and affections of people. Machines and technology are the neutrals. People want to be magnetized and uplifted by what appeals to the mind and heart. People want a feeling of splendor as well as a sense of plenty. Symbols and traditions count much. So we try to do our small part in promoting an originality of mind, an excellence in traditional and contemporary arts, and a concern and caring for the welfare of the stricken and less fortunate.

We heartily support His Majesty's Ananda Mahidol Foundation for educating the brilliant and His Majesty's relief foundation for helping the victims of disaster. On request, we assign experts to the Fine Arts Department to study Thai temple paintings and help preserve Thailand's rich cultural heritage. We encourage young artists and writers

in their own idioms. In these small and humble ways we seek the harmony of the spiritual and material in our changing world.

VI

What are the results? There is a well-knit, smooth-running able team in the Embassy, USOM, JUSMAG and USIS. It assures the optimum return for every effort, baht and dollar expended. We can assess these results in terms of President Kennedy's six principles for improved effectiveness of our programs everywhere.

His first objective is to improve selectivity in aid projects while emphasizing self-help and development loans in place of outright grants. By the uneasy, uncomfortable transition from all grants to grants and loans in Thailand's economic development field, more Thai resources are allocated to projects which otherwise would have been U.S. financed.

By selectivity and compaction, we are relocating and correlating mutually supporting aid projects in the same locality or region in order to get the maximum effect for Thailand.

His second objective is to move gradually to a reduction and ultimate end to U.S. assistance by enabling nations to stand on their own as rapidly as possible. Our aim here is for each project to have a "success" date, be self-liquidating by providing for a Thai team to take over, and help increase Thailand's economic resources sufficiently to attract or provide normal sources of development finance. As a small example, the U.S. support for the College of Education was ended last year because the college became perfectly capable to proceed on its own steam. I expect that the Institute of Public Administration will do the same next year.

The President's third objective is to secure the increasing participation of other industrialized nations in sharing the cost of international development assistance. During calendar year 1962 approximately \$45 million worth of economic loans and grants were assigned to Thailand by sources other than the United States. These figures exclude supplier credits extended during the same period.

The Development Assistance Committee in Paris has set up a DAC Coordinating Group for Thailand, which has been working here for 6 months with the Thai Government. It has compiled a list of current and prospective programs underway for Thailand. I hope that the DAC Coordinating Group will now move for even more assistance for Thailand.

His fourth objective is to lighten the adverse effects of the aid program on the U.S. balance-of-payments. Thailand now buys about \$100 million worth of goods from us each year. At the same time we have cut back on nonproject aid. While these cuts are small, each increment helps the President's determined objective of minimizing the outflow of gold.

The fifth objective is to continue to assist in the defense of countries under the threat of internal or external Communist attack. In Bangkok we all realize the increasing pressures on Thailand's borders. Subject to congressional approval, we will certainly keep on with military and supporting assistance to complete the strategy of security development in a short time. We are well on our way to meeting targets of readiness for defense.

The President's sixth objective is to increase the role of private investment and other non-Federal resources in assisting developing nations. As members of this Chamber can testify, many new investors and business representatives are coming to Thailand. We in the Embassy and USOM are devoting a great deal of attention to facilitating new business possibilities. Several new ventures have opened or are being established: Colgate-Palmolive, Bangkok International Hotels, Firestone Tire—to mention a few rapidly.

I hope that a steel plant can be established on a reasonably profitable basis and that an American firm will invest in such a significant venture. The economic chain reaction of this and related development would give the Thai economy a major boost.

A program of investment guarantees and 50-50 sharing of feasibility surveys is beginning to get underway. The Phelps-Dodge investment is the most recent example of the latter type of assistance. All should be of continuing help to the expanding Thai economy.

We are encouraging private U.S. foundations to be more active. We hope that they, instead of the American taxpayer, can help sustain the promising new Royal Institute for Development Administration. Perhaps business firms could join in this useful project.

Secretary of State Rusk a few weeks ago expressed on behalf of all of us our general approach to the aid program: "We have an obligation of conscience to make that program just as effective as possible, to enlist as much self-help from the others as we can, to have it administered with integrity and with clear sightedness, and with imagination. But we cannot abandon the effort or accept deep cuts, except with deep injury to our national interest."

VII

As I said at the beginning, we look upon the U.S. assistance program only as a catalyst, as the promoter of small changes. Our non-military aid is only about 5 percent of the Thai annual budget. Our aid is only one of Thailand's many sources of outside assistance.

The Thais do most of the work and provide most of the resources for their development. The New York Times and the Wall Street Journal recently have noted the favorable outlook in Thailand which has resulted from the efforts of His Majesty's Government and the Thai people. For this reason I have called Thailand a "demonstration nation for development."

But the catalyst has an important and sensitive role to play. It needs those qualities of imagination and resolution which Justice Holmes called the power to overcome obstacles, to ride boldly at what is in front of you. It also requires the tact, integrity and magnanimity of our American heritage.

We have partaken of a high adventure of assistance with the world. Never before has any nation needed so much humility and wisdom, so much prudence and vision, in extending its generosity and responsibilities. Will we succeed, a 20th century Atlas, in rolling the rubble away from the valley of happiness and peace for hungry, tormented mankind? Or will we, like Sisyphus of ancient Greece, only keep rolling the stone up and down the hill in a perpetual declining cycle of frustration?

We will not know the answer for many years. All we can see is our intention, our purpose, our effort. Our power and resources do have some limits, but we are blessed with the company of the free to go with us. Again to leave with you the words of Justice Holmes, one of the deepest voices of the Inner American spirit: "We cannot live our dreams. We are lucky enough if we can give a sample of our best, and if in our hearts we can feel that it has been nobly done."

That should be the motto today and the remembrance tomorrow of American assistance everywhere—successful endeavor of dignity, hope, and action.

Thank you all.

#### PHILIPPI, W. VA., SITE OF FIRST CIVIL WAR BATTLE

Mr. BYRD of West Virginia. Mr. President, I call attention to an article in the June 16, 1963, issue of the Charles-

ton, W. Va., Gazette-Mail stating that the West Virginia town of Philippi, in Barbour County, was the site of the first land battle of our Civil War. The article points out the significant role the Mountain State played in this great conflict, which saw more than 500 military actions taking place in West Virginia.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

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

#### FIVE HUNDRED CIVIL WAR ACTIONS TOOK PLACE IN STATE—PHILIPPI SCENE OF FIRST FIGHT

(By Boyd B. Stutler)

First to feel the impact of actual hostilities in the eastern theater, the area now comprised of West Virginia had a major role in the Civil War of the 1860's—one that was unique in the war experiences of the States that formed the borderland between the two contending sections. But our war was, after the first battles and campaigns in the early summer of 1861, very largely overshadowed by the greater events in the broader theaters.

It was at Harpers Ferry on the night of April 18, 1861, that Virginia militia occupied the town by force of arms in a bloodless coup, and it was at Philippi on June 3 that the first land battle of the war was fought. And it was in the Tygarts Valley, following the Philippi affair, that the first sustained campaign of the war was carried on, with subsequent battles at Laurel Hill, near Belington, at Rich Mountain and Corricks Ford. This was followed almost immediately by the Kanawha Valley campaign, the fight at Scary, and the retreat of the Confederate forces to the Greenbrier country.

There were but very few homes in the area west of the Alleghenies that did not contribute heavily in manpower and from the family resources to the war effort. Some of the young men, and a great many not so young, went to the blue, while a much smaller number went to the gray, all of which in communities divided in their loyalties made the war a very personal thing. Marauding bands of guerrilla irregulars roamed over the area, more especially in the central counties, to prey upon undefended towns and individual homes. It was a time of terror in many sections. Before the war wore itself out in the spring of 1865 there had been more than 500 actions of one sort or another in the State. Every county, with the exception of the seven Ohio Valley counties north of Wood could count from one to several armed clashes ranging from patrol actions to pitched battles.

For the 4 years of the war the country was for the most part an armed camp. But of more particular concern to the citizens of that part of the Old Dominion west of the Alleghenies, out of the series of conventions at Wheeling and the sacrificing spirit of loyal and determined patriots came a new State, the 35th in the American Union.

West Virginia's war story is, then, one of conflicting loyalties to Virginia on the one hand and to the Federal Union on the other—and it was in consequence of these conflicting loyalties that many of the most ruthless events occurred when, in the first years of the war, a great part of the State suffered through the terrors of guerrilla and irregular border warfare. Families were divided on the issues, father against son, and brother against brother—and nowhere on the battlefield was this division better exemplified than in the affairs at Bultown, Braxton County, fought October 13, 1863, or at Droop Mountain, November 6, 1863, when some of the Union and Confederate troops engaged came from the same counties with brothers on each side of the lines arrayed against each other.

By no means was there unanimity on the political questions, or that of sustaining secession of part of the territory from seceded Virginia in order to form a new State. Fate and circumstance, as well as geographical position, made West Virginia a battleground in the early war days, and an occupied area throughout the whole 4 years. It was the buffer between the solidly held Confederate lines just east of the Alleghenies and the Ohio River; troops were ever on guard to prevent the spread of Confederate arms to the industrial cities of Ohio and western Pennsylvania.

The tremendous contribution made by West Virginia in manpower to both the Union and Confederate Armies is apparently not well understood. Out of a population of less than 400,000 men, women and children—376,688 in 1860, to be exact—the restored government of Virginia at Wheeling and later the State of West Virginia from the limited area under Federal control enlisted, armed and equipped about 32,000 soldiers and sent them into the field. Of this number 29,163 were officially credited to the State and were enrolled in West Virginia combat units. Special troops and the men who enlisted in the regiments formed in other States, including 245 Negroes who were assigned to the 45th Infantry, U.S. colored troops, amply made up the estimated 2,000 difference between the official credits and the estimate. At least two organized companies, one each from Hancock and Preston Counties, crossed the border and united with Pennsylvania and Maryland units. At the same time it must be remembered that several full companies recruited in Ohio and Pennsylvania came to West Virginia to become part of the State's combat units.

For some reason not now known—and perhaps not entirely justified—an estimate of 8,000 soldiers for the Confederate armies has become somewhat standardized. Unfortunately, but few personnel records of active Confederate units such as muster and payrolls have been preserved, and also the fact that those who entered the Confederate service were so widely scattered in so many different units that it is difficult to arrive at an approximately accurate estimate of the number. Recent research, however, strongly indicates that instead of 8,000 a more realistic figure would be 10,000 or perhaps 12,000.

There is considerable confusion, also, in the number and numerical designation of the regiments organized by the two governments at Wheeling—the restored government of Virginia under Governor Pierpont and the State of West Virginia under Governor Boreman. When one looks at the roster there are apparently 31 combat units to consider, but actually this number dwindles to 26 separate units when allowance is made for the transfer of regiments from one arm of the service to another, and by the consolidation of regiments at the expiration of the 3-year enlistment period.

There were three 1st Infantry Regiments; first, the 3-month outfit organized at Wheeling under command of Col. Benjamin F. Kelley. This is the regiment that fought at Philippi and in the 1861 summer campaign in the Tygart's Valley. Then the 3-year regiment, and lastly the 1st Veterans Infantry, which was formed by a consolidation of the reenlisted veterans of the 5th and 9th Infantry. There were two 2d Infantry outfits—the regular 3-year regiment organized in the spring of 1861, and later the reenlisted veterans of the 1st and 4th Infantry, with recruits and veterans from other units to fill the gaps.

The 2d, 3d, and 8th Infantry actually served under three designations; first under their original organization as foot soldiers; then in June 1863, under Brig. Gen. William W. Averell, they were furnished horses and became mounted infantry, and finally the three regiments were transferred to the cavalry arm, dating from January 24, 1864.

The 2d Infantry became the 2d Mounted, then the 5th Cavalry; the 3d was known as the 3d Mounted and finished its war as the 6th Cavalry fighting hostile Indians in Nebraska, northern Colorado and the Dakotas. The 8th became the 8th Mounted Infantry, and then was redesignated as the 7th Cavalry. The records are somewhat confusing, but when puzzled out it is found that, not deducting the duplications, there were 18 regiments of infantry, 2 regiments of veteran volunteer infantry, 3 regiments of mounted infantry, 7 regiments of cavalry, and 1 regiment of light artillery. From first to last there were 31,884 names on the rolls of these combat outfits, some of which, of course, were duplicated by reenlistments.

These military organizations were not home guards, as many have assumed, but were soldiers of the Republic who bore their weight in battles and campaigns from Gettysburg to Vicksburg and Jackson, Miss., and from McClellan's peninsular campaign in Tidewater, Va., to the far western plains of Nebraska and the two Dakotas. The records of the 7th Infantry and the 1st Cavalry, to mention only a couple, read like a roll of the battles of the Army of the Potomac. The 1st Cavalry, for instance, is officially credited with 74 battles and skirmishes, mostly engaged while serving with the Army of the Potomac. In amassing this battle record 12 of its men won the Congressional Medal of Honor for acts of gallantry and intrepidity above and beyond the call of duty—this number is made more significant by the fact that only 39 West Virginians were awarded the medal during the Civil War. This small company of valiant men of the 1st Cavalry included the regiment's commanding officer, Col. Henry Capehart, of Wheeling, later brevetted major general, and his brother, Maj. Charles Capehart, who commanded the regiment in the battle at Gettysburg.

On the Southern side there were companies recruited in the central counties which afterwards became units of the 25th and 31st Virginia Infantry, CSA, which were engaged in the Philippi affair, the first land engagement of the entire war, and finished their term of service on an April morning at Appomattox when the Army of Northern Virginia laid down its arms. These men saw 4 years of the most arduous service under Stonewall Jackson in his valley campaigns, and then under Gen. Robert E. Lee in his incomparable Army of Northern Virginia.

The battle of Scary Creek, on the Kanawha about 15 miles west of Charleston, fought on July 17, 1861, was the first engagement on the Kanawha Valley when locally recruited troops, plus a small company from Wheeling under Capt. James W. Sweeney, gained a temporary advantage—something between a victory and a defeat—over the Ohio troops under Gen. Jacob D. Cox. But the victory was not decisive enough to permit Gen. Henry A. Wise, then occupying Charleston, and commanding the Confederate troops in the Kanawha Valley to risk another battle with the blue-clad troopers pouring into the valley from Ohio and Kentucky. Wise, hopelessly outnumbered, promptly abandoned Charleston and retreated to Lewisburg and White Sulphur Springs.

Companies and men that fought at Scary were later incorporated into Col. George S. Patton's 22d Virginia Infantry; Col. John McCausland's 36th Infantry, and Col. Beuh-ring Jones' 60th Infantry. The cavalry companies engaged formed the nucleus of Col. Albert Gallatin Jenkins' 8th Virginia Cavalry. These are names to recall with reverence for daring leadership on hard-fought battlefields. Two of these men, McCausland and Jenkins became general officers of the Confederacy, and both Patton and Jenkins were killed in battle. These three infantry regiments and the cavalry regiment were first called the 1st, 2d, and 3d Kanawha

Regiments, making up the Kanawha Brigade—all four outfits were on the firing line at Appomattox on the morning of April 9, 1865, but with ranks that were pitifully thin.

But to get back to the beginning. Virginia's first overt act of the war was at Harpers Ferry on the night of April 18, 1861, just 1 day after the passage of the Ordinance of Secession by the convention then in session at Richmond. Virginia militia under command of Maj. Gen. Kenton Harper, of Staunton, led the troops in to occupy the town and take over what was left of the extensive U.S. Government armory and arsenal. The small army was strictly Virginian under that State's militia officers; the State, though seceded, did not join the Confederacy until May 7.

Harpers Virginians met with no opposition; only a token force of U.S. soldiers were stationed at the armory and arsenal under command of Lt. Roger Jones. Recalling that discretion is the better part of valor, and with full knowledge that his 45 men could not hope to cope with the militia, no matter how poorly armed, Lieutenant Jones set fire to the Government works and with his 45 men retreated across the Potomac. It was a bloodless coup, but it was definitely an act of war.

Harpers Ferry, then considered of great military importance, was made the mobilization center for the volunteer companies of all northern Virginia under command of a certain Virginia Military Institute professor named Thomas J. Jackson, then a Virginia colonel. He was within 3 years destined to win immortal fame as Stonewall Jackson, a lieutenant general, and to die of wounds inflicted by his own men at Chancellorsville, which was perhaps his greatest battle.

Colonel Jackson formed these volunteers into regiments and the regiments into a brigade which shares the fame of its first commander—that was the Stonewall Brigade, which included 11 companies, or 1 full regiment, of West Virginians. Six of these companies: Jefferson Guards, Capt. John W. Rowan; Hamtramck Guards, Vincent M. Butler; Berkeley Border Guards, J. A. Nadenbousch; Hedgesville Blues, Raleigh T. Colston; Botts Greys, Lawson Botts, and Letcher Riflemen, J. H. L. Hunter, hailing from Jefferson and Berkeley counties, were enrolled in the 2d Virginia Infantry. In the 27th Infantry were the Monroe Guards, Hugh S. Giffany; Greenbrier Rifles, Phillip F. Frazer, and the Shriver Grays, Daniel M. Shriver, of Wheeling. The 33d Infantry had the Potomac Guards, P. T. Grace, of Hampshire County, and the Hardy Grays, Abram Spangler of Hardy County. Thus West Virginians have a claim to share in the fame of the Stonewall brigade.

The Confederates seized the initiative in recruiting and organizing for war in the counties west of the Alleghenies. On May 4, Col. T. J. Jackson, then commanding the Virginia forces at Harpers Ferry, ordered Col. George A. Porterfield, of Charles Town, to proceed to Grafton and organize an army there from the militia and enlistment of men from the western and Ohio Valley counties. It seemed to be taken for granted that the western counties were ablaze with secession sentiment and that a popular uprising would occur when the call to arms came. Porterfield had been assigned an impossible task—in addition to recruiting an army of size and strength sufficient to check local Union troops he had to consider the possibility of meeting and repelling Union troops that doubtless would be funneled into the area from Ohio. After organizing his army, the men armed with their own weapons for the most part, he was ordered to push on to Wheeling, break up the Union meetings and, above all, to immobilize the lines of the Baltimore & Ohio Railroad.

Colonel Porterfield was disappointed at Grafton. Recruiting was slow and only a

few men turned up to fight under his banner. Only one regiment, Col. Ben F. Kelley's 1st Virginia (Union), organized at Wheeling, was available to check the Confederate activity around Grafton and its immediate sector, but on May 26, Gen. George B. McClellan, commanding Federal troops in Ohio, ordered four full regiments into the Clarksburg and Grafton sections, the troops crossed the Ohio at Wheeling and Parkersburg.

In the face of the advancing Union forces, Colonel Porterfield gathered his recruits and withdrew to Philippi. Union troops reached Grafton on May 30 when Colonel Kelley, whose single regiment numbered more men than were in Porterfield's entire command proposed a night march on Philippi to clear the valley. The march was delayed a couple of days, then Kelley was heavily reinforced and another column added to effect a pincer movement. Porterfield was taken by surprise and quickly routed in the early morning of June 3—the speed with which the Confederates left the town caused the affair to be dubbed "the Philippi races." Most historians are agreed that the affair, slight as it was, had historical and tactical significance of great import.

The Philippi affair was the first land engagement of the war, and as such it attracted nationwide attention, as did the campaign immediately following in the Tygarts and Cheat Valleys. Then when action moved to a wider theater, the West Virginia area was left as a buffer in the backwash of a great war.

The importance of the Philippi battle cannot be measured alone by the fact that it was the first serious land engagement of the war, nor by the number of men engaged, and certainly not by the fact that there were none killed and but few wounded. It was the tactical and strategic factor that gave the affair an importance far beyond that of many greater engagements when massed armies clashed for a temporary advantage, only to be swept away by a resurgence of the opposing army the next day. It was at Philippi—and a month later at Scary—at the very outset of the great conflict that the southern army was halted and turned back toward the east. In the subsequent campaigns in the summer of 1861 in the Kanawha, Tygarts, New and Upper Greenbrier Valleys the Confederates were pressed back to set their western frontier on the line of the Alleghenies rather than on the Ohio River and, indeed, in the State of Ohio. For the rest of the war the West Virginia section stood solidly between the Confederacy and the country west of the Ohio River.

However, the entire area was subjected time and again to quick, dashing cavalry raids led by such men as Generals Jenkins, Imboden "Grumble" Jones, W. L. (Mudwall) Jackson and others equally as able. These raids ranged all the way from Preston and Monongalia Counties on the north to Wayne and Mercer on the south and west. Favorite targets were the salt-rich Kanawha Valley, the lines of the Baltimore & Ohio Railroad, and such industrial centers as the pioneer oil field at Burning Springs, Wirt County. There the entire complex was put to the torch by Gen. "Grumble" Jones, including 150,000 barrels of crude oil which had been stored in barrels and barges awaiting a rise in the Little Kanawha River. In each raid farms were despoiled and great droves of horses, cattle, sheep and hogs, were driven off to feed or serve the Confederate armies in the field.

Philippi was only the beginning. Before the war ended in April 1865, more than 500 clashes between Union and Confederate forces occurred in West Virginia. To be sure, some were only minor patrol actions, and some were hit-and-run raids, but all were of sufficient import to get into the record of the war. The affairs are officially classified as actions, affairs, battles, engagements, skir-

mishes, raids, incursions, and what-not, depending entirely upon the severity of the clash, the number of troops engaged and sometimes the event was gaged by the number of casualties.

After the formation of West Virginia 44 companies of Home Guard were organized comprising about 2,500 men whose duties were to serve as an internal security force. These companies were distributed over the State, with heavier concentrations in sections where guerrillas and irregulars were most active. These roaming bands of irregulars were nominally Confederate but preyed on citizens on both sides—the Home Guards had a big job cut out to keep them in check. The Home Guards were strictly State troops and were not required to serve beyond the State lines, but they did serve at all times with Union troops within their limits.

With approximately 40,000 men in regular service on both sides which would amount to 1 man out of every 10 persons counted in 1860, or possibly 1 out of every 8 or 9, there would arise, naturally, competent military leaders in the companies, regiments and in the higher ranks. There were many who made exceptional records as combat leaders, and 21 of these men were advanced to the rank of general. Fourteen of these men wore the blue and seven wore the gray. Unfortunately, some of these general officers are almost forgotten today.

In the Union Army the system of promotion was rather complicated and involved. There were three grades of general officers: those commissioned in the Regular Army, those commissioned in the U.S. Volunteers, and brevet rank in both branches. That is, an officer would be promoted by brevet to a higher rank while still holding his commission in an inferior grade. This was done when no vacancy in the authorized tables of organizations permitted the issuance of a full commission. The Confederate Army had no such fine distinctions.

The Federal generals who were commissioned in full rank in the temporary U.S. Volunteer Army were: Maj. Gen. Jesse Lee Reno, born at Wheeling, but who entered West Point and the military service from Pennsylvania; he was killed in battle at South Mountain, Md., September 14, 1862, while commanding the IX Army Corps; Brig. Gen. Benjamin F. Kelley, brevet major general, of Wheeling, 1st Infantry; Brig. Gen. Joseph A. J. Lightburn, of Lewis County, 4th Infantry; Brig. Gen. Isaac H. Duval, brevet major general, of Brooke County, 9th Infantry; Brig. Gen. William H. Powell, brevet major general, of Wheeling, 2d Cavalry; and Brig. Gen. Thomas Maley Harris, brevet major general, of Glenville and Harrisville, 10th Infantry.

Those who held the rank of brigadier general by brevet only were Robert S. Northcott, of Clarksburg, 12th Infantry; John H. Oley, of Cabell County, 7th Cavalry; David H. Strother, of Berkeley Springs, 3d Cavalry; Milton Wells, 15th Infantry; John S. Witcher, of Cabell County, 3d Cavalry; Henry Capehart, of Wheeling, 1st Cavalry; William B. Curtis, of West Liberty, 12th Infantry; and Rufus E. Fleming, of Fairmont, 6th Cavalry.

On the southern side were Lt. Gen. Thomas J. (Stonewall) Jackson, born at Clarksburg, appointed to West Point from Lewis County, but who entered the Civil War from Lexington, Va.; mortally wounded at Chancellorsville. Others were Brig. Gen. John McCausland, of Putnam County; Brig. Gen. Albert Gallatin Jenkins, of Cabell County, mortally wounded at Cloyd's Mountain; Brig. Gen. John Echols, of Monroe County; Brig. Gen. William L. (Mudwall) Jackson, of Wood County; Brig. Gen. Edwin Gray Lee, of Jefferson County, and Brig. Gen. Birkett D. Fry, born in Kanawha County, but who entered the war from Alabama, after service in the War with Mexico, and filibustering with Walker in Nicaragua.

Probably the most important contribution to the war effort, next after the fact of holding the western counties firm in loyalty to the Federal Union and to the formation of West Virginia was the preservation of the lines of the Baltimore & Ohio Railroad, which has been aptly termed "Mr. Lincoln's Lifeline." In turn, the railroad played a very conspicuous, though not vital, part in the formation of the new State. The lines were so important to the Federal war effort that it was necessary to keep them in friendly territory and under control of Federal troops. Thus the three Eastern Panhandle counties—Jefferson, Berkeley, and Morgan—through which the lines pass, literally rode into West Virginia on the cowcatchers of B. & O. locomotives.

Every county in West Virginia, and almost every community, has its own story of the Civil War in actions and incident. Some suffered more than others through ruthless excesses, house burnings, and killings, not all of which was condoned by the Union or Confederate military authorities. Romney, in the South Branch Valley, for instance, suffered greatly and its countryside was almost laid waste—it suffered because of its geographical position. Located in a natural invasion route from the Shenandoah to the Potomac, the town changed hands 56 times during the course of the war, sometimes without a fight when one army left as the other approached. But there was enough of fighting, pillage, and senseless burnings that Romney had but little left when peace came again.

#### CHICAGO'S URBAN RENEWAL PROGRAM

Mr. DOUGLAS. Mr. President, the Reporter magazine on May 23 published a very critical article about Chicago's urban renewal program by Miss Elinor Richey, which claimed, first, that the Negroes in Chicago are opposed to urban renewal; and, second, that Chicago's urban renewal program has increased racial segregation. This article was reprinted in the CONGRESSIONAL RECORD for May 29 of this year.

One of the finest citizens of Chicago, Mr. Edward Marciniak, executive director of the Chicago Commission on Human Relations, who for years has striven for better race relations and who is thoroughly acquainted with the facts, has prepared an annotated reply to Miss Richey's assertions. He has prepared 66 footnotes which note no less than 31 errors of fact, 20 serious omissions of relevant fact, 2 misleading quotations, and 4 false generalizations. Mr. Marciniak has striven for accuracy but confesses himself to feeling a sense of helplessness before the elements of stress, style, and argumentation which pervade this article and which do not lend themselves to direct comment. Consequently, the absence of comment does not indicate anything about the validity of a statement.

I ask unanimous consent that passages from Miss Richey's article be included with the accompanying footnotes by Mr. Marciniak.

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

SPLITSVILLE, U.S.A.—AN IRONIC TALE OF URBAN RENEWAL AND RACIAL SEGREGATION  
(By Elinor Richey)

CHICAGO.—James Baldwin has observed that whenever trouble breaks out in Har-

lem, the city installs a new playground. In Chicago's Negro ghetto, they conduct a study.<sup>1</sup>

Characteristically, official studies on the Negro in Chicago pretend to discover and register indignation about the condition that prompted them. Two recent studies, however—private ones financed by the Ford Foundation and the Urban League—have probed their special problems of housing and school segregation deeply enough for measurement. The surveys revealed that these two forms of racial segregation have increased in Chicago since the Supreme Court desegregation directives of 1948 and 1954. The school study, covering the years 1958-62, found that segregation had increased from 88 to 92 percent over that period. The housing study shows that residential segregation rose from 92.1 to 93 percent<sup>2</sup> in the decade between 1950 and 1960. Not only did the trend offset the Supreme Court decisions but it paralleled Chicago's mammoth nondiscriminatory housing program—a fact that puts into question the effectiveness<sup>3</sup> of President Kennedy's order banning discrimination in federally assisted housing.

These discouraging statistics surprised many. Not that anyone believed<sup>4</sup> much

progress was being made toward integration in Chicago, but the Nation's largest<sup>5</sup> racial ghetto has seemed sealed off from change of any kind. Federal Housing Administrator Robert C. Weaver has called the huge Negro sector extending from the Loop to the Indiana line<sup>6</sup> "the most segregated area in the industrial North."<sup>7</sup> The U.S. Civil Rights Commission<sup>8</sup> has termed Chicago "the most segregated city of more than 500,000 population."<sup>9</sup> Negroes call it simply "Splitsville."<sup>10</sup> Boundary lines expand but

huge Lake Meadows and Prairie Shores developments rise near the shores of Lake Michigan to stand today as models of attractive urban housing.

"The successful experience at Lake Meadows and Prairie Shores has proved contagious. Three new developments now underway have announced nondiscriminatory rental policies." (These are: Marina City, which already has Negro tenants; Carl Sandburg Village, which to date has signed leases with nine Negro families; and Outer Drive East, a large downtown apartment being built by the Jupiter Corp., which will have Negro tenants.)

"Also, there is Webb and Knapp's racially-integrated redevelopment project in Hyde Park-Kenwood, consisting of 250 town houses and two 10-story apartment buildings. In addition, some integration is taking place in older apartment houses and individual homes on the south and southwest sides of the city, particularly in the Hyde Park-Kenwood area surrounding the University of Chicago, and more recently in the South Shore area."

Some integration is taking place in the Near North Side, Marynook, Uptown, Stony Island Heights, and other neighborhoods.

<sup>1</sup> Factual error: New York City's Harlem is unquestionably a larger area.

<sup>2</sup> Factual error: In describing the "Negro sector [as] extending from the Loop to the Indiana line" Miss Richey stretches her geographical imagination several miles to include large areas which are not Negro occupied. Despite her reference to Robert Weaver, this is Miss Richey's error.

<sup>3</sup> Misleading quotation: This statement was made more than 15 years ago in Weaver's book "The Negro Ghetto" (1948). Miss Richey does not quote his recent statements praising the successful steps taken by Chicago for integrated housing in urban renewal areas, including Hyde Park-Kenwood.

<sup>4</sup> In the second paragraph of her article Miss Richey dismisses "official studies on the Negro in Chicago" because they "pretend to discover and register indignation about the condition that prompted them." Yet we note that here, and throughout the article, she leans heavily upon these studies. These provide the best factual data available upon which to plan public and private programs in this area.

<sup>5</sup> This oftquoted phrase about Chicago is based upon a statement made to the U.S. Commission on Civil Rights in May 1959, by Edwin C. Berry, executive director of the Chicago Urban League.

It should also be noted that in May 1963, Arthur L. Johnson, executive secretary of the Detroit branch of the National Association for the Advancement of Colored People said that Detroit was "one of the most racially segregated cities in the Nation as far as housing is concerned." Earlier in January 1963, to a Cleveland audience Whitney M. Young, Jr., executive director of the National Urban League, said that "residential segregation in Cleveland is the highest for any major city in the United States."

About such statements Professor Tauber had this to say: "There is no need for cities to vie with each other for the title of 'most segregated city'; there is room at the top for all of them."

<sup>6</sup> False generalization: We questioned 25 Negroes, all of whom are active in journalism, education, government, or politics; not

never crack.<sup>11</sup> Chicago's Negro ghetto has been as carefully preserved as the Chicago Water Tower—and every Chicago real estate man knows how.

#### THE COOPERATIVE SPIRIT

Splitsville is a product of the Chicago Real Estate Board's "rule of segregation," as strictly enforced today as when laid down in 1917. The rule decreed: "Each block shall be filled solidly [with Negroes] and further expansion shall be confined to contiguous blocks," and this shall be done "just as slowly as possible." When it drafted the rule, the board called for "active cooperation from all civic bodies," and in the 46 years since, Chicago's cooperation has never wavered. Cooperation has flowed abundantly from the city council, the police, lending institutions, newspapers, churches, and from white citizens. The latter have cooperated by bombing or burning the homes of nonconformists. In the early years of the rule a house was wrecked on an average of every 20 days,<sup>12</sup> nowadays, thanks<sup>13</sup> to mellowed tradition, this measure is necessary only two or three times a year.<sup>14</sup>

Citizens formerly cooperated also by inserting clauses into their property deeds forbidding resale or lease to Negroes. By the Second World War, restrictive covenants "protected" 80 percent of white residential property, virtually walling up the Negro sector. Consequently a huge wartime immigration<sup>15</sup> into the sector piled up a population

one knew what "Splitsville" meant. Actually, "Splitsville" was coined by newspaper columnists to signify divorce, for example, "So and so and his mate are headed for Splitsville." It is Miss Richey, not Chicago Negroes primarily, who applied the word to Chicago's segregated housing pattern.

<sup>11</sup> Factual error: They have started to crack. See footnote 4.

<sup>12</sup> False generalization: Even though one such case is one too many, the word "wrecked," as used by Miss Richey, is too serious also to describe a broken window or a damaged porch.

<sup>13</sup> Serious omission of relevant fact: Thanks, actually, to the leadership and hard work of many Chicagoans. No public service is performed by overestimating the forces at work to preserve racial segregation while downgrading the forces responsible for the greatly decreasing violence in neighborhoods undergoing racial change. Credit is due the police department for stepped-up efforts to maintain law and order; to a growing number of neighborhood organizations whose primary aim is to stabilize their neighborhoods by keeping property up and overcrowding down, all the while remaining "color blind"; to the work of public bodies such as the Chicago Commission on Human Relations; and to the efforts of private organizations and church groups. To ignore these community forces (e.g., the pioneering Hyde Park-Kenwood Community Conference, etc.), as Miss Richey does, is to omit a key chapter in the Chicago story.

<sup>14</sup> Serious omission of relevant fact: Without minimizing incidents of violence that still occur in some changing neighborhoods, it should be noted that an estimated 100 moves of first Negro families in a block took place last year, practically all of which occurred without any violence.

<sup>15</sup> This great immigration explains, in significant part, Miss Richey's figures on school and residential segregation quoted earlier. Her blind spot is her failure to recognize the forces that are now at work remodeling the city's archaic racial design of discrimination and segregation. These forces, such as the interreligious council on urban affairs, the metropolitan housing and planning council, and the Catholic interracial council, for example, need recognition and encouragement—not the silent treatment.

<sup>1</sup> Serious omission of relevant fact:

Miss Richey is right about the frequency of the studies but wrong about the reason for them. As far back as 1948, Robert C. Weaver observed that "The Black Belt in Chicago has been \* \* \* subjected to more study than any other Negro urban community in the United States." As every social scientist knows, the basic reason was the presence of the University of Chicago whose sociologists had made the urban community their special study. But this is only half the story. Their studies—and those of others—led to reforms.

Miss Richey also ignores the improvement in housing quality for Chicago's Negroes between 1950 and 1960. In 1960, according to the department of city planning, about 75 percent of the city's nonwhite families lived in standard housing, compared to 40 percent in 1950. Even more importantly, this upgrading took place in a decade of great migration from the South, when Chicago's nonwhite population rose from 509,000 to 838,000.

<sup>2</sup> Factual error: The actual figures are from 92.1 to 92.6 percent and do not justify Miss Richey's conclusion. Prof. Karl E. Tauber of the Population Research and Training Center at the University of Chicago, who compiled these residential indexes, refers to the 1950-60 change as "very slight" and as indicating, no matter what Miss Richey says, virtually no change in the overall pattern. In a paper on residential segregation, presented to the American Sociological Association in 1962, Professor Tauber concludes: "In the North, the increasingly powerful legal and economic position of urban Negroes combined with the lesser degree of overt social discrimination may finally be overcoming the long-term trend toward increasing residential segregation."

<sup>3</sup> The order is only 6 months old. Thus it is premature to put "into question the effectiveness of President Kennedy's order" issued on Nov. 20, 1962.

<sup>4</sup> Serious omission of relevant fact:

Some did. If Miss Richey had read, for example, the July 1962, issue of Trends in Housing, published by the National Committee Against Discrimination in Housing, she would have found this:

"Chicago is a city of extremes. For decades, supporters of an open housing market have found it the epitome of segregation at its worst. \* \* \* Yet, paradoxically, some of the Nation's best examples of successfully integrated housing are to be found in the Windy City. Carved out of the slums of Chicago's teeming Central South Side, the

density several times that of white residential areas. When the Supreme Court, in 1948, declared racially restrictive covenants unenforceable, Chicago Negroes hailed their liberation from the ghetto. But they underestimated the rule. The Court decision's sole effect<sup>16</sup> was to set the ghetto expanding again—moving contiguously, moving slowly.

Today what little residential integration there is in Chicago—now 25.6 percent Negro—exists almost exclusively along the ghetto border, and most of it in blocks undergoing transition from white to Negro. Two remarkable exceptions are the fringe neighborhoods of central Kenwood,<sup>17</sup> a district of older homes, and Lake Meadows, a new private apartment development, both of which are stabilized in an almost even racial balance. Elsewhere along the ghetto border, residential integration has declined markedly.<sup>18</sup> Whereas in 1950, 89 percent of Chicago Negroes lived in predominantly Negro districts, in 1960 the figure had risen to 95 percent.<sup>19</sup> Since a third of the privileged 5 percent lived in central Kenwood and Lake Meadows, integration along the ghetto borders must have been subjected to some powerful deterrent.<sup>20</sup>

This deterrent is no mystery to those who have perceived the effect of urban renewal on the Chicago Negro—the actual effect, as opposed to the official publicized effect. Chicago currently has 33 urban renewal projects going, but only one is far enough along to evaluate.<sup>21</sup> It is located in the University of Chicago neighborhood of Hyde Park. The official Hyde Park success story is a Chicago legend. Through citizen planning and participation, the publicity goes, Hyde Park was cleared of slums and rebuilt into a "model community" of gleaming town houses, apartments, and shopping centers, in whose wall-to-wall efficiency Negroes and whites share equally and amicably. The

<sup>16</sup> The Supreme Court's decision also meant that those who had used restrictive covenants to support residential segregation by race had to find another leg upon which to stand. The court had sawed this one off.

<sup>17</sup> Serious omission of relevant fact: Prof. Morris Janowitz, of the University of Chicago, points out that without detracting from achievements elsewhere, it can be said that Hyde Park-Kenwood comes closest to being the only good sized community in the United States which is effectively integrated. It is a community with a whole range of multiracial institutions, schools, churches, and shopping centers; and where whites sell and rent housing to Negroes and Negroes to whites. (See also footnote 50.)

<sup>18</sup> Serious omission of relevant fact: See footnote 4.

<sup>19</sup> Serious omission of relevant fact: A more precise statement is that in 1960 95 percent of the Negro population resided in 194 census tracts which were more than 40 percent Negro. What these figures signify is the rapid swelling of the Negro population between 1950 and 1960 (by over 300,000) within a boom housing market that was generally divided in two; one for whites and the other for Negroes.

<sup>20</sup> Serious omission of relevant fact: The real "deterrent" is not urban renewal but the dual-housing market, as Miss Richey herself recognized earlier in the article. To obtain housing in the city or suburbs, whites have only to shop in any established real estate office. Since the same outlets and multiple listing services are generally closed to the Negro buyer or renter, he has to shop in the so-called Negro market—confining his housing search usually to well-defined areas in the city and the suburbs.

<sup>21</sup> What about other urban renewal developments, such as Carl Sandburg Village, Lake Meadows, Prairie Shores, etc.—all of which are far enough along to evaluate and are open to all regardless of race?

Chicago American hails it as a "monument to planning."

Part of the legend is true. Hyde Park began to run down in the 1940's, and by 1950 the Negro ghetto extended over about a third of the neighborhood, with a mixed area<sup>22</sup> separating white and Negro sectors. Housing clearance got underway in the early 1950's, and grew into a communitywide urban renewal program after a 1954 Federal act extended renewal assistance to commercial districts and to housing rehabilitation. One requirement for obtaining Federal urban renewal funds is that plans have "fulfilled communitywide citizens participation and support."<sup>23</sup> The Hyde Park renewal plan was drawn up by a professional planner hired by the University of Chicago with a grant from the Field Foundation. The plan was underwritten with public clearance funds totaling \$37.7 million (\$28.5 million Federal, the rest city). Before the plan was submitted to the Chicago City Council for approval, community representatives were called in to inspect it. Though the planner refused to make any basic changes or reduce the amount of clearance, he was able to talk many critics into seeing things his way.<sup>24</sup>

But not all were persuaded.<sup>25</sup> Msgr. John Egan, representing the Roman Catholic archdiocese, and spokesmen for the Hyde Park Tenant & Homeowners Association flatly condemned the plan. The priority task, as the association saw it, was to relieve the

<sup>22</sup> Serious omission of relevant fact: Had it not been for the urban renewal plan the "mixed area" would certainly have become all-Negro.

<sup>23</sup> Serious omission of relevant fact: During the many months that the plan was being drafted hundreds of meetings were held, involving thousands of residents, including religious leaders, businessmen, and community leaders. Tape recordings of these meetings are available. More than 300 changes, many of them substantive, were incorporated during this period. James V. Cunningham, executive director of the Hyde Park-Kenwood Community Conference during this period, states: "Citizens acting through the conference were shaping the contents of the final plan in all meetings with the planner \* \* \* in all the reports submitted [to the planner] \* \* \* in meetings of the committee of six, and in the entire process through the years. Influence is not something that takes place only at final hearings."

<sup>24</sup> Serious omission of relevant fact: Miss Richey fails to mention the Hyde Park-Kenwood Community Conference, the interracial, grassroots neighborhood organization founded in 1949 to create a stable interracial community. The role of the conference is documented in "A Neighborhood Finds Itself," by Julia Abrahamson, and in "The Politics of Urban Renewal," by Peter H. Rossi and Robert A. Dentler. As Hyde Park's representative community organization, deeply involved block by block with its residents, the conference did not agree with Monsignor Egan or with the Hyde Park Tenant & Homeowners Association.

From the very beginning the conference recognized that freedom of residence—for the Negro—did not mean that a neighborhood would remain interracial; it might become all Negro. Freedom of residence also meant that whites were free to move out as others were free to move in. Hence, the conference set out to educate whites and Negroes on the advantages of a stable interracial community and to make Hyde Park-Kenwood an attractive community into which both Negroes and whites would continue to move. For many years, there was doubt that the conference would succeed in its educational program. It can now be said that success is finally in sight—though not yet achieved. (See also footnote 50.)

pressing housing needs of low-income families, especially Negroes, thousands of whom had been pushed into the Hyde Park area after being evicted by a large private development. It would be unjust, many felt, to evict 20,000 low-income citizens and replace their homes with one-third as much housing designed for upper-middle-income tenancy. Ninety percent of the housing marked for clearance was of brick construction, Monsignor Egan pointed out—better than the tenants could find elsewhere.<sup>26</sup>

Defenders of the plan retorted that 80 percent of the existing housing would be left intact, that only deteriorated structures would be razed, and that this step was imperative if the white exodus from the neighborhood was to be halted.

With blight banished, middle-class citizens would be attracted back from suburbia. Julian Levi, of the University of Chicago-sponsored South East Chicago Commission, argued: "The university needs a compatible neighborhood, one that will permit it to do its basic job in scholarship and research. \* \* \* You must view the project in terms of land use. Urban redevelopment is not an exercise in sociology."

The plan was approved. The city council did recommend, however, as a concession, that 120 units of public housing be included in the project, and directed<sup>27</sup> that all housing constructed on clearance sites be offered on a racially nondiscriminatory basis. Since Hyde Park was the first urban renewal program professing to be interracial,<sup>28</sup> it got national publicity as a "pilot project."

While Negro approval<sup>29</sup> of the project was not required, the nondiscriminatory claim won it. James Baldwin has written of the Negro's "wise desire not to be betrayed by too much hoping." But Chicago Negroes, disappointed by the lack of results of the covenant decision, did turn hopefully toward the promises of urban renewal and believed that in time the trials of relocation would bring better housing opportunities.<sup>30</sup>

<sup>25</sup> Factual error: Monsignor Egan says he never made this statement. He also knows that the type of construction may have little relationship to the quality and safety of housing in areas with overcrowded, illegally converted buildings. Seventy-eight percent of the buildings demolished in Hyde Park were substandard.

<sup>26</sup> Factual error: From the very first the proposed Hyde Park plan was built around the principle that "all housing constructed on clearance sites be offered on a racially nondiscriminatory basis." This principle was not inserted by the city council upon adoption of the plan 3 years later as Miss Richey indicates; it was there all the time.

<sup>27</sup> Factual error: Nearby Lake Meadows, an interracial urban renewal development built upon land originally cleared by the city, preceded the Hyde Park project by more than 5 years and also received national publicity as a pilot project for its open occupancy. It is fully described in a 4-part series that appeared in the Chicago Defender, Nov. 12-15, 1962, and in the Journal of Housing for January 1961.

<sup>28</sup> False generalization: Here, as well as in at least eight other places in this article ("Negro repudiation," "Negro approval," "Negroes began to say," "the Negro community," etc.), Miss Richey purports to describe how the Negro felt, acted, or reacted. To lump Negro opinion, as Miss Richey repeatedly does, is to stereotype Chicago Negroes. Those who know Chicago Negroes know better than to squeeze their many and varied views into some prefabricated mold.

<sup>29</sup> Serious omission of relevant fact: Homeownership among Chicago's nonwhites rose 131 percent between 1950 and 1960 and is still increasing. Currently, the city has an estimated 40,000 Negro homeowners, an

## NO BRONZE PHOENIX

No sooner had rubble dust begun flying than the Negro community grew alarmed. While 80 percent of the housing in all Hyde Park was indeed untouched, approximately 20,000 of Hyde Park's population of 70,000 were evicted in the clearance of entire blocks in West Hyde Park, and 14,000 of those moved were Negroes. Negroes were being evicted wholesale, cried the Negro press; forced-sale properties were undervalued; relocation assistance was inadequate; available housing was less good and more expensive.<sup>30</sup> Moreover, color seemed to be the prime target of the wrecking balls.<sup>31</sup> Solid Negro blocks were getting a clean sweep, while integrated blocks underwent spot clearance of property that nearly always was Negro occupied. The urban league charged that 8 out of the 10 of those relocated were Negro, and that the pileup in the already overcrowded ghetto was "breeding more slums and worse slums" and causing "further concentration, enlargement and institutionalization of segregation." Negroes began to say that urban renewal was really Negro removal<sup>32</sup> and a process of chasing slums around.

Such discontent deserved study.<sup>33</sup> A University of Chicago sociology team investigated Chicago rental opportunities and

increase of 23,000 over 1950. Between 1950 and 1960, according to Prof. Donald Bogue, of the University of Chicago, 29,000 non-whites moved from the city into the suburbs.

<sup>30</sup> Serious omission of relevant fact: No relocation program—involving low-income families—can be accomplished without some mistakes or injustices. And Hyde Park had its share. But the description in this paragraph differs from the reality as does brass from bronze. The overwhelming majority of the families were relocated to safe, sanitary, standard housing. The heartbreak of relocation centers in a hard core of difficult, social welfare cases. Urban renewal brought to the public eye our failure to solve these social problems. Had it not been for urban renewal the human burden shouldered by these problem families would have remained hidden from view. (See also footnotes 32 and 51.)

<sup>31</sup> Factual error: Also the target of wrecking balls was to block inhabited by whites and nearly completely demolished to make way for the Ray School.

<sup>32</sup> Serious omission of relevant fact: It would be difficult to prove whether more whites than Negroes have made this charge. Miss Richey confuses the issue all the more. In putting this issue into historical perspective Robert C. Weaver performed a real service:

"The suburban building boom of the 1950's helped the Jews to escape to the suburbs. It will be the urban renewal of the 1960's that will help Negroes to escape from their ghetto. Had urban renewal been launched a generation ago it would have had its primary impact upon Jews, Italians, and Irish. Today that impact falls primarily upon Negroes. For urban renewal is directed toward rebuilding and rehabilitating the blighted areas of our cities. And it is in those areas that, today, Negroes are concentrated.

"The only way urban renewal can continue is by assuring those who are affected by it, either through relocation or rehabilitation, a better place to live. If it is to continue, therefore, it must be accompanied by greater freedom of choice for Negroes in housing."

<sup>33</sup> Factual error: By having her timetables reversed, Miss Richey's point evaporates. The study, which she says was prompted by the Hyde Park-Kenwood urban renewal plan, was well underway before Nov. 7, 1958—the date when the city council finally approved the plan. Furthermore, the study "Housing a Metropolis—Chicago," by Beverly Dun-

found that twice as many Negroes as whites lived in substandard housing, but because of acute demand Negroes paid \$15 more a month<sup>34</sup> for theirs—in effect, a color tax. This economic hardship (Negro income averages 30 percent lower than white) caused families to double up, overburdening facilities and services and thereby generating slum conditions.

One ghetto neighborhood where relocated Negroes were being concentrated<sup>35</sup> was Woodlawn, which borders Hyde Park on the south. Built to accommodate 25,000 residents,<sup>36</sup> Woodlawn by 1960 bulged with 82,000,<sup>37</sup> many disgruntled at having been evicted by clearance several times. When the white press<sup>38</sup>

can and Phillip Hauser, was, in great part, financed by city funds.

<sup>34</sup> Serious omission of relevant fact:

The figures from the sociology team of Hauser and Duncan are for 1956. How long was such a differential expected to continue? According to Gary S. Becker: "The very rapid influx of Negroes into Chicago during the last 15 years has led to temporary differences between rents paid by Negroes and whites which would be eliminated a few years after the influx ceases." ("The Economics of Discrimination," University of Chicago Press, 1957.) He goes on to conclude: "The residential discrimination observed in many northern cities is a consequence of the immigration of Negroes and the residential segregation in these cities."

As long as the dual housing market in the Chicago metropolitan area makes 80 percent of the housing "unavailable" to Negro renters, they will have fewer places from which to choose and hence less of a chance to pick the "best buy" for their rental dollar. It would be as if suburbanites were permitted to shop in only one of six major department stores in downtown Chicago. Limited in their opportunity to look around and buy the best at the lowest price, these suburban shoppers would not be able to take full advantage of what is being offered. By restricting housing opportunities for non-whites, the dual-housing market puts them at a competitive disadvantage.

<sup>35</sup> Data from the department of urban renewal indicates that only a small number of Hyde Park families were relocated in Woodlawn. Because of convenient railroad and bus terminals, and good mass transportation, Woodlawn has been a major "port of entry" in Chicago for new arrivals from the South.

<sup>36</sup> Factual error: Ever since 1920, when the population was 97 percent white, the Woodlawn community area has always had at least 61,000 residents.

<sup>37</sup> Factual error: Miss Richey neglects to differentiate between the Woodlawn census area and the Woodlawn planning area. The Woodlawn census area in 1960 accommodated 72,397 Negroes, plus 8,500 whites and 432 of other races for a total of 81,279. Between 1950 and 1960 the population of the Woodlawn census area increased by only 580 persons. Woodlawn was overcrowded before urban renewal began in the 1950's. For facts about the Woodlawn planning area (East Woodlawn) see also footnote 39.

<sup>38</sup> Serious omission of relevant fact:

Negroes were not on the sidelines; many were very critical, too. The Chicago Defender featured a 10-part series of articles on the people, leaders, and problems of Woodlawn. Here is one quote:

"For those exorbitant rents, families received refrigerators that wouldn't keep food cold, stoves that wouldn't work, hazardous or nonfunctioning electrical outlets and broken locks on doors and windows.

"They paid for falling plaster, refuse in the basements, and herds of rats and regiments of roaches. They paid for the right to have a mailing address and to be surrounded by four shabby walls and a leaky ceiling."

began calling Woodlawn "blight ridden" and "vice infected" and delegations began prying around with note pads, Negroes smelled another Negro removal project brewing. Convinced that population squeezing had reached the limit, Woodlawn's Protestant and Catholic clergy pooled a fund and, in 1960, hired a professional organizer, Saul Alinsky, to organize Woodlawn<sup>39</sup> to withstand wholesale clearance. The University of Chicago's announcement of its "south campus plan" wasn't long in coming.<sup>40</sup> Having applied for Federal funds under a new act designed to help colleges improve their environment, the university hoped to clear a mile-long slice of Woodlawn for an "expansion program."

More than 40,000<sup>41</sup> Woodlawners rallied to Alinsky's Temporary Woodlawn Organization, and at a community "congress" voted overwhelmingly to oppose any renewal program that was not approved and directed by Woodlawn citizens. Alinsky warned, "There will be people lying in front of the bulldozers if the university doesn't listen to us." Up to the moment of writing, the bulldozers haven't breached Woodlawn's borders.<sup>42</sup>

When pricing on Hyde Park's rising apartments and town houses was announced, Negro tempers flared. Apartment rentals ranged from \$125 for efficiencies to \$235 for bedroom apartments, townhouses were priced from \$20,000 to \$42,000. Negroes cried, "We have been priced out." Then, Hyde Park business interests succeeded in postponing indefinitely the construction of the 120 units of public housing the city council had recommended. By this time, the Negroes were sure they had been duped.<sup>43</sup> "Urban renewal was a false promise," declared the urban league. The Negro daily Chicago Defender summed it up ruefully: "Nothing has been more difficult to contend with than the

The Woodlawn Booster, the neighborhood newspaper, published this report from the staff of the Industrial Areas Foundation which said, in part: "Criminal commercial interests are forever trying to ensnare Woodlawn young people in dope, liquor, and prostitution. These immoral businesses are run by gangsters who do not live in our community. Time and again, TWO has put its finger on the saloons and hotels as gathering places for these moneymakers in human misery. The police have not been effective. We do not speak of spasmodic and sensational vice raids. We are speaking of consistent, vigilant, and effective law enforcement."

<sup>39</sup> Factual error: Actually the area around which TWO is organized and for which the city is planning is East Woodlawn with a population of 60,000 in 1960. This area increased by 5,000 persons between 1950 and 1960; and 10,000 since 1940.

<sup>40</sup> Factual error: Again, the reversed timetable: The "South Campus plan" came before TWO and helped trigger TWO into existence.

<sup>41</sup> Factual error: Even TWO's staunchest supporters would say that this was an extremely generous estimate of the number of Woodlawners who rallied to TWO's side. No 40,000 persons attended TWO's highly successful initial community congress. Some 1,500 persons did pack the hall.

<sup>42</sup> After announcing a preliminary plan for Woodlawn, the department of city planning has been working with the Woodlawn organization and other community groups to prepare more definitive proposals. Progress has been made in reaching agreement on several basic principles, such as the need for spot clearance, assistance for rehabilitation, and institutional expansion.

<sup>43</sup> In making this charge Miss Richey underestimates the intelligence of the hundreds of Negroes in Hyde Park-Kenwood—Negroes who for 5 years took an active part in the argument and discussion over the renewal of their community. Today, they still actively participate.

newest strategy of racial discrimination—the device called urban renewal.”

This disenchantment<sup>44</sup> was dramatized last spring by two dissimilar events. Negro Sculptor Richard Hunt, who had been commissioned to execute a bronze phoenix for a monument to Hyde Park urban renewal, stunned Hyde Park by announcing that he had decided not to complete his work. To a plea that he reconsider, Hunt replied that he would deliver his sculpture only on condition that he be permitted to destroy it as soon as it was unveiled. (The monument was not recommissioned.) The other event was the trouncing at the polls of Mayor Richard J. Daley's \$22.5 million urban renewal bond issue. Analysis of the vote showed the Negro electorate contributed strongly to the defeat.<sup>45</sup>

The mayor's response was to release a study,<sup>46</sup> a survey of real estate speculator operations that revealed new exploitation methods such as installment-plan contracts.<sup>47</sup> The buyer who was late in making his payment was charged a sizable “fine”; if he defaulted, his property was repossessed without refund. One buyer who had paid \$800 down and \$22 a month plus fines for 2 years lost all by defaulting. Since the study prompted no corrective regulations, presumably its only effect was to advertise the lucrative possibilities of “turning a neighborhood.”

#### IF THEY CAN PAY

Negro repudiation of urban renewal has prodded the conscience of Hyde Park, which is proud of its reputation for liberalism.

<sup>44</sup> Factual error: There is no doubt about Hunt's “disenchantment.” But the most surprised man in May 1963 was Hunt himself when he read Miss Richey's explanation for his not completing the phoenix. Hunt said he was surprised because he had given her his real reason for not finishing, which was personal and not the Hyde Park urban renewal plan.

<sup>45</sup> Factual error:

Miss Richey's thesis on “Negro opposition” to urban renewal rests on this fictitious statement. The public record shows that the vote in the wards predominantly Negro in residence was more than 3 to 1 in favor; in these wards, 1, 2, 3, 4, 5, 6, 17, 20, 24, 25, 27, and 29, the total vote on urban renewal bond issue was 94,403 yes, 27,079 no. In wards predominantly white in population, the vote on the bond issue was 2 to 1 against.

Negroes in Hyde Park and Woodlawn voted overwhelmingly in favor of the bond issue.

<sup>46</sup> Factual error: The mayor released no such study.

<sup>47</sup> Serious omission of relevant fact:

In June 1962, the commission on human relations completed a survey, begun 9 months before the urban renewal bond issue vote, on “selling and buying real estate in a racially changing neighborhood.” This survey in an Englewood block explained how real estate speculators had bought homes from longtime white residents at low prices and then had resold them to Negroes at high prices. The survey did not reveal any “new exploitation methods such as installment-plan contracts.” The contract sale is almost as old as Chicago and was often used by immigrants, who had only small down payments, to get a first leg on a home of their own. What the commission study revealed was how various lawyers and financial institutions had connived, through abusive contract selling, to exploit Negroes and whites.

As a result of the survey public hearings were held and a dozen steps taken to curb the abuses uncovered. Negro home buyers and white sellers were alerted to the dangers involved.

Because of the increasing availability of mortgage money to Negroes, at more competitive rates, contract sales have declined.

There has been some checking to determine if Negro accusations are valid. Checking is remarkably easy. The amount of new housing constructed on urban renewal sites is well known to be 250 townhouses and 2 apartment buildings. Twenty-seven townhouses are occupied by Negro families (the majority interracial couples);<sup>48</sup> an FHA survey<sup>49</sup> found 14-percent Negro tenancy in the apartments. It is difficult to determine to what degree this low Negro occupancy is due to pricing, how much to screening. All other construction on urban renewal land to date has been for institutional and retail commercial use; other cleared sites have been assigned for parks and playlots; much cleared land remains unpurchased. To be sure, a great deal of new housing has gone up in the project area on sites unaffected by the nondiscriminatory clause, and a great deal of the older housing has been rehabilitated. Property values have soared; so have rents. None of the promised 120 units of public housing have been constructed, nor have sites been assigned. Eighty-four units of housing for the elderly, which had been projected prior to urban renewal, were relegated to a remote corner of Hyde Park. Formerly separated by blocks undergoing racial transition, white and Negro sectors now are cleaved by an economic line of demarcation through which Negroes pass, if they are lucky, for the small quantity of housing for which they are eligible—if they can pay.

Thus, the admission of a hundred professional-class Negro families<sup>50</sup> to Hyde Park's urban renewal housing appears to be the replacement for the 14,000 Negroes who were evicted.

Initially touted as a national model for racially integrated urban renewal, the federally assisted “nondiscriminatory” pilot project has served to roll back the ghetto border, generating pressures that deliver displaced residents into the hands of greedy landlords and ruthless speculators. More than 150,000 Negro Chicagoans have been displaced by clearance<sup>51</sup> since 1948, accord-

<sup>48</sup> Factual error: Whatever significance Miss Richey may attach to this statement, the fact is that the builder of the townhouses flatly denies that the majority of the couples are interracial. He noted three.

<sup>49</sup> Factual error: The Federal Housing Administration says it made no such study. About 90 of the 540 apartments are occupied by Negro families.

<sup>50</sup> Factual error: The best current estimate of the population in the Hyde Park-Kenwood urban renewal area is 65,000, half of whom are Negro. Four times as many Negroes now reside in this area as did in 1950. It is also the home of many families of Oriental background.

<sup>51</sup> Serious omission of relevant fact: “Clearance,” as used here, must include far more than the “urban renewal” projects on which Miss Richey centers her attention. From 1948 through 1961 a grand total of 59,000 households were relocated (43,400 families and 15,300 single persons) to make way for urban renewal, expressways, building code enforcement, public housing, hospitals, medical center, parks, parking lots, elementary and high schools, colleges, etc. The best estimate is that 60 to 65 percent of these were Negro households; the rest, white.

For 1962, according to the Department of Urban Renewal, 3,200 families were displaced by governmental clearance for various purposes. Of these, 1,200 were white, 2,000 nonwhite. For the 2-year period of 1963-64, about 6,800 families will have to be relocated, 4,300 white and 2,500 nonwhite.

To date the Chicago Housing Authority has constructed 31,000 low income housing units, enough to accommodate three times as many people as were displaced on its sites. The biggest single program resulting in the relocation of households was the city's ex-

ing to the urban league. The Chicago experience stands as a dire warning of how the President's new nondiscriminatory housing order can be circumvented by planners whose goal is upgrading real estate values instead of human lives. Urban renewal has even failed in its goal of attracting suburbanites back to the city;<sup>52</sup> the exodus of Chicagoans to the suburbs has increased.

If clearance has promoted residential segregation, school segregation has been assisted by new construction—that is, by the construction of additional all-Negro schools. Since the 1930's the Chicago Board of Education has generally used residential segregation as its guide for school-attendance zoning (except during the 1947-53 superintendency of Harold Hunt), redrafting school districts as the color line shifted. But school segregation lagged behind housing segregation for a time because of a lack of seating space<sup>53</sup> in Negro schools. When Negro schools reached the load limit of 45 students<sup>54</sup> to a classroom, the overflow was channeled across ghetto lines until additional schools could be built.

A large school construction appropriation has had the effect of enforcing a segregation policy for which the board recently was taken to task<sup>55</sup> by the U.S. Civil Rights Commission.<sup>56</sup> The board justifies its policy

pressway program for which 17,000 households had to be relocated from 1948 through 1961.

<sup>52</sup> Factual error: This will be news to the thousands of suburbanites who have returned to the city to occupy the new apartments constructed along the lakeshore and in the city's central area. There is absolutely no evidence that the postwar suburban surge, which began in the 1940's, “has increased” because of urban renewal. It is obvious why the suburbs will continue to grow: the city can only hold so many people. As our metropolitan population expands, it is the suburban area that will increase in size.

Ferd Kramer, Chicago developer, noted in May 1963, that “not only have many former suburbanites moved to Prairie Shores, but some of them, such as schoolteachers, have reversed the normal commuting practice by now going from the city to the suburbs to work.” (Prairie Shores has 1,700 apartments located at 29th St. and South Parkway, next to Michael Reese Hospital.)

<sup>53</sup> Serious omission of relevant fact: In January 1963, the board of education released a report stating that Chicago is the only major city (over 500,000) in the United States which does not have double shift classes. Their existence had been one of the chief criticisms of the board of education by civil rights groups.

<sup>54</sup> Factual error: It would be more accurate to say that when the load limit of 44 students to a classroom was reached, students, Negro or white, would be put on a double shift basis. The recent permissive transfer policy began at 40 pupils.

<sup>55</sup> Factual error: The U.S. Civil Rights Commission took no position regarding the Chicago Board of Education's policies. What Miss Richey refers to is a 1962 study made by Prof. John E. Coons, of the Northwestern University Law School. His study, with other such reports on Philadelphia, St. Louis, New Rochelle, N.Y., and Highland Park, Mich., appears in the Commission publication, “Civil Rights, U.S.A.—Public Schools North and West 1962.” (See also footnote 8.)

<sup>56</sup> Factual error: What Coons, not the Commission, actually said was: “It might be well to reiterate that the basic problems of segregation in Chicago public education were not created by the school administration. The school system has merely accepted a pattern which is the product of other forces.”

Coons quotes favorably the “1961 Report to the Commission on Civil Rights from

on the basis that it is operating a "neighborhood school system," but the Commission charged<sup>57</sup> that "In many areas it has not been operating a neighborhood school system, but has acted as if it were."<sup>58</sup> Supt. Benjamin Willis recently asked for more building funds. Negro groups oppose the request,<sup>59</sup> saying that construction will be used for further racial separation, and that under integration the 22,000 surplus seats in white schools would take up the seat shortages of Negro schools. They say—and the Civil Rights Commission<sup>60</sup> concurs—that Chicago Negro schools are inferior to white schools<sup>61</sup> and that Negro schools are poorly supervised because of the lack of experienced

Illinois State Advisory Committee" to the U.S. Commission on Civil Rights: "It would seem, although the National Association for the Advancement of Colored People contends otherwise, that there is not a deliberate policy of discrimination."

<sup>57</sup> Factual error: See footnote 55.

<sup>58</sup> Serious omission of relevant fact: What Professor Coons did say was: "The most serious criticism of the Chicago system relates to the inflexibility of transfer policy. This suggests no criticism of the neighborhood school, which seems sensible as an abstract proposition. The telling complaint is less the logic of the neighborhood system than the illogic of its application under existing conditions. Practically speaking, neighborhood schools do not exist in many of the crowded areas of Chicago, unless the requirements of that concept are satisfied by the mere existence of a building called a school which is physically located in something called neighborhood. If the school is not adequate to serve the needs of a neighborhood, it is playing with words to label it a neighborhood school. The most serious charge against the administration seems to be that in many areas it has not been operating a neighborhood school system, but has acted as if it were."

\* \* \* \* \*

"What impact would a reasonable and impartial transfer policy have upon segregation? Probably not a great deal in statistical terms. It would not involve great numbers. Even if transfers were not limited to the nearest school having space, large numbers of Negro pupils would not transfer to schools in white areas, and if the building program should catch up, transfer would probably be terminated. Furthermore, many Negroes will prefer not to transfer for reasons of convenience, inertia, or fear of competitions with white pupils. Nevertheless, such a program would have an important consequence, for it would constitute a commitment of the Chicago school system to equality not merely in words but in action."

<sup>59</sup> Factual error: The board's request for more building funds is before the Illinois Legislature. No "Negro group" opposed the request before the committee considering the \$25 million proposal.

<sup>60</sup> Factual error: See footnote 55.

<sup>61</sup> Factual error: What Professor Coons said was: "The attempt to pass judgment upon a school system's compliance with a constitutional standard of equal opportunity for education implies the existence of criteria by which the quality of education may be judged. Unfortunately about the only item of universal agreement is the assumption that some education is better than none, perhaps with the added proposition that more is better than less. \* \* \* For example, the knowledge that the teachers in a given school are less experienced than the average may be a matter either for concern or gratification to the school involved. Does experienced age teach better than enthusiastic youth? And, for that matter, do experienced teachers have less enthusiasm? Is it possible that age itself irrespective of all other qualities has something to do with successful

teachers." Awaiting more building funds, the board is maintaining segregation by assigning Negro classes<sup>62</sup> to mobile classrooms (dubbed "Willis wagons"), cafeterias, auditoriums, corridors, gymnasiums, basements, warehouses, vacant stores, and apartment space in public housing.<sup>64</sup>

Educated by a school system that seems to be striving toward the "separate but equal" Supreme Court directive of 1896, housed according to the Chicago "rule" of 1917, and disillusioned by a decade of "nondiscriminatory housing," Chicago Negroes cheered<sup>65</sup> neither President Kennedy's latest housing order nor Mayor Daley's latest study,<sup>66</sup> which explored Chicago in the year 2013 and found "all races completely integrated and absorbed."

#### WHO? WHAT? WHY?

Elinor Richey lives in the Hyde Park neighborhood of Chicago about which she

teaching? If so, which age is the optimum—the least, the most, or some stage between.

\* \* \* \* \*

"The proportion of uncertified teachers on a school's staff seems to be a more reliable measure of difference in quality. This criterion is suggested by the school administration itself, and by this test the Negro schools are inferior.

"There is no evidence that the Negro schools receive less than their share of co-curricular services in the form of special teachers, truant officers, lunch programs, et cetera. Indeed, if there is a differential in these respects, the Negro schools appear to be preferred. Of course the need is undoubtedly greatest in these schools, and it may be that the extra services provided are insufficient in the light of the conditions they are intended to meet."

<sup>62</sup> Misleading quotation: Miss Richey to the contrary, Professor Coons nowhere makes this point.

<sup>63</sup> False generalization: Many Negroes and whites who have read this article have winced at Miss Richey's use of such expressions as "Negro classes," "Negro schools," "Negro districts."

<sup>64</sup> Factual error: A check of all schools in Hyde Park, Woodlawn, and Englewood found no Negroes assigned to classes in cafeterias, auditoriums, corridors, gymnasiums, basements, warehouses, or vacant stores as of May 15. Use of first-floor rooms in public housing projects for classrooms for small children has been hailed as a major social achievement not only in Chicago but also in New York.

<sup>65</sup> Factual error: The public record contradicts Miss Richey. Editorials in the Chicago Defender, spokesmen for the Chicago Urban League, Dearborn Real Estate Board, and the NAACP and Negro aldermen did cheer the President's Executive order. What disappointed some of them was that the President's order was not as broad in coverage as they had hoped.

Edwin C. Berry, executive director of the Chicago Urban League, said: "I hail the presidential order and commend the President for signing it."

A resolution introduced into the city council by three aldermen, all Negroes, was passed unanimously and stated: "We, the members of the City Council of the City of Chicago, support and applaud the executive order of President John F. Kennedy, which is in accordance with the policy of this legislative body."

<sup>66</sup> Factual error: There is no such study. The quoted snippet that follows seems to have been taken from an unpublished mimeographed guideline used within the department of city planning to draft current policy for the long range (50-year) general plan for Chicago. The general plan has not yet been completed or released.

writes. A native of Mississippi, she offers a timely reminder<sup>1</sup> that not all troubles of American Negroes occur in the South.

#### NATIONAL CONFERENCE ON INTERNATIONAL ECONOMIC AND SOCIAL DEVELOPMENT

Mr. HUMPHREY. Mr. President, it was my privilege on May 29 of this year to address the annual meeting of the National Conference on International Economic and Social Development, which is composed of more than 400 organizations that are engaged in furthering international development, either directly or indirectly. I would like to direct the attention of my colleagues to the fine work that this organization is doing in the area of foreign aid, and, also, to consider for a moment the implications which the support of this group has for the success of our foreign aid program. The member groups of the conference represent almost every strata of our society and are drawn from all sections of the country. It is encouraging to know that the voices which speak out for foreign aid are so numerous and so well distributed.

Many of the groups participating in the conference again put their support on record by submitting written statements, and I ask unanimous consent that these testimonials to world peace and humanitarianism be printed in the RECORD. There being no objection, the testimonials were ordered to be printed in the RECORD, as follows:

AFL-CIO, GEORGE MEANY

I want to point out that this program, from its start, has been a humanitarian one. It is an important program in a political sense, of course; but it is to at least the same degree a fundamental expression of the willingness of the American people to extend the hand of friendship and to share their good life with others \* \* \*.

The last year has proved—at least to our satisfaction—that the need for foreign aid has not diminished \* \* \*. We need to win the cold war, and we need to win it no matter what the cost to our Treasury \* \* \*.

America's objective should be free societies—politically free, with the ultimate power in the hands of the people. That is the basic point. The people may choose to concentrate on Government ownership, control and planning—that is up to them. They may want a greater degree of private enterprise—that is also up to them. This country's concern should only be that their choice is freely made, and that it can be freely altered.

POLICY ADOPTED BY THE THIRD BIENNIAL NATIONAL CONVENTION, NOVEMBER 17, 1962, OF THE AMERICAN ASSOCIATION FOR THE UNITED NATIONS

#### DECADE OF DEVELOPMENT

The General Assembly unanimously designated the current decade as the "United Nations development decade" and challenged the member states to intensify their efforts "to mobilize and to sustain support for the measures required" to make a substantial increase in the rate of economic growth of underdeveloped countries.

The American Association for the United Nations supports this program and urges the

<sup>1</sup> She offers a timely reminder that even the Reporter has troubles in consistently providing its readers with an accurate reporting of facts, events, and trends.

nations to cooperate to the utmost to see the goal realized. Eight years remain of this decade. Each year should see a steady advance to the aims of the development decade on all fronts—improvement of agriculture, industrialization, housing, schools, and all the vast efforts to help underdeveloped peoples to a richer life. But it is not only the developing peoples to whom the program is directed. In a sense, the privileged nations share. Their economies will advance, and their peace and stability will be enhanced.

The United States should be prepared to contribute on a long range and increased scale to the economic development of the less developed areas of Asia, Africa, and Latin America. An increasing share of this money should be spent through the United Nations and its specialized agencies.

The case for multilateral aid through the United Nations is overwhelming. It prevents the cold war from entering these areas. The new states themselves, as members of the United Nations, are part of the technical assistance program. Furthermore, they contribute something of their own currencies and technicians to help other countries.

The AAUN supports an expansion of the United Nations program of technical assistance, additional support for the Special Fund, and an increase in the capital resources of the International Bank, International Finance Corporation, and Monetary Fund. It welcomes the establishment of the International Development Association and the Inter-American Development Bank. The program for supplying of operational and executive personnel to countries requesting such assistance from the United Nations should be carried forward vigorously.

The association points out that above and beyond, must be kept the goal of basic human rights and fundamental freedoms; for the United Nations aims at a society of free men.

#### THE AMERICAN ASSOCIATION OF UNIVERSITY WOMEN

The American Association of University Women has supported the purpose for which the Act for International Development was enacted since the inception of these and similar programs under the Marshall plan.

At its last convention the association adopted legislative items supporting—

Measures for effective participation in and operation of the United Nations and its affiliated agencies.

A constructive foreign policy implemented under existing constitutional provisions and designed to develop conditions favorable to democracy, economic and social well-being, security, and peace throughout the world by working for such objectives as (a) liberalizing international trade, (b) expanding and improving programs for sound technical assistance and economic and social development for underdeveloped countries, (c) cooperating with other countries in the further development and use of atomic energy for peaceful purposes, (d) developing international understanding through dissemination of information, exchange of students, teachers, and other professional groups, and a broad reciprocal cultural relations program, (e) providing for international agreement to restrict to peaceful purposes the exploration and use of outer space.

#### AMERICAN LIBRARY ASSOCIATION

The American Library Association supports a continuing program of technical aid to underdeveloped nations including the participation of professional librarians in such a program (title IV, H., International Programs, Federal Legislative Policy of the American Library Association, adopted January 29, 1959, by the ALA Council).

#### AMERICAN VETERANS COMMITTEE, INC., J. ARNOLD FELDMAN

With the universe as well as this earth growing closer together month by month and week by week, it is sheer folly to think that we are still living in an age in which the problems of one part of the world are of really greater concern to one Western nation than to any other. What happens in Africa in the former French and British colonies is as important to the United States as what happens in Latin America.

The United States should aid and encourage uncommitted nations to maintain control of their own policies and avoid satellite status. The United States must act decisively to spur the desired economic growth and to promote more equitable allocation of national income in such nations while fostering insofar as possible development of representative government and respect for minority rights. To these ends economic aid, preferably in long term, low interest loans, technical assistance (especially in education), and subsidized cultural exchanges must be increased and wherever possible given priority over military assistance. Private investment abroad should be encouraged only if it promises to promote sound economic development in the interest of the areas concerned, and if it is welcomed by the nations themselves.

The primary aim of aid to underdeveloped countries should be to aid them to develop economically and culturally for the welfare of their peoples. Our Government should undertake to negotiate agreements covering the allocation of aid funds to specific projects or kinds of projects serving such aim.

We congratulate enthusiastically the work of the Peace Corps in this past year. Our Peace Corps has overcome many obstacles and is an inspiring example of unselfish, full-giving service to the underdeveloped countries and the peoples of the world. In addition, we call for a greatly expanded program to afford more highly trained and experienced technical, managerial, professional and other personnel in the many varied fields to aid the underdeveloped areas.

The principal economic problems of tomorrow's world are the struggle against poverty and for effective, equitable economic progress. The United States must accept a decisive role in this struggle; if we do we can match any competing economic and political system.

The need for accompanying capital investment abroad with corresponding investment in technical and management education aimed at building human skills in industrial and agricultural developments and, where the investment is made in the public sector, in social engineering, has been greatly ignored. Much of what little has been done we owe to the work of the United Nations technical agencies and to the effect of private organizations, notably the Ford Foundation. Regardless of the nature of the investment—whether grants, loans, Public Law 480 or other funds—a carefully studied and planned but dynamic program of education and technical training is needed to enable underdeveloped nations to help themselves.

To make such a program living reality requires the devoted efforts of many thousands of trained and competent Americans of above Peace Corps level experience; men and women of accomplishments in the field of education, labor, industry, agriculture, and government, who will revive the idealism of the American past to light the future. Their service will be in the noblest cause of all—winning a peace that stays won.

#### AMERICANS FOR DEMOCRATIC ACTION, DAVID C. WILLIAMS

I wish to repeat ADA's longstanding support of the overseas aid program, and to make two cautionary points about it.

First, the idea has been expressed—in an official document which I shall not name—that the United States should under no circumstances aid Government undertakings which are in competition with private enterprise. This is absurdly doctrinaire—under this principle, there would have been no TVA. We think that both private and public enterprises have their role, and that they should be judged pragmatically, not dogmatically.

Second, in the same document the suggestion was made that the United States should play only a minor role in aid to Africa. I disagree, because I believe we should build upon success. American policy has scored great successes in Africa in the past 2 years; Communist efforts have suffered massive setbacks. We should seize the opportunities open to us there by a well-considered expansion of our program, rather than an ill-considered contraction.

I have, as many of you know, been active in this conference from the very beginning, 11 years ago. I have never been more confident than I am now that the aid program has been supremely worthwhile—and that, under its present leadership, it will go on to new and greater achievements.

#### ASSOCIATION OF STATE UNIVERSITIES AND LAND-GRANT COLLEGES, CHRISTIAN ARNOLD

The land-grant colleges and State universities strongly believe the Federal Government has both opportunity and obligation to move further into international programs in a revolutionary kind of way. If it made sense to do so in the land-grant movement of 1862, it certainly makes sense to do so with an appropriate new kind of revolution in our own time. When one thinks of this particular juncture in history, he realizes that never again will any country be in such an advantageous position to shape the leadership of much of the world, to affect rising new nations and their economies, and to influence prevailing philosophies and international relationships. Government should be deeply and immediately involved. These institutions also believe that the international area offers challenging, rewarding opportunities for extension of the land-grant idea.

They also recognize that a moral obligation must have practical means for execution of our concern remains a rhetorical flourish. As a consequence, the association of State universities and land-grant colleges has established an office to devote full time to (1) encouraging its member institutions to expand and strengthen their overseas programs, (2) help these institutions coordinate policy considerations in this area, and (3) provide effective liaison among the institutions and between them and other organizations with commitments to and interests in international programs. It hopes in this way to demonstrate its endorsement and support through enlightened action programs.

#### CATHOLIC ASSOCIATION FOR INTERNATIONAL PEACE, February 18, 1963.

Gen. LUCIUS D. CLAY,  
Committee To Strengthen the Security of  
the Free World, Washington, D.C.

MY DEAR GENERAL CLAY: It was distressing to read the New York Times (western issue) report of January 31, that a Presidential Study Group headed by you plans to recommend cutbacks in foreign aid based only on considerations of whether or not U.S. security is affected. As may be noted from the enclosed, picked at random from our files, the Catholic Association for International Peace has always taken the position that the United States, because of its wealth and leadership, has a moral responsibility to aid less

privileged nations, that the people, if properly informed, would support such a program.

Sincerely,

HARRY W. FLANNERY,

President, Catholic Association for International Peace.

The following is a statement made by Mr. Harry W. Flannery, president, Catholic Association for International Peace, in 1957: "It is my humble opinion that if the full significance of foreign aid could be brought home to the American people, they would be ashamed to realize how little of our national wealth is being devoted to its cause. We have been letting the people in underdeveloped countries believe that our interest in them is derived only from our struggle with the Soviet Union. We should give aid primarily, in accordance with our traditions, in the spirit of justice, and because we have a moral responsibility to do so."

STATEMENT ISSUED BY EXECUTIVE COUNCIL OF CATHOLIC ASSOCIATION FOR INTERNATIONAL PEACE, 1961

"The executive council of the Catholic Association for International Peace is pleased to note that the substance of most of the recommendations of the CAIP in 1959 have been incorporated in the new bills. The CAIP stated at that time:

"1. That there be an adequate military assistance program designed to promote the mutual defense of the United States and its allies;

"2. That the mutual security program should be restricted to military assistance, including limited defense support; and economic assistance should be enacted in separate legislation on a long-term, continuing basis;

"3. That the objectives of economic assistance to low income countries should emphasize the national purpose of the United States to further the ends of social justice in the world community; and

"4. That social and fiscal reforms necessary to further the ends of social justice and sound development should be pursued vigorously."

We believe that the separation of the long-term social and economic objectives of the act for international development from the hopefully short-term objectives of the International Peace and Security Act is a decided gain in the direction of a more effective foreign aid program. Too many times in the past we have heard friends of the United States from the developing countries say that our aid efforts are not always fully appreciated when the peoples in these countries are led to believe that our only motivation for these efforts stems from the cold war.

It is, therefore, our conviction that if the motivations for economic assistance to the developing areas are known in terms of our advocacy of social justice, and not merely as a reaction to Communist threats, our aid efforts will be more effective—and, in the long run, our national interests will be better served. Moreover, the condition that countries receiving developmental assistance make genuine efforts toward securing social and economic justice for their own citizens is a positive measure which we strongly endorse.

The heart of the economic assistance bill is the proposed long-term authority for loans repayable in dollars. These loans will be made to assist developing countries in long-range development plans and not for a series of unrelated projects. The long-term authority will enable the United States to make an adequate commitment to help the receiving governments introduce the necessary reforms with less difficulty. With prudent congressional safeguards consistent with our traditional concept of checks and balances, the long-term authority should go far to accomplish the basic objectives of our foreign aid policies.

We do not think that the foreign economic assistance which the current bills authorize is an undue burden on the American people. Most of our aid is now tied to U.S. goods and services which will offset any adverse effects on the U.S. balance of payments from capital outflow and the total new money requested for economic assistance during fiscal year 1962 is only one-half of 1 percent of our gross national product. Of this amount more than one-third will be repaid in dollars.

It is our opinion that if the President were to go to the American people with a renewed plea for support of the aid bill, the results would be overwhelmingly favorable provided that his plea were based primarily on the startling contrast between the affluence of our society and the abject, almost unbelievable conditions under which so many millions of people exist in the developing countries of the world. This view is further buttressed by the recent encyclical of Pope John XXIII which states, among other things, "Given the growing interdependence among the peoples of the earth, it is not possible to preserve lasting peace if glaring economic and social inequality among them persists."

COMBINING IDEAS WITH DOLLARS FOR BETTER RESULTS

(By Dwight Townsend of the Cooperative League of the U.S.A.)

The cooperative league has long been identified with the national conference and has held a keen interest in the effectiveness of our foreign aid program by associating itself with all of you who look upon this as one of the important peace-keeping processes in the world.

We feel strongly the need to develop the social emphasis in proportion to the economic emphasis in this total picture. Maybe this is why economic enterprises are usually corporate in nature—to insure their continuity. But social development is definitely a personal thing, and at some place in the foreign aid program we must balance and humanize these great economic endeavors by making clear to plain people what their social importance is.

We need now a balance sheet and an operating statement that will reflect social growth so that we can measure progress. A balance sheet is just a picture of where we are now. An operating statement shows how and why we got that way. A photograph of today's world reflects conflict, contests, contradictions, and confusion. Let us not add the Clay concepts to this miserable mess of "C's." The usual operating statements indicate the typical economic programs where we invest in things, rather than persons.

Here is where the cooperative nonprofit, self-help mutual aid program enables us to get better mileage out of our foreign aid dollars. This is the one important substance that America exports to developing countries that makes more sense than our dollars, the only thing that gives meaning to those dollars.

The cooperative mechanism is a natural package of ideas ready for people who are eager to help themselves and who are willing to make a humble start. The cooperative league has always extended its technical and organizational assistance into foreign countries, especially into those new countries needing help to shore up a democracy so necessary in a wavering world. The cooperative league has today a number of people working in the field of cooperative development in emerging nations, and the cost of maintaining them is largely borne by the willingness on the part of cooperative members in this country to contribute to the league's fund for international cooperative development in sufficient amount to enable these employees of the cooperative

league to organize self-help cooperatives, credit institutions, health associations, mutual insurance societies, as well as marketing and consumer cooperatives. Through these channels we believe we can fashion an operating statement reflecting the natural willingness of people to help themselves; to strengthen their self-reliance and to use their own cooperative institutions to build a better world.

We believe this was the intention of the Humphrey amendment in the Foreign Assistance Act of 1961: "It is declared to be the policy of the United States to encourage the development and use of cooperatives \* \* \*." This simply means that an idea which has served us here so well for so long is now marked for export by our Congress.

FRIENDS COMMITTEE ON NATIONAL LEGISLATION—STATEMENT APPROVED BY GENERAL COMMITTEE AT ANNUAL MEETING IN JANUARY 1963

MEETING HUMAN NEEDS

As citizens of a privileged society, the people of the United States are called upon to exercise a deep sense of responsibility and to sacrifice for the well-being of our fellowmen around the world. A majority of the world's people suffer from malnutrition, disease, and illiteracy. Moreover, there is a great and growing gulf between the standard of living in the United States and that in much of the rest of the world.

The pressing needs of the developing world call for a much better coordinated and greatly expanded effort by the United States and other industrialized nations. The resources of all national and international agencies and of private, religious, philanthropic, and educational groups must be brought into action.

But meeting the needs of the developing nations involves much more than financial aid and foreign investment. Development involves profound changes in the social and political structure of society and in the attitudes and institutions of people. It must be founded on a widened popular base of improved education and skills, greater equality of income and opportunity, and strengthened economic incentives. It requires an acceptance of modern technology, and of individual responsibility. Developing nations need capable and responsible native leadership and a reasonably stable structure of government based on legitimacy and consent.

The assistance required from our country therefore transcends financial aid. The people of the United States need to share their technology, knowledge, institutional experience and ingenuity, in a humble, practical spirit.

Role of the U.N.: We recommend U.S. initiative in promotion of the concept of a U.N. development decade. U.S. funds for economic development, technical assistance, refugee relief and other humanitarian programs should be channeled increasingly through the U.N. and its affiliated agencies. Cooperative efforts through the United Nations mean that skilled, experienced people from many countries can be utilized. A U.N. program will be less likely than U.S. bilateral aid to be suspected of seeking to control or dominate the internal or external policies of the recipient nations. Moreover, personnel from less highly mechanized countries may well be able to make more practical suggestions for the solution of some kinds of technological and sociological problems. The U.N. can play an important part in coordinating and broadening the viewpoint of the many U.N., regional, and national development programs.

Aid to neutral and Communist states: Recognizing that national pride and traditional suspicion of great power motives often

defeat efforts to win loyalty or gratitude through foreign aid, we urge that assistance and food should be offered, on the basis of need, to all people regardless of the political or ideological nature of their government. In particular, we urge continued exploration by our Government of ways, through both governmental and nongovernmental channels, of getting food to needy people of mainland China. In order to move from economic conflict and competition toward reconciliation and increased cooperation, increased efforts should be made to encourage Communist countries to cooperate in U.N. or other multilateral health and literacy campaigns in developing areas of the world.

**GENERAL FEDERATION OF WOMEN'S CLUBS,  
MRS. DEXTER OTIS ARNOLD, PRESIDENT**

The General Federation of Women's Clubs has been a consistent supporter of the foreign aid program of the United States since the inception of the Marshall plan. The success of the Marshall plan is now enabling some of the European countries to join with us in assistance to the less developed countries in order that we may all have economic stability and mutual security. However, their assistance does not mean that we here can relax our vigilance or efforts in this regard.

Economic development and social progress must go hand in hand. In the developing countries, technical innovations are uprooting many people from their traditional way of life and causing a trend of movement toward cities and towns. The low level of literacy is a much greater handicap today than it was in the industrialization of early 19th-century Europe. Today's worker needs to be able to read if he is to adjust to the requirements of the 20th century and to participate intelligently in the great changes upon which his people have embarked. Poor health from malnutrition and endemic diseases such as malaria also impairs efficiency which, in turn, can be reflected in the state of a nation's economy.

The General Federation of Women's Clubs sees the need for continued aid to those countries that have recently become independent. We would, however, like to have more emphasis placed on the educational and social welfare needs of the developing countries as opposed to some of the military aspects of aid. We think that this would provide a better balance in our efforts to help others help themselves.

**HADASSAH**

Hadassah, the Women's Zionist Organization of America, representing 318,000 American Jewish women in chapters throughout the United States, endorses and supports the programs of the Agency for International Development and urges full support of them and of appropriations therefor. We do this in full recognition of the significant role these programs have had in assisting the developing countries of the world and in increasing opportunity for people seeking to maintain their freedom and human dignity. We recognize equally the part these programs have in developing the industrial capacity of these countries, reflected as well in the growth of our own U.S. economy. We emphasize that in the maintenance of these programs we increase our own spiritual stature and that apart from all other considerations, as President Kennedy said in his inaugural address: "We do so because it is the right thing to do."

**THE JEWISH WAR VETERANS**

The Jewish War Veterans of the U.S.A., our country's oldest active veterans' organization, has consistently urged and supported U.S. foreign aid programs since the inception

of the Marshall plan. On the one hand these programs have been recognized by us as a fulfillment of our national obligation to help the less fortunate peoples of the world; while on the other, the operation of extensive and comprehensive economic and military support efforts throughout the free world is a rational instrument for furthering the national security of our own country.

In the past 15 years the accomplishments of U.S. aid abroad have been the major factor in powering the non-Communist world with the necessary momentum toward making freedom and security attainable goals—and meaningful words—for all of its people. We of the Jewish War Veterans pledge our continued willingness to give of our personal means in order to continue effective programs that have proven to be in the highest tradition of American patriotism and generosity, as well as entirely consistent with enlightened self-interest.

**STATEMENT ON LEAGUE OF WOMEN VOTERS  
WORK ON FOREIGN ECONOMIC AID**

(Presented by Mrs. William H. Wood, member of the board of directors of the League of Women Voters of the United States, May 29, 1963)

The League of Women Voters has supported economic and social aid since the 1920's when we were a young organization. Our positions have not been static over the years or agreed upon at one point in our history and never reevaluated. League members have chosen to keep abreast of the changing emphasis of economic assistance to other countries and we have informed ourselves about the programs which over the years had aims of providing relief and rehabilitation, the security of the free world, strengthening of some countries against Communist pressures, and the achievement of a better life for millions of people.

In 1960 league members agreed on specific criteria—yardsticks if you will—for a sound U.S.-aid program: It should be long range; the program should be coordinated, well-staffed and efficiently administered; it should be adequately financed; more recently, we have agreed that there should be emphasis on self-help by the developing countries and on cooperation by other advanced countries through their own bilateral aid programs and through multilateral ones.

League members realize that foreign aid needs a constituency. We devote time not only to informing ourselves and understanding the issues before us on the aid program, but spend time and energy in providing opportunities in the community for other citizens to understand them, and to make up their minds.

What is our position on the current aid legislation? We feel it is not quite enough this year to simply reiterate our general support. We have related our work to the current effort to appraise the U.S. program and to formulate clearer concepts and procedures. We feel the Clay Committee report, the two reports by groups of U.S. Senators, the report of the four-man bipartisan group from the House Foreign Affairs Committee and the testimony of Mr. David Bell—have all contributed important ideas and challenges.

After evaluating in terms of the criteria league members have agreed upon, the League of Women Voters supports without reservation the economic aid features of the Foreign Assistance Act of 1963. We have so testified before the House Foreign Affairs Committee; league members are letting their Congressmen know how they feel; and leagues are working imaginatively in their communities to create a climate of opinion where the aims of the foreign aid program are understood and where there is support for those aims.

**EXCERPTS FROM THE STANDING POLICY OF THE  
NATIONAL CATHOLIC RURAL LIFE CONFERENCE  
ON THE U.S. FOREIGN AID PROGRAM**

As everyone here is quite aware, a great variety of reasons have been given to explain and justify our foreign aid program: Our expanding economy demands overseas markets and sources of raw material. We need to win friends and thus bolster our national security. We need strong allies to check further Communist expansion. If we don't help, the Communists will. As a last resort, appeal has been made to our fears. Our flesh has been made to creep with vivid warnings of the horrors all of us may suffer and few of us may survive if we fail to support this program adequately.

No one would reasonably question the validity and even urgency of each of these motives, for they reflect different aspects of our national interest. But it has been the discouraging experience of many of us that where we have suggested that moral motivation might be more urgent, and even more practical, patronizing realists have tried to embarrass us into silence. They clearly imply or even bluntly state that charity and justice have no real pertinence to the issues, that these virtues represent only the sentimental idealism of international do-gooders. Moral interest, they claim, has nothing to do with national interest, and they'd be happy if we wouldn't complicate the matter.

This attitude is a strange one in a nation founded by men who so clearly spelled out the moral basis of our political society. The Founding Fathers understood that our national interest is a much broader concept and reality than is embraced by military security, political stability, and economic advantage. For, unless our Nation has interests and responsibilities rooted in moral principles, just how do we differ from the arbitrary legality of totalitarian states? Unless our national interest is based upon moral interest, our society and our objectives can claim no superiority over those of the Communist nations. Unless our foreign economic policy recognizes opportunities and obligations which far transcend narrowly conceived selfish and temporary interests then do we not deserve to be weighed and judged by the world, and by God, in the same balance as Russia?

What's more, even in the terms of narrowly conceived national interest, motives of justice and charity have validity and value. It is my conviction, and I believe the results of these hearings will bear me out, that our foreign aid program will win much more sincere and practical approval from our citizens if it is explained and undertaken in terms of moral and religious conviction. In very concrete political terms, I believe that taxpayers and voters will respond more quickly and more heartily to this kind of appeal than to any other.

Moreover, again in terms of actual achievement of our goals, programs undertaken for and guided by these motives are far more likely to achieve, as byproducts, the stated aims of our foreign policy. It is the universal experience of mankind that gratitude and friendship cannot be bought. Neither individuals nor nations can be bribed into secure alliances. But disinterested service, genuine love, rarely fails to call forth a similar response. If we want friends and dependable allies, we will win them only if we can make it plain that we are interested in them for their own sake, and for God's.

On the conviction, therefore, that whether national interests be conceived either narrowly or broadly, moral and religious considerations are pertinent, I would like to explore these sources.

Start from the fact that while we and those in the world's relatively few other favored countries have been likely in our prayer to pass unthinkingly over the peti-

tion, "Give us this day our daily bread," in large parts of the world hundreds of millions have known no prayer more urgent. Hunger, poverty, disease and death have been their daily bread.

To this situation contrast the fact that we have an enormously productive economy, that as a people we possess a disproportionate share of this world's wealth, that we enjoy a standard of living almost intolerably superior to that of a great portion of the world's people.

What, then, are our moral obligations?

I'm sure that we would not subscribe to the proposition that God created the resources of this world for the exclusive benefit of those who might have had the power to seize them, or the luck to stumble upon them, or the good fortune to be born into them. I am sure we would agree that it would be supreme egoism for us to assume that God has granted us such material riches for our own use alone. We are not members of some kind of exclusive club, the sole residents of a high-walled garden of paradise, somehow specially chosen of God to enjoy the best of His creation while the great bulk of mankind struggle outside for a meager and precarious subsistence.

One of Christ's parables comes to mind: Dives and Lazarus. We have no reason to expect that the fate of a nation which might scorn the obligations which go with wealth will be any different than that of the man whose very name implies wealth, selfishly and exclusively enjoyed. In today's world no one could mistake what nation is cast in the role of Dives.

It is also a fact, and it should be a disturbing one, that in the only portrayal of the final judgment which we have from Christ's own lips, the decision of the judge is based on the very simple and direct criterion: Did you feed the hungry, clothe the naked, heal the sick? We have no reason to believe that nations will be judged on any other basis.

A simple sense of decency and just must convince us that we possess God's bounty not only that we might enjoy it ourselves but also that we might share it. In God's sight, we are His stewards. He has given us the opportunity and responsibility and privilege to use His blessings so that all might benefit. Justice suggests, demands, that wealth be administered to the welfare of all; and, if Christian teaching means anything, this is true of nations as well as of individuals.

But there are higher motives still than fear of judgment or the obligations of justice. The law of love, the law of charity, which has been taught by all great religions, was summed up in the simple but dramatic admonition of Christ, "Thou shalt love thy neighbor as thyself." And we were not left in doubt as to who is our neighbor. The lesson of the parable of the Good Samaritan is that every man is our neighbor, even the stranger by the side of the road in a faraway land. The works of charity do not demand a passport. The obligations of charity do not end at our own shores. Our neighbor is any many who needs our help wherever he may be found and reached; and when he is found loves dictates that we approach him, as it were, with an apology for having come so late to help him.

Someone who may have heard these last words of mine may agree with their religious idealism but insist, perhaps sadly, that charity is the responsibility of individuals and not of States. Such a belief is common, but it ignores the fact that States come into being to fulfill for us collectively what we cannot do individually. As individuals we are bound to charity toward all. But in a world so vast and complex, in our private capacities we cannot reach all who need and have a claim on our charity. The State, therefore, acts as our agent. When the State helps, it is ourselves helping.

One is also rebuffed by some opponents of foreign aid who with an uncompromising air

of finality remark, "Well, these giveaways have to stop. After all, charity begins at home." For them that ends the argument. It is difficult to understand why, for the statement claims no more than that charity begins at home. It doesn't end there. It is not completed and perfected until it reaches out to the farthest ends of the earth, and embraces in its warmth and love all who are in need.

A number of other objections can be heard almost every day and can be read in almost every paper: We have not won friends; the countries we have helped most are still uncommitted; our generosity is not appreciated. Somehow these objections seem almost petulant and they have already been dealt with. Why should we expect friendship and gratitude, when in the past our aid has been explained and justified exclusively on the basis of our terms, our aims, our self-interests?

Others make the outraged charge that our foreign operations are shot through with inefficiency, boondoggling and graft. There have been, I am sure, cases in which this has been true, and wherever it has been found it must be eradicated and every effort must be made to prevent its recurrence. But no honest critic can make a universal indictment. The people we have sent out and the operations we have conducted have been no better or worse than we find in our own country. On the whole, a remarkable degree of integrity and success has characterized our activities up to now.

Perhaps the loudest and most persistent objection we hear these days is that our economy can't stand the strain, that we need tax cuts more than foreign handouts. Frankly, I don't think we have to pay much attention to such nonsense. Our economy has stood, and, if called upon, could again stand the much greater strain and waste of war. We have not even begun to make the kind of sacrifices, personal and national, which we can sustain, and willingly sustain if we are convinced of their necessity. Moreover, the part of our foreign aid funds which have been expended on technical assistance and economic development have been very small indeed, and even if eliminated entirely could hardly lead to a perceptible tax cut. And if it were eliminated, or even significantly cut, I think we'd have a harder time living with our consciences and with the consequences of our folly than we have now living with our budget and the necessary taxes.

In our foreign aid program, we have the opportunity of providing the world with one thing it desperately needs: A shining example of pure, undefiled and disinterested service. Our aid is, and should be recognized as, an important factor in stemming the advances of communism, but this program has an importance independent of the Communist threat. We should do the same thing and even more even if communism were to disappear tomorrow. As stewards of God's abundance we must make available to others what we ourselves enjoy. In doing so, we are not called upon to sacrifice our own prosperity. In the long run such sharing will return a hundredfold.

If we dedicate ourselves to a program for shared abundance, we may never again be called upon to dedicate our lives and our wealth to a program of shared disaster. We believe that here the United States has the opportunity and the privilege to give moral leadership to the world as it has provided political and military leadership.

#### NATIONAL COUNCIL OF CATHOLIC WOMEN

The following resolutions were adopted by the last convention of the National Council of Catholic Women:

#### "INTERNATIONAL RELATIONS

"Catholic women must take advantage of the opportunities that are theirs for pro-

moting better international understanding and solidarity by (1) studying the encyclical, 'Mater et Magistra,' and recognizing their responsibility in charity and justice to people of other lands; (2) putting into effect the principles of 'Mater et Magistra'; (3) supporting morally acceptable international programs; (4) offering positive solutions for specific economic, social, cultural, moral, and spiritual problems of other lands; (5) extending a welcome, assistance where possible, and home hospitality to visitors, students, and refugees; and (6) working for an exchange of techniques in leadership training and programming.

#### "INTER-AMERICAN RELATIONS

"The people of Latin America, predominantly Catholic, but in large areas of the continent with little opportunity for basic education in the faith, present a special challenge and opportunity to the Catholics of the United States.

"We urge greater enlistments for work in Latin America—through religious congregations, mission-sending groups, and PAVLA. "We encourage service through the Peace Corps.

"That we may know and understand better the problems in Latin America and find means of greater assistance in their solution, we recommend study of Focus: Latin America, and a continuous reading and hospitality program so that we may give realistic and needed help.

"We should become acquainted with students, trainees, and visitors to our country so that we may acquaint them with our best organization, citizenship, rural life and social action programs, and particularly with group or coordinated efforts in the community.

#### "OVERSEA AID

"We reaffirm our goal of extensive aid, in cooperation with Catholic Relief Services, through active participation in the programs of the foreign relief committee: Madonna plan, feed-a-family program, the Holy Father's storeroom, children in need, Operation Hong Kong, and help-a-child program.

"Mindful of the plea of the Holy Father for the plight of the church in Latin America, we will place a particular emphasis on the needs of these people."

#### POLICY OF THE NATIONAL COUNCIL OF CHURCHES

On the basis of Christian concern, and in keeping with actions of many of our constituent bodies, we hold that the United States should continue to develop, improve, and expand programs of technical assistance, economic aid, and international trade such as will make for stability, justice, freedom, and peace for the peoples of the newly developed areas of the world and for all nations including our own.

#### SOME GUIDING PRINCIPLES

Based on our experience in overseas service and our moral concerns in international affairs, the churches have evolved through the years several principles and policies which we believe essential for making our Government's mutual aid programs as effective as possible:

1. As to magnitude, for economic development and technical cooperation, it is urgent not to cut them but to expand them toward the full extent of our capabilities as a Nation and the absorptive capacities and needs of cooperating nations.

2. Both public and private programs should be strengthened and expanded.

3. These programs should help people to help themselves, with the benefited nations assuming their share of responsibility.

4. Programs of technical cooperation should be increased. Technical assistance is important because the programs deal with social needs which must be met if industrialization or urbanization or any phase of

the economic development process is to rest on solid ground. Unless social development keeps pace with economic development, we may sow the seeds for unrest that can undermine emerging political institutions.

5. Larger sums of capital should be made available for economic development. The Development Loan Fund started in 1957 moves a first step in the direction of the vast needs.

6. A long-term basis is necessary in financing, programing, and administering aid programs.

7. Greater emphasis should be placed on the use of international agencies such as regional organizations and the United Nations.

8. Although all parts of our foreign policy are interrelated, programs of technical and economic aid should be planned and administered in relation primarily not to political and military considerations but to economic and social needs and opportunities. The churches support efforts to separate military programs from economic development and technical cooperation.

#### THE EMPHASIS FOR 1963

World economic and social development. This includes interest in (a) the many dynamic moves in the United Nations system related to the "decade of development," (b) congressional action on what is possibly the most important major international relations issue in this session, namely, the mutual aid program. The National Council of Churches has consistently supported improvement and expansion of such work.

#### NATIONAL COUNCIL OF JEWISH WOMEN, INC., New York, N.Y., May 29, 1963.

The National Council of Jewish Women, an organization established in 1893, with a current membership of 123,000 in 325 local communities throughout the United States, strongly believes that U.S. aid for economic and social development in lesser developed nations is an essential element of our foreign policy.

The members of the National Council of Jewish Women have consistently supported programs of U.S. economic aid beginning with the Marshall plan. Our confidence in the validity of the programs as being in the best interest of the United States and world peace has been borne out by the success of many of our efforts.

We are greatly concerned that this year there seem to be efforts to narrow the scope of the program and greatly reduce its functions. We sincerely hope that Congress will agree with us that the basis for foreign economic aid must continue to be economic and political stability of the free world.

At present international economic and social development is the most pressing need of our times and we urge enthusiastic support for it.

#### NATIONAL EDUCATION ASSOCIATION, DR. PAUL E. SMITH

The National Education Association supported by almost a million members, has repeatedly called for expansion of international educational programs. The association stands on the principle that education is the daily practice of great ideals. Educated citizens are the resource through which society has the power to survive and flourish. In every land sound education for all people is an essential basis for economic prosperity, efficient production and wise consumption. Education is an investment not only for the individual but for the Nation.

One of the most significant changes in modern society concerns the role of the citizen and his civic competence in a democratic free society. Jefferson's profound observation that, "the greatest folly man can commit is the attempt to have a democratic nation

without an educated populace." More than ever this truth shows through as we see all around us nations struggling to maintain their hard-won freedom and independence—the very continuance of which will depend upon the level of education of the people.

We and the nations we work with need to understand more adequately the functional role of education as a catalytic agent in individual social, economic, and political development.

#### THE NATIONAL FARMERS UNION

The 250,000 American farm families of the National Farmers Union are pleased to have this opportunity to express their strong support for the total foreign aid program as a useful tool for American interests both at home and abroad.

#### A STRONGER FOREIGN AID PROGRAM—TEXTILE WORKERS UNION OF AMERICA, AFL-CIO

Politically sophisticated observers have remarked on the fact that despite the special type of propaganda they have been subjected to, the rank and file of the Textile Workers Union have never wavered in their support for the most extensive and liberally administered foreign economic assistance program that could possibly be supported by the people of the United States. The argument has been made, mainly by employer groups, to textile workers that aid to distressed or underdeveloped countries abroad has resulted in serious job contraction here at home. Over and over again this story has been dinned into the ears of workers in textile plants. And the hard fact is that a phenomenal contraction of employment has occurred in this industry—much of it due to the increase in imports of textile products from many parts of the world—Asia and Europe especially.

Nevertheless, at every convention of the Textile Workers Union of America—at local union meetings, at specially called conferences—there has been no disposition whatever on the part of the membership to back down on the often-stated position of the union in favor of larger appropriations for foreign economic assistance.

Some 25 years ago the Textile Workers Union presented to Congress the idea of an international code of fair labor standards. Our idea then and now is to press for higher minimum standards of living in all countries of the world as the only sound and moral approach to the problems of world trade. Certainly, the TWUA has urged the adoption of a quota system for the limitation of imports as an essential interim measure. This does not mean, however, that we have made common cause either with high tariff advocates or the assorted isolationist movements in this country.

Specifically, the Textile Workers Union of America wishes to be on record as supporting and endorsing the vigorous statement on the question of foreign economic assistance made by George Meany, president, AFL-CIO, before the House Committee on Foreign Affairs on May 23, 1963. The Textile Workers Union wishes it to be known that Mr. Meany represented our views on this occasion as well as the views of the entire trade union movement.

The Textile Workers Union of America seeks larger appropriations for a sound program of economic assistance abroad and protests various suggestions for reduction in this type of program.

#### TOWARD ECONOMIC JUSTICE FOR ALL

(To be presented to the biennial assembly of the Union of American Hebrew Congregations, November 1963)

"The earth is the Lord's and the fulness thereof; the world and they that dwell therein." (Psalm 24: 1) Judaism declares that the earth's resources and mankind's creativ-

ity are divinely bestowed and that all men are entitled to an equitable share of the spiritual, cultural, and material wealth which represent the fruition of the accumulated efforts of all previous generations. The moral state of a society is determined not by its standard of living or by its rate of economic growth, but by the extent to which all its members are guaranteed equal access, commensurate with individual capacities and needs, to "the fullness of the earth"—to opportunities for an occupation, shelter, food, medical care, education, and other prerequisites for personal fulfillment.

Concern for domestic economic issues cannot be separated from concern for the economy of the rest of the world. The primary purposes of our economic policies, both domestic and international, is to improve the material well being of all men and to promote the proper utilization of human potential. The assumption by America of world leadership requires the formulation of an enlightened foreign economic policy, which should result in freer foreign competition for American markets and the reduction of tariffs. A new policy of enlightened economic internationalism may have deleterious consequences temporarily for certain segments of our population, but such consequences are the inevitable price of belonging to a worldwide family of nations.

Any American investment, either direct or indirect, in the improvement of conditions in foreign countries, manifests American faith in the unity of mankind and contributes to the eventual establishment of a peaceful world. We commend our government's efforts toward cooperative and integrated economic relations between nations. We urge the formulation and implementation of policies which will result in a more equitable distribution of the world's material goods. We affirm that the most effective way to maintain American independence is to strive for the interdependence of all mankind.

#### UNITED WORLD FEDERALISTS—ECONOMIC AND SOCIAL DEVELOPMENT

We urge the United States to provide an expanded program of longterm loans and grants for appropriate projects in the less economically developed areas, channeled in so far as practicable through the U.N. and its specialized agencies. We also urge measures to encourage investment in those areas.

We believe that expanded technical assistance programs are needed both through the United Nations and on a bilateral basis.

We recognize that economic aid and technical assistance should be accompanied by efforts to improve social conditions within recipient nations.

We favor the stimulation of freer world trade.

#### INSUFFICIENCY OF KERR-MILLS PROGRAM

Mr. KEFAUVER. Mr. President, Tennessee has a most able man as its State Welfare Commissioner Mr. Noble Caudill, an outstanding citizen and corporate official of our State.

Last Monday Commissioner Caudill reminded the people of Tennessee that the serious problem of medical care for the aged of our State is not being adequately handled, under the present laws. He stated that the Kerr-Mills medical assistance program is severely limited by its terms and is not doing enough in Tennessee.

It has been no secret that Kerr-Mills has not met requirements in Tennessee, as in the vast majority of the States. The new and refreshing aspect of Commissioner Caudill's statement is that he

has spoken as the official voice of the State administration on these matters. The burden is now upon those who oppose the President's medicare program to come forward with proof of their claims that Kerr-Mills is adequate to care for the aged and ill in Tennessee.

Statistics of the Department of Health, Education, and Welfare show that Commissioner Caudill was right. In the first 9 months of Kerr-Mills in Tennessee, from July 1961, to March 1962, just 343 of the 318,000 aged persons of our State received assistance. Tennessee spent in excess of \$83,000 in administering the plan, which was far more than the State paid out in benefits to aged persons.

Mr. President, it is obvious that Kerr-Mills has been practically a failure in Tennessee. I hope that Congress will proceed immediately to enact the President's medicare program, to remedy that failure.

Mr. President, I ask unanimous consent that this editorial on this subject from the Nashville Tennessean be inserted at this point in the RECORD.

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

[From the Nashville Tennessean, June 25, 1963]

**MR. CAUDILL SPELLS OUT THE KERR-MILLS FAILURE**

Mr. Noble Caudill, State welfare commissioner, is due commendation for his frankness about the insufficiency of the Federal Kerr-Mills program in particular, and more generally about the entire welfare situation in Tennessee.

Gov. Frank Clement would do well to take a cue from his welfare chief and state publicly his own position with respect not only to Kerr-Mills, but to the proposed medicare program as outlined by the Kennedy administration.

Kerr-Mills medical assistance to the aged program, according to Mr. Caudill, is severely limited by its terms and is "not doing enough in Tennessee." The same criticism of the welfare program in general is justified, he said.

This can certainly be understood when it is realized that any elderly couple earning more than \$1,500 a year is ineligible for Kerr-Mills funds. That may not be a starvation wage in modern circumstances, but such compensation does not allow much, if anything, for medical expenses of the sort all of us must expect as we grow older.

Indeed, this conclusion has been borne out by a report submitted to the Tennessee Medical Association last April, but not exactly publicized by the doctors. That report, by a TMA member, showed only 9,198 Tennesseans actually receiving medical aid under Kerr-Mills, though an estimated 110,000 people need such assistance.

It is unfortunate TMA did not choose to make this report known and thus face up to the ineffectiveness of Kerr-Mills publicly as well as privately.

This month, however, the president of TMA seized upon an announcement by Governor Clement—suggesting a minor expansion of Kerr-Mills—as "further evidence of the effectiveness of the Kerr-Mills program in Tennessee." In truth the "expansion" was no such thing and added not a single soul to the eligible list.

Commissioner Caudill has now put the bunco on any such notion. If this does not endear him to the doctors and to Governor Clement, who obviously would like the simultaneous support of the doctors and their elderly patients, the public is grateful.

**BANK MERGERS IN VIOLATION OF CLAYTON ACT**

Mr. KEFAUVER. Mr. President, about 2 weeks ago the Supreme Court held that the merger of the second and third largest banks in Philadelphia violates section 7 of the Clayton Act. The ink was scarcely dry on that decision before my good friend, the distinguished junior Senator from Virginia, reported to us that he "was shocked to hear" of the decision and considered it "one of the most incredible cases of judicial legislation which the Court has handed down." He professed shock "both at the result and at the Court's casual disregard for congressional intent and purpose."

This was stern language used by the able Senator, and it must have curled the hair of some of the Justices a little bit.

Section 7 of the Clayton Act as amended by the Celler-Kefauver Act of 1950, prohibits all mergers accomplished by stock acquisition and such mergers accomplished by asset acquisition as are subject to the jurisdiction of the Federal Trade Commission, where the effect "may be substantially to lessen competition, or tend to create a monopoly." Commercial banks are not within the FTC's jurisdiction.

The able Senator from Virginia was a sponsor, it will be recalled, of the Bank Merger Act of 1960. That act requires that consent for a merger must be obtained from the Comptroller of Currency, the Board of Governors of the Federal Reserve System, or the Federal Deposit Insurance Corporation, depending on the types of banks involved. It says nothing about the applicability of section 7 of the Clayton Act to bank mergers and, indeed, according to the Senate report, does not in any way effect the application of the antitrust laws to bank mergers.

Apparently, at the time he was working on the Bank Merger Act of 1960, the Senator from Virginia was of the opinion that the Clayton Act did not apply to bank mergers not involving stock acquisitions. From his recent remarks, it also appears that nothing had occurred to dissuade him from this view until the Court handed down its Philadelphia Bank decision, last week. And, though the Senator declared last week that "it is too early to tell just what this decision means," his rather strong remarks indicate that he now suspects that whatever the decision does mean, he will not be happy about it.

My able colleague seems to find significance in the fact that at one time or another between 1956 and 1960, Messrs. Brownell, Walsh, Barnes, Hansen, and Bicks all indicated they believed the Clayton Act's section 7 did not apply to bank mergers. Frankly, I cannot see that the fact that these five men guessed wrong is very meaningful. For it is clear that they were wrong and I am sure that they would be the first to admit it. Surely, former Attorney General Brownell would not argue that since he guessed in 1957 that the Supreme Court would hold that section 7 does not apply to banks, the Supreme Court's de-

cision in the Philadelphia Bank case of 1963 must be wrong because it does not conform to his guess.

I see no reason why my good friend from Virginia should be embarrassed simply because he guessed wrong about the applicability of section 7 to bank mergers. Heaven knows, he is in pretty good company. I am not sure but what he and I stand together in that distinguished body of wrong guessers.

Indeed, to date we have had very little guidance from the Supreme Court on the application of section 7 of the Clayton Act as amended by the Celler-Kefauver Act of 1950. Only one case prior to the Philadelphia Bank case—the 1962 Brown Shoe decision—dealt fully and exclusively with that problem.

Thus, though the abilities of Senators as legal oracles are often very little short of miraculous, it does help to have a bit of assistance from the Supreme Court, which has not, to date, been forthcoming.

According to the distinguished Senator:

The majority of the Supreme Court, as far as I can grasp their reasoning, simply say the Celler-Kefauver Act of 1950 was intended to prohibit mergers. Bank mergers are mergers. Therefore, the Celler-Kefauver Act applies to bank mergers. This is false logic.

Frankly, I am more concerned about the accuracy of this interpretation of the Court's opinion and of the Celler-Kefauver Act, than I am about the Senator's logic.

I think it would be well to devote a minute or two to discussing the Philadelphia Bank case since it is, without question, a highly significant decision.

The Supreme Court was confronted with the proposed merger of the Philadelphia National Bank and the Girard Trust Corn Exchange Bank, both of Philadelphia and both large and profitable financial institutions. They are, respectively, the second and third largest commercial banks in the Philadelphia area and would be the largest if they merged.

They have combined assets of \$1¾ billion and account for 36 percent of the area banks' total assets, 36 percent of total deposits and 34 percent of total loans. Together with the First Pennsylvania Bank & Trust Co., now the largest bank in Philadelphia—they account for 59 percent of total assets, 58 percent of deposits, and 58 percent of net loans. The four largest banks in Philadelphia control 77 to 78 percent of total assets, deposits, and net loans.

The proposed merger, under the able legerdemain of the two banks' Philadelphia lawyers, sought to circumvent the proscriptions of Clayton Act, section 7. I have no doubt that a substantial amount of thought was given to this circumvention by these lawyers for whom Philadelphia is so justly famous.

Alas for the profitability of the banks involved, their lawyers were unsuccessful. Acquisitions, the Court pointed out, can be accomplished in an almost endless variety of ways. Stock acquisitions are at one end of the spectrum; asset acquisitions at the other. Mergers fall somewhere in between the two extremes,

for when two companies merge the entire being of the merged company—both assets and stock—is acquired. So, concluded the Court:

The specific exception for acquiring corporations not subject to the FTC's jurisdiction excludes from the coverage of section 7 only assets acquisitions by such corporations when not accomplished by merger.

Now, this reasoning squarely meets the objection raised last week by my colleague from Virginia. In my opinion, it would have been in the best interests of fairness for him to have spelled it out in his statement to the Senate.

I am fully cognizant that so far as the intent of Congress is concerned, there are two sides to the issue—as the divided opinion of the Court makes clear. Both sides can and do cite authorities for their construction of what the corporate intent of the Congress was, 13 years ago.

I do not believe, however, that the Court should in any way be depicted guilty of "judicial legislation" in its reading of the antitrust laws with respect to this case. There are two sides to the issue and a majority of the Court disagreed with Senator ROBERTSON'S interpretation of the law. Interpreting the laws we, the Congress, write is, after all, the Supreme Court's duty and obligation. It is a rare occasion, indeed, when an antitrust case comes before the Court where there is not a legal question with two sides.

Let us call a spade a spade. The Department of Justice, under the last administration, believed that the Clayton Act did not apply to bank mergers and proved this was its belief by failing to bring any actions to block anticompetitive bank mergers. The Department of Justice under the present administration, believes exactly the opposite, and has proven its belief by bringing several such actions.

Interestingly, the majority opinion was written by Justice Brennan, an appointee of the last administration, and one of the dissenters was Justice Goldberg, an appointee of this administration.

On balance, I believe the decision of the Court was clearly correct. Our financial institutions are, after all, the backbone of our competitive way of life. It is the ready availability of funds for business to invest which makes possible effective competition. Were this not so, the rich would get richer and the poor would be unable, for want of funds, to offer any competitive challenge.

Competition is not a static thing. New firms enter; some find preeminence and others do not succeed. Existing firms prosper or wane depending upon their ability to meet new challenges by both new and existing competitors.

A firm obtains a monopoly on some line of trade or product and, before you know it, there are a great number of new firms challenging it—forcing it to compete. Such challenges, however, require capital. It is vital, therefore, that a competitive capital market exist, able and willing to make the necessary funds available so that the challenge of competition can continue.

To a large extent, this is primarily the responsibility of commercial banks.

Special considerations affect the banking industry, however, which do not permeate most industrial enterprises. For example, one of the seemingly inevitable consequences of free competition is that not every participant will succeed. The price of bank failure is, however, too high to pay and so we as a nation impose regulations to prevent it.

As the Court pointed out in the Philadelphia Bank case:

Section 7 does not mandate cutthroat competition in the banking industry, and does not exclude defenses based on dangers to liquidity or solvency, if to avert them a merger is necessary. It does require, however, that the forces of competition be allowed to operate within the broad framework of governmental regulation of the industry. The fact that banking is a highly regulated industry critical to the Nation's welfare makes the play of competition not less important but more so. At the price of some repetition, we note that if the businessman is denied credit because his banking alternatives have been eliminated by mergers, the whole edifice of an entrepreneurial system is threatened; if the costs of banking services and credit are allowed to become excessive by the absence of competitive pressures, virtually all costs, in our credit economy, will be affected; and unless competition is allowed to fulfill its role as an economic regulator in the banking industry, the result may well be even more governmental regulation.

In the Philadelphia Bank case, we are not confronted with the threat of cutthroat competition. We are not confronted with an attempt by a faltering bank to save itself through merger. Rather, what is involved is the multi-billion-dollar merger of two of the three largest banks—both high profitable—of one of the financial capitals of our Nation. I do not believe that anyone can seriously contend that control of nearly 80 percent of the market by three banks is—even by the greatest stretch of the imagination—within the purview of our Nation's free enterprise, competitive system of economy.

As the Supreme Court correctly observed in *Brown Shoe*:

Congress was desirous—when it passed the Celler-Kefauver Act—of preventing the formation of further oligopolies with their attendant adverse effects upon local control of industry and upon small business.

This purpose has been served, in the Philadelphia Bank case, by preserving an alternative source of funds for the small businessmen of Philadelphia who provide the competitive challenge to giant, conglomerate enterprise.

In my opinion, therefore, the Supreme Court should be commended; not scoffed.

#### PRICE FIXING BY AMERICAN EXPORTERS

Mr. KEFAUVER. Mr. President, all of us, I believe, are proud that our Department of Commerce, under the able leadership of Secretary Hodges, has been trying so hard to increase our exports. Our level of exports must be kept high in order to maintain a favorable balance of payments and cut down on our gold outflow.

However, I was astonished and dismayed by an article in the *Wall Street Journal* of June 14. The article quoted the Under Secretary of Commerce, Mr. Franklin D. Roosevelt, Jr., as saying that the Department of Commerce, in the hope of increasing exports, had under way a campaign to persuade the Antitrust Division of the Department of Justice to turn its back so that American exporters could get together to fix prices.

According to the article, the campaign was revealed by Mr. Roosevelt in a speech to the Women's National Democratic Club and in subsequent discussion with the press. Since Mr. Roosevelt's remarks on this subject apparently were off-the-cuff, I must rely on press reports for the most accurate account of what he said. For that reason, and because my own remarks today will be addressed primarily to the quotations attributed to Mr. Roosevelt, I ask unanimous consent that the *Wall Street Journal* article referred to be printed in the *Record* at this point.

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

#### ROOSEVELT SAYS COMMERCE AGENCY PUSHES NEW POLICY IN TWO AGENCIES TO SPUR EXPORTS

WASHINGTON.—Under Secretary Franklin D. Roosevelt, Jr., brought into the open a Commerce Department campaign to force major policy switches in two other Federal departments, Justice and Agriculture, with an aim to increase exports.

He urged that the antitrust division of the Justice Department relax its policing so American companies could formally meet together, industry by industry, and set prices on exports lower than those prevailing in the U.S. market. He reported that antitrust officials are fearful such combines would end up rigging domestic prices. "I think that objection can be overcome," declared Mr. Roosevelt.

He went on to proclaim that the Commerce Department should participate in shaping a new farm policy, radically different than that pursued by Agriculture Secretary Freeman. "In view of the wheat referendum"—in which farmers recently rejected the Agriculture Department's basic program for high price props and stiff production controls—it can be said that there is today "no firm national farm policy," Mr. Roosevelt asserted. He proposed that farmers be freed to plant as much cotton, wheat and other basic crops as they desire, selling at whatever prices they can get in a free market—but also drawing benefit payments from the Federal Government.

#### COMMERCE AGENCY ROLE CITED

The Under Secretary contended both these moves would help boost American exports, and he contended that the Commerce Department is entitled to be heard because it has been assigned a top role in expanding exports, in the effort to cure a chronically unfavorable balance of payments.

Mr. Roosevelt and other Commerce officials have been quietly pushing for such changes in inter-departmental meetings—and meeting heavy resistance. Yesterday he lifted the campaign into public view in a speech before the Women's National Democratic Club, and in discussion with the press afterward.

He said his plan for boosting exports of manufactured goods at cut prices could be accomplished by reactivating the Webb-Pomerene Act. This law, passed in 1918, authorizes the formation of U.S. export combines to compete with foreign cartels. But

as interpreted it has offered little attraction and since 1956 has never accounted for more than 5.8 percent of American exports. Antitrust officials have contended that with European cartels being curbed by the Common Market there is diminishing reason to encourage its use.

Mr. Roosevelt would give a big push to organizing such groups, however, with the specific objective of selling in foreign markets more cheaply than in this country. To avoid charges of U.S. "dumping," selling below cost of production would be prohibited. But with growing sales abroad, he contends, present production costs would drop.

#### CHANGE IN JUSTICE VIEW

The departure of Assistant Attorney General Lee Loevinger from the top spot in the Antitrust Division seemingly leaves the Justice Department less resolute in opposing export price fixing under the Webb-Pomerene Act, but State Department officials are among those remaining skeptical. One of the latter commented that the Roosevelt plan could "start a vicious circle," leading foreign producers to retaliate with cut-rate selling in America.

Mr. Roosevelt remarked that the Agriculture Department doubtless will be "horrified" by the Commerce Department's injecting its proposals for turning the farm program upside down. But he rated the matter urgent, declaring the United States has lost over half its export market for raw cotton in recent years through "rather senseless pricing."

With Federal price-propping eliminated, the Under Secretary said, more commodities could be sold abroad. But under his plan the Government wouldn't eliminate the expense of a farm program from its budget. To ease the pinch of lower prices, the Agriculture Department would make direct cash payments to farmers. These might be paid in proportion to each farmer's current production, or be based on his federally authorized plantings in prior years.

Mr. KEFAUVER. Mr. President, what Mr. Roosevelt proposes with respect to permitting collusion among American businessmen is outrageous, and I am frankly surprised that it has not yet been publicly repudiated by the Secretary of Commerce and others in our Government concerned with both antitrust enforcement and the promotion of free trade.

Not only does the Roosevelt proposal violate the spirit and the letter of the antitrust laws; it also contradicts the free-trade policy declared jointly by the Congress and the President in the enactment of the Trade Expansion Act of 1962. Moreover, it could not possibly ease the already difficult burdens of the President's chief tariff negotiator under this act, Mr. Christian Herter; on the contrary, it likely will multiply them. And, finally, the revelation that the arm of our Government most concerned with international trade is even considering such restrictive practices as Mr. Roosevelt proposes, must certainly be disheartening to those dedicated leaders of the European Economic Community who are endeavoring so earnestly to strike down all barriers to trade among free nations. The Subcommittee on Antitrust and Monopoly, of which I am chairman, has had many conversations with these leaders, in this country and in Europe, in recent months, and I am confident that the policy for collusion suggested by Mr. Roosevelt is contrary to the free-trade philosophy that is be-

ginning to take hold throughout the free world.

I call attention, also, to an editorial appearing in the Wall Street Journal's June 21 issue. This editorial properly characterizes the Roosevelt proposal as an odd way to promote competition and too high a price to pay for an increase in exports.

Mr. President, I agree wholeheartedly, and I ask unanimous consent that this editorial, entitled "Competing in Collusion," be printed in the RECORD at this point.

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

#### COMPETING IN COLLUSION

In its efforts to aid our ailing balance of payments, the Commerce Department has been trying to stir up export enthusiasm among American businessmen. But it has been running into resistance among smaller firms.

Exporting, after all, is a pretty complex endeavor, and some of the companies that have not tried it are none too eager to take the plunge. So the Commerce Department has come up with a plan to spur such firms into international competition. The plan calls for cooperation among the reluctant exporters.

Up to a point, there's a lot to be said for such cooperation. Smaller companies might get together and pool shipments, exchange information on specific markets and tariffs, perhaps even set up joint sales units overseas. Efforts along these lines could make many companies both willing and able to compete abroad.

But the Commerce Department's trade boosters would like to go well past that point. Specifically, they would like the Justice Department's antitrust enforcers to agree to keep hands off while companies, on an industry-by-industry basis, engaged in a little collusive price fixing. Export prices would be set at levels lower than those on the U.S. market—a tactic described as "dumping" when used by Europeans.

Fortunately, the scheme is meeting stiff opposition from antitrust officials. For price fixing is surely an odd way to promote competition, either at home or abroad. And it's too high a price to pay for any increase in exports.

Mr. KEFAUVER. Mr. President, there are many, many holes in Mr. Roosevelt's proposal.

First, he would "reactivate" the Webb-Pomerene Act. As we all know, this law permits American companies to merge any or all of their export trade activities; in effect, an export cartel. But while this law has been on the books for nearly half a century, and, indeed, was enacted to help American business, particularly small business, compete in foreign markets against the big European cartels of the post-World War I period, it has been only infrequently invoked. Perhaps the reason is that most American exporters prefer to rely on their own competitive ingenuity in foreign trade, rather than even the moderate protectionism that the Webb-Pomerene Act affords; at least, I would like to think so.

It is not clear just how Mr. Roosevelt would "reactivate" Webb-Pomerene to make it more attractive to American businessmen.

Presumably, on the basis of the Wall Street Journal article, Mr. Roosevelt

would encourage more American firms to form Webb-Pomerene associations by assuring them that the Antitrust Division would look the other way if they came together, on an industry-by-industry basis, and fixed export prices. This is something like passing a prohibition law and then asking the cop on the corner to turn his back so the bootlegger can sell more liquor; after all, it increases sales, does not it?

But Mr. Roosevelt reaches the height of absurdity when he says that the purpose of their coming together would be to set lower prices than those prevailing for the same goods in domestic markets. I have always thought that when American business competitors got together to rig prices, they rigged them at higher rather than lower levels. In any event, if American exporters want to offer their goods at prices which are more competitive in foreign markets, what is to prevent them from doing so on an individual basis? They do not need to get together to do that.

Mr. Roosevelt would not, however, tolerate export prices set by his collusive process to be lower than production costs. Thus, he contends, charges of American "dumping" would be avoided.

Evidently, Mr. Roosevelt does not understand what is meant by "dumping." As the Wall Street Journal editorial accurately reminds us, when foreign firms sell in our markets at prices below those in their home markets, we call it "dumping." Yet, that is exactly the tactic Mr. Roosevelt proposes that American exporters employ in foreign markets. To set the limit for avoidance of "dumping" charges at a point above production costs does not reduce the risk; on the contrary, the risk of such charges would be increased.

But even if that problem did not exist, there would be another. So far as I know, the Department of Commerce possesses no special powers for requiring American businesses to reveal their production costs. Indeed, in light of our subcommittee's experience last year in trying to force the production of steel cost data, American firms would be most reluctant to part with such information and the Congress—or at least certain segments of it—would be loathe to force them to do so. Consequently, let Mr. Roosevelt explain, if he can, how this part of his proposal could possibly be enforced.

Better still, let Mr. Roosevelt reconsider his entire proposal. On the one hand, we have his proposal which seems to be very protectionist and which the Wall Street Journal has labeled "Competing in Collusion." On the other, we have the policy declared by the Congress last year and reaffirmed by the President as recently as this past week during his European tour, for the gradual elimination of trade barriers. Faced with this apparent contradiction, I am moved to ask, as did a London newspaper recently in a quite different context, "What is going on here?"

By tradition and temperament, I know that Mr. Roosevelt would not want to do anything to create unfair trade barriers and I sincerely hope that upon reflection he will withdraw his proposal.

**UNDERSTANDING OF "SILENT AMENDMENTS" IS GROWING**

Mr. DOUGLAS. Mr. President, several weeks ago I called attention in the Senate to the fundamental threat to the Constitution and the American Federal system posed by the three so-called "silent amendments." These three amendments, which powerful forces have quietly been pushing through many of our State legislatures, would change article V of the Constitution so as to make obligatory the submissions for ratification of amendments sponsored by two-thirds of the State legislatures, would eradicate the Supreme Court's decision in Baker against Carr, and would establish a "Court of the Union" with power to overrule decisions of the Supreme Court of the United States.

In my earlier statement, I failed to give adequate recognition to several citizens who very early saw the dangers presented by this amendment campaign and who have labored to alert the American people, the press, and the bar associations. Foremost among those who have worked to alert the country in this matter are Irving Dilliard, of Collinsville, Ill., and Arthur J. Freund, of St. Louis, Mo.

Mr. Dilliard, a former editor of the St. Louis Post-Dispatch and now the author of a very fine newspaper column which appears in Chicago's American and who also is a member of the board of trustees of the University of Illinois, has written many articles on this subject which have appeared in Chicago's American from as early as January of this year. I am trying to collect copies of these editorials and I shall place them in the CONGRESSIONAL RECORD at a later date.

Mr. Arthur J. Freund is an attorney with great public spirit, and early last year he began to study the progress of the "silent amendments" and to keep careful account of the proponents campaign. He then proceeded periodically to alert leaders and officials across the country to what was going on. His watchfulness in this matter is reminiscent of the excellent work done in the Revolutionary period of our country when public-spirited men, many of them lawyers, formed the committees of correspondence in order to keep the people of the Colonies informed of developments affecting their future.

Another force for keeping the people informed of this threat to our constitutional system is the newspaper I have mentioned, Chicago's American. Under the leadership of Mr. Stuart List, publisher, and Mr. Lloyd Wendt, editor, this newspaper practices journalism in the best tradition of public service.

I am also proud to be able to say that a small but very outstanding downstate newspaper in Illinois was one of the earliest in the country to be concerned about these amendments. The Edwardsville Intelligencer in Madison County, Ill., under the leadership of Mr. Oscar Ochs, publisher, and Mr. Hal Oree, editor, carried very early reports and critical comments on these amendments.

I wish to congratulate and to thank these men for their patriotic and very helpful work.

As a result of the early warnings of these people, public discussion of these amendment proposals is increasing but, I should add, not nearly enough attention yet has been devoted to them. Because there is no organized system of reporting the progress of these amendment applications through the State legislatures, it is difficult to say authoritatively exactly how many legislatures have acted on them.

I ask unanimous consent that there be printed in the RECORD a table entitled "State Action on Disunity Amendments," which appeared in the Machinist of June 20, 1963. This table is based on the reporting of Mr. Freund, the information given out by the Council of State Governments, and a Machinist reporter's investigation of conflicting reports. I also ask unanimous consent that an article which appeared in this same issue of the Machinist, titled "Time Bombs

Under the U.S. Constitution" be printed in the RECORD.

Mr. President, I also ask unanimous consent that a fine editorial from the May 28 issue of Chicago's American entitled "Campaign to Remake Us" be printed in the CONGRESSIONAL RECORD along with an article from the same newspaper entitled "Lawyers Join Fight on Bills To Limit Federal Powers."

I also ask unanimous consent that an editorial from the East St. Louis, Ill., Daily Journal of May 27 entitled "Federal-State Warfare Is Outdated" be printed in the RECORD.

I also ask unanimous consent that an editorial from the Edwardsville, Ill., Intelligencer, of January 24, 1963, be printed in the CONGRESSIONAL RECORD. This editorial certainly is one of the earliest editorials to appear in the United States pointing out the dangers of these amendments.

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

[From the Machinist, June 20, 1963]

*State action on disunity amendments*

	Amendment 1: Bypass Congress in amending Constitution	Amendment 2: Perpetuate unfair apportionment of State legislatures	Amendment 3: Establish new supercourt
Alabama.....	.....	.....	Passed both houses.
Arkansas.....	Passed both houses.....	Passed both houses.....	Do.
Colorado.....	Passed senate.....	Passed senate.....	Do.
Florida.....	Passed both houses.....	.....	.....
Idaho.....	do.....	Passed both houses.....	.....
Illinois.....	do.....	Passed senate.....	.....
Indiana.....	Passed house.....	.....	.....
Iowa.....	.....	Passed senate.....	.....
Kansas.....	Passed both houses.....	Passed both houses.....	.....
Mississippi.....	Passed house.....	Passed house.....	Passed house.
Missouri.....	Passed both houses.....	Passed both houses.....	.....
Montana.....	.....	do.....	.....
Nebraska.....	Passed legislature; vetoed by Governor. <sup>1</sup>	Passed legislature; vetoed by Governor. <sup>1</sup>	.....
Nevada.....	.....	Passed both houses.....	.....
New Hampshire.....	Passed both houses.....	do.....	.....
New Jersey.....	Senate passage rescinded.....	Senate passage rescinded.....	.....
New Mexico.....	Passed senate.....	.....	Passed senate.
Oklahoma.....	Passed both houses.....	Passed both houses.....	.....
Oregon.....	Passed senate.....	Passed senate.....	.....
South Carolina.....	Passed both houses.....	Passed both houses.....	Passed both houses.
South Dakota.....	do.....	do.....	.....
Texas.....	Passed house.....	do.....	.....
Utah.....	.....	do. <sup>2</sup> .....	.....
Washington.....	.....	do.....	.....
Wisconsin.....	Passed house.....	.....	Passed house.
Wyoming.....	Passed both houses.....	Passed both houses.....	Passed both houses.
Approval completed.....	12 States.....	15 States.....	5 States.
Partial approval.....	7 States.....	5 States.....	3 States.

<sup>1</sup> Nebraska has only a single legislative body. Action on the amendments is believed to be valid despite vetoes by Gov. Frank Morrison.

<sup>2</sup> Version adopted by Utah Legislature differs in language from that passed in other States.

**Amendment 1:** "The Congress, when two-thirds of both Houses shall deem it necessary, or, on the application of the legislatures of two-thirds of the several States, shall propose amendments to this Constitution, which shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States.

"Whenever applications from the legislatures of two-thirds of the total number of States of the United States shall contain identical texts of an amendment \* \* \* the amendment as contained in the application shall be deemed to have been proposed, without further action by the Congress."

**Effect:** Would allow States to amend the Constitution without obtaining, as is now required, the approval of Congress or of a constitutional convention. Would provide for amending the Constitution without there having been any national debate. Would make it possible for State legislators representing only 15 percent of the U.S. population to change the Constitution.

**Amendment 2:** "No provision of this Constitution, or any amendment thereto, shall restrict or limit any State in the apportionment of representation in its legislature.

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

**Effect:** Would give the States a completely free hand in apportioning their legislative districts by placing apportionment of seats in State legislatures beyond the reach of the U.S. Constitution and the Federal courts. Would wipe out recent Supreme Court rulings requiring States to give more equal representation to city voters. Would entrench present minority rule in many State legislatures.

**Amendment 3:** Provides for "a court composed of the chief justices of the highest courts of the several States to be known as the Court of the Union. The sole issue before the Court of the Union shall be whether the power or jurisdiction sought to be exer-

ced on the part of the United States is a power granted to it under this Constitution. \* \* \*

"The decisions of the Court of the Union upon matters within its jurisdiction shall be final and shall not thereafter be overruled by any court."

Effect: Would establish a super court with power to overrule U.S. Supreme Court decisions relating to the jurisdiction of the Federal Government. Would make it possible for 26 judges, representing a small minority of the American people, to change the meaning of the Constitution.

[From the Machinist, June 20, 1963]

#### TIME BOMBS UNDER THE U.S. CONSTITUTION

Three proposed constitutional amendments that would radically change the U.S. system of government are moving quickly but quietly through the Nation's State legislatures.

The radical amendments, pushed by right-wing extremists, have been described by United States Senator PAUL DOUGLAS of Illinois as "time bombs under the American constitutional system."

A survey by the Machinist shows that one, two or even all three of the proposals have been pushed through one or both legislative bodies in 26 States, often with little or no debate. In one State, New Jersey, the State senate passed two of the amendments but later rescinded its actions.

The proposed constitutional changes, sometimes called the disunity amendments, are described in the previous item. The table on State legislative action is based on information made available to the Machinist by the Council of State Governments and by congressional sources. No single authoritative system of reporting such State actions is presently in existence.

The disunity amendments were spawned by a group of State legislators determined to overturn recent Supreme Court decisions, particularly those requiring reapportionment of State legislatures. Working through the National Legislative Conference, an organization made up of State legislators and their staff members, this group quietly circulated the amendments to the various States last December. Their goal: to get identical amendments approved by at least 34 legislatures, enough to force Congress to call a constitutional convention.

During the 6 months since the campaign began, the amendments have been introduced in as many as 40 States. Although several legislatures have rejected the proposals, others still have them under consideration.

The disunity amendments nearly escaped public attention until the AFL-CIO Executive Council and other groups sounded the alarm.

Chief Justice Earl Warren called for public discussion of the amendments, noting that they would "make profound changes in the judiciary, the relationship between Federal and State governments and even the stability of the U.S. Constitution."

Further warnings came from Senator DOUGLAS. Speaking on the Senate floor, the Illinois lawmaker reported that several legislatures, dominated by rightwing interests, are keeping the amendments under cover. Their strategy, DOUGLAS noted, is to rush approval of the amendments next year to "create a bandwagon psychology which will sweep other States into the fold."

The Nation's outstanding expert on the disunity amendments is Dr. Charles L. Black, Jr., professor of jurisprudence at the Yale Law School.

"The amendments are radical in the extreme," Black declared recently. "They aim not at the preservation but at the subversion of [the] balance in Federal-State relations."

Black warned that the amendments could take the Nation "down that ruinous road" of converting the United States back into a confederation of States. He added:

"Together, these proposals would, at one and the same time, place the amending power in the uncontrolled hands of the State legislatures, place the final construction of the Constitution in the hands of judges whose offices are created and whose salaries are paid by the State legislatures, and then exempt the same State legislatures from any effective policing, by courts or Congress, of their representative character."

Writing in Newsweek magazine, the noted commentator Walter Lippmann described the disunity campaign as "shocking and sinister."

"The package of the three amendments," wrote Lippmann, "would dissolve the Union into a mere confederacy of separate States. It would perpetuate in the legislatures of these States a system of representation which antedates the growth of modern cities, and it would strip the whole system of the Union of the great constitutional guarantees."

"The amendments strike as deeply at the foundations of the American Union as anything which has been agitated seriously since nullification and secession," Lippmann concluded.

[From the Chicago American, May 28, 1963]

#### CAMPAIGNS TO REMAKE US

Helped along by a strange absence of publicity, radical groups have been making considerable headway in recent months with two campaigns aimed at crippling the U.S. Government through constitutional amendments. The movements are none the less radical because their partisans call themselves conservatives. Their aim is to shatter the American system of government and remake it from the ground up; and while we can't see any real possibility of their succeeding, the attempts certainly deserve more public notice than they've had so far.

One campaign is pushing for adoption of three amendments which would virtually strip the Supreme Court of its power to interpret the Constitution. The proposals would set up a Court of the Union, made up of the chief justices of the 50 States, which could overrule the Supreme Court; create a new way of amending the Constitution that would bypass Congress; and deny the Supreme Court any authority over legislative redistricting.

The other campaign is even more wild-eyed. This one is in behalf of the so-called liberty amendment, which is the radical right's dream come true. Its four sections would (1) put a stop to all Federal activities which aren't specified in the Constitution, in the fields of business, financial or commercial enterprise or the professions; (2) declare State laws exempt from any agreement, foreign or domestic, that might affect them; (3) compel the Federal Government, within 3 years after adoption of the amendment, to drop all activities and sell all properties and facilities which "violate the intent and purpose of this amendment," and (4) within 3 years repeal the 16th amendment, which empowers the Federal Government to collect income taxes.

In general, the liberty amendment would repeal the Civil War and turn the United States into a confederacy. The two sets of amendments together would kick apart the whole Federal system of checks and balances in one grand, satisfying smash, and reduce the United States to a fifth-rate power quicker than anything Khrushchev has yet suggested. Yet, incredibly, the liberty amendment has been adopted by the legislatures of six States, and the amendments to cripple the Supreme Court have advanced a great deal further; no roundup on its actual progress is yet available.

We do not think the amendments have a real chance of success; the American public just has too much horse sense. But the public needs to know more about these campaigns than the campaigners apparently want it to know.

[From the Chicago American, May 28, 1963]

#### LAWYERS JOIN FIGHT ON BILLS TO LIMIT FEDERAL POWERS

(By Walter Jacobson)

The Chicago Bar Association is entering the fight against Illinois legislation that would support measures to reduce the powers of Congress and the U.S. Supreme Court.

A report opposing the measures has been adopted by the association's committee on constitutional revision and will be presented to the board of directors for formal approval. Efforts then would be made by Springfield lobbyists to prevent Illinois from going any further in adopting "States rights" legislation.

The Illinois Legislature already has joined 12 others in approving at least one measure of a three-part package designed to change the basic law of the United States.

The general assembly has approved a bill that would enable States to bypass Congress in amending the U.S. Constitution. The bill in effect would preclude national discussion of proposed constitutional amendments.

#### REQUIREMENTS OF BILL

It holds that when two-thirds of the legislatures propose identical amendments to the Constitution, the amendment automatically would be considered proposed without further action by Congress.

Thus, debates on the Constitution would be conducted in State capitals. When lawmakers of one State vote on a proposed amendment, they would be unaware of how people in other States view the matter, except in the case of identical bills agreed on among States.

Current law provides that when two-thirds of the legislatures petition for an amendment, Congress must call a national convention to propose the amendment. Proponents and opponents discuss the matter together, all views being represented in one place at one time.

The amendment change has been approved by Illinois and Arkansas, Florida, Idaho, Kansas, Missouri, Montana, New Hampshire, Oklahoma, South Dakota, Texas, Washington and Wyoming.

#### TWO MORE PROPOSALS

The Illinois General Assembly still must act on two remaining proposals in the curb-the-Court package.

The first would establish a Court of the Union composed of the chief justices of the highest courts in each of the 50 States. The supercourt, sitting in Washington, would review U.S. Supreme Court judgments to determine whether the latter has power to render such judgments.

The constitutional revision committee of the bar association warns that the proposed supercourt actually would damage States' rights by diverting the chief justices of the State supreme courts from their essential duty of determining the rights of persons within their States.

Daniel P. Coman, chairman of the committee, says the proposal is made by persons with "an unnatural distrust of Congress."

"To leave no doubt of their distrust," he continues, "they also provide that a decision of the Court of the Union may be changed only by an amendment to the U.S. Constitution instead of by congressional action."

#### A POWERFUL BODY

The decisions of the supercourt would be virtually free from legislative action because it is more difficult to amend the Constitution than it is to pass an act of Congress.

The bar association committee, directed by President Walter Moses to evaluate the "States' rights" proposals, points out that the supercourt would be too large to be effective, and that attendance on it would cause backlogs on the State level. Says Coman:

"With the chief justices from each State journeying to Washington, cases before the State supreme courts would have to be held up pending his return, or decided without benefit of his participation. Thus, instead of strengthening States' rights, this proposal would damage them."

The measure, approved by four States, has been introduced in the Illinois House, not yet in the Senate.

#### PLAN ON APPOINTMENT

The third proposal in the package would prohibit Federal courts from intervening in the apportionment of legislatures. This would allow State lawmakers to draw voting boundaries not subject to court review. Citizens would lose their right to appeal possible arbitrary establishment of voting districts, according to Coman.

The association committee report warns that abolishment of a citizen's right to test apportionment "does violence to the time-honored principle that people, in addition to the States and Federal Government, have rights."

The power structure in some States dictates that cities function at the mercy of rural political leaders, the report says.

"The brutal fact is that underrepresentation of urban and suburban areas is the policy of some States, and the minority interests now in control will not voluntarily relinquish this control."

The committee contends that if a Federal court is prohibited from reviewing apportionment by State legislators, the voting districts could be based on property ownership or on membership in a particular economic or ethnic group.

The apportionment measure has been ratified by nine States. It has passed the Illinois House and is scheduled for hearings in the Senate.

[From the East St. Louis Daily Journal, May 27, 1963]

#### FEDERAL-STATE WARFARE IS OUTDATED

No one who is interested in the reliable rule of law in the United States can quarrel with Gov. George Romney, of Michigan, when he speaks out against the drive for a number of reactionary amendments proposed for the Constitution of the United States.

The Council of State Governments, which is behind this attempt to cripple the Federal Government, has finally run into opposition in high quarters, and these are welcome words from a man who is now mentioned as one of the new leaders of the Republican Party. But when Mr. Romney says that the logical alternative to this is to strengthen the State governments without mutilating Federal power, he leaves his position open for discussion.

It has been amply demonstrated in recent years that some of the most difficult internal issues the United States has to tackle are of a kind that are not soluble from either the Federal or the State angle. These problems are regional rather than national or statewide, and the real tragedy here is that the country lacks properly constituted political bodies that can deal with them.

The State lines were drawn up at a time when America was very different from what it is today. The growth of industrial areas does not heed them, nor do the tendencies toward depression in other parts. The New York metropolitan area spreads into three different States. The urbanized parts of the half a dozen States that make up the northeast coastline have more problems in common

than either of them has with its own rural upstate region.

The same is true of the local urban and suburban areas which are still split up into a profusion of supposedly independent communities with separate sanitary, school, police, and fire protection districts and the whole rigmarole of parallel administrative machineries, all buttressed by an outdated local rule philosophy which today simply cannot be applied in a realistic and fruitful fashion.

The most critical problems that arise from these inconsistencies between political units and geographical realities have so far been tackled through the creation of nonpolitical bodies with overall administrative authority, each in its specific field, such as the New York Port Authority. But it must be emphasized that this approach has come about solely because the boundary question has prevented the growth of proper political institutions.

These things cannot be solved through a strengthening of the State governments, as Mr. Romney says. The simple truth is that with regard to some of the most critical issues that face the Nation today, the Federal versus State power equation is antiquated. If the problems of urban sprawl and spotty depression are ever going to be solved in an acceptable fashion, the United States is going to need metropolitan governments on the local level and, perhaps, regional political bodies that disregard State lines and are given authority in fields where interstate conflicts lead either to stalemates or to ad hoc emergency solutions of the nonpolitical type. Advocacy of stronger State power or weaker Federal power both lead to neglect of the real problems involved and can in the end mean only a sharpening of the conflicts.

[From Edwardsville (Ill.) Intelligencer, Jan. 24, 1963]

#### STATES' RIGHTS AND WRONGS

The battle for power between the States and the Federal Government goes on. Congress and the 47 States with regular legislative sessions in 1963 are being asked to approve three striking proposals which would materially enhance State authority.

Only Virginia, Kentucky, and Mississippi do not convene their legislatures in regular session this year.

The proposals being put before the others would bar the Federal courts from acting on State legislative reapportionment, would make it easier for States to initiate amendments to the U.S. Constitution, and would establish a so-called Court of the Union which in major respects would be superior to the U.S. Supreme Court.

These propositions are the product of the General Assembly of the States, a nationwide conclave of legislators and other State officers. They are being proposed as amendments to the U.S. Constitution.

One anonymous expert on State government says no more than three States are likely to endorse the revolutionary court plan. Most probably are Alabama and Florida, with Mississippi a prospective third State if it should call a special session for that purpose.

As for the other proposals, it is anticipated that perhaps 10 may approve the idea of simplifying procedures by which States can initiate constitutional amendments. And just five or six are expected to endorse a ban on U.S. court rulings in State apportionment.

There is no thought that any of the plans will get anywhere in Congress.

When Congress does approve an amendment, it must then gain ratification by three-fourths of the States—now 38. For the States to initiate an amendment, two-thirds of the 50 must apply for a constitutional convention. Congress must then

summon the convention to consider amendments. Those approved must again have the endorsement of three-fourths of the States.

This cumbersome method never has been used. Under the new plan, whenever two-thirds of the States agree on a specific amendment, it would automatically make the ratification rounds in quest of the same three-fourths vote.

Since congressional approval of the three plans is unlikely, the States this time would have to use the cumbersome machinery to win first-stage approval. And they are presently a long way from the necessary two-thirds majority.

Remotest prospect of all is the revolutionary Court of the Union. In the States' assembly in December, it was dropped just 21 to 20. The other proposals gained heavy majorities.

The proposed new court would consist of the 50 State chief justices. It would have power to decide whether judgments of the Supreme Court affecting rights reserved to the States or the people under the Constitution were properly within Supreme Court jurisdiction.

Observers at the assembly meeting say the three proposals are the work of such staunch conservatives as William Chappell, Florida legislator, and Fred Gulick of the Kansas legislative council.

One observer suggests that many States' votes were cast by individuals not even representative of their unrepresentative legislatures. That the proposals are under study at all is perhaps stout proof of what militant, energetic believers can accomplish.

#### EASEMENT FOR USE OF LANDS IN CAMP JOSEPH H. PENDLETON NAVAL RESERVATION, CALIF., FOR A NUCLEAR ELECTRIC GENERATION STATION

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 289, S. 546. This action has been cleared by both the majority and the minority leadership.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 546) to authorize the Secretary of the Navy to grant easements for the use of lands in the Camp Joseph H. Pendleton Naval Reservation, Calif., for a nuclear electric generation station.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services, with amendments, on page 2, line 12, after the word "lines", to strike out "and facilities,"; in line 16, after "Sec. 2.", to strike out "Any such easement, upon application of the grantee or grantees thereof, may be amended by the Secretary, or his successor in interest, in his discretion in such manner as to change the lands affected thereby either by substitution, addition, or deletion, as well as to change the terms and conditions of the grant." and insert "Upon such terms and conditions as he deems necessary to protect the interests of the United States and within the scope set forth in section 1, the Secretary of the Navy may amend any such easement in such a manner as

to change the lands affected thereby, either by substitution, addition, or deletion, as well as to change the terms and conditions of the grant"; and on page 3, line 7, after the word "thereof", to change the period to a comma and insert "their respective successors or assigns."; so as to make the bill read:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Navy be and he hereby is authorized and empowered to grant to Southern California Edison Company, a California corporation, and to San Diego Gas and Electric Company, a California corporation, and to each of them, their respective successors and assigns, upon such terms and conditions as the Secretary deems necessary to protect the interest of the United States, an easement in, over, under, and upon lands of the United States of America, approximately ninety acres in area, within the Camp Joseph H. Pendleton Naval Reservation, California, for the construction, operation, maintenance, and use of a nuclear electric generating station, consisting of one or more generating units, and appurtenances thereto; and easements in, under, over, and upon such additional lands of the United States of America within the Camp Joseph H. Pendleton Naval Reservation, California, as are necessary or desirable for the purpose of constructing, operating, maintaining, and using electric transmission and communication lines, switchyards and substations, cooling water conduits, pipelines for water, gas and sewage, railroad spur tracks, access roads, and other appurtenances to said facilities and to said nuclear electric generating station.

Sec. 2. Upon such terms and conditions as he deems necessary to protect the interests of the United States and within the scope set forth in section 1, the Secretary of the Navy may amend any such easement in such a manner as to change the lands affected thereby, either by substitution, addition, or deletion, as well as to change the terms and conditions of the grant.

Sec. 3. A reasonable charge, as determined by the Secretary, or his successor in interest, based upon the fair value of each easement granted pursuant to the authority herein contained, shall be payable by the grantee or grantees thereof, their respective successors or assigns.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 546) was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed at this point in the RECORD pertinent portions of the report which relate to the purpose and background of the bill.

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

#### PURPOSE OF THE BILL

The bill will authorize the granting of an easement for the use of approximately 90 acres of land located in the extreme northwest corner of Camp Pendleton, Calif., to Southern California Edison Co. and San Diego Gas & Electric Co. The easement will

permit the two companies to construct and operate a nuclear generating plant on the land. Additional easements will be granted for access roads, railroad sidings, and transmission lines.

#### BACKGROUND OF THE BILL

The Southern California Edison Co. has entered into a contract for construction of a 395,000-kilowatt nuclear powerplant—about twice as large as any U.S. atomic plant. It is estimated that the plant will cost approximately \$82 million and will generate enough power to meet the electrical needs of a city of a half million population. This is a private enterprise project of the Edison Co., which will pay 80 percent of the cost, and San Diego Gas & Electric Co., which will pay the other 20 percent. The Atomic Energy Commission has allocated Westinghouse Electric Corp., one of the contractors, approximately \$9,500,000 for the research and development phase of the project. In addition, the Atomic Energy Commission will waive the rental charge on nuclear fuel for the first 5 years, which will amount to something between \$5 and \$6 million.

It is essential to locate the plant on beach frontage since large volumes of ocean water must flow through it continuously to condense the steam flowing through the steam turbine. The 90-acre beach frontage in the northwest corner of Camp Pendleton, about 2 miles from San Clemente, Calif., is ideally suited for the location of this project.

Camp Pendleton is the major training base on the west coast for ground elements of the Fleet Marine Force. It comprises 124,806.56 acres owned in fee simple by the Federal Government. The major portion of the base, consisting of 121,937.75 acres, was acquired in 1942 and 1943 under condemnation proceedings, and the remainder was acquired by direct purchase and withdrawals from the public domain during the years 1945, 1949, and 1959.

It should be noted that the property over which the easement would extend is not excess to the needs of the Department of the Navy and forms an integral part of Camp Pendleton. Normally, property which is not in excess to the needs of a military department but which is not currently needed may be leased pursuant to the authority of 10 U.S.C. 2667, but such a lease must be revocable by the military during a national emergency and must, in addition, permit revocation by the military at any time unless the Secretary determines that the omission of such a provision will promote the national defense or be in the public interest. S. 546 provides that the easement shall be on such terms and conditions as the Secretary deems necessary, and authorizes the Secretary to charge a fair rental. However, in view of the fact that the property is to be used for the construction of a nuclear generating plant, a contractual right of revocation may not insure full military utilization of the property when it is needed.

#### COMMITTEE ACTION

Although the construction of this nuclear generating plant on this small portion of Camp Pendleton may preclude full military utilization of the property in question in the event of a national emergency, the committee is of the opinion the benefits to be derived by the public as a result of the construction of such a plant outweigh this consideration and approves this measure. Camp Pendleton is a vast acreage and the possibility of an actual military need for the small area to be occupied by this plant is remote indeed.

#### FISCAL DATA

The enactment of this measure will not entail the expenditure of any Government funds and the proceeds derived from a fair rental of this property will be covered into the U.S. Treasury as miscellaneous receipts.

#### DEPARTMENTAL DATA

The Department of the Navy on behalf of the Department of Defense and the Bureau of the Budget has no objections to this proposed legislation.

#### AMENDMENT OF DISTRICT OF COLUMBIA REDEVELOPMENT ACT OF 1945

Mr. HUMPHREY. Mr. President, I ask that the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (S. 628) to amend the District of Columbia Redevelopment Act of 1945.

#### UNITED STATES-FRENCH RELATIONS

Mr. HUMPHREY. Mr. President, I take this opportunity to join with the distinguished majority leader and the distinguished Senator from New York [Mr. JAVITS] in the comments which they have just made relating to the situation which prevails in the Atlantic Alliance and our relationships with the Republic of France.

On Wednesday of this week I addressed the Senate on the subject of the President's journey to Western Europe, particularly his great trip to West Germany and West Berlin. I stated at that time how the President of the United States had once again outlined the importance of the Atlantic Community. I said these words:

Peace is to be a true, worldwide peace—not a "Pax Americana" and not a sterile "coexistence" with communism. Atlantic unity is not a euphemism for Anglo-Saxon hegemony. Our "special relationship," if any is with the entity of democratic Europe—not with specific nations, specific individuals, or specific governments.

In short, Mr. President, this visit has served to emphasize that President Kennedy is accepted in Europe as a world leader.

This important visit by the President of the United States once again underscores what has been a fact of history; namely, that since 1941 the United States has committed its resources, its manpower, its honor, and its whole national purpose to the defense of freedom.

It seems to me that the spokesman from Paris this morning would do well to retract the words that have been uttered and to remember that the relationships between the United States and France over many decades and generations have been a warm, cordial, reassuring part of the greatness of the history of our two countries.

I have been disturbed for a long time over what appears to be a growing misunderstanding between the President of the Republic of France, General de Gaulle, and other members of the NATO alliance. I have a high regard for General de Gaulle. I have great respect for his leadership. He has performed miracles for France. He has given strength to the cause of human freedom and political independence, not only in Western Europe but throughout the world. He

does not deserve our scorn or even our angry retort. He deserves respect and admiration. He will receive it from thoughtful citizens of the United States and elsewhere.

But having said that, I believe it is the responsibility of the leadership of France and those who speak for that leadership to remember the many sacrifices that the United States has made in the past for the freedom of Western Europe, including France itself, and the commitment this country is now making, has made in days gone by, and will continue to make in the years ahead. No one can really see what the future offers. We can only judge the future by the performance of the past. Every nation has a page in its history which it does not like. For example, in our history we have the unfortunate refusal to join the League of Nations; the long period of expressed neutrality in a world where neutrality really could not be a fact.

However, it is my judgment—and I believe history will bear it out as being an honest judgment—that the United States has undertaken tremendous burdens and responsibilities, both during World War II and in the postwar years, and that we have really earned the mantle of leadership. That mantle of leadership has not been worn as a luxury, but rather as a heavy responsibility.

So I would hope that our friends in France would rebuke the spokesman who this morning attempted to engage—not only attempted, but did engage—in loose talk that does little or no good except for the enemy. Only one other voice could have made a statement that was so unworthy of the great French people and of the relationships between the United States and France, and that voice would have come from the Kremlin. I cannot believe—and I will not believe—that the fraternity that exists between these two great Republics, the United States of America and the Republic of France, will wither away or vanish because of the petulant words or the unfortunate comment or the emotional outpouring of one or two spokesmen who say they speak for the Government or for the people of the grand nation of France.

#### ABOLITION OF DISCRIMINATION IN PUBLIC FACILITIES

Mr. HUMPHREY. Mr. President, on Wednesday of this week the Governor of Kentucky, Hon. Bert T. Combs, set a standard of governmental leadership, responsibility, coverage, and integrity that marked him as a great public servant. Governor Combs took a forthright and courageous step forward in the cause of human rights when, as Governor of the sovereign Commonwealth of Kentucky, he issued an executive order forbidding racial discrimination in all businesses licensed by the State. If more Governors would do this, the work of the Federal Government could be minimized and eased.

Governor Combs has demonstrated that State government can and will perform or fulfill its responsibilities and can take the lead. The Governor of Ken-

tucky has set the pattern and standard for the Nation. He deserves our commendation, respect, and admiration. What he has done is precisely what was needed.

Such decisive action is demanded in every State of the Union. It is analogous to the action which President Kennedy has called upon Congress to take by enacting his omnibus civil rights package, including title II, to ban racial discrimination in public accommodations.

This most recent action by Governor Combs further establishes him as one of the Nation's most determined advocates of civil rights and human rights. In 1960, Governor Combs secured the passage of a law forbidding discrimination in the State's merit system for employees. He also successfully sponsored legislation to establish a State human rights commission.

Earlier this year Governor Combs signed an executive order banning discrimination in employment by State contractors and subcontractors. Mr. President, I remind Senators that this was done by the State of Kentucky, where there are people of many races, colors, and creeds, and where there are whites and Negroes in large numbers.

I understand that certain business interests in Kentucky are planning to challenge Governor Combs' most recent executive order. It is my personal hope that the courts will sustain the Governor and will uphold his actions in this vital area of nondiscrimination in public businesses. I predict that the courts will sustain the Governor's actions, because the Governor has seen to it that the 14th amendment is applied. He is a constitutional Governor.

I know much more will be said regarding the distinction between civil rights and property rights. Yesterday the New York Times published a short editorial that puts the distinction in proper perspective. Let me quote the crucial paragraph:

But the distinction between what is really private and what is really public is not too difficult to draw. Under the civil rights bill there would be no invasion of private homes or private clubs and no effort to enforce "association"; these remain a matter of personal choice. That the Government would be saying under the bill is that the owner of a public business—whether a lunch counter, a movie house, a motel, or any other facility open to the public at large—cannot pick and choose among his customers for reasons of race.

This distinction is the basis for Governor Combs' executive order.

The distinguished senior Senator from Kentucky [Mr. COOPER] has demonstrated the same kind of courage; and I am sure he has somewhat eased the way for his fellow Kentuckian, the Governor of Kentucky. These men are of different political parties, but they are of like moral stature; and this kind of bipartisan cooperation is exactly the standard that is needed for all of us in the days ahead.

Speaking now of the distinction between what is private and what is public, let me say it is also the basis for public-accommodations laws in some 30 States and the District of Columbia. It

is a distinction that will have to be made again and again in the coming civil rights debate in the Congress.

Therefore, I ask unanimous consent to have printed at this point in the RECORD a New York Times article reporting Governor Combs' executive order, a short biography of Governor Combs, and an editorial entitled, "Rights—Civil and Property," all from the New York Times.

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

#### KENTUCKY FORBIDS BIAS IN BUSINESSES— GOVERNOR'S ORDER AFFECTS ALL LICENSED ACTIVITIES—HE PRODS SCHOOL DISTRICTS

FRANKFORT, KY., June 26.—Gov. Bert T. Combs signed an executive order today forbidding racial discrimination in all businesses licensed by the State.

The order, which went into effect immediately, covers such businesses as taverns, restaurants, barber shops, beauty parlors, funeral homes, and real estate concerns.

The Governor warned that school districts, which need accreditation by the State department of education, would be in danger of losing State and Federal funds if they did not integrate.

His order directed those State agencies empowered to license businesses to prepare reports within 60 days on how they planned to enforce the order.

Mr. Combs suggested that enforcement could be patterned after the procedures of the State alcoholic beverage control board.

#### COULD LOSE LICENSE

After an illegal act has been charged, the board cites a licensee and orders him to appear for a hearing to show cause why he should not have his license suspended or revoked.

Hence, the Governor noted, "the penalty under this executive order also would go to a man's pocketbook."

Mr. Combs acted at a special session of the general assembly, the legislature, met here. Civil rights groups and Mayor William O. Cowger of Louisville had urged the Governor to extend the special session to include consideration of a State antidiscrimination law.

The session had been called to provide State aid for four eastern Kentucky hospitals owned and operated by the United Mine Workers of America. The union plans to close the hospitals this summer because of economic reasons.

Governor Combs said he had declined to place a civil rights bill before the legislators because many had come unprepared to consider such legislation.

In addition, he said, "It is my judgment, based on contacts with key members of the legislature, that an effective bill could not be passed at this extraordinary session."

He asserted that an order "will be much more effective than filing a citation with the local court," as a State law would require.

"While Kentucky has made great strides, both for voluntary and legislative action, additional action is needed to make it possible for all Kentuckians to become first-class citizens," he declared.

He said a civil rights bill would come before the legislature, but did not specify when.

In his order the Democratic Governor declared that discrimination "in places of public accommodation is unfair, unjust, and inconsistent with the public policy of the Commonwealth of Kentucky."

Mr. Combs' 4-year term expires in December. He is prohibited by statute from succeeding himself. Edward T. Breathitt, Jr., Democratic nominee in the gubernatorial election next fall is supported by the Combs administration.

The order was considered broad by some civil rights leaders. Several said they would investigate the possibility that it could include discriminatory practices in private employment.

This was the second move in 2 months to end racial discrimination in places of public accommodation.

The first occurred in May, when the Louisville Board of Aldermen passed an antidiscrimination ordinance, to go into effect within 90 days.

The Louisville ordinance and the executive order came without the pressure of demonstrations by Negro groups. In some cases, however, civil rights leaders were hard-pressed to contain their followers.

The Louisville school system desegregated in 1956 without the need for court action. In the last 8 years there has been progress in desegregating parks, swimming pools, hotels, restaurants, and theaters.

In 1960 Governor Combs pushed through a law forbidding discrimination in the State's merit system for employees. He also succeeded in having legislation passed to create a State human rights commission.

Earlier this year, he signed an order forbidding discrimination in employment by State contractors and subcontractors.

Of the State's 3,100,000 population about one-eighth are Negroes.

#### UNORTHODOX KENTUCKIAN: BERT THOMAS COMBS

The Governor of Kentucky was once introduced to a political rally as "the first Baptist Governor of our State in 100 years." From the rear of the audience, a man shouted, "And if he doesn't do a little better, he'll be the last one for 100 years." Nobody on the staff of Gov. Bert Thomas Combs remembers the incident. But the Governor tells the story with delight as he roams the State, meeting people and listening for ideas.

That he issued an executive order yesterday banning discrimination in places of public accommodation is no surprise to those who know Mr. Combs. He has often said that segregation is coming to an end, and that those who fight it are only spreading bitterness.

Despite a fondness for stories, most of them self-deprecating, Mr. Combs is no orthodox politician, at least not in a State that has produced A. B. (Happy) Chandler, Alben W. Barkley, and Earle C. Clements.

His opponents call him a "captive" of more experienced professionals.

He is also sometimes accused within his party of having backed away from supporting John F. Kennedy for President and the Kennedy administration. In Kentucky, where politicians say pockets of religious intolerance remain, Richard M. Nixon outpolled Mr. Kennedy, a Roman Catholic, in 1960.

Mr. Combs made his first bid for public office in 1955, seeking the Democratic gubernatorial nomination against Mr. Chandler, former Governor, who was a national figure.

"Bert had been on the State court of appeals, Kentucky's supreme court," a friend said recently. "He campaigned like a judge—responsibly, methodically, and unsuccessfully."

Four years later Mr. Combs ran again, defeating a Chandler protege, 203,802 to 177,191. He then easily beat the Republican nominee.

In his successful campaign Mr. Combs was considerably more caustic about Mr. Chandler. As a result, when Mr. Chandler attempted a comeback last spring, he centered his attack on Governor Combs. He particularly glibed at a \$50,000 floral clock planted on the capitol lawn.

Because Kentucky law forbids a second successive term, Governor Combs backed his own protege for the post, Edward T. Breathitt, Jr., 38-year-old legislator.

Mr. Breathitt defeated Mr. Chandler in the primary. Mr. Combs, pleased, commented in an afterthought that the floral clock was paying for itself as a tourist attraction.

The Governor was born August 13, 1911, in Clay County, in the heart of Kentucky's mountains.

"He's almost the perfect man to deal with the racial situation in this State," a friend said. "In his home area, around Manchester, there's just no problem. He brought no bias or emotion to his deliberations on the issue."

Mr. Combs quit school in 1931 to work as a clerk in the State highway department. Two years later he entered the University of Kentucky and worked his way through law school, graduating second in his class.

He joined the Army in 1942 as a private and was discharged as a captain 4 years later.

Returning to civilian life, he became city attorney in Prestonburg in 1950 and the Kentucky equivalent of district attorney soon afterward.

A restless man who enjoys traveling, the Governor likes to take along his staff on visits to small towns around the State. In Calhoun or West Liberty, he would open an office for a day, listening to anyone's complaint.

With retirement from office facing him next December 9, Mr. Combs has indicated he will not accept another judgeship. "I'm going to sit back and give a lot of free advice to all of those who have been so generous with advice to me over the past 4 years," he says.

Mr. Combs and his wife, the former Mabel Hall, have two children, Lois Ann, 19, and Thomas, 17.

#### RIGHTS—CIVIL AND PROPERTY

The principal battle over President Kennedy's proposed civil rights law—as indicated by the line of questioning yesterday when the Attorney General appeared before a House Judiciary subcommittee—will revolve around the provision prohibiting discrimination against Negroes in the use of public facilities. The proposed law would guarantee all citizens "equal access to the services and facilities of hotels, restaurants, places of amusement, and retail establishments." The general argument against this provision is that it would interfere with private property rights.

But the distinction between what is really private and what is really public is not too difficult to draw. Under the civil rights bill there would be no invasion of private homes or private clubs and no effort to enforce association; these remain a matter of personal choice. What the Government would be saying under the bill is that the owner of a public business—whether a lunch counter, a movie house, a motel, or any other facility open to the public at large—cannot pick and choose among its customers for reasons of race.

As a matter of fact, some 30 States, the District of Columbia, and many cities—covering two-thirds of the country—already have laws against discrimination in places of public accommodation. But in our mobile society and interdependent economy, protection of these public facilities has properly become a matter of national concern. Property has its obligation as well as its rights.

It is possible, as Attorney General Kennedy agreed yesterday, that certain small businesses—such as "Mrs. Murphy's" boardinghouse with a few rooms—could remain private in the ancient sense. But in the larger meaning of the law, civil rights cannot be subservient to an exaggerated claim for property rights.

#### WHY A DOMESTIC PEACE CORPS?

Mr. YOUNG of Ohio. Mr. President, it gives me no pleasure whatever when

I announce myself very definitely as against some legislative proposal sponsored by this administration. I shall, however, continue to do just that whenever my judgment and my conscience so dictate. It is well known that I consider myself a friend and admirer of our President and a supporter of his policies.

Following careful study and research, it is my conclusion that the administration proposal to create a national service corps, termed "Domestic Peace Corps," as set forth in bills introduced in the House of Representatives and in the Senate, and supported by many of my distinguished colleagues, should not be enacted into law in their present form. My study of these legislative proposals leads me to express the hope they will not be reported from committee for debate and vote unless they are first substantially amended.

The organization to be created under these bills is commonly referred to as the "Domestic Peace Corps," which is admittedly an appealing name. One could say, following study of the proposal, that the best thing about the entire plan is the name "Domestic Peace Corps." It immediately brings to mind the outstanding work being accomplished by the Peace Corps abroad, under the very capable leadership of Director Shriver. However, the differences between the two are as wide as the oceans that separate them.

Mr. President, this proposed legislation, if enacted into law, would create another independent agency to add to our already sprawling Federal bureaucracy. The cost to the taxpayers in the long run would far exceed the \$5 million a year minimum presently contemplated.

My primary objection to the proposed Senate bill is that its enactment would duplicate work of existing Federal, State, and local agencies. There is already too much waste and duplication in Government, and it would be unconscionable to add to this burden already being shouldered by American taxpayers. The proposed Corps would be created to help Indians, migratory workers, residents of depressed areas, elderly persons, disabled persons, delinquent children, dependent children, and almost all others in our society who are in need of aid and assistance. This is a worthy undertaking, but we do not need another Federal agency to undertake it.

On the Federal level, the Bureau of Indian Affairs is charged with aiding and assisting Indians; the Department of Commerce is already engaged in working with depressed areas, under the Area Redevelopment Act—which I have always supported and for which I voted the day before yesterday. The Department of Labor already has a division handling problems of migratory workers, as well as the Manpower Development and Training Act, to provide for the retraining of workers without skills required by industry today; the Department of Health, Education, and Welfare has agencies for the rehabilitation of the disabled, assistance to dependent children, and for the correction of delinquency. There is hardly a Federal department or agency

which is not active in some way in the many social welfare problems of our society. Billions of dollars of the taxpayers money has been appropriated and spent for these purposes, and will continue to be appropriated and spent for these good purposes.

This year, the Senate has passed the Youth Employment Act, a section of which provides for pilot training programs and employment programs for young men and women ages 16 to 21 in local public service agencies. This is presently pending in the House of Representatives, and is likely to become law before the Congress adjourns.

On the State and local level, a myriad of public agencies are performing these necessary functions. Every State has one or more agencies charged with the responsibility of caring for the impoverished, the physically and mentally ill, needy children, and the aged. Likewise, at the local level every community has departments devoted to this end. In addition, there are virtually hundreds of private and quasi-public social welfare agencies which are performing outstanding work in this area—the Urban League; Goodwill Industries; Protestant, Catholic, and Jewish welfare agencies; the Y.M.C.A. and the Y.W.C.A.; the Red Cross; and the Salvation Army, to name a few of the major ones. Added to these are a multitude of smaller voluntary organizations, ranging from the Gray Ladies in our hospitals to Alcoholics Anonymous. We are reaching the point where if this trend continues, we shall have more guides working for government or volunteering their services than we have people to guide.

Mr. President, there is no need for the Federal Government to add another Federal department to an already elaborate structure of agencies performing this vital work. Adding one more voice to a chorus will not make it more harmonious. I am not opposed to further necessary appropriations for departments having this responsibility, but I do not believe that we need the administrative superstructure and personnel that the domestic peace corps, so called, would require.

A director would be appointed and a deputy director with salaries of \$20,000 and \$19,500 per annum respectively according to the Senate bill. Of course, it will be necessary for them to have an adequate administrative staff in Washington and in regional offices that will inevitably be created. We all know of the operation of Parkinson's Law and how Government agencies somehow have a way of costing taxpayers a great deal more money than was anticipated at the time of their establishment. Then members of the national service corps will be enrolled. They will receive an allowance "at a rate not to exceed \$75 per each month," which may be paid at the termination of service or during the course of service. Then the bill provides for travel and leave allowance, housing, transportation, supplies, equipment and subsistence and clothing, as may be determined to be necessary for the maintenance of corpsmen and to insure their capacity to serve effectively. Then these corpsmen, so called, are to receive fringe

benefits, compensation benefits, and in fact all benefits given to Federal employees under the Federal Employees Compensation Act. In addition, free health care and medical service will be provided. All of this and more at taxpayers expense.

Furthermore—and this is a good one—it is provided that consultants may be hired, paid at rates not in excess of \$75 per day. I should hope not. In 1950 I was defeated for a fifth term as Congressman at Large from the State of Ohio. I thought I had served faithfully during four terms as Representative at Large, and my colleagues in the House of Representatives were good enough to recognize that service, according to my view, by electing me to serve on the powerful Committee on Ways and Means. I considered that I had become somewhat skilled and experienced, not only in the science of government, but also in the handling of proposed revenue legislation. Then the citizens of Ohio decided, as they certainly had a right to do, to relegate me to private life. I am merely mentioning that personal matter because I had given up the practice of law to devote my time as a public servant. I went back to Cleveland and started my law practice from scratch.

The present Presiding Officer of the Senate, the Senator from Oregon [Mr. MORSE], is a great lawyer. He has been dean of a law school. He knows that it is not always easy to resume the practice of law once a lawyer has given it up. I would have been delighted at that time if President Truman or some leading official of his administration had offered me employment as a consultant at a fee of \$75 a day and my travel expenses.

Now in the Domestic Peace Corps, in addition to all else, the employment of experts and consultants at not more than \$75 a day is contemplated. To me that represents a great deal of money. However it seems commonplace today in the Federal Government. Frankly, I feel that the practice of employing consultants is being abused.

At first there will be 1,000 employees in the Corps and eventually 5,000. Let us consider this further. It will later be claimed this is just a drop in the bucket compared to what is needed at State and local levels. To pay for this bill provides for \$5 million. This is a minimum estimate.

The maximum is not set forth. That leaves plenty of latitude. We are all too familiar with the fact that once a new agency is established, it invariably costs more each year.

Prominent welfare officials in Ohio have written to, and spoken with me, regarding this bill. If it is really to be considered seriously, they made a number of recommendations. The effectiveness of performance and the value of the experience of corpsmen will be dependent upon the quality of supervision which they receive in the operating agencies to which they are assigned. By and large local agencies would require financial supplementation to secure sufficient staff to assure such supervisors. More money.

Furthermore, in view of the fact that most corpsmen will be working in con-

junction with existing operating agencies, it is also important that the local agency have the prerogative of final selection of corpsmen and of supervisory personnel. It is also preferable that assignments of corpsmen be made in a community other than the individual's home community. These are all amendments proposed to me by leaders of community activities in my State of Ohio.

Instead of our spending a great deal of time on that subject, this legislative proposal ought to be kept in committee so that we do not have to worry about such questions. We have many much more important matters about which to concern ourselves.

Mr. President, my record over the years in support of humane and progressive social welfare legislation needs no defense. It is a happy personal recollection that in the other body I voted for our social security law, for the Civilian Conservation Corps, for the Rural Electrification Administration, for minimum wage laws, and for a host of other beneficent bills while serving as Congressman at Large during the administration of Franklin D. Roosevelt. In fact I supported the recovery program of Franklin D. Roosevelt in its entirety. During the administration of President Harry Truman I voted to liberalize and extend these measures for the welfare of the American people. As a member of the Ways and Means Committee of the House of Representatives I helped liberalize and expand the coverage of our social security insurance system. Since my election to the U.S. Senate, the record shows that I have voted for and urged the passage of legislation which would further provide for the betterment of all Americans in our complex industrial society today.

As a private citizen I pioneered in the effort to obtain unemployment compensation laws in Ohio and for laws to regulate the working conditions of men, women, and children.

Then as president of the Cuyahoga County Bar Association—an association of about 1,800 lawyers in my home city of Cleveland—I was the first official from any bar association to testify before the Senate Committee on Finance appealing that self-employed lawyers be covered by the beneficent provisions of our social security law. The American Bar Association never sent a representative to testify in favor of social security coverage for lawyers. At that time I testified before the Senate Committee on Finance urging that self-employed lawyers of the United States be covered by the beneficent provisions of our social security laws. I was told at that time by members of the committee—some of whom are our colleagues in the Senate at the present time—that if the lawyers had asked for this privilege many years before, they would have been included. Very shortly, a few months afterwards, self-employed lawyers were given the privilege of being covered by the beneficent provisions of the social security law. Many of them and many of their widows today receive retirement benefits as a result.

However, in this instance I cannot go along with the administration, much as

I would like to. Some smart public relations man evidently thought up this "catchy" name for this proposed independent agency which would principally duplicate work already being done, while our taxpayers sweat on, burdened by mounting expenditures of the Federal Government. I cash in my checks on this Domestic Peace Corps proposal.

#### CIVIL SERVICE PREFERENCE

Mr. STENNIS. Mr. President, the civil service system is now undergoing an experience which will destroy its integrity unless the situation is righted. For many years both the Congress and the American people have felt that the Civil Service was a system of fair selection of worthy applicants for Government positions. Persons in civil service have relied on the system and have gained vested rights in it.

Now the basic principles of that system are being destroyed through special orders. Thus, the faith of the public is being destroyed, and the rights of many hundreds of thousands of faithful employees are being swept away.

The evidence would appear uncontradicted. I am especially sure of its reliability, since I have called some of these items, to which I shall refer, to the attention of Chairman John Macy, of the Civil Service Commission, when he recently appeared before the Appropriations Subcommittee.

I wish briefly to document some of the special orders and their application, to which I have referred.

Recently, 3 Negro employees in the Dallas post office were promoted to supervisory positions over 53 white persons who had earned higher ratings in the competitive examinations given for the positions. Action was taken in accordance with a 1961 Executive order designed to "insure equal opportunity for all qualified persons" in Government employment and as stated by Chairman Macy of the Civil Service Commission, in order to effectuate a policy in the Post Office Department to "eradicate inequities" in employment.

In addition, at headquarters in Washington, as I understand, a Negro or other minority race member may be bypassed on the eligibility list only for reasons determined adequate by the chief of the employment section or the director of personnel. This directive states that when candidates are referred for interview the operating officers must support any nonselection action with written reasons submitted through the division head to the chief of the employment section.

Commenting on these provisions, a local newspaper columnist recently said that this is approximately the same job preference given by law to veterans who qualify for Federal jobs, and has led to reports that Negroes are being given preference over white veterans.

Mr. President, I refer to that illustration as a part of the complete picture.

Under date of June 4, 1963, the Civil Service Commission here in Washington announced that five-man teams of its representatives, acting under the direc-

tion of the Atlanta regional director, would visit a series of southern communities to assure that full opportunity is given to all citizens to compete for Federal positions. The teams were to begin their work in Jackson, Miss.; Montgomery, Ala.; and Nashville, Tenn. Later, they were to visit other southern localities. Instructions to the visiting teams require numerous positive actions to promote minority group and employment advancement.

As an illustration of some of the activities under these express and special directives, I have been told about one situation in the southeastern part of the United States, in which a department of Government received a special memorandum, the title of which was "Employment of Members of Minority Group." The memorandum advised as follows:

Your allotment of positions has been increased by one. In connection with the above, it is understood that the additional place is to be used to bring a qualified member of the above group to a clerical position in your office.

In other words, there is a direct order from the Civil Service Commission creating an additional job in that office with the directive that the position is to be filled only by a qualified member of the minority group.

In the opinion of the Senator from Mississippi, that is a direct violation of the regulations which control; it is a direct violation of the spirit of the civil service law and, I think, a direct violation of the law itself.

My complaint is not merely at the prospect of the employment of a person who might be a Negro. My complaint is at the total abandonment of rules and regulations applicable, and the law and the principles and spirit of the law which should be applicable.

I buttress my argument and position with a quotation from the RECORD of yesterday, on page 11881, a paragraph from the speech delivered by the distinguished Senator from Connecticut [Mr. RIBICOFF], when he was speaking on the responsibilities in connection with the civil-rights crisis. I quote the Senator:

Denying a man a job because he is a Negro is indefensible. Granting him a job if he is not qualified just because he is a Negro cannot be justified either. Those who claim that x number of jobs or y percent of jobs must be set aside for Negroes are not favoring equality of opportunity. They are saying that opportunity does not matter, that merit does not matter, that only arbitrary numbers and percentages matter. That point of view will undermine the whole effort to achieve equality in this country.

That is exactly the situation brought about by this order. Just remember, the order from which I have quoted refers to the creation of an additional position in an office. The order at the same time carried a direct mandate that the position be filled by none other than one from this minority group.

In the listings at that time, there happened to be no person of that group. Examinations were held, but no one from that group got on the list. But that is beside the point. As stated in the quotation from the speech of the Senator from Connecticut which I have read, this is a

prostitution of the system itself, in order to meet a certain desired end. That end can be met within the letter and spirit of the law and in keeping with the historic principles and vested rights of persons on the civil service lists. To do it any other way not only destroys the integrity of the system, but destroys the system itself and does an injustice to all.

In further documentation, under date of January 4, 1963, the U.S. Army Corps of Engineers at New Orleans issued an "Equal Opportunity Plan of Action," purportedly in furtherance of the President's 1961 Executive order on fair employment practices. In part, the plan stated:

In any case where a Negro is known to be within the top three on a list of available eligibles for a vacancy and such a Negro is not selected, prepare and direct to the district engineer, through the civilian personnel officer and the deputy employment policy officer, a formal letter citing the reason for nonselection. Included therein will be a comparative résumé of the qualifications, including education and experience, of the three available eligibles. In such case, no appointment will be made without the written approval of the district engineer.

Following widespread protest, the directive quoted was changed to substitute "minority person" for "Negro," but was broadened to embrace "minority persons" within the "zone of consideration."

The Department of Defense recently instituted a crash program, with special emphasis on the South in order to improve employment and advancement opportunities for Negroes. Although the civil service laws are applicable to positions in the Department of Defense as well as the other Government departments, provisions are contained in the directives in outright favor of Negroes. For example, progress reports require comparative quarterly statements of the number of Negroes employed and the sample form to be filled out shows a gain in Negro employment at September 30, 1963, over June 30, 1963, although September 30, 1963, is not yet here. In other words, the duty to employ more Negroes is spelled out in no uncertain terms.

Practices and directives of this kind go to the very vitals of the integrity of the system. It is an unlawful and irresponsible means of reaching an end that someone has in mind.

Under the special provisions directed at the South, the Pentagon will dispatch headquarters' officials to major employment headquarters in that section to make "on the spot" employment reviews. Immediate action is authorized "to correct any limited or out-of-balance utilization of minority group employees."

Mr. President, these are the undisputed, the documented facts.

I mentioned most of these examples to Mr. Macy the other day, during his testimony before the Appropriations Committee. He was familiar with some, and with some he was not, but the whole tone of his answer was that the descriptions of these cases were correct as far as the facts were concerned.

On their face they demonstrate beyond possible doubt a policy to force employment of Negroes in civil service positions regardless of applicable law and prior

regulation, regardless of qualifications. Can it be doubted that on their face the procedures adopted, promulgated and put into execution are clearly in violation and even in contempt of the applicable law? How do you equate moving down 53 spaces on a civil service list for three appointments, with the provision of a merit system designed to reward and recognize only those at the top? How does one equate a merit system worthy of the name with special coercive provisions that make examiners and supervisors suspect unless they appoint a Negro?

How does one justify creating a job and then expressly saying in the same directive that it can be filled only with a Negro or a member of some minority group?

That mandate was written in express, direct terms, but the whole tone of the investigators and those who have been sending out directives to various offices is that of a mandate, saying, in effect, unmistakably, "Either do this or get out." That is the mandate under the new sweeping orders.

These acts are unworthy of the high place and position that has been accorded by the people of the country, and by the Congress, to the Civil Service System, which has long had its established rules and regulations.

By and large, the Senator from Mississippi thinks the commission has rendered excellent service. There are certain preferences under the civil service law, with which we are all familiar. Those preferences apply to minority groups and colored people, whoever the persons may be. Those preferences are embodied in what is known as the Veterans' Preference Act. Congress enacted a law expressly creating these preferences, writing into law the way such preferences should be made effective, and requiring that the selecting persons, if they did not select certain qualified veterans, document their reasons.

It has worked fairly well. It has been fair. Now this practice has come into being, without any congressional authority, without any act of Congress, taking over and proceeding as if it were the law, without any prior investigation as to whether it was justified or whether anyone had been discriminated against, with these people showing up in various offices with this demand, this ukase, saying what shall be done, regardless of the situation with respect to the list, and regardless of what the law may provide.

I called on Mr. Macy. I do not mean any reflection on him. I have a high regard for Mr. Macy as Chairman of the Commission, and I have a high regard for the other members of the Commission also. However, I have asked him to investigate his investigators, to determine what they were saying to the various administrators, what they were doing, and what was being done in connection with the entire procedure.

I asked him if he had sent investigators with special orders to other parts of the country. He said he had not. He expressed the intention to see that the law was administered in the same way throughout the country.

The demand and tone and temper of the orders are playing havoc and bringing uncertainty into the minds not only of administrators, but also of those on the list.

I do not remember when the Civil Service Act was passed, but I remember when it was in its growth, and I know how it has developed.

At one time the spoils system was used in filling Government position. It became apparent that the Federal Government needed qualified persons to perform the duties of the various offices. Of course, qualification was not a major consideration under the spoils system.

As a result, the people demanded an end to spoils politics and the corruption and abuse which it created. In 1871 Congress created the first Civil Service Commission, although it failed to make an appropriation to support it.

The cry for civil service reform, however, continued and the problem became so great that after the assassination of President Garfield, attributed at least in part to spoils politics, Congress, in 1883, adopted the Pendleton Act, providing for the appointment of a bipartisan three-man Civil Service Commission for drawing up and administering competitive examinations leading to the appointment of qualified employees on a merit basis. There have been changes in the law since then, but the Pendleton Act provided the foundation for the present Civil Service System.

We are now faced, however, with a serious threat to the integrity of the Civil Service System. An appointment system which is politically motivated is doomed to failure. If Federal employees are to be appointed solely because they are members of the Negro race, not only will the civil service law be violated, but it will discourage and prevent qualified white people from applying or even taking the trouble to apply.

The great wave of emotion which has been sweeping the country during the past few weeks, resulting in the administration apparently giving the Negro race a signed blank check, can well cause our entire system of government to crumble. Massive mob demonstrations and riots have been organized by agitators, often from outside the area, for the loudly proclaimed purpose of violating State laws.

The Congress must take effective action to restore the integrity of the Civil Service System and make it clear that the Government will not be goaded and coerced in the matter of the employment of qualified Federal employees.

Thus we see a pattern of willful and arbitrary abuse of the great Civil Service System, in which hundreds of thousands of Americans have vested rights which they have earned over many years of faithful service. This practice should, and I believe will, backfire on the political planners which order its execution. We should help make it backfire, not only in this instance, but whenever there is an abuse anywhere for personal or political purposes.

These practices can be taken up and scrutinized, of course, in an appropriation bill when it comes before the Sen-

ate. We could investigate the operation by the appropriate committee. But not even by investigations or even by cutting appropriations can we further the integrity and the spirit of the great system which means so much to many thousands of persons who are on the list, as well as to the proper operation of our system of government.

Mr. President, I am convinced beyond all doubt that if this misconduct is not stopped—and I pray that our exploring it on the floor of the Senate will result in its being stopped—it will be absolutely necessary, and the positive duty of Congress, representing all the people of the Nation as a whole, to proceed to expose the facts and to take corrective action.

#### CALL OF THE CALENDAR

Mr. MORSE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of certain bills on the calendar to which there is no objection, beginning with Calendar No. 290.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senate will proceed to the consideration of the bills, in order.

#### ETSUKO MATSUO McCLELLAN

The bill (S. 280) for the relief of Etsuko Matsuo McClellan 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, for the purposes of sections 101(a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Etsuko Matsuo McClellan, shall be held and considered to be the natural-born alien child of Sergeant Curtis O. McClellan and Jewell McClellan, citizens of the United States: Provided, That the natural parents of the said Etsuko Matsuo McClellan shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.*

#### DENIS RYAN

The bill (S. 568) for the relief of Denis Ryan 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, for the purposes of the Immigration and Nationality Act, Denis Ryan shall be held and considered to have been lawfully admitted to the United States for permanent residence as of January 1951, and to have met the physical presence and continuous residence requirements of section 316 of that Act, notwithstanding his temporary periods of absence from the United States in the employment of the United States Armed Forces: Provided, That he file a petition for naturalization not later than one year following the date of the enactment of this Act.*

#### YUNG YUEN YAU

The bill (S. 733) for the relief of Yung Yuen Yau 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, for the purposes of the Immigration and Nationality Act, Yung Yuen Yau 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 fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.*

#### MRS. GIUSEPPA RAFALA MONARCA

The bill (S. 753) for the relief of Mrs. Giuseppa Rafala Monarca 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, for the purposes of the Immigration and Nationality Act, Mrs. Giuseppa Rafala Monarca 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 fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.*

#### DR. JAMES T. MADDUX

The bill (S. 1201) for the relief of Dr. James T. Maddux 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, (1) in the administration of chapter 73 of title 38, United States Code, as amended, and the rules and regulations promulgated thereunder, Doctor James T. Maddux, of Narberth, Pennsylvania, an employee of the Department of Medicine and Surgery, Veterans' Administration at Philadelphia, Pennsylvania, shall be held and considered to have been promoted from associate grade, Medical Service, to full grade, Medical Service, effective as of July 9, 1961, and (2) the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Doctor James T. Maddux, an amount equal to the difference between the salary received by him as such an employee for the period from July 9, 1961, to February 17, 1962, and the salary he would have received for such period had his promotion from associate grade, Medical Service, to full grade, Medical Service, been made effective as of July 9, 1961.*

#### ANNE MARIE KEE THAM

The Senate proceeded to consider the bill (S. 296) for the relief of Anne Marie Kee Tham which had been reported from the Committee on the Judiciary, with an amendment at the beginning of line 11, to strike out "appropriate" and insert "French", 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, Anne Marie Kee Tham 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 fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the French quota for the first year that such quota is available.*

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

#### HENRY BANG WILLIAMS

The Senate proceeded to consider the bill (S. 538) for the relief of Henry Bang Williams which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

*That, for the purposes of the Immigration and Nationality Act, Henry Bang Williams 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 fee: Provided, That the natural mother of the said Henry Bang Williams shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.*

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

#### LAWRENCE E. BIRD

The bill (H.R. 1267) for the relief of Lawrence E. Bird 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. 325), explaining the purposes of the bill.

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

##### PURPOSE

The purpose of the proposed legislation is to authorize and direct the Secretary of the Treasury to pay the sum of \$2,517.17 to Lawrence E. Bird, 5689 Valley Street, Dayton, Ohio, in full settlement of his claim against the United States for expenses incurred in January and February of 1960, in connection with replacing a well on his property destroyed by certain construction activities at Wright-Patterson Air Force Base, Ohio.

##### STATEMENT

Lawrence E. Bird, beneficiary of the bill, owned a home in which he and his wife lived, and a rental home near the west boundary of Wright-Patterson Air Force Base, Ohio. Both of these dwellings depended upon a water well located on the meridian between the north and south lanes of Highway 69, which runs near and parallel to the airbase boundary. About 290 feet from the water well, and inside the boundary of the airbase, Mad River flows. On October 28, 1958, the river was deepened and straightened by the Corps of Engineers, Department of the Army, in conjunction with improvements to the airbase.

Mr. Bird notified the Corps of Engineers project manager, on October 30, that, after the deepening of the river channel near his

property, his well ran dry. Mr. Bird hired a ground water consultant to determine the cause of the well going dry, and on November 9 the consultant conducted several tests. These tests were repeated on March 19, 1959, but still there was no water present.

A meeting was held on March 26 with the project manager, the ground water consultant, two State water experts, and the representative of a chemical company. It was agreed at this meeting to drill another well near the dry one. Two wells were drilled and neither produced water. However, a third well drilled some distance from the original well was productive.

Mr. Bird filed a claim with the Corps of Engineers on February 20, 1960, asking \$2,867.17 damages for the expense of completing the new well and for the inconvenience of being without a well during the time the new one was being drilled. A hydraulic study made by the Corps of Engineers revealed that the original well was fed by percolating water and that it went dry as a result of the Government lowering the bed of Mad River.

The report of the Department of the Army outlines the efforts made by Mr. Bird to settle this matter administratively. The report observes that Mr. Bird had no legally enforceable claim. In interposing no objection to relief by private bill, providing the amount is reduced, the Army stated:

"The evidence shows that the loss of the water well was caused by the action of the United States. Even though under the law of the State of Ohio, no legal liability therefor accrued, had the incident occurred in the neighboring States of Indiana or Kentucky (or in perhaps one-half of the States, see 29 A.L.R. 2d 1361), it could have been considered for payment. Therefore, the Department of the Army would interpose no objection to the bill if amended to reduce the amount to \$2,517.17."

The committee is of the opinion in view of the position taken by the Department of the Army and the facts in the case, that this is a proper case for legislative relief. Accordingly, the committee recommends favorable consideration of H.R. 1267, without amendment.

#### MISS ANN SUPER

The bill (H.R. 1275) for the relief of Miss Ann Super was considered, ordered to a third reading, was read the third time, and passed.

#### CARMELA CALABRESE DI VITO

The bill (H.R. 1292) for the relief of Carmela Calabrese DiVito was considered, ordered to a third reading, was read the third time, and passed.

#### MARIO RODRIGUES FONSECA

The bill (H.R. 1332) for the relief of Mario Rodrigues Fonseca was considered, ordered to a third reading, was read the third time, and passed.

#### ASSUNTA DI LELLA CODELLA

The bill (H.R. 1736) for the relief of Assunta DiLella Codella was considered, ordered to a third reading, was read the third time, and passed.

#### JOSEPHINE MARIA (BONACCORSO) BOWTELL

The bill (H.R. 3356) for the relief of Josephine Maria (Bonaccorso) Bowtell was considered, ordered to a third reading, was read the third time, and passed.

### LEROY SMALLENBERGER

The bill (H.R. 4773) for the relief of Leroy Smallenberger, a referee in bankruptcy was considered, ordered to a third reading, was read the third time, and passed.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 332), 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 provide that the Administrative Office of the U.S. Courts shall pay, out of any appropriation available for payment of salaries of referees in bankruptcy of the district courts of the United States, a retroactive increase in salary from \$7,500 per year for service as a part-time referee, to \$15,000 a year for service as a full-time referee, to Leroy Smallenberger, a referee for the U.S. District Court of the Western District of Louisiana, for the period July 1, 1962, through October 17, 1962, inclusive.

#### STATEMENT

The proposed legislation for the relief of the claimant is favorably recommended by the Administrative Office of the U.S. Courts.

In its favorable report to the Congress, the Administrative Office of the U.S. Courts has set forth the facts in the case as follows:

"Prior to July 1, 1962, Referee Smallenberger, the only referee authorized for the western district of Louisiana, served on a part-time basis and in addition maintained a separate law practice as permitted under the statute. In March 1962 it was brought to the attention of the Judicial Conference that the volume of business in the western district of Louisiana was at an all-time high and that the volume of work justified the creation of a full-time referee position. This was the recommendation of the Director of the Administrative Office, the district judges, and the judicial council of the circuit. The Judicial Conference thereupon concurred in this recommendation and changed the referee position from a part-time basis at a salary of \$7,500 per annum, to a full-time basis at a salary of \$15,000 per annum, to become effective July 1, 1962, provided appropriated funds are available."

"On March 20, 1962, the Honorable Ben C. Dawkins, chief judge of the U.S. district court at Shreveport, La., was informed of the action of the Judicial Conference. Referee Smallenberger immediately commenced negotiations with his law partner for the disposition of his business by July 1, 1962, since under the provisions of the Bankruptcy Act part-time referees are permitted to practice law, but full-time referees are not permitted to conduct a private law practice. It was necessary for these negotiations to be conducted somewhat in advance if Mr. Smallenberger was to be free to assume full-time duties on July 1. Arrangements were in fact completed and Referee Smallenberger entered on duty as a full-time referee on July 1, 1962."

"Although funds for the payment of the salary increase to Referee Smallenberger were included in the appropriation act for the fiscal year 1963, the enactment of the legislation was delayed and the appropriation was not approved by the President until October 18, 1962. The payment of the salary of Referee Smallenberger on a full-time basis was made effective on that date. H.R. 4773 provides that the Administrative Office of the U.S. Courts shall pay, out of any appropriation available for payment of salaries of referees in bankruptcy of the district courts of the United States to Referee Smallenberger, a retroactive increase in salary from \$7,500 a

year for service as a part-time referee to \$15,000 a year for service as a full-time referee for the period July 1 through October 17, 1962.

"The proposal contained in this bill was favorably reported to the Judicial Conference by its Committee on Bankruptcy Administration at the recent session held on March 11-12, 1963. The Conference at that time expressed approval of the proposal contained in the bill."

The bill was the subject of a hearing before a subcommittee of the Committee on the Judiciary of the House of Representatives on March 27, 1963.

Representatives of the Bankruptcy Section of the Administrative Office of the U.S. Courts appeared at the hearing and testified on the bill.

In its favorable report on the bill the Committee on the Judiciary of the House of Representatives has commented:

"At that hearing it was pointed out that section 40 of the Bankruptcy Act (11 U.S.C. 68) provides for the creation of a referees' salary fund and a referees' expense fund in the Treasury of the United States. The amounts collected by the clerks of the courts for the services of referees and their expenses are covered into these special funds. The payment of the salary authorized by this bill would be from the salary fund. Since the bill authorizes payment from this revolving fund, it can be noted that the enactment of the bill will not result in a payment of funds derived from taxes."

"After a full consideration of the matters presented at the hearing and the favorable recommendation contained in the report of the Administrative Office of the U.S. Courts, this committee has concluded that this is an appropriate subject for legislative relief. Accordingly, it is recommended that the bill be considered favorably."

The committee believes that the proposed legislation is meritorious and recommends it favorably.

Attached and made a part of this report is a letter, dated March 25, 1963, from the Administrative Office of the U.S. Courts.

### J. ARTHUR FIELDS

The bill (S. 1489) for the relief of J. Arthur Fields 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 the limitation on the time for filing applications for disability retirement under section 7(b) of the Civil Service Retirement Act (5 U.S.C. 2257(b)) is hereby waived in favor of J. Arthur Fields of Tooele, Utah, former employee of the Tooele Ordnance Depot, and his claim for disability retirement under such Act shall be acted upon under the other applicable provisions of such Act as if his application had been timely filed, if he files application for such disability retirement within sixty days after the date of enactment of this Act.

SEC. 2. Notwithstanding any other provision of law, benefits payable by reason of the enactment of this Act shall be paid from the civil service retirement and disability fund.

### CARLTON M. RICHARDSON

The bill (S. 1230) for the relief of Carlton M. Richardson 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 the limitation on the time within which applications for disability retirement are required to be filed under section 6 of the Civil Service Retirement Act as in effect in August 1956 (5 U.S.C., 1952 ed., 710) is hereby waived in favor of Carlton M. Richardson, a former employee of the Department of the Air Force, and his claim for disability retirement under such Act shall be acted upon under the other applicable provisions of such Act as if his application had been timely filed, if he files application for such disability retirement within sixty days after the date of enactment of this Act. No benefits shall accrue by reason of the enactment of this Act for any period prior to the date of enactment of this Act.

SEC. 2. Notwithstanding any other provision of law, benefits payable by reason of the enactment of this Act shall be paid from the civil service retirement and disability fund.

### CUBAN GOVERNMENT-IN-EXILE

Mr. MORSE. Mr. President, the first subject I wish to discuss are the proposals advocated in the Senate recently having to do with the recognition by the United States of a Cuban Government-in-exile, at Guantanamo Bay, and calling for the imposition of a pacific blockade of Cuba.

I wish to associate myself with the remarks already made on this subject by the distinguished majority leader, the able Senator from Montana [Mr. MANSFIELD], and by the present Presiding Officer of the Senate, the distinguished Senator from South Dakota [Mr. MCGOVERN].

I propose today to discuss the legal aspects of the two proposals. My two distinguished colleagues, Mr. MANSFIELD and Mr. MCGOVERN, discussed them from the standpoint of their broad relationship to American policy. I wish to look into their relationship to existing international law. In my opinion, both proposals are foolish, dangerous, imprudent, and ill-considered under present circumstances.

The attempt to implement either of them would strengthen Castro's position vis-a-vis the United States; yet they are naively put forward as anti-Castro policies.

#### PROBLEMS OF A GOVERNMENT-IN-EXILE

First, let us consider the question of a government-in-exile. Who is to decide upon the composition of such a government? From where is such a government to derive any right to claim to be the government of the Cuban people?

When the United States has recognized governments-in-exile in the past, these have been governments which were duly constituted in their own countries and which were ejected from their own countries by force majeure. The various European governments-in-exile which we recognized during World War II are examples. But no such Cuban Government exists, unless one wants to recognize Batista, and I do not know of anyone who wants to do that.

The fact remains that under our long historic policy, the only group we could possibly recognize as a Cuban Government in exile would be the government of Batista and his followers.

Furthermore, it is the recognized government of a country which one holds

responsible for carrying out that government's international obligations. I do not think many people realize that as a matter of international law, the United States still recognizes the Castro government of Cuba.

I repeat, under international law and the official position that has been taken by the Government of the United States to date, the United States recognizes as the Government of Cuba the Communist government of Castro. We have not maintained diplomatic relations with the Castro government since January 1961; nonetheless, we recognize it as the Government of Cuba. Our representative in Cuba is the Swiss Embassy. The Swiss Government carries out, as our agent under international law, the relationships between the Castro Communist government and the Government of the United States. We sit with it in the United Nations, and it is the government which we hold accountable for living up to Cuba's international obligations assumed in the United Nations Charter and in all other treaties—especially the treaties giving us the right to maintain a naval base at Guantanamo.

We cannot recognize two governments of the same country at the same time; and if we recognize a Cuban government-in-exile, that is the government which we will hold responsible for fulfilling Cuba's treaty obligations. A government-in-exile would be totally incapable of meeting such a responsibility.

To recognize a government-in-exile would mean freeing Castro of all his international law obligations toward the United States. We would free Castro—and this is the ironical paradox of the proposal that we locate a government-in-exile on the Guantanamo Naval Base—of all obligations under the Guantanamo Treaty of 1903.

I say most respectfully that those who make such a proposal ought to study their international law and not propose that the Government of the United States walk out on its international law obligations in respect to existing treaties with Cuba.

We cannot recognize two governments at the same time; and if we recognize a Cuban government-in-exile, I repeat that that will be the government which we will hold responsible for fulfilling Cuba's treaty obligations. But a government-in-exile would be totally incapable of meeting such a responsibility.

Furthermore, the Castro government would be relieved of its present responsibility in this respect, at least so far as the United States is concerned. Castro's performance in meeting his international obligations has not been very good, but that is no reason to relieve him of the responsibility for doing so. Castro has respected his treaty obligations regarding Guantanamo, so far. I, for one, do not want to make it any easier for him to dodge these obligations, but that is precisely the effect that some people would bring about in the name of anti-Castroism.

**EXILE GOVERNMENT WOULD NOT REPRESENT CUBAN PEOPLE**

There remain all the additional objections which stem from the lack of

any legitimate government of Cuba in exile. The United States would have to choose for recognition among a great many competing political elements among the refugees. Having made a selection, our ability to work with those left out would be severely inhibited.

The greatest defect of all in the policy of selecting a government to recognize comes in the lack of representation in it for the 96 percent of the people of Cuba who are still in their homeland. It is really upon them that we count for the eventual overthrow of the Communist government. On what possible basis could a refugee group which we might recognize as an exile government represent any considerable portion of the 96 percent of the Cuban people who still are in their homeland?

The effort to select a government-in-exile by some form of election by the refugees does not remove any of these objections. Moreover, if conducted by United States authorities, it would limit the electorate to those who reside in the United States or its possessions, and could not give any reflection to the desires of the refugees elsewhere in the hemisphere—and there are many of them, much less to the great bulk of the Cuban people. It would have the added disadvantage of putting into the hands of the United States the responsibility for setting up the ground rules, and for determining who shall be eligible to participate. Any such government would carry the indelible stamp of a puppet government of the United States.

**DANGERS OF LOCATING GOVERNMENT-IN-EXILE AT GUANTANAMO BAY**

This effect would be compounded if a Cuban government-in-exile were established in Guantanamo. The agreement of 1903 under which Guantanamo is leased to the United States provides, in Article II:

The grant of the foregoing Article [which describes the boundaries of the base] shall include the right to use and occupy the waters adjacent to said areas of land and water, and to improve and deepen the entrances thereto and the anchorages therein, and generally to do any and all things necessary to fit the premises for use as coaling or naval stations only, and for no other purpose.

I repeat, "and for no other purpose."

That article sets forth the rights our country obtained under the treaty. Under that treaty we obtained no right to establish an exile government at the Guantanamo Bay Naval Base; and, in my judgment, if that issue reached the World Court, there would not be one vote in the World Court in support of the United States.

In article III of the same agreement, the United States expressly "recognizes the continuance of the ultimate sovereignty of the Republic of Cuba" over the areas, although the United States is given "complete jurisdiction and control" for the period of use as a naval base.

In a further treaty of 1903 dealing with Guantanamo, in article III the United States "agrees that no person, partnership, or corporation shall be permitted to establish or maintain a commercial, industrial, or other enterprise" within the area.

Finally, article IV of this later treaty provides, in relevant part, that—

Fugitives from justice charged with crimes or misdemeanors amenable to Cuban law, taking refuge within said areas, shall be delivered up by the United States authorities on demand by duly authorized Cuban authorities.

From the standpoint of Castro Cuba, what would be the legal status of members of an exile government created by the United States out of the refugees? They would be traitors; that is what the Castro government would consider them, and to locate them at Guantanamo Bay would be to place them clearly within the solemn commitments of the United States which are set forth in that treaty, which was signed by the Government of the United States, and under that treaty we would really be duty-bound to deliver them to Castro.

The overwhelming purport of these articles is that the United States is forbidden to allow, much less to recognize, the establishment of a government-in-exile in Guantanamo. If we did so, we would clearly put our rights to the base in grave jeopardy and lend substance to Castro's demands that we evacuate the base.

**PROBLEMS OF PACIFIC BLOCKADE**

I turn now, Mr. President, to the question of a pacific blockade—the second proposal which has been made is to establish a pacific blockade.

The term "pacific blockade"—

Says the authority, Charles Cheney Hyde—

refers to the cutting off of access to or egress from a foreign port or coast by a naval operation designed to compel the territorial sovereign to yield to demands made of it, such as the granting of redress for the consequences of its wrongful conduct, and by a process whereby the blockading state does not purport to bring into being a state of war. Such action is to be deemed pacific merely in the sense that the blockading state is disposed to remain at peace, while the state whose territory is blockaded does not elect to treat the operation as producing war or as compelling it to make war upon its adversary.

The option of whether a pacific blockade remains pacific lies with the blockaded state, and the blockaded state is legally justified in construing such action as an act of war if it so chooses. Thus, the initiative passes from the hands of the blockader to the hands of the blockaded.

I digress to say that under international law, whether or not the blockade could remain a pacific blockade would be determined not only by Castro, but by any other nation in the world that might seek to send a ship into Cuban waters if the United States should attempt to impose a blockade against that ship. It would not be much of a blockade if a nation were to lift the blockade on a ship-by-ship basis at its discretion in order to avoid offending another country.

Let us face the issue. The word "pacific" added to "blockade" does not change the fact that the proposal is for the United States to lay down a blockade. We will either enforce it against all nations or we will proceed to make

exceptions nation by nation. When we start doing that, we will make the United States look perfectly absurd, for it is known that there are many nations among the free nations in the world that will never lower their flag to what they consider to be an illegal U.S. blockade. If anyone thinks we could impose such a blockade only against Communist nation ships, he overlooks the history of blockades. Her Majesty's Government has made clear throughout the glorious history of the British Commonwealth that the Union Jack will never be lowered to a blockade that it considers illegal.

Under international law today we would not have a legal leg to stand upon for laying a blockade around Cuba and imposing it against the ships of the free nations of the world, or the Communist nations, either, for there exists an ugly fact of international law that we sometimes do not like to face. It is that the sovereign nation of Russia has the same international law rights as has the sovereign nation of the United States. When a fact situation had not been created, which I shall come to in a moment, such as the fact situation of aggression of October 1962, we would not get a vote either in the World Court in support of a so-called pacific blockade, for we would be found to have committed an act of war.

The senior Senator from Oregon will not walk out on the international law he knows merely because he, too, has the same feelings of hatred for the Castro Communist government that any other Senator or citizen may have. I shall not support the blockade movement, because in my judgment it would lead our country into a path of great error.

In October 1962 the situation was different. Last October we imposed a blockade of Cuba that the President first described as a quarantine. The great difference, however, is that then we were acting to meet a clear and present danger to the United States; we were exercising our inherent right of self-defense in a manner which was at once forthright and restrained; it was the legal creature of the Organization of American States; and we had overwhelming world support.

We received world support when we pointed out to Her Majesty's Government, to Canada, to France, to Italy, to our NATO allies, and to our Latin American associates that Khrushchev and Castro had crossed the line of defense which they have a right to stay behind in international law into an area of aggression and had become aggressors. We then had the right under international law to proceed to protect our security, and to invoke the Rio treaty for when the Russians put into place ground-to-ground missiles, they were no longer acting from the standpoint of national or international self-defense. They had started to commit acts of aggression that threatened the security of the Western Hemisphere, including the United States. When we presented that evidence to the free nations of the world, they supported us in the blockade.

The missiles have been removed. At the present time the Castro government

is behind its line of defense, and a blockade of that government now would be an illegal blockade under international law.

A blockade is a serious affair. It is not to be imposed lightly in a fit of pique or frustration. It can be an act of war as well as of peace, and the decision as to which it will be will not rest with the United States. In my opinion, it could be justified only by the same kinds of circumstances which would justify war.

Last October the United States had cause to go to war over Cuba, was ready to do so if necessary, and made it clear to both Castro and Khrushchev. The threat to our security was clear and acute. Today, the United States does not have such cause. The scale of our actions in dealing with Cuba must be adjusted to the scale of the threat which Cuba represents.

Within recent months, the Kennedy administration has made these adjustments expertly and courageously. It deserves support.

The senior Senator from Oregon will continue to support the Kennedy administration in what he considers to be its great program of international law statesmanship in handling our difficult relations with Cuba.

#### THE ADMINISTRATION'S FOREIGN AID PROGRAM

Mr. MORSE. Mr. President, several days ago I said that I would endeavor to speak briefly each day setting forth my reasons, issue by issue and problem by problem, for opposing the administration's foreign aid program in its present form. I shall continue to oppose that foreign aid program unless the administration is willing dramatically to modify it.

The amendments which I shall offer in due course will seek to modify it by a reduction in the amounts provided by at least 25 percent overall and a reduction in the number of countries that the program seeks to aid. As I have been heard to say, in my judgment we are aiding a considerable number of countries that are now capable of aiding themselves. We have poured the largesse of the American taxpayers into the foreign aid program since 1946 to the amount of almost \$100 billion. In order to protect the greatest security weapon we have, our own domestic economy, the bill must be substantially reformed and its amounts reduced. Last year I took that position in an election year. I voted against foreign aid. Close and dear friends in the Senate pleaded with me not to follow that course of action because they thought I was following a course of political suicide. I said that my convictions on that subject were such that I would rather not come back than to vote for what I consider to be the squandering of hundreds of millions of the American taxpayers' dollars. The voters of my State sustained my position.

(At this point Mr. BARTLETT assumed the chair as Presiding Officer.)

Mr. MORSE. Mr. President, I was greatly disturbed, as other Senators who have already spoken on this matter today were obviously disturbed, when I read in the newspaper this morning the

account of the statement by M. Alain Peyrefitte, a spokesman of President de Gaulle, who added to the anti-American offerings or recent months of the De Gaulle regime.

Every history-conscious American has no doubt read with great interest the allegation of the French Information Minister that what he calls the American record of neutrality in 1914 and 1939 does not inspire confidence now in America's pledges to meet our treaty obligations under NATO.

Mr. Peyrefitte says France would have wished to have the United States at her side in 1914 and 1939, whereas we only entered those wars in 1917 and 1941.

This is certainly the most ridiculous and infantile turn that the disagreement between our two countries has taken.

If we are to continue this dialog, we will certainly want to point out to the French that the American colonies would have wished to have France at their side in 1776, whereas we were compelled to fight the British Crown an unconscionably long time before the Comte de Grasse and the Marquis de Lafayette belatedly came to our assistance. We could also point out that when France did finally enter that conflict, it was only after the American victory at Saratoga had tipped the scale in our favor, and it might well be said that France only came in to kick a dead horse.

Or we could ask M. Peyrefitte, and through him, President de Gaulle, what possible interest they think the United States could have had in the long-planned and plotted design of France to retake Alsace-Lorraine? It turned out that in 1914 Germany was more successful in pressing its demands against France than France was in pressing its demands against Germany. I am frankly appalled that the leadership of France today is putting a construction on World War I that implies there was any American interest or obligation whatsoever to aid France in the war plans and objectives vis-a-vis Germany that were the business of French governments for many years prior to 1914.

The United States got into World War I because of the German warfare against our shipping on the high seas. So we came to have a common enemy with France. To defeat that common enemy, we sent hundreds of thousands of men to fight on French soil against the Germans; we lent billions of dollars to France to keep her head above water because she was obviously in over her head.

In fact, if France wants to continue this kind of reference to the past, someone is going to bring up the \$6 billion in unpaid World War I debt and interest, which she still owes the United States.

As for World War II, surely France is the last country in the world that should be deriding anyone else's performance in that conflict.

The absurdity of the statements of the French Government should make it clear to the most pro-NATO circles in Europe and in the United States that the aspersions France is casting upon American good faith are not reasons for French policy, but weak excuses.

France has a policy objective in mind; namely, to take over the leadership of

Western Europe. She knows she cannot reach that objective so long as the United States remains in Europe through the mechanism of NATO. So France must force the United States out. She is trying to do that by undermining confidence in the United States, by flatly rejecting her own military obligations to the NATO command, and by taking advantage of her strategic location to forestall as much of NATO's military planning as she thinks she can.

So we are seeing the spectacle of France withholding both Naval and Army units that are supposed to be under NATO command, while at the same time insisting that 10 years from now the United States might not live up to its NATO obligations.

We are living up to them. We are not only living up to them; but also, we are assuming a large share of France's obligations to NATO, on which France has walked out.

One of the reasons why the senior Senator from Oregon will not support the foreign aid bill this year, with its military provisions, is that he does not intend to double-tax the American taxpayers. I do not intend, in effect, to put an additional tax on the American taxpayer when such tax ought to be put on the French taxpayer. Let France pay for its own NATO obligations.

We did not ask for this quarrel with France. France asked for it. France started it. But let it be understood that there are some of us in the Senate who do not intend to follow any counseling that there must be "hush-hush" policy to save France's face. So far as the senior Senator from Oregon is concerned, I will not vote one dime to France in connection with NATO expenses until France proceeds to carry out her treaty obligations under NATO, and until France begins to live up to her treaty obligations under the United Nations Charter, for De Gaulle has thumbed his nose at the United Nations and taken the position that France will make no contribution that it is bound to make under international law applicable to the United Nations in connection with any program of which he disapproves.

Mr. President, I am not going to give the support of American taxpayers' money to a country that is following such an anti-United Nations program.

I say to my administration, "You are not going to get my vote in support of any 'snow job' on France. I do not intend to join in any playing down of France's depredations with respect to NATO, with respect to the United Nations, and with respect to her anti-U.S. policy." It is up to France, so far as I am concerned.

I repeat what I said months ago, in January, that in my opinion, the time has come—it was long overdue—for someone to stand up and say, "De Gaulle, here we go."

It is very much in the interest of the NATO alliance that the United States stay in Europe, but I do not share the view that it is essential to U.S. interests that we stay in Europe.

West Germany knows that we will come to the defense of West Germany

in case of any Russian attack. The world knows that if we get into a war with Russia it will be a nuclear war and, in all probability, will be conducted over the heads of the European countries.

As I indicated in previous speeches, I am inclined to think this factor probably is very much involved in the position of De Gaulle and also in what amounts to anything but a friendly course of conduct on the part of some other NATO allies toward their NATO obligations and in the Common Market policies they have adopted, many of which are definitely anti-American in respect to their economic functions.

I am not going to join with my administration if it proposes any hush-hush program with respect to France, or any cover-up of France's intentions. I say again, "De Gaulle, it is up to you. You have followed this course of action, and if you want to go down that road that is your privilege; but there is one vote in the Senate of the United States that is not going to help pay your transportation costs down that road with any more American dollars."

Not 1 cent for France as long as she follows the course of action of violating her obligations under the U.N. charter, of violating her obligations under the NATO treaty, and, in my judgment, of violating what she ought to recognize to be her obligations of friendship to a great Nation that has come to her assistance and helped save her twice, for in half a century France has not been able to save herself.

So if France wants to continue this kind of reference to the past, she must be responsible for the responses that are going to come from the United States.

This anti-American French policy is pretty hard for most Americans to swallow, because we put our present large forces into Europe at the behest of no one but France itself.

#### AMERICANS WENT TO EUROPE AT BEHEST OF FRANCE

As an interesting footnote to France's present attitude toward American participation in the defense of Europe, I want to read a few paragraphs from a column by James Reston which appeared in the New York Times of March 2, 1952.

It was a great column then; it is great in its application today.

It paraphrases two memorandums sent to this country by the French Government, which Mr. Reston says "explain as well as anything else the basic decisions that have led to all the activity within the Atlantic Alliance in the last 18 months."

To continue the quotation:

The first of these arrived here August 5, 1950, and the second August 17, 1950. In these the French, alarmed by the Communist use of force in Korea and fearful that the Russians might really be planning the armed conquest of Western Europe, asked the United States a number of fundamental questions.

Did the United States think countries outside of Europe should contribute men to the defense of Western Europe and if so would the United States contribute forces of its own?

Did the United States think that such forces, if formed, should be integrated or merely operate as separate national units?

Did the United States believe such forces should be under a supreme commander?

And what did the United States think about the economics and financing of such an operation?

In explaining these questions, the French made it clear to the United States that France was not interested in an allied strategy that depended primarily upon U.S. strategic airpower. By this they meant that they did not want to be "liberated" but to be "defended." In short, they wanted the United States to adopt a policy of defending Europe on the ground "as far east in Europe as possible."

Between August 17, 1950, and the middle of September, when the United States, British, and French Ministers met prior to the North Atlantic Council meeting in New York, the U.S. Government grappled with these basic questions and came out with a radically altered policy, which may very well be the subject of debate for many years.

This Reston writing in 1952. What insight and foresight about French policy he demonstrated in this remarkable column. Reston went on:

The United States told France that it would accept the principle of sending more troops to Europe and of helping defend Western Europe "as far east as possible." It told France that it was for an integrated command under a single commander, but before the Joint Chiefs of Staff would approve these things, they insisted on one major condition: West Germany must be rearmed and brought into the defense of Western Europe.

It is another of the great ironies of today that it is France who now refuses to put its forces "as far east as possible" and who refuses to put its assigned forces under the integrated NATO command.

#### UNITED STATES WILL ALSO HAVE TO LEAVE IF FRANCE WANTS US OUT

But the background of our present immersion in the defenses of Europe does not change the reality of the situation. France is entirely right about how important she is geographically to Western Europe, not to mention economically.

We must face the hard fact of life that, although we went into Europe in the 1950's because France wanted us there, we will probably have to leave in the 1960's because she wants us out.

This is true because, aside from the factors of geography which put the center of NATO command, NATO facilities, and NATO infrastructure in France, there is now the Common Market, of which she is also an integral part. As a result, France has it within her power to make it economically impossible for us to remain, as well as geographically. Judging from her statements and actions of recent months, it seems evident that she intends to use her economic power in just that way.

It is for these reasons that I do not believe Congress should now enact a foreign aid bill that continues all our past financial ties to the defenses of Europe. This is not a time for the Congress and the American people to continue a business-as-usual foreign aid program.

We need to reduce our foreign obligations, if, for no other reason, because of one paragraph in one story in the New York Times which reads:

As of Wednesday night, the Treasury's gold stock stood at \$15,733 million, its lowest level since April 1939.

I could not present to the Senate today a more vital statistic, concerning its implications on American policy, than that statistic—and I repeat it for emphasis:

As of Wednesday night, the Treasury's gold stock stood at \$15,733 million, its lowest level since April 1939.

It bears upon the point I have been making over and over again in this series of daily speeches, that our economy is our greatest security weapon; and it bears dramatically on the fact that a \$4½ billion foreign aid program cannot be justified in light of the fact that our gold stock has been reduced to \$15,733 million.

Once the American taxpayer comes to understand the implication of this vital statistic in relation to the \$4½ billion proposal for a foreign aid bill, I say to the Kennedy administration: "Watch out, or a political bomb will explode in your face." The American taxpayer has a right to expect better protection of his domestic security, through our economy, than such a proposal for an expenditure of \$4½ billion, as long as the gold stock is in this plight.

The story further indicates that on Tuesday the Treasury sold \$65 million worth of gold. It continues to say that banking sources speculated that France was the likeliest buyer, with Belgium, the Netherlands, and Britain also possibilities.

Our alleged NATO allies, after we have poured largess into Europe since 1946 to the tune of more than \$41 billion, now have so many American dollars that they are buying our gold with them and, in effect, putting a gold squeeze on the United States.

I do not like it. That does not conform to my definition of friendly, ally conduct. However, if our allies want to make a crisis over the gold controversy, and the American people come to understand the cause-and-effect relationships involved in that crisis, they will meet the crisis. I repeat, we can defend ourselves, to the extent that there is any defense, in a ghastly nuclear war. We will defend ourselves against former allies if they follow such a course of action.

I do not know of any time when this country should be more cautious in limiting its foreign obligations, and I do not know of any more uncertain foreign obligation today than our projected strategic aid to NATO countries in the 1964 foreign aid budget.

I shall vote against the program unless it is modified. The Senate will have an opportunity to pass on a series of amendments which will be offered, not by the senior Senator from Oregon alone, but also by some of his associates in the Senate who share his view that this proposal must be reduced by at least 25 percent, and must also be modified in a way that will make clear to our NATO allies that the time has come for them to assume a greater economic burden in this whole field of the NATO structure than they have assumed up to date.

#### THE JOHN BIRCH SOCIETY

Mr. KUCHEL. Mr. President, several weeks ago in the capital city of Califor-

nia, the Sacramento State College held a forum on the John Birch Society. One of the participants in the forum was Mr. Leonard V. Finder, editor and publisher of the Sacramento Union, an excellent newspaper in my State.

Mr. Finder is a member of the Republican Party, and the Sacramento Union is an independent Republican newspaper. His comments on the John Birch Society were incisive and penetrating. I have read the text of his speech on that occasion with very real interest. In my judgment, it constitutes a thoughtful and powerful analysis of the program and tenets of this organization. I believe that my colleagues in the Senate on both sides of the aisle will be interested to have Mr. Finder's address made available to them, and I, therefore, ask unanimous consent that the entire text be printed in the RECORD at this point.

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

#### THE JOHN BIRCH SOCIETY PHILOSOPHY AND PROGRAM

(By Leonard V. Finder, editor and publisher, the Sacramento Union)

Ladies and gentlemen, in making his introductions, the chairman presented the preceding speaker as the representative of the John Birch Society but he did not say what I represent. Therefore, speaking for myself in completing my own introduction, let me say that, at least by implication, I represent the people here—in the cause of democracy.

At the outset, the issues should be made clear. This discussion is devoted to the John Birch Society; namely, its justification or why and how it is a threat to our free, traditional way of life and individual liberties. The fact that it is against communism is no exoneration of its own sins.

Communism is, of course, an enemy of the United States, but so is the John Birch Society; and the latter cannot be permitted to hide its subversive activities by always holding up communism in front of it to reflect critical disclosure—any more than it can pretend to be a decent, normal conservative group. We no more want the ideals of this Nation to be destroyed by agents of a destructive right than we do by the agents of a destructive left.

Birch propagandists invariably speak of their great concern about communism, as if they alone are concerned; or, in the alternative, as if all persons excepting themselves are Communists. They refer, for example to a Moscow directive for liquidation of all anti-Communist groups in the United States, and from that springboard blithely jump to the conclusion that the Moscow order is aimed at them alone and, further, that whoever criticizes their unfortunate shortcomings must be a Communist. This is neither logic nor fact.

To summarize the issues: since we are in agreement that communism is a menace which would destroy the United States as a free nation if it could, this is not an issue.

We disagree about the degree of Communist success and infiltration. For example, I cannot concur with the John Birch Society's writings and speeches slandering practically every notable American and organization. I cannot have such little faith in our fellow-Americans as to believe that there is a Communist under every bed or a Communist skeleton in every closet—that, as the John Birch Society would have us believe, our most distinguished public officials, educators and civic leaders are all Communists.

However, even this is not an issue, because we must be on guard and alert against communism as an enemy, whether it be big or

little—even as we must also be on guard against Birchism as an enemy.

The basic issue, therefore, is whether the John Birch Society represents a reasonable or necessary cure for communism or whether it is a menace itself seeking to subvert Americanism. It proposes, in effect, that if our house is threatened by fire from the left, we should prevent that particular fire from consuming our home by building a fire from the right which will destroy it first.

We do not have to choose between evils, and we can fight both fires. We have a faith and philosophy of our own which can preserve the freedom and dignity of men without having to call in one group of gangsters to assist us—and by taking us over in the process—from another set of gangsters.

Although the Birchers claim they are against the Communists, because the Communists are murdering liberty, it seems possible that they simply prefer their own method of assassination of our free American society. To decide, the facts should be examined. Since a common Birch technique is to challenge the veracity of points made against it, most quotations made herein will be from the society's "Blue Book," which is its "bible," its entire charter, constitution, and foundation.

To understand the John Birch Society, one must realize that it is the creation and the property of Robert Welch. He is its undisputed head, its "founder," its "messiah." It was created at his instance, financed by him originally, and a series of speeches setting forth his philosophy and program make up the entirety of the "Blue Book."

Members remain members only as long as they accept unquestioningly Welch's views and leadership. As stated in the "Blue Book," men join "because they believe in me and what I am doing and are willing to accept my leadership anyway." (What he means by "anyway" is never quite explained.) The "Blue Book" warns further, "Those members who cease to feel the necessary degree of loyalty can either resign or will be put out."

Another of Welch's writings is "The Politician," better known as the "Black Book," which also will be quoted in part. Although this volume is denied by the society as having official status, presumably because the public is not yet ready to stomach this fantastically vicious attack upon Dwight D. Eisenhower and other great Americans, it is nonetheless still the thinking of Robert Welch, undisputed head of the Birchers.

Since members must accept his thinking unquestioningly, it represents equally the beliefs of the leadership of the John Birch Society. Moreover, professional agitators for the society quote the "Black Book" extensively and publicly as an authoritative source. Their use of it makes the question of "official" academic; the point is that it is an integral part of John Birch literature and source material.

As Mr. Welch is the essence and spirit of the John Birch Society, to understand the latter, it is necessary to understand him. Because he is fantastic, nearly incredible, he should not be disregarded—like the Germans who made the fatal mistake of disregarding Hitler because he appeared ludicrous at the outset.

When humorless, would-be dictators write out their programs, we should believe at long last that they mean what they say, whether it was Hitler with *Mein Kampf*, Lenin with his writings, or Robert Welch with his "Blue Book."

Mr. Welch's own words suggest strongly that the man is either paranoid or egomaniac or a traitor, unwittingly, or deliberately playing the Communist game. Whatever he is, so is the John Birch Society, which is fashioned in Robert Welch's image. Glib explanations of Birch apologists vanish be-

fore the shocking details of Mr. Welch's words.

This analysis is not an academic discussion but the exposure of an insidious conspiracy against our country. Mr. Welch's beliefs will be set forth in his own language to bring out the truth, so that you, the people, can judge for yourselves.

The Birch Society claims that people should not decide for themselves, that decisions should be made for them by an "authoritarian" leader. I believe in the workings of our democracy, which places reliance on the intelligence of citizens, and so the decision must be yours.

Any such deliberations as this have meaning only to the extent that people are stimulated to think—calmly and objectively—for themselves. You must decide individually whether the welfare of the United States can be better served by turning over our destiny to people like Welch and the Birch Society, preferring them over the power to select and elect your own government officials, or whether you believe that the United States as a free nation should be protected from all of its enemies, Communists and Birchers alike.

To facilitate your coming to independent and accurate judgment, each quotation used will be clearly identified. It should be added that some quotations might refer in the first instance to the makeup and philosophy of the John Birch Society itself, but we cannot expect that one philosophy will apply to the organization and another to government. Coming from the same people, the same principles must be assumed to apply equally to the society and to what they want to see in government.

After all, the entire purpose of the Birchers is to influence and affect government consistent with their outlook. Also, if a technique is proven successful, it is not likely to be abandoned. There never was an instance yet of an embryonic tyrant who espoused authoritarian and monolithic precepts for his own organization and then did not seek their application equally in government. Consequently, we must accept the expressions of Mr. Welch as representing his ultimate objectives, as applied to government, and not merely some halfway points.

Since communism is the pretext by which the Birchers desire to seize power, let us decide what is our ultimate goal in fighting it. Something much more than merely seeking to triumph over an adversary is sought.

Our objective is to preserve the United States as a free Nation, one which respects the integrity and dignity of the individual. We want survival, but not merely physical; we want it also of the spirit—with continuation of the ideals and the traditions of a free America.

The cure against communism is not to establish a vigilante organization or a state which, like the Communists, is also monolithic and authoritarian, excepting that it is not under Russian control; and yet that is the program of the Birch Society. The best way to preserve our liberties is to preserve them: to make America more free, to maintain our principles, to keep this as a functioning republic aspiring to give fulfillment to the equal rights of all citizens. Anything which would diminish or destroy our liberties and our democracy is the worst possible answer.

Now, to consider details of the Welch-Birch program. To begin with, it is against democracy, and presently, at least, against the republican form of government. Welch states in the "Blue Book," page 159, that the republican form of government has attractions under favorable conditions but that under "less happy circumstances, it lends itself too readily to infiltration, distortion and disruption"—meaning that we can't afford it as a luxury at this time. As for democracy, he

states "that it is merely a deceptive phrase, a weapon of demagoguery, and a perennial fraud."

Webster's international dictionary's definition of democracy is pertinent: "Government by the people; a form of government in which the supreme power is retained by the people and exercised either directly or indirectly (representative democracy) through a system of representation and delegated authority periodically renewed, as if in a constitutional representative government, or a republic. \* \* \* A democracy is a representative government where there is equality of rights \* \* \* the principle of a system of government by the people."

But this is what, by the very language of the "Blue Book" and Mr. Welch, the John Birch Society would have us dismiss merely as a matter of demagoguery or fraud and something of no importance. Perhaps Mr. Welch's attack on our way of life can be explained somewhat by his attitude toward Americanism. He states in the "Blue Book," page 162: "The words americanism and americanist are simply semantic weapons and have no direct connection with the John Birch Society." This is our great patriot.

Consider his attitude toward government generally. He declares in the "Blue Book," page 138: "The greatest enemy of man is, and always has been government." This makes him sound like an anarchist, one who doesn't believe in any government. But actually, he likely does not mean to go that far. He merely wants a government of his own fashioning.

What kind does he want? The "Blue Book" makes clear that he wants a monolithic, authoritarian control. In counterdistinction to a republican or democratic form of government, it advocates a single authority and a single viewpoint. It sounds very much like fascism—or like communism, which also admits to being monolithic. Quoting the "Blue Book" again, page 158: "The John Birch Society will operate under completely authoritative control at all levels."

Mr. Welch acknowledges that "fear of tyrannical oppression" have been expressed regarding the society's "completely authoritarian control at all levels." He dismisses such doubts as not applying to a voluntary organization and continuing (the "Blue Book," p. 159): "What little validity they" (such fears) "do have is outweighed by the advantages of firm and positive direction in the society's energies. It is imperative that all the strength we can muster be subject to smoothly functioning direction from the top."

In other words, the penalties of dictatorship are outweighed by the gains. If this is not enough, then listen to what is proposed about parliamentary procedure, from the "Blue Book," page 161: "We cannot stop for parliamentary procedure \* \* \* we are going to cut through the redtape and parliamentary briar patches with direct authority at every turn."

In defending the "monolithic structure," Welch declared in the "Blue Book" (p. xvi of the footnotes) that there is "one difference between the Communists and ourselves"—which he says is that when you join the Communist Party, you are stuck, whereas in the Birchers, you can refuse to obey and simply be given your membership money back. Apart from this minor differentiation, Welch makes no distinction between the organizations—because each actually is authoritarian and monolithic.

Finally on this score, let us refer to the dictionary to define authoritarian, a word used frequently by the Birchers: "Advocating the principle of obedience to authority as opposed to individual liberty." And that is exactly what the John Birch Society stands for: opposition to individual liberty.

As bad as all this is, the society has a further purpose in using communism as the

whipping boy. Mr. Welch admits that he wants something more than merely defeating communism; the "Blue Book," page 169: "I have tried to establish fundamental and permanent objectives, much broader than the fight against the Communist conspiracy, because I am convinced that these ultimate long-range objectives are more important than the defeat of the Communist conspiracy."

Whatever that broader action may be is rather conjectural since he uses the phrase in the context of objecting to normal political procedures.

Next, the Birch techniques deserve consideration. The John Birch Society has developed a series of techniques which seem closely modeled after those used by the Nazis in Germany and the Communists in various lands.

The first technique is to destroy belief in government itself. We have already quoted how the Birch Society is against government and it derogates the ideals of republicanism and democracy. So, it starts out by indicating that men should not place their confidence in a government, not even one of their own free choice.

As the next step, the society tries to destroy confidence in our Government specifically by specious statements which can be intended only to create a widespread atmosphere of fear. For example, the "Blue Book" states (p. 72) that the Communist conspiracy "is so large that its tentacles now reach into all of the legislative halls, all of the union labor meetings, a majority of the religious gatherings and most of the schools of the whole world." It also charges (p. 24) that "Communist sympathies and even actual Communist subversion are daily made more respectable by the actions of our Government, our great universities, much of our press."

To create panic, so that confused people will turn to him, Welch declares in the "Blue Book" (p. 168): "You have just two alternatives. Either you \* \* \* come into the John Birch Society \* \* \* or in a very few years you will, by force, be devoting all to the maintenance of a Communist slave state."

To facilitate the panic atmosphere, the Birchers indulge in character assassination of practically every national leader and all who oppose it. Personal attacks have been made on me since I began my criticisms of the John Birch Society, but I will not take the time now for personal comment.

Everybody disagreeing with them is not merely wrong but is a Communist agent. They allege that the only reason for an "anti-anti-Communist" attitude in American is because of orders from Moscow. As if none of us could be doing it from conviction, because we love America sufficiently to be against all of its enemies.

The distinguished list of those who are so attacked include General Eisenhower, most particularly, Presidents Roosevelt, Truman and Kennedy, Gen. George Marshall, Milton Eisenhower, John Foster Dulles, Allen W. Dulles, Earl Warren, Justice William Brennan, former Secretary of Defense Neil McElroy, Secretary of Defense McNamara, Dag Hammarskjöld who earned the hatred of the Communists for defying them in the United Nations—and all the others too numerous to mention here. Mr. Welch makes you afraid, if you believe him, to trust any elected official.

By now it should be clear what is Mr. Welch's purpose: to substitute the John Birch Society for duly elected government, with Welch as the absolute authoritative head. And whether you call it vigilantism, nazism, fascism, communism or by any other name, it is the substitution of gang-controlled domination for the constitutional rights of individuals. We are not to trust

our Armed Forces to defend us from communism abroad; we are not to have confidence in people whose records were scrutinized when they sought election; we are not to rely upon the FBI or Senate committees or the local police authorities or others to check the Communists domestically. We are to trust none of them—only the John Birch Society.

The John Birch Society is different from other fanatical organizations, such as the White Councils down South and the American Nazi Party, in that it has substantial money behind it. By its own admission, it has over 35 fully paid organizer-propagandists, perhaps more since this number was put in the book, and well over 100 persons on a part-time basis for the same kind of job. With so large a staff, so well organized, able to print any kind of subversive literature, using the various techniques and lies and half-truths, such an organization cannot be disregarded. The only reason for my appearance here is not to publicize the John Birch Society, which I detest as subversive to America, but because for once the truth must be told.

Too many honest well-meaning people have been deluded. Their genuine concern with communism has been exploited by the Birchers. Most of these people do not understand the implications of even the words like "monolithic, authoritarian" administration. They have been led to believe that the society is an honest organization simply aimed at the Communist menace. Such deception of fellow-Americans is a horrible crime against liberty.

Now, let's deal with the specifics of Mr. Welch's sickness. I have stated that he is either paranoid, egomaniac or a traitor—and will explain why as evidenced by his own language. No psychiatrist, let alone a layman, can make an absolute diagnosis without thorough personal examination but enough evidence is before us to support at least a very justifiable suspicion.

Here is the definition of paranoia. "A chronic mental disorder characterized by systematized delusions of persecution and of one's own greatness, sometimes with hallucinations." When Robert Welch indicates that particularly every high Government official, every President in recent years, the Attorney Generals, members of the Cabinet, members of the Supreme Court, Senators, and others who have long proven their devotion to the United States and their hostility to communism—that all these are part of a conspiracy from which he alone can save us, he certainly has hallucinations.

As for his delusions of greatness, after he wrote that no one else is available who can provide the kind of leadership required for the salvation of America, that not even any group of Senators can possibly save the country, and that he alone can be the savior, Welch concluded ("Blue Book," p. 122): that "there wasn't anybody else on the horizon willing to give their whole lives to the job, with the determination and dedication I would put into it, if I didn't."

Welch so very modestly concludes (p. 170): "It's just that I don't know where you, or all of us, are going to find anybody else to undertake the job \* \* \* It is simply that, under the pressure of time and the exigencies of our need, you have no other choice, and neither do I." Only he from all the millions of Americans is the indispensable man.

As for other hallucinations, all the things he has said about various leaders should suffice. Similarly, consider his assertions that all the trouble in the South comes not because Negroes seek their constitutional rights but because it is the result of Communist agitation. ("Blue Book," pp. 28-29, footnotes p. xvi.)

When he states that World War II was started not by Hitler but by Stalin's agents

("Blue Book," p. 12), these are hallucinations.

As for his being at least a supreme egotist, he has already been quoted how there is no choice excepting him to give effective leadership to America. In the "Blue Book," without anybody else ever having proposed him as a world savior, or having said they wanted him for any office, he suddenly came out (p. 122). "There wasn't anybody else on the horizon willing to give their whole lives to the job, with the determination and dedication I would put into it, if I didn't."

Regarding the signs pointing to his treachery to American ideals, note the extraordinary parallel between Welch and the Birch Society with that of Hitler and the Nazis. Both organizations were named after dead martyrs, Horst Wessel and John Birch; Hitler wanted to be called "Der Fuehrer," Welch, "the Founder"; Hitler set forth his philosophy and plans in "Mein Kampf," Welch in his "Blue Book." Each set up comparable plans for a monolithic organization where the local members have no authority, not even to elect their own officers, and each used similar language in describing democracy as decadent.

This parallel is especially interesting in light of Welch as an apologist for Hitler and the Nazis. He gave Hitler and Hitlerism only a mild slap on the wrist as if to indicate that generally they were not too bad. World War II for example is charged with being the result of Stalin's conniving—Hitler had nothing to do with it. He declared that an immoral man like Hitler is not as bad as an amoral one because "An immoral man may lie, steal, and murder; the worst of them even without any seeming limit or hesitation. But it hurts his conscience. He is, at least potentially, susceptible to humanitarian or moral considerations." ("Blue Book," pp. 64-65).

So Hitler who murdered more than millions of human beings in gas chambers, who inspired the most fiendish tortures, who helped to rape Europe, who brought about the chaos which paved the way for the influx of communism, who did all this and more—did it even though it "hurt his conscience," according to Mr. Welch's viewpoint.

Finally, Robert Welch and the John Birch Society are traitors to America's best interests, because they are either deliberately or unwittingly playing the Communist game. Note the similarity of approach. Communists would have us lose our faith in our Government, and no one has worked harder toward that end than the Birchers.

They have outdone the Communists in their attacks upon all of our recent Presidents, the Supreme Court, and our national leaders. Each has attempted to sabotage the validity of the Constitution as a whole. The Communists have been put in the shade by the Birchers' attacks upon our free press, and I am pleased that the Sacramento Union is included within that attack which includes so many of the Nation's most respected papers.

Even so conservative an organization as the American Medical Association has been charged with having been took. An organization known as the Republican Advance started in 1950 is described by Welch (in "The Politician") as an attempt of Eisenhower and other pro-Communists to rebuild the Republican Party "in the image of the Democratic Party." Yet, this organization's founders included such terrible people as John Davis Lodge, who only a week ago delivered a vitriolic denunciation of Communists in Sacramento before the Ambassadors' Club; Walter Judd, of Minnesota, one of the most ardent anti-Communists in the land, Richard Nixon, John Foster Dulles, Christian Herter, and other great Americans. There is no limit to the fantasies.

We are confronted with an organization tainted with sickness, not believing in Americanism, hostile to our free institutions, try-

ing to spread panic, imitating the Nazis for whom they are semiapologists, and playing the Communist game of causing divisiveness among Americans who should be united.

I pray to God that this sickness shall not be contagious and that we shall be enabled, free of its insidious and pervading influence, to concentrate in making America a greater and freer Nation where all citizens can join together, without distrust of each other, in a united front against the Communists and any other enemies who threaten us from without or from within. Let us, despite all of the beguilements of lying propaganda preserve the United States as a spiritual Nation in the pattern of Washington, Jefferson, Lincoln, and Eisenhower and not in that of Hitler, Lenin, Khrushchev, and Welch.

#### POPE PAUL VI TO RECONVENE VATICAN II ON SEPTEMBER 29

Mr. HUMPHREY. Mr. President, I believe that men of all religious faiths have been heartened to learn that Pope Paul VI will reconvene the Second Vatican Council on September 29, 1963. This determination to continue the work of Vatican II initiated by the late Pope John XXIII is an unmistakable indication that the Roman Catholic Church's revitalized concern for Christian unity, social, and international problems will not slacken.

More than any other member of the Sacred College of Cardinals, Giovanni Battista Cardinal Montini, archbishop of Milan, exhibited the spirit of universal brotherhood and social consciousness that so distinguished the pontificate of the great Pope John. Due to Pope John, millions of non-Catholics found themselves more concerned than ever before with the decision of the Sacred College. The universal rejoicing generated by the election of Cardinal Montini to the throne of St. Peter demonstrated the desire and the belief that Pope John's policies will be perpetuated.

We must also look for the personality of Pope Paul to make a unique impact upon the Catholic Church and the world. His intellect, experience, reputation, and ability guarantee that his pontificate will be enlightened, vigorous, and productive.

As we acclaim the election of Pope Paul VI, we cannot cease wondering over the amazing accomplishments of his predecessor. Several times in the past 2 years it has been my privilege to speak in the Senate on the work of the great Pope John, who through his service has given so much to humanity. The historic impact achieved by Pope John in 5 short years can never be forgotten by those persons who yearn for peace, social justice, prosperity, and true brotherhood.

I have recently read two remarkable studies relating to Pope John XXIII. One is entitled "Pope John: The Astonishing Catholic Pontiff," written by Joseph Roddy and published in the July 2, 1963, issue of Look magazine.

The other is entitled "Pope John: an Impact on Our Time," written by Eugene A. O'Brien and published in the Minnesota Sunday Suburban Life for June 9, 1963. Mr. O'Brien is a scholarly Catholic churchman and an accomplished journalist, having a broad background in the lay affairs of his church. I am privileged to know him as a friend and to admire him as an outstanding citizen.

His comments on the passing of Pope John are worthy of very careful reading. I ask unanimous consent that the articles be printed at this point in the RECORD.

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

[From Look magazine, July 2, 1963]

POPE JOHN: THE ASTONISHING CATHOLIC PONTIFF—AND WHY HE STIRRED THE WORLD

(By Joseph Roddy)

"This is the right moment to enliven our courage."

On October 28, 1958, Angelo Giuseppe Roncalli, an aged Italian of peasant birth and easy manner, was elected Supreme Pontiff of the Roman Catholic Church by a conclave of cardinals who expected very little of him. His predecessor, the ascetic Pius the 12th, had governed as a strong monarch and indicated no successor to the throne before he died. John the 23d was a stopgap Pope the cardinals could settle for until they could agree later on a Pope they wanted. The man they chose was then 76, dedicated to the simple care of souls, not interested in the power politics of the Vatican.

To the amazement of most Catholics, and especially the cardinals who elected him, Pope John became the most active and controversial pontiff in centuries. All over the world, he had admirers of all faiths, and all through his own church, he had detractors. Last month, with much of his work unfinished, but all of his strength spent, Angelo Giuseppe Roncalli died as gently as he lived. It was a life that had moved at a casual pace and quickened in its last and best years. Then there was much to notice. The little priest who always liked visiting the sick had almost single-handedly transformed the reputation of world catholicism in a way that alarmed conservatives of every cult and left some Catholic prelates in the United States very perplexed. There were Popes before him who were proud to be prisoners of the Vatican, walled off from the reality of Rome. Some popes have been all piety, and a few have been unapproachable, but John the 23d was an altogether different Pope, a man of vast bonhomie.

There are students of the papacy who are sure that it was his manner that made his pontificate seem so astonishing—perhaps more astonishing than it really was. When Angelo Giuseppe Roncalli said his "Accepto" to become the 262d head of his church, he took all Christendom as his spiritual domain, and all mankind as his flock, but claimed that he would savor most the right to be Bishop of Rome. He later seemed more like Rome's gadabout parish pastor.

A fair share of the traffic jams in the city were charged to him as his black Mercedes made its way to poor areas in the outskirts that Popes before him often spoke of, but seldom from experience. Bright blankets always flapped from tenement windows to welcome him on his route, but some weeks ago, he noticed them being hastily draped over billboards, too. What they covered were movie advertisements of a famous French actress dressed for widest possible appeal, and when he learned that, the Pope was taken with a kind of holy delight to think that the flock had such pastoral concern for its shepherd. "If a man of my age," he said, "and of my position, is to be scandalized by this, then what of the rest of you?"

Another Sunday, on his way back from a small church, the wanderlust seized him, and he decided he would have a look at Rome Airport before returning to his Vatican apartment. As his car pulled up to the field, a plane landed with a load of Filipino tourists headed for the Vatican on their pilgrimage. With due reverence, they arranged themselves around the open-top car while

the Pope stood and spoke to them in Italian. Among his listeners, comprehension was slight, but the principal uncertainty created that afternoon was whether this Pope was so pastoral that he went to the airport to meet all incoming tourists or only those from devout Catholic countries like theirs. But those who had never seen him were no less won over by his ways. Everywhere around Rome the walls were chalked with "Viva Il Papa, Viva La Pace"; and hardly a man in town was without his own favorite Pope story—the apocryphal ones just as reverent as the authentic.

Clearly, this Pope was a figure of exceptional appeal, and he knew it. In the simplest sense, he sought to make the best of it. "We must not boast before God," he said a while back, "but if all these manifestations are not an illusion of self-esteem, but rather something really corresponding to reality, then this is the right moment to enliven our courage and our religious zeal and to do our best to apply God's precepts on earth." The courage and zeal were so enlivened that some Catholics wonder whether all those who believe in the divine guidance of their church are set to face the consequences of what Roncalli wrought.

He had, in his recent encyclical "Pacem in Terris," taken the position that there can be no justification for a nuclear war. Odd shades of difference turned up in the Pope's statement as it emerged from the Vatican Polyglot Press in nine languages, including Russian. In the original Latin, the single official text, nuclear war is literally "alien to reason." In Italian, it became "almost impossible." By the time it got to English, it was "hardly possible," which is essentially the way it was passed to the Soviet Union. The difference between the author's unequivocal stand and the translators' muted versions may be trivial in the general semantics of catastrophe, but it does show a knack for using modifiers down in the ranks when the speech is too clear from the top.

Along with its plea to the United Nations to become "more equal to the magnitude and nobility of its tasks," the Pope's encyclical made a case for the establishment of world government with all the cogency of his theologians' best proofs that God exists. In Vatican language, "Pacem in Terris" calls world government a "public authority," but defines it as "having worldwide power and endowed with the proper means for the efficacious pursuit of . . . the universal common good." The Pope held that such a government must be founded because all nations are now interdependent, and none can develop in isolation. A following disclaimer that this requires all member nations to forfeit sovereignty reads more like a conciliatory amendment to the argument than a part of it. But as the encyclical stands—less than World Federalists want to hear, more than right wingers ever feared—it puts an abundant papal benediction on a program for world order that up to now has had little support from parish priests.

Like most encyclicals before it, "Pacem in Terris" made its points in generalities and started a guessing game in all the parish rectories on the specifics the Pope had in mind. "Traditionally Christian nations . . . not infrequently are but slightly affected by Christian motivation or inspiration," he wrote, and that took care of the devotees of church-on-Sunday and business-is-business the rest of the week. "It is impossible to determine once and for all, what is the most suitable form of government," he said at another point, and the Russians who killed Hungarians in 1956, or the crusaders who want to restore some old order in Cuba, were to listen. In a passage the business community would like, this never quite predictable Pope wrote, "State activity in the economic field, no matter what its breadth or depth may be, ought not to be exercised in such a

way as to curtail an individual's freedom of personal initiative." In another passage, the American Medical Association would not like, he wrote, "It is necessary also that governments make efforts to see that insurance systems are made available to the citizens, so that, in case of misfortune or increased family responsibilities, no person will be without the necessary means to maintain a decent standard of living." There was a section the Congress of Racial Equality would not care for, in which the Pope held that the problem of bringing social reality into line with the objective requirements of justice will never be definitively solved. And there were paragraphs that would appall both advocates of massive armaments and opponents of nuclear-test bans.

As it rambled from subject to subject, the encyclical struck experienced critics of papal prose as contrasting sharply with the style of the late pontiff's predecessor. Plus the 12th's writing showed tighter reasoning in places, but John the 23d's seemed more relevant throughout, and because of this, some theologians in Rome called Roncalli the layman's Pacelli. No other encyclical has been as widely discussed as "Pacem in Terris." It has been hailed by the Protestant National Council of Churches, the secretary-general of the U.N., the Kremlin's house organ Izvestia and the U.S. State Department. "As a Catholic, I am proud of it," John F. Kennedy recently said, "and as an American I have learned from it." It is unlikely that any public figure who begins reading it can put it down unimpressed—or uninstructed.

Though more breached than observed, there is still an antic rule of papal succession requiring that a thin pope be followed by a fat one, a scholar by a pope who is a pastor. The change from Pius to John ran according to that form, but it was also a case of a withdrawn aristocrat being followed by a simpler man who was of this world. "We have to be careful about how we say it," one Jesuit in Rome said, "but in a sense the Holy Father was something of a socialist." Remarks of this kind may stem from John the 23d's earlier encyclical "Mater et Magistra." Writing of social welfare, and of the just right of collectives to command benefits individuals cannot get, he asked, "Ought it to be concluded, then, that socialization necessarily reduces men to automatons?" His reply had no equivocation: "This is a question which must be answered in the negative."

That stand was not as sharp a turn to the left as it might seem, because ever since the pontificate of Leo the 13th in the late 19th century, papal encyclicals have been far more progressive than Catholic politics. "Pacem in Terris" was generous with its reminders of the social teachings of earlier pontiffs. The reminders, however, were not a courtesy, but part of a Vatican strategy to make the concluding section of the encyclical seem less like a change of face than it was. After carefully cautioning his readers to distinguish between error and the person who errs, John the 23d made what amounted to a faith-shaking distinction of his own. "It must be borne in mind, furthermore, that neither can false philosophical teachings regarding the nature, origin and destiny of the universe and of man, be identified with historical movements that have economic, social, cultural or political ends, not even when these movements have originated from those teachings and have drawn and still draw inspiration therefrom. Because the teachings, once they are drawn up and defined, remain always the same, while the movements, working on historical situations in constant evolution, cannot but be influenced by these latter and cannot avoid, therefore, being subject to changes, even of a profound nature. Besides, who can deny that these movements, insofar as

they conform to the dictates of right reason and are interpreters of the lawful aspirations of the human person, contain elements that are positive and deserving of approval?"

Who can deny this? The long list might well begin with quite a few cardinals in the Vatican and be lengthened to include all those convinced that there is basically nothing for John Kennedy and Nikita Khrushchev to negotiate because of the Apostles' Creed and the Communist manifesto. The religion promising life after death and the religion promising heaven on earth are not to be reconciled easily. What each seems to need most is the disappearance of the other. But it was the conviction of John the 23d that in preserving world peace, Christianity and communism have one common interest larger than all their crossed purposes. Because the faithful of both creeds are "endowed with the light of reason and with a natural and operative honesty," he thought the time had come when negotiations must begin. Sic transit the rigidity of Roman Catholicism.

John the 23d was sure of the rightness of what he was doing. When he was made the Papal Nuncio at Paris near the end of World War II, Roncalli replaced Valerio Valeri, whom General de Gaulle found unacceptable because he had gone south as the Vatican's emissary to the Vichy government of Marshal Pétain. The ethics, even the diplomatic correctness, of Valeri's act of representing his church in that unsavory setting are clouded beyond easy analysis because Valeri probably did not find Vichy very unsavory. In any event, as Valeri's successor, Angelo Giuseppe Roncalli had a close look at the kind of problem his church faces when the winds shift around it. Presumably, he thought Valeri had acted correctly, even if only obediently, in doing what he did. Now a cardinal, Valeri served the Pope as Prefect of the Sacred Congregation of the Religious and a member of the Vatican Curia, the Church's executive arm.

But there was more to be learned in Paris. A combination of factors, ranging from unemployment to renewed anticlericalism, had made the Communist Party the strongest in France. To get Catholics to more masses than party meetings, dozens of young parish curates became worker-priests in factories, where they could claim that the Catholic church was at least as socially progressive as any Communist state. The program had such a thorough give-and-take spirit, however, that some of the worker-priests supported Communist causes, and two of them were among the rioters arrested in anti-NATO demonstrations in Paris.

Soon after Roncalli became Pope, the Vatican decreed that the French bishops end the worker-priest program. One explanation of the decree was that the conservatives in the Curia had slipped it past the new Pope before he knew how to refuse them, another was that popes are no more consistent than priests. In principle, the worker-priest plan seemed to be what the Pope believed in at the time. Certainly, he believed in the principle of it later: "Meetings and agreements, in the various sectors of daily life, between believers and those who do not believe, or believe insufficiently because they adhere to error, can be occasions for discovering truth and paying homage to it," he wrote in "Pacem in Terris." Later in his text, he cleared the way for the diplomatic traffic now moving between the Vatican and the Kremlin: "A drawing nearer together or a meeting for the attainment of some practical end, which was formerly deemed inopportune or unproductive, might now or in the future be considered opportune and useful."

Even before these words were published, the time was opportune. That was last October, when it seemed everything might end in a war over Russian rockets in Cuba.

"Where are we going?" the Pope was heard to ask. "I am the Vicar of Christ on earth, and I have a duty to the human family to speak out now." He appealed to Kennedy and Khrushchev for restraint, and began thinking about an encyclical on war and peace to "all men of good will," not just to the Catholics, whose holy father he was.

In preparing the encyclical he had every coloration of advice, though little of it was from the cardinals of the Curia, who were there to be his advisers. Stefan Cardinal Wyszynski of Poland seems to have prevailed. The 61-year-old prelate heads a church that is enduring fairly well behind the Iron Curtain. Attendance at Sunday mass is far better now than before the country became Communist and the Gomulka regime reserved the right to approve the appointment of bishops. Having forfeited this right, the Vatican has gained a freedom of worship it values more. Cardinal Wyszynski, one of the loudest voices out of "the church of silence," told the Pope that for the Vatican to fight Marxist economics was to joust with a fantasy. The Poles did not believe a bit of it, he said, even while they marched lockstep through the formalities. He was sure that a far greater danger to Catholicism was the mounting materialistic spirit of many young Poles, who saw easy living as the highest good. That is the spiritual battle he thinks the church is losing right now. In setting out to win it, the Cardinal has lately become more troublesome to the Warsaw government than the sudden rise of a Stalinist cult could be. The recent visit to Poland of Franziskus Cardinal König of Austria, the Pope's chief mediator for Iron Curtain affairs, was to urge prudent restraint on his zeal.

For John 23d, a church existing openly under state supervision seemed preferable to a free church back in the catacombs, where its communicants might get martyred. To negotiate a Hungarian equivalent of the church's working arrangement in Poland will take a resolving of the very mixed-up Mindszenty case. Since the uprising of 1956, Josef Cardinal Mindszenty, Primate of Hungary, has chosen political asylum in the U.S. legation in Budapest to jail as an enemy of the government—which he most certainly is. The Vatican would like to lift the cardinal out of Budapest and install him in Rome, in exchange for its right to install bishops in Hungary. This time, what the Vatican wants is what the Communists want even more, because the man hiding in public is a reminder of what the government would like the citizenry to forget. But the proud cardinal is not to be moved easily from his spot in the martyr's dock. Until he is, as some Hungarians point out, the Catholics in his care will do much of his suffering for him.

In Hungary, as in Poland, while Catholics lose battles of principle, some Communist theory collapses completely, for it becomes plain to the party-est hack that atheism is not catching on as Marx promised. But neither is it agreed that this proves the soundness of Pope John's approach. The natural and operative honesty he attributed to men on both sides of the Iron Curtain, he also attributed to his critics inside the church, who thought his tactics and timing were both wrong. In their hard-line view, when the Communists grant the church anything at all, it is because religious unrest is rising. In the view of such Catholics, this is not the time for the church to concede anything. It is the time instead to make demands—and stand a fair chance of getting some of them.

On the rightness of the Pope's quid pro quo program for the church behind the Iron Curtain, ordained and lay critics were willing to wait and see. On his handling of church affairs before the recent elections in Italy, only the long-term view allowed them

much reverence. Close up, it looked calamitous to Italians more conservative than Palmiro Togliatti, the country's top Communist boss. When the Pope received Khrushchev's daughter and son-in-law Alexei Adzhubei in the Vatican, the Communists picked up 500,000 new votes, they thought, because the daughter told the press that John the 23d had workingman's hands like her father's. The soft tone of "Pacem in Terris," as they read it, probably helped the Communists even more. And that's why many Italian Catholics were confounded by their Pope.

Infallibility in matters of faith and morals was not involved here, of course—only, the cynics add, matters of life and death. Speaking not from the chair of Peter, but from his own heart, Angelo Giuseppe Roncalli had tried to make clear the position he held in the light of Catholic dogma. "I am Pope John not because of my merit as a man, but because of the grace of God within me," he said, "and God is in us all. I am Pope John and he is Nikita Khrushchev, but I do not know why I should think God is showing the truth only through me."

This conception of the infinite sources of divine wisdom made the extremely conservative Alfredo Cardinal Ottaviani, a member of the Vatican curia and secretary of the holy office, as likely a spokesman for the truth too. When he was asked about Adzhubei's visit, he said the Communists misrepresented its meaning. "They succeeded in confusing this act of paternal charity with the peaceful coexistence of two ideologies in the field of action." The cardinal is not for coexistence. Facing an audience of military men a few weeks before "Pacem in Terris" was published, he said, "As for those who believe during their march toward the common good that they can reconcile methods and ideologies which are Marxist, materialistic and atheistic \* \* \* the Italian people with their sound commonsense will condemn these men, and this condemnation will be valid both from an ethical and a historical point of view." On learning of that, John the 23d had no complaint to make. "If he is saying excellent things, maybe I can learn some of them from him," the Pope said, though it is just possible to detect some irony there.

If very right-handed conservatism is still holding on to high places around the Vatican, liberal reinterpretations of Catholic dogma are easier than ever to find in the pontifical universities throughout Rome. Not too many years ago, the talk heard there now might have been enough to reconstitute the Inquisition. A crosscut view of this new theology would show that:

1. The Catholic church is moving away rapidly from subtle dogmatic concerns toward substantial ethical ones.

2. By concentrating more on its simple Christian origins, the church will soon be free of its Latin and medieval orientations.

3. The doctrine of papal infallibility needs much sharper defining, as does its relation to the collective authority of the bishops.

4. Once the church is decentralized and its bishops become more autonomous, its codes of canon law will be different all over the world.

"There is a danger of centrifugal effects here splitting off bands of Catholics from the main body of the church," one priest admits. "But then there is the opposite centripetal effect by which a good many separated sects may be swept in." Other complete breaks with tradition are presumed, and that a succession of non-Italian Popes is forthcoming is not even disputed anymore. "What matters," another priest says, "is succession to Peter, not to Rome."

No one of these positions was attributed to John the 23d, but few of them would have risen from the level of private speculation to serious scholarly discussion if he had not

been the kind of Pope he was. Because the discussions do go on without any suspicion of heresy on the part of some devout men, other devout men are worried that heresy is very close by. "In the Catholic Church now," one says, "there are Protestants who don't know it yet."

Considered in lowercase, protestantism is what some young priests from Germany and France think the church lacks most. The first-century Christian missionaries were not welcomed, they were stoned. Some missionaries of the new theology think the protesting that leads to stoning is what catholicism needs now to be more Christlike. What it needs less of is worldly property, they feel, and as they gaze about at the vast holdings of their church, they see the very worldly reasons it cannot fight the good fight against materialism. The new theology would not make life any easier for Catholics or for their church, but often harder. It seems closer in places to some views of Alfredo Ottaviani than the severe old Cardinal of the Holy Office or the young rebels of the new theology realize, for both agree that under oppression from the state, catholicism gets resolute, and without opposition, it goes slack.

In negotiations with states that are constitutionally antireligious, apologists hold that church policy has not changed, only "developed." The world Eugenio Pacelli looked upon, they point out, was not at all the world Angelo Giuseppe Roncalli faced. Moralists of every creed admit that. They also admit that the multiplication of nuclear arms has shaken the base under Christian ethics as surely as the splitting of the atom made mythology out of whole systems of physics. To cope with such change, Christian teaching may not have changed. It has at least opened up discussion so wide that black can come close to looking white. Communism, in the astonishing view of one Roman theologian with the best of credentials, has itself filled a religious role in this century because it is driving the "alienness" out of Christianity. Presumably when all of it has been driven out, the Church and the State will have the same aims, and dying for the faith will be difficult. One wise Jesuit in the United States has reminded readers that the Church has not lost any esteem for martyrdom, but does not impose it on everyone as a vocation.

Certainly, Pope John did not. Summoning the Ecumenical Council was a way of getting his liberal views before the bishops, who, he hoped, would seize on them. Publication of "Pacem in Terris" a few months before the council was to reassemble in September may have been his way to soften or dissolve opposition to the ideas in it. A risk, of course, was that close study of the encyclical might harden the belief that the Pope was going too far toward conciliation with both the separated Protestant sects and the materialists of the left.

For all their divisions on policy, the bishops agree in their bafflement over Angelo Giuseppe Roncalli. How did he get to be Pope, if he was not to be the kind of Pope the cardinals expected? Roncalli had been more consistent than they think. He had shown long ago that he believed compromise was often preferable to conflict. Early in the 1920's he wrote, "Our elders used the motto, 'I will break but not bend.' I, on the contrary, prefer this motto in reverse, 'I will bend but not break,' especially when questions of a practical character are concerned: and I think that the whole tradition of the Church is with me." Forty years later, no less guided by that view, he was an old man whose wisdom included the simple knowledge that his health was failing, and that he did not have long to live. There seemed to be a rush to lionize him before it was too late. Some weeks ago, he was given a \$161,000 Balzan Peace Prize one day, and on the next was received in a state visit by the President of Italy.

Ceremonies of this sort plainly tired him, yet on Wednesday noons, when 12 sturdy papal throne bearers carried him on his sedia into the weekly general audiences in St. Peter's, he still looked like the robust peasant from Sotto il Monte, where he was born. By the time the ceremony was over, however, he looked worn beyond his 81 years. The presence of a religious monarch, even on a simple throne beside the bronze columns Bernini fashioned under the great dome Michelangelo conceived, could not help but convey majesty. Still, functional touches made the event seem drawn out, like debate in the UN. The naming of all the delegations on hand took a lot of time, and each let out an identifying whoop when it got mentioned. Through all this list reading, John the 23d glanced around from one side to the other to get a look at some of the noisemakers. As he did, he would clap his hand to his head to keep the loose-fitting papal zucchetto from slipping off. When the credits ended, he gave a short address in Italian and French, and listened to Spanish, German, and English translations of what he had said. The Pope was learning English from an Irish monsignor who did not, strictly speaking, speak it, but whose brogue could be cracked with concentration. When the monsignor took over the English translating, the Pope at times seemed to recognize a passage, and by a little gesture or change of expression added an emphasis he felt.

This was the surface of John the 23d. Under it, he seemed full of deep love for all men and one God. A few months ago, he was close to tears the day he welcomed Archbishop Josyf Slipyi, just released from an 18-year stay in a Siberian jail. Hardly a word passed between them before the Pope took his wasted caller by the arm and led him to his private chapel where, side by side, the two old men prayed their thanksgivings. Then, there was time for talk about still being alive.

John the XXIII was so casual on the subject that he kept others concerned. The few Roman cardinals fearful that his next move might be to the edge of heresy could not forget he once said that the Roncallis who make it past 80 sail on into their nineties without flagging. But those close to him heard his remarks that he might not be with them for long. "When the body gets worn out," he remarked a few weeks back, "the soul gets in shape." As a young man with a robust appetite, he was earnest about eating well, but near the end his interest in food was so slight that he sometimes dozed off in the middle of a simple meal. "I don't know how long God will let me live, and while I do live He may let me do very little," he told one old monsignor. "But the little He will let me do, I intend to do it all."

What he managed to do, by his own or divine plan, made him seem the most fatherly of Holy Fathers, and accordingly the one who knew best how to talk to a child. Recently, he was peering at a very small one in a hospital bed. He asked the boy his name. The child gave it, a long, saintly one, then added that everybody now called him Giuseppe.

"And you?" the boy asked. "What's your name?"

"My name is Giuseppe, too," the Pope answered, "but everybody now calls me John."

[From Suburban Life, June 9, 1963]

POPE JOHN: AN IMPACT ON OUR TIME—HOPE FOR PEACE IN WORLD

"The war is an enormous danger. For a Christian who believes in Jesus and His gospel, an iniquity and a contradiction. I think that from today my responsibility and my obligations of wisdom and of moderation and charity become even more serious. I must be the bishop of all, that is: consul of God, father, light, encouragement

for all, nature makes me desire the success for my dear country; grace inspires me from today more than ever to proposals and efforts for peace."

Angelo Roncalli, later to become Pope John XXIII, wrote this in his diary June 10, 1940. The passage above and other excerpts from his day-to-day writings were published this week following his death in the Vatican City newspaper, *Osservatore Romano* and revealed his lifelong, passionate love for his fellow men and peace.

No Pope has left such an impact on his times—most of us even now lack enough sense of history to fully realize his stature. Certainly from the panegyrics written and spoken about him since his death (and before) he was the most respected and publicly liked man of all the heads of states in the world. His real contribution was a bold and optimistic view of human unity based on the fatherhood of God and of the common rights, attitudes and needs of all mankind. According to the unfortunate jargon of our times he actually changed the "image" of the Catholic Church. He pointed out by personal example and words that the church was not totalitarian or absolute—was not an "ecclesiastical fortress" bent on guarding ancient holdings but really a great fountainhead of faith and charity, anxious and willing to establish brotherly relationships, to understand and be understood. He released that which was waiting for years to be released. He opened the window, so to speak, to allow fresh air to permeate an atmosphere silent and stuffy for too many centuries. Through Pope John, "Servant of the Servants of God," the Catholic Church was prominently once more placed on record by a reaffirmation of its beliefs in human freedoms, offering once again as was its original mission, standards, principles, and guidance for the benefit of all mankind.

The legacy left us in his "Pacem in Terris" (Peace on Earth) may well be the most important encyclical ever issued from the Vatican. Unless men and their leaders everywhere heed his appeal to save humanity from nuclear annihilation, from any form of war or force, and to create peace in all nations, then Heaven help us. According to the beloved "vicar of Christ on earth," all races, all political systems can work together for man's freedom and betterment. He refused to accept the idea that the West is all virtuous and the East a beyond-redemption conspiracy, but rather saw the problem in its true perspective—that of an angry individualism (capitalism) bristling up to a growling collectivism (communism) and in his superbly charitable way said in effect, a plague on both your houses. Certainly he did not give his approval to atheistic totalitarianism but he did signify a willingness to live with it and with his deep faith in his own and his Church's principles to outlive it. The church he headed has outlived many, many "isms" over the centuries.

The substance of the encyclical is that it says to all men what few present day leaders have the courage to say—there must be a new beginning in human affairs or there could very well be a sudden catastrophic ending. He pleaded for a proposition neither newer or older than that of our common brotherhood and an end of man's inhumanity to man. "Pacem in Terris" calls for intervention to aid the helpless and poor in language easily understood, "Every man has the right to life, to bodily integrity, and to the means which are necessary and suitable for proper development of life. These are primarily food, shelter, clothing, rest, medical care, and finally, social services. Therefore a human being also has the right to security in case of sickness, inability to work, widowhood, old age, unemployment, or in any other case in which he is deprived of the means of subsistence through no fault of his own."

This call for intervention to aid the helpless and poor not begrudgingly but with charity ought to be read and heeded by churchgoers of every faith but especially by those who resist even the most modest social reforms.

Pope John's passing within hours of Pentecost Sunday significantly recalls our Lord's words in the Gospel for the feast day, "Peace I leave you, My peace I give you." The late holy father has pointed the way to make Christ's words a realization.

Now called a "man of the ages," Pope John's memory can be best honored and the world saved by taking his words to heart and to act. If his cherished words of counsel and his powerful personal example are heeded and followed, if clerics of all faiths will echo his philosophy from their pulpits Sunday after Sunday and make his teachings meaningful to the people, and if leaders of all nations will accept his guidance and challenge, then there will be hope for peace in the world.

#### THE PERUVIAN ELECTION

Mr. HUMPHREY. Mr. President, I wish to speak for a few moments on a subject that has been of great concern to me ever since the political developments of last year in the Republic of Peru.

Two months ago leaders of this hemisphere, while assembled in Caracas, Venezuela, for the fourth annual meeting of the Inter-American Development Bank, reflected somberly on the trend of military interference with freely elected constitutional governments in Latin America during the past year. At that meeting, President Betancourt stated the concern of all:

It has always been true in Latin America that the use of force rather than free elections to replace the government has yielded negative results which, in these times, can assume clearly menacing characteristics. From its source in Havana a violent message of hate is going out to all of Latin America. This message is promoted and financed by the Sino-Soviet axis, which has succeeded in establishing its bridgehead in our hemisphere. When our peoples lose faith in the ballot, in the regular and peaceful succession of governments by electoral means, they will be tempted to follow the Cuban example.

That was a very powerful statement on the part of the President of Venezuela. If any man knows what it means to live in perilous times and to demonstrate the kind of political courage that such times necessitate, it is the President of Venezuela, Mr. Betancourt.

On returning from this conference, I expressed the hope that the events of the past year might represent a temporary aberration, rather than a permanent trend in Latin American affairs. With the recent elections in Peru and the forthcoming prospect of a freely elected constitutional government replacing the military junta, there is now some evidence that this hope was well founded.

All those in this hemisphere who share the belief that political democracy is an indispensable basis for the success of the Alliance for Progress will rejoice that constitutional government will return to Peru at the end of next month. We congratulate the new government headed by Fernando Belaunde Terry and we commend the Peruvian people and the retiring government for their efforts to achieve a quick, orderly transition to constitutional government. President-

elect Belaunde has before him a great opportunity to push ahead with the social and economic programs stipulated under the Alliance for Progress Charter.

Those of us who have been privileged to meet Mr. Belaunde—and it was my privilege to visit with him at length during a trip to Peru 2 years ago—are confident that he has ability to provide Peru with the strong leadership needed to move the Alliance for Progress forward in that country. President Belaunde will have the strong support of the U.S. Government and of the U.S. Congress in his efforts to implement the Alliance for Progress programs in his country. Just as the United States has actively and firmly supported progressive constitutional governments in Venezuela, Colombia, and the Dominican Republic, it stands ready to support a Peruvian government which shows the same resolution and determination to deal with the formidable political, economic, and social problems confronting that Andean Republic.

We in the Congress are also pleased to note the determined efforts in recent weeks by responsible leaders in Argentina to persevere with plans to hold elections which would restore a freely elected constitutional Government to the great Republic of Argentina.

Those who link political democracy with the growth of economic and social progress in this hemisphere will be following the Argentine situation closely in the forthcoming weeks. The restoration of a freely elected constitutional government in the Argentine Republic would indeed be impressive evidence that the unfortunate events of the past year represent a temporary aberration, and that the trend toward military governments is being reversed in favor of freely chosen constitutional civilian regimes. Those in the U.S. Congress who most strongly support the Alliance for Progress program would find great encouragement in such a development.

I am sure I speak for my colleagues in Congress when I say that recent events in Peru are indicative of a new trend developing in this hemisphere, a trend toward constitutional government and freely elected representative governments in all countries of this hemisphere. I make this statement today because a year ago I was subjected to a bitter attack in some of the journals in Peru because of my outspoken criticism of military junta activities in that country.

I knew, first of all, the course the President of the United States would follow. Following the coming to power of the military junta in Lima, Peru, he pursued a policy that insisted upon free elections, if the U.S. Government was to continue its program of aid and assistance to the people of Peru. The junta has kept its word. Elections were held. A forceful, vigorous, intelligent, able man has been elected as President of Peru. I predict that, if given the opportunity by the military and by persons who are owners of property and have great economic power, the government under President Belaunde can be an effective and progressive government.

#### WASHINGTON TO MOSCOW "HOT LINE": A STEP IN THE RIGHT DIRECTION

Mr. HUMPHREY. Mr. President, since the Senate will be having only token sessions during the next week, before today's business is completed I desire to note my particular pleasure and joy in the announcement of June 20 that the United States and the Soviet Union have agreed to establish a direct communications link between their respective capitals.

This is a subject of interest to me because, as I shall indicate in some detail, several years ago, as chairman of the Subcommittee on Disarmament of the Committee on Foreign Relations, I recommended in one of our reports that such a link of communications was essential for the peace of the world and could very well be helpful in preventing accidental war or war by miscalculation.

Following that recommendation, I wrote an article for a leading journal on the danger of accidental war. I outlined what I believed were constructive proposals that would, at least, minimize that danger.

The announcement by the White House on June 20 stated:

This age of fast-moving events requires quick, dependable communications for use in time of emergency. By their signatures today \* \* \* both Governments have taken a first step to help reduce the risk of war occurring by accident or miscalculation.

These words accurately sum up the significance of the so-called "hot-line" agreement. The United States and the Soviet Union have finally discovered an area—however limited—in which they can act jointly to reduce the risk of war.

I was one of those who felt that this agreement could be signed and would be signed. A little more than 2 weeks ago, speaking in Racine, Wis., at an American Control Conference sponsored by the Johnson Foundation, I predicted that the "hot line" agreement would be signed and that the line would become a reality. These two countries and their representatives have in mind reducing the risk of war, and they have done so without exaggerating the scope of the agreement, without sacrificing prestige, and without injecting ideological considerations into what is essentially a technological problem. The direct communications link between the Pentagon and the Kremlin is, of course, the first tangible result of the 18-nation Disarmament Conference in Geneva. Although it is basically a bilateral arrangement, it was facilitated by the fruitful atmosphere of the Geneva Conference, which has helped to revive the subject of disarmament whenever bilateral talks seemed to reach a dead end. Even if the hot line is the only product of the Geneva talks for some time to come, they will have been amply justified. I am sure that there has been a favorable reaction at the U.N., under whose auspices the 18-nation disarmament talks have proceeded.

The hot line, Mr. President, is only one of several measures proposed by the United States to reduce the risk of war

through accident, miscalculation, or failure of communication. On December 12, 1962, the United States submitted a working paper to the 18-nation Committee on Disarmament—a paper setting forth in detail the steps considered necessary to provide reasonable assurance against the outbreak of a nuclear conflict which no one wanted. I commend it to the attention of Senators.

#### GENESIS OF THE HOT-LINE PROPOSAL

Mr. President, during the Cuban emergency it became abundantly clear that rapid, reliable communication via a so-called hot line between the highest echelons in the United States and the U.S.S.R. was and is imperatively needed in the interests of peace. Long before that critical week last October, however, the question of a direct communications link had been raised here in the United States.

On July 31, 1961, the issue of accidental Soviet triggering of nuclear conflict was discussed in detail for the first time—either inside or outside the U.S. Congress—in an address which I made in the Senate.

I pointed out that the outbreak of a nuclear war through miscalculation and escalation was a very real threat, in view of the then developing Berlin crisis.

On September 5, 1961, I submitted Senate Resolution 203, 87th Congress, requesting U.S. representatives in the United Nations to endeavor to obtain a report from the U.S.S.R. on its precautions against accidental war.

On April 26, 1962, the Department of State officially responded to an inquiry from the Senate Foreign Relations Committee on the subject.

The Department said:

The problem toward which Senator HUMPHREY's resolution is directed is one of the most important facing our civilization.

The Department expressed the view, however, that the best chance of action on the subject lay through Soviet agreement on the measures specifically designed to reduce the risk of war by accident, miscalculation, or a failure of communications contained in the U.S. blueprint for general and complete disarmament in a peaceful world.

The United States tried to close the gap between Soviet and American attitudes toward the risk of war by proposing specific measures at the 18-nation Geneva Disarmament Conference. On April 18, 1962, the United States advocated that stage 1 of a Treaty on General and Complete Disarmament in a Peaceful World include measures leading to a substantial reduction of the risk of war. Specifically, the United States suggested the following steps:

1. Advance notification of military movements and maneuvers: Specified parties to the treaty would give advance notification of major military movements and maneuvers to other parties to the treaty and to the International Disarmament Organization.

2. Observation posts: Specified parties to the treaty would permit observation posts to be established at agreed locations, including major ports, railway centers, motor highways, river crossings, and airbases to report on concentrations and movements of military forces.

3. Additional observation arrangements: The parties to the treaty would establish

such additional observation arrangements as might be agreed.

4. Exchange of military missions: Specified parties to the treaty would undertake the exchange of military missions between states or groups of states in order to improve communications and understanding between them.

5. Communications between heads of government: Specified parties to the treaty would agree to the establishment of rapid and reliable communications among their heads of government and with the Secretary General of the United Nations.

6. International Commission on Reduction of the Risk of War: The parties to the treaty would establish an International Commission on Reduction of the Risks of War as a subsidiary body of the International Disarmament Organization to examine and make recommendations regarding further measures that might be undertaken during stage I or subsequent stages of disarmament to reduce the risk of war by accident, miscalculation, failure of communications, or surprise attack.

#### CONCLUSION

Mr. President, point No. 5 of this 6-point proposal has now been signed by executive agreement between the United States and the Soviet Union. There was a general realization that rapid communication between heads of states, or between command headquarters in both capitals, is essential in an age of split-second crises and split-second responses. No longer, as was the case in the prewar crisis of July 1914, could military planners on both sides count on a fortnight during which to get their forces ready for action. Today, in both Moscow and Washington, military planners can contemplate, not the mounting of an attack, but the actual obliteration of enemy cities, within 35 minutes. Thirty-five minutes after a button is pressed, whole nations will be reduced to the rubble of ancient Carthage.

In short, the "hot line" is no guarantee against war by miscalculation or accident, but it could be one important means of preventing such a war. It certainly could help avoid the drift toward catastrophe which was apparent to both sides during the Cuban crisis last October. The officials who negotiated this important step at Geneva are to be warmly commended. Their accomplishment could be a significant step toward world security. We should continue our efforts to build the most careful safeguards into existing weapons and surveillance systems. Both men and machines must be alerted to a wide variety of possible causes of accidental conflict; and I believe that today the real danger of conflict lies in the possibility of miscalculation or what we call accidental conflict. Along this road the hot line agreement is an encouraging step in the right direction.

Mr. President, I ask unanimous consent that the following materials be printed at this point in the RECORD.

First. The White House statement of June 20, announcing agreement on a direct communications link between the United States and the U.S.S.R.

Second. The Memorandum of Understanding Between the United States of America and the Union of Soviet Socialist Republics Regarding the Establishment of a Direct Communications Link,

signed on June 20, 1963, at Geneva, Switzerland.

Third. "The United States Working Paper on Reduction of the Risk of War Through Accident, Miscalculation, or Failure of Communication." ENDC/7C, December 12, 1962.

Fourth. An address by William C. Foster, entitled "Possibilities for Reducing the Risks of War Through Accident, Miscalculation, or Failure of Communication," delivered before the Foreign Policy Association of Pittsburgh, Pa., on December 20, 1962.

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

#### WHITE HOUSE STATEMENT OF JUNE 20, 1963

Today (in Geneva) the representatives of the Governments of the United States and the U.S.S.R. at the 18-Nation Disarmament Conference, signed an agreement which will establish a direct communications link between their respective capitals. This age of fast-moving events requires quick, dependable communications for use in time of emergency. By their signatures today, therefore, both Governments have taken a first step to help reduce the risk of war occurring by accident or miscalculation.

This agreement on a communications link is a limited but practical step forward in arms control and disarmament. We hope agreement on more encompassing measures will follow. We shall bend every effort to go on from this first step.

#### MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS REGARDING THE ESTABLISHMENT OF A DIRECT COMMUNICATIONS LINK SIGNED ON JUNE 20, 1963, AT GENEVA, SWITZERLAND

For use in time of emergency, the Government of the United States of America and the Government of the Union of Soviet Socialist Republics have agreed to establish as soon as technically feasible a direct communications link between the two Governments.

Each Government shall be responsible for the arrangements for the link on its own territory. Each Government shall take the necessary steps to insure continuous functioning of the link and prompt delivery to its head of government of any communications received by means of the link from the head of the government of the other party.

Arrangements for establishing and operating the link are set forth in the annex which is attached hereto and forms an integral part hereof.

Done in duplicate in the English and Russian languages at Geneva, Switzerland, this 20th day of June 1963.

For the Government of the United States of America:

\_\_\_\_\_  
Acting Representative of the United States of America to the 18-Nation Committee on Disarmament.

For the Government of the Union of Soviet Socialist Republics:

\_\_\_\_\_  
Acting Representative of the Union of Soviet Socialist Republics to the 18-Nation Committee on Disarmament.

#### ANNEX TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS REGARDING THE ESTABLISHMENT OF A DIRECT COMMUNICATIONS LINK

The direct communications link between Washington and Moscow established in accordance with the memorandum, and the operation of such link, shall be governed by the following provisions:

1. The direct communications link shall consist of:

A. Two terminal points with telegraph-teleprinter equipment between which communications shall be directly exchanged;

B. One full-time duplex wire telegraph circuit, routed Washington-London-Copenhagen-Stockholm-Helsinki-Moscow, which shall be used for the transmission of messages;

C. One full-time duplex radio telegraph circuit, routed Washington-Tangier-Moscow, which shall be used for service communications and for coordination of operations between the two terminal points.

If experience in operating the direct communications link should demonstrate that the establishment of an additional wire telegraph circuit is advisable, such circuit may be established by mutual agreement between authorized representatives of both Governments.

2. In case of interruption of the wire circuit, transmission of messages shall be effected via the radio circuit, and for this purpose provision shall be made at the terminal points for the capability of prompt switching of all necessary equipment from one circuit to another.

3. The terminal points of the link shall be so equipped as to provide for the transmission and reception of messages from Moscow to Washington in the Russian language and from Washington to Moscow in the English language. In this connection, the U.S.S.R. shall furnish the United States four sets of telegraph terminal equipment, including page printers, transmitters, and reperforators, with one year's supply of spare parts and all necessary special tools, test equipment, operating instructions and other technical literature, to provide for transmission and reception of messages in the Russian language. The United States shall furnish the Soviet Union four sets of telegraph terminal equipment, including page printers, transmitters, and reperforators, with one year's supply of spare parts and all necessary special tools, test equipment, operating instructions and other technical literature, to provide for transmission and reception of messages in the English language. The equipment described in this paragraph shall be exchanged directly between the parties without any payment being required therefor.

4. The terminal points of the direct communications link shall be provided with encoding equipment. For the terminal point in the U.S.S.R. four sets of such equipment (each capable of simplex operation), with necessary special tools, test equipment, operating instructions and other technical literature, and with all necessary blank tape, shall be furnished by the United States to the U.S.S.R. against payment of the cost thereof by the U.S.S.R.

The U.S.S.R. shall provide for preparation and delivery of keying tapes to the terminal point of the link in the United States for reception of messages from the U.S.S.R. The United States shall provide for preparation and delivery of keying tapes to the terminal point of the link in the U.S.S.R. for reception of messages from the United States. Delivery of prepared keying tapes to the terminal points of the link shall be effected through the Embassy of the U.S.S.R. in Washington (for the terminal of the link in the U.S.S.R.) and through the Embassy of the United States in Moscow (for the terminal of the link in the United States).

5. The United States and the U.S.S.R. shall designate the agencies responsible for the arrangements regarding the direct communications link, for its technical maintenance, continuity and reliability, and for the timely transmission of messages.

Such agencies may, by mutual agreement, decide matters and develop instructions relating to the technical maintenance and op-

eration of the direct communications link and effect arrangements to improve the operation of the link.

6. The technical parameters of the telegraph circuits of the link and of the terminal equipment, as well as the maintenance of such circuits and equipment, shall be in accordance with CCITT and CCIR recommendations.

Transmission and reception of messages over the direct communications link shall be effected in accordance with applicable recommendations of international telegraph and radio communications regulations, as well as with mutually agreed instructions.

7. The costs of the direct communications link shall be borne as follows:

A. The U.S.S.R. shall pay the full cost of leasing the portion of the telegraph circuit from Moscow to Helsinki and 50 percent of the cost of leasing the portion of the telegraph circuit from Helsinki to London. The United States shall pay the full cost of leasing the portion of the telegraph circuit from Washington to London and 50 percent of the cost of leasing the portion of the telegraph circuit from London to Helsinki.

B. Payment of the cost of leasing the radio telegraph circuit between Moscow and Washington shall be effected without any transfer of payments between the parties. The U.S.S.R. shall bear the expenses relating to the transmission of messages from Moscow to Washington. The United States shall bear the expenses relating to the transmission of messages from Washington to Moscow.

CONFERENCE OF THE 18-NATION  
COMMITTEE ON DISARMAMENT,  
December 12, 1962.

U.S. WORKING PAPER ON REDUCTION OF THE  
RISK OF WAR THROUGH ACCIDENT, MISCALCULATION, OR FAILURE OF COMMUNICATION  
THE PROBLEM

The technology and techniques of modern warfare are such that much reliance is inevitably placed on the ability to respond rapidly and effectively to hostile military action. Events which may occur in connection with the efforts of one state to maintain its readiness to respond to such action may, in varying degrees and with varying consequences, be misconstrued by another. The initiating state may have underestimated the ambiguity of such events and may have miscalculated the response they would call forth. The observing state may misinterpret them and feel compelled to act.

Nonbelligerent steps of a precautionary character taken by one state may be viewed by another as being provocative at best and, at worst, as presaging or constituting the initiation of hostilities. Accidents can occur and may be considered deliberate acts. Unauthorized acts may appear to reveal hostile purpose, and fault may be incorrectly assigned.

Particularly where such actions and events may occur against the background of an already existing crisis in the relations of the states concerned, erroneous assessments may dictate a rapid and disproportionate response. As a consequence, sudden and unexplained changes in the military situation may increase the risk of the outbreak of war.

The United States has been keenly aware of this problem and has taken positive measures to reduce the risk of the outbreak of war insofar as its own armaments and Armed Forces are concerned. On a continuing basis, the United States seeks to accomplish such objectives as the following:

1. To incorporate special safety features into the design of weapons in order to preclude an accidental nuclear explosion.

2. To develop types of weapons systems and to design techniques for their employment calculated to increase the feasibility of deferring a military response until confirmatory evidence has been received and evaluated.

3. To exercise effective command and control over the choice of military response and to maintain procedures and arrangements for limiting any possibility of unauthorized use of weapons.

The United States regards its approach to these matters as a useful contribution to reduction of the risk of the outbreak of war. However, the United States recognizes that there are limits to the effectiveness of measures which any state may undertake alone. In any case, the problem, which exists in respect of nonnuclear as well as nuclear armaments, is of concern to many states. It will continue to exist as long as armaments and armed forces, whether nuclear or conventional, remain at the disposal of states separated by immediate differences of historical grievances.

These considerations offer compelling reasons for seeking to curtail the arms race and to achieve disarmament in a peaceful world. They also call attention to the need for reaching agreement on the early implementation of limited measures designed to reduce the risk of the outbreak of war through accident, miscalculation, or failure of communication.

GENERAL CONSIDERATIONS

The "Outline of Basic Provisions of a Treaty on General and Complete Disarmament in a Peaceful World," presented by the United States to the 18-Nation Committee on Disarmament, April 18, 1962, proposes measures concerning advance notification of major military movements and maneuvers, conduct of confirmatory and supplementary observations, improvement of means of continuing consultation on military matters and of communication in time of military emergencies, and establishment of arrangements for examination of possible additional steps. The common purpose of such measures is to reduce the risk of the outbreak of war through accident, miscalculation, or failure of communication. Depending on their exact character, these measures could lessen the hazard that sudden changes in the military situation might inadvertently be misconstrued as representing the mounting of an attack.

In the context of a disarmament program, these measures would contribute importantly to the building of confidence and also to prevention of possible disruption of the disarmament process. They can also be placed in operation prior to the implementation of a disarmament program and might help bring about conditions under which such a program might more readily be achieved.

There may, of course, be differences in the character of measures suitable in the context of a disarmament program and the character of those which might be acceptable in advance of such a program; that is to say, certain measures might be undertaken on a more extensive scale during disarmament than prior to its initiation. However, although most of the measures must be regarded as experimental in character and too much should not be asked of those measures which may be considered appropriate for early implementation, they can effect useful and significant advances in the capabilities of states to provide mutual reassurance.

The measures proposed by the United States can be undertaken either as a group, in which case each would serve to reinforce the effectiveness of the others, or specific measures can be undertaken separately. A beginning can be made with as much or as little as may be agreed at any particular time, and as experience is gained through cooperative implementation of early agreements, the initial measures can be modified or expanded, and new measures can be added.

Taken as a whole or considered separately, the measures suggested by the United States can have wide applicability to the relations of a number of states or groups of states in

different geographic areas. Some measures can be undertaken directly between the states concerned; depending on the circumstances others might be more effective if undertaken by groups of states. It follows that details of procedures and arrangements to implement the measures can best be developed in specific cases by the states or groups of states involved in order to ensure that the measures will be designed to meet their special needs.

In outlining the general character of these measures in the sections below, the United States hopes not only that the measures will commend themselves to states represented in the 18-Nation Committee on Disarmament but also that other states will recognize their desirability. For its own part, the United States is prepared to work out the details of these measures with other states which may be interested, including the Soviet Union, and where particular measures might be most effective if undertaken by groups of states, the United States is prepared to consult with other members of the groups in which it participates, such as the North Atlantic Treaty Organization, and to join them in working out mutually agreeable arrangements.

#### ADVANCE NOTIFICATION

**Purpose:** Advance notification of major military movements and maneuvers could provide additional opportunity for calm appraisal of military activities which might give rise to misinterpretation as threatening the imminent outbreak of hostilities. The ultimate character of such an appraisal would, of course, depend on many considerations in addition to the fact that advance notification had been provided. However, the establishment and use of procedures for advance notification could assist in reducing any hazard that detection of an unannounced activity of seemingly major proportions might induce a rapid and disproportionate military response.

A certain amount of information is currently made available by a number of states. In some instances, such information is necessary to insure the safety of nonmilitary activities being pursued in the vicinity. Moreover, for its own part, the United States frequently provides advance notification specifically in order to preclude any possibility of misinterpretation. As a general matter, however, the current practices of states vary widely as to content, timing, and procedure, and there arises the question of whether such practices can be expanded, regularized, and more fully utilized. The suggestions of the United States in this regard are outlined below.

**Content and timing:** Criteria for determining what military activities might be of concern are, in many respects, subjective and dependent on the general situation in which a particular activity may occur, the states or geographic areas involved, and the level of tension at the time. Accordingly, it may be difficult to specify precisely all activities respecting which advance notification might be most useful on a continuing basis, and in a number of instances substantial reliance may of necessity have to be placed on the judgment of the state initiating an activity.

However, if advance notification procedures are to be effective, the states or groups of states concerned would wish to know with reasonable certainty what information could be expected on a continuing basis, and, of equal importance, what types of activities would not be regularly reported. The following types of activities might usefully be explored from the standpoint of their inclusion in advance notification procedures:

1. Movements and maneuvers by ground forces of considerable strength where such activities may be conducted in the proximity of frontiers.
2. Significant movements and maneuvers of naval surface forces of substantial size.

3. Coordinated flights of sizable numbers of military aircraft where such flights may deviate from routine or well-known patterns or where they may take place in the vicinity of frontiers.

4. Launchings of long-range ballistic missiles where an unusual number of such launchings may be scheduled to occur within a limited period of time.

The foregoing list, which could be more clearly defined in an agreed manner, is intended to suggest the principal types of activities which might be of some concern and in respect of which it might be feasible to establish routine advance notification procedures. However, states should be free to provide advance notification in any additional instances deemed by them to warrant use of such procedures as might be established.

Although the exact amount of detail provided might vary, such matters as the following could reasonably be expected to be covered: the type of activity; the approximate size of the units involved; the beginning and terminal dates of the activity or the period during which it was scheduled to occur; and the locations, areas, or direction of movement involved.

Such information should be provided on a timely basis. As a general matter, notice might be provided as schedules become reasonably firm, with, say, 7 days' notice being given where practical in the case of major activities. Notice of changes in initial schedules should be reported as promptly as possible.

**Procedures:** To insure authenticity, and to avoid the lack of precision which might result from voice transmission of information, notification could appropriately be made in the form of an official written communication issued by the state or group of states initiating the activity. Such procedures as the following might be considered:

1. Under a bilateral arrangement, a state initiating an activity could provide advance notification directly to the other state concerned. Specific channels could be designated for this purpose in order to insure that notifications would promptly reach those officials having an interest in them.

2. Where groups of states were concerned, similar procedures could be designed. A question would arise as to whether notice would be given by the military headquarters of one group to that of the other, which would then retransmit the information to its member states, or whether procedures should be such that both the military headquarters of a group of states and the military headquarters of member states would receive the information simultaneously.

3. A "clearinghouse," established jointly by the states or groups of states entering into a particular arrangement, might receive and disseminate information made available by participants. Since timeliness would be a key consideration, the most direct procedures would seem best suited for the purposes of advance notification. However, the concept of a "clearinghouse" might be examined as a possible supplement to, rather than a replacement for, direct procedures.

#### OBSERVATION POSTS

**Purpose:** Advance notification constitutes a potentially useful measure undertaken separately or in conjunction with other measures. A closely related measure would, in effect, represent an extension of the advance notification concept through the establishment of systems of ground observation posts at major transportation centers. The posts comprising such systems could receive such information relative to military activities in their vicinity as the host state might wish to provide and could, under agreed arrangements, observe the flow of military traffic and the general level of mili-

tary activity on a local basis, thereby clarifying reports made pursuant to advance notification procedures.

Not only the capability of supplementing advance notification through direct observation but also the willingness of host states to cooperate in the establishment and operation of observation post systems could contribute further to the building of confidence and the improvement of reassurance in the relations of the states or groups of states concerned.

**Elements of systems:** It would be impractical (as well as unnecessary from the standpoint of providing general reassurance) to attempt to establish observation posts at all transportation centers. It would be sufficient to place posts at such locations as certain principal ports, major railroad junctions, intersections of key highways, and possibly at certain significant airfields.

The complement of posts might vary as the result of differing conditions in the locations of interest, but relatively limited complements should be adequate. Members of post complements would enjoy such privileges and immunities and would have such travel rights as might be agreed.

Each post would be responsible for observing military movements within an agreed surrounding area. Overall value of the posts would be enhanced if, on the occasion of military movements through nearby areas, host states would, at their discretion, afford opportunities for observation at the point nearest the post city. Similarly, it might be useful to be able to conduct occasional visits to transportation centers where no posts were permanently located. In all cases, access would be limited to points appropriate for observation purposes.

To facilitate accomplishment of the missions of observation posts, host states should provide advance notification of movements passing through the post area.

**Extent of geographic coverage:** The potential usefulness of systems of observation posts is not confined to particular states or areas. In the broadest sense, such systems would be useful wherever significant military activities take place. The geographic coverage of particular systems, however, would, as a practical matter, be designed to reflect military relationship in a realistic manner.

Where neighboring states might undertake to provide mutual reassurance through establishment of a system of observation posts, it is not unlikely that transportation centers near frontiers would offer suitable locations. Where groups of states might wish to undertake such a measure, appreciation of military realities would seem to make desirable the establishment of posts in each of the participating states since observation of areas from which forces might be projected would be of importance in addition to observation of more central locations.

#### ADDITIONAL OBSERVATION ARRANGEMENTS

**Purpose:** The establishment of systems of ground observation posts in fixed locations would represent a major improvement in existing conditions. However, it is apparent that the capabilities of such posts would be limited. Accordingly, it would seem useful to consider whether mutually acceptable arrangements for additional types of observation could be developed either to supplement systems of ground observation posts or as separate measures. As a general matter such arrangements could be useful either on an ad hoc or continuing basis and could provide highly effective and flexible means of rapidly identifying and clarifying military activities and events.

**Elements of systems:** Any and all of such observation techniques as the following offer substantial promise:

1. Aerial observation.
2. Mobile ground observation teams.
3. Overlapping radars.

Each of these techniques offers a different approach to resolving the same problem: That of lessening the possibility of unexpected confrontations of military power and thereby lessening the risk of the outbreak of war. The details of arrangements for employing such techniques would be on an agreed basis and of a character designed to give equal assurance to all participating states.

**Extent of geographic coverage:** Where states or groups of states wished to employ techniques such as the foregoing, agreement would have to be reached on the geographic areas involved. Such areas might be identical for all techniques although this need not necessarily be the case. The problem can be approached on a pragmatic basis with due regard to the relationships of the states or groups of states concerned.

#### EXCHANGE OF MILITARY MISSIONS

**Purpose:** The problem of reducing the risk of the outbreak of war does not, of course, arise simply from the unexpected character of certain military activities or lack of factual knowledge concerning them. In the first place, the state initiating an activity may have miscalculated the response that might be occasioned on the part of another state. In the second place, a state which views a particular activity with concern may be misinterpreting its true character. In both cases, each of the states involved will proceed not only on the basis of such factual information as may be available but also in the light of its own past experience, its assessment of overall military relationships, and its military as well as political evaluation of the intentions of the other state.

Even with adequate factual information, there is no way of ensuring that these broader factors which govern calculations and interpretations will prove accurate guides in a specific situation. However, it appears reasonable to suppose that such factors may be more clearly accurate, or less so, to the extent that they are formed on the basis of extensive or narrow contacts between the states or groups of states involved. In this regard it may be of some significance that direct contacts between the military establishments of many states and groups of states, are, generally speaking, relatively narrow. The exchange of military missions suggests itself as a possible approach to this aspect of the problem.

**General character of exchanges:** The exchange of military missions is conceived as taking place between the central military headquarters of states or groups of states. Each mission would be headed by an officer of high rank. A number of additional officers, possibly of specialized competence, and the necessary supporting personnel would complete the mission. Members of the mission would be fully accredited and would enjoy such privileges and immunities and would have such travel rights as might be agreed.

Within the framework of the agreed arrangements, the mission would carry out formal and continuing liaison with the military headquarters of the host state or group. Functions of the mission might include such activities as the following:

1. Receipt of such information or views on military matters as the host state or group might wish to make available.
2. Observation of such specific military activities or events as the host state or group, at its discretion or under agreed arrangements, might make accessible.
3. Consultation on military matters of common concern.
4. Participation, upon request, in efforts to clarify ambiguous situations where lack of authentic information might prove disquieting either to the host or the sponsoring state or group.

5. Reporting of the foregoing to the sponsoring state or group and representation of its views on military matters in contacts with the host headquarters.

Although the foregoing functions are of considerable importance, it would be hoped that in practice the opportunity for continuing contact between competent and responsible military officials would itself prove to be of substantial value to those involved and to the states or groups they would represent.

#### COMMUNICATIONS ON MILITARY EMERGENCIES

**Purpose:** Although extensive technical means of communication are available today, there is a question as to whether existing arrangements for communications between states would prove sufficiently rapid and reliable in time of a military emergency or crisis. If there is to be assurance that means of communication will be available when needed, steps must be taken in advance, and it would appear to be a reasonable precaution to place in effect between particular states special arrangements which could insure the availability of prompt, dependable, and direct communications. Awareness of the availability of such communications links could itself prove reassuring, and should the need to use them arise, they could be employed with a minimum of the uncertainty that is characteristic of periods of tension.

**Principal elements:** In considering the establishment of special communications links, it would be necessary for the states concerned to reach agreement on a number of matters.

1. In view of the essentially experimental and untested character of such arrangements, it would not appear necessary or desirable to attempt to specify in advance all types of situations in which a special communications link might be utilized. However, there should be a common understanding of the general purpose of the link and of the broad circumstances under which it might be most useful. In the view of the United States, such a link should, as a general matter, be reserved for emergency use; that is to say, for example, that it might be reserved for communications concerning a sudden change in the military situation or the emergence of a military crisis which might appear directly to threaten the security of either of the states involved and where such developments were taking place at a rate which appeared to preclude the use of normal consultative procedures. Effectiveness of the link should not be degraded through use for other matters.

2. Specific technical means should be determined in the light of the geographic locations and types of equipment available to the states concerned. The primary criteria would be that technical arrangements be effective on a continuing basis and that they be as rapid as practical. Ordinary voice telephone represents one possibility, and radio might also be considered although until communications satellites become available on an operational basis, radio might not prove sufficiently reliable. In both these cases, however, there would seem to be some possibility of inadvertent error either through lack of precision in reception or through incorrect translation. Considering all aspects of the problem, the use of teletype systems might, on balance, prove preferable. It should be noted that a line reserved for transmission of message by teletype could have a dual capability and be used for voice communication as well should that prove desirable.

3. Each state would be responsible for arrangements within its own territory, would determine the terminal (or originating) point of the link, insofar as its end of the circuit was concerned, and would make such arrangements as might be needed to effect internal distribution of messages to appro-

appropriate government officials. In the case of the United States, it might be practical for the link to originate (or terminate) in the national command center, which maintains continuing contact with principal government officials, including the President. Such a location would also permit relevant data and experience in military matters to be brought rapidly to bear. The route for connecting the two end points of a particular link would, of course, have to be agreed.

4. Adequate arrangements would be made by each state for continuous manning of the link and for acting on messages which might be received. Periodic joint tests or checks of the link could be undertaken.

5. No exchange of personnel would be involved. However, if military missions were exchanged concurrently with the establishment of a direct communications link, such missions would be available for consultation should that prove desirable in connection with matters requiring use of the link.

Although the foregoing arrangements would be undertaken directly between the states concerned, such states might, at their discretion, wish to notify the Secretary General of the United Nations of the circumstances involved in a military situation of a character warranting emergency use of the link.

#### OTHER AREAS OF POSSIBLE INTEREST

It was noted at the outset that the problem of reducing the risk of the outbreak of war will continue to exist as long as and wherever armaments and armed forces remain in the hands of states holding opposing views. It was also recognized that the problem has been increased, although not created, by the emergence of modern weapons technology and techniques of warfare. The measures proposed by the United States would provide a useful beginning and are pointed toward what appears practical at this time. However, they are not addressed to all aspects of the problem, and other aspects, in particular those which are highly technical in character, may warrant deeper examination. Moreover, in a period of rapidly changing technology, continuing review may be desirable.

With these considerations in view, the United States has included among its proposals the establishment of an International Commission on Reduction of the Risk of War. Such a commission would be composed of technical and military experts. Its size should be relatively small, and its method of operation should be as informal as practicable.

A body of this character might, for example, undertake such functions as the following:

1. Consideration of those implications of modern weapons technology and techniques of warfare which have a bearing on increasing or reducing the risk of war.
2. Consideration of data which member states might wish to present respecting steps they are taking to prevent accident, misinterpretation, and miscalculation, and to improve communication.
3. Identification of specific technical risks and clarification of supposed risks.
4. Development of proposals for additional agreed measures and encouragement of separate efforts by the states concerned where such efforts might offer a more practical approach.

The foregoing functions are not offered as specific terms of reference but are rather intended to be illustrative of broad areas which might be of interest to a commission such as that suggested by the United States. Progress in working out the technical details of the other measures outlined in preceding sections may assist in determining when it might be useful to establish a special commission of this character. For its own part, the United States would be prepared in this case, as in the case of other measures, to

participate fully, and the United States would find reassurance in the willingness of other states also to participate.

**POSSIBILITIES FOR REDUCING THE RISKS OF WAR THROUGH ACCIDENT, MISCALCULATION, OR FAILURE OF COMMUNICATION**

(Address by William C. Foster, Director, U.S. Arms Control and Disarmament Agency, before the Foreign Policy Association of Pittsburgh, Pa., December 20, 1962)

Good afternoon. I appreciate the opportunity to appear before you today. Pittsburgh is a favorite city of mine. It is a city of tremendous vitality and vigor, and much of my work in the private sector, and as well in Government, has been closely related to the efforts of this hub of industry.

I have been called upon by the Office of my Public Affairs Adviser to travel to many places to say many things about the U.S. Arms Control and Disarmament Agency. The recommendation that I appear here this afternoon was one that I accepted with great pleasure. Not only am I happy to see many old friends but I welcome, too, the opportunity to advise you of some of the aspects of our work. I believe it is important that I acquaint you with our business, for it will in one way or another affect the welfare and security of every American, today and in the future. Ours is a world divided seriously by ideology and aspirations. It reposes uneasily in fragile peace.

To lament the past serves no useful purpose for we are, of course, destined to live in the future. I believe, however, that we are all convinced that the hands on the clock of time have not run so fast and so far that a world of free and independent peoples, living peacefully under institutions of their own choosing, is beyond our grasp. The world has not yet become such a caldron of conflicting systems, each possessing the military power to destroy the other, that man's only recourse is to await his executioner.

Rather, we are living with a curious paradox in that the horror of modern weapons helps to serve as a barrier against their use. In fact the so-called balance of terror has in a very real sense given mankind a reprieve in which new and intensified efforts can be made to outlaw mass extermination as an instrument of national policy.

We stand, therefore, at another of the crossroads of human destiny. It is for us to determine whether we have the resolve and the wisdom to assert our wills to survive in a stable and peacefully progressing world, or falling this, possibly to participate in its demise.

We have the ingenuity to fashion a world free from the scourge of war; of this we have no doubt. Our confidence in this cause is certainly reflected in the basic position we have adopted at the 18-Nation Disarmament Conference in Geneva. There, we introduced a disarmament program which is at once as far reaching as it is detailed. It calls upon the nations of the world to stop the arms race at an agreed time, to freeze the military situation as it then appears, and then ultimately to shrink military establishments to zero.

The eventual goal is a free, secure, and peaceful world of independent states adhering to common standards of justice and international conduct and subjecting the use of force to the rule of law. But we are under no delusions. We recognize fully the magnitude of this task. And we expect no quick or simple solutions. Most important we know that if this effort is to be brought to fruition there must be a common desire within the community of nations to effect such a world—a desire that is not yet apparent on all sides.

Yet, even as we undertake this wide-ranging offensive there is an immediate danger which confronts us. Ironically, the

nature of this threat is such that while we seek to move toward a disarmed world we could find ourselves unwittingly engulfed by just the type of holocaust we are striving to avoid.

I refer, of course, to the very real threat of war by accident, miscalculation, or failure of communication. We need look only at the Soviet Union's recent adventurism in Cuba to conclude that this is a danger which is not only real and ever present but a danger which warrants our immediate attention.

The danger itself, of course, is not new. The factors which make unpremeditated war possible—false alarm, misunderstanding, panic, or loss of control—have plagued mankind for centuries. But with the advent of nuclear weapons the consequences of such a war have assumed a new and terrifying dimension.

The technology and techniques of modern warfare are such that much reliance is inevitably placed on the ability to respond rapidly and effectively to hostile military action. Events which may occur in connection with the efforts of one state to maintain its readiness to respond to such action may, in varying degrees and with varying consequences, be misconstrued by another. The initiating state may have underestimated the ambiguity of such events and may have miscalculated the response they would call forth. The observing state may misinterpret them and feel compelled to act.

Nonbelligerent steps of a precautionary character taken by one state may be viewed by another as being provocative at best and, at worst, as preaging or constituting the initiation of hostilities. Accidents can occur and may be considered deliberate acts. Unauthorized acts may appear to reveal hostile purpose, and fault may be incorrectly assigned.

Particularly where such actions and events may occur against the background of an already existing crisis in the relations of the states concerned, erroneous assessments may dictate a rapid and disproportionate response. As a consequence, sudden and unexplained changes in the military situation may increase the risk of the outbreak of war.

Such efforts as have been taken thus far to avoid unintentional war have, for the most part, been taken independently by states. For some years now the United States has progressively instituted numerous unilateral steps to insure that control over our Military Establishment would preclude the possibility of war by accident. These safeguards could be described as of two types: "administrative" safeguards which say "you may not"; and "physical" safeguards which create a situation so that "you cannot." Taken together they are such that it would require more than a Houdini to circumvent them.

On the administrative side, only the President may authorize the use of atomic or hydrogen weapons, and the transference of this authority is carefully controlled.

There is also the so-called two-man rule which requires at least two responsible individuals to be present at every level of operation for handling of nuclear weapons. No one man is authorized to depart from this rule.

There is also the so-called fail-safe procedure which, in essence, precludes aircraft from proceeding beyond a predetermined point without an explicit goal order.

On the physical side, there are various devices built into the weapons themselves which prevent improper use. For example, there may be an aiming switch which can be tampered with only by disassembling the weapon and which can be activated only by remote control or by the insertion of a key held in careful custody.

There is also the device of making the required aiming actions too much for one

man to handle. Barricades provide additional safeguards against unauthorized use. Other devices prevent the accidental explosion of a nuclear weapon. There are other devices of both administrative and physical nature which place restraints on a nuclear firing by accident or violation of authority.

On the political side similar unilateral actions have been instituted. Again, the Cuban situation provides a recent and vivid demonstration of this. I refer, of course, to the President's advance notification of his decision to quarantine Cuba—an announcement designed to insure that the intentions of the United States in that operation would not be misunderstood. Had advance notification of this action not been given the events that followed might well have been different and, perhaps, even tragic. But, so crucial is our concern, that we have sought to pass beyond these unilateral efforts.

At the Geneva Disarmament Conference we have expressed our desire to take joint steps to promote reassurance against the danger of inadvertent war. We recognize that steps in this direction are no substitute for disarmament. But we do believe that international agreements on specific worldwide measures in this area can and should be undertaken now. Reducing the likelihood of war and increasing confidence can make an important difference until such time as a general disarmament treaty becomes a reality. However, to date our endeavors in this direction have been something less than successful.

Unfortunately the Soviet Union has displayed a notable lack of enthusiasm toward developing such measures.

Early in the negotiations at Geneva there was an unanimous belief among those represented at the Conference table that certain collateral measures should be agreed and executed in advance of a general disarmament treaty. Yet, the Soviet Union in its initial listing of such measures did not include among these, immediate measures directed toward the problem of inadvertent war. Its other four partners in the negotiation—Bulgaria, Czechoslovakia, Poland, and Rumania, to the surprise of no one, adopted a similar position. Last summer the Soviets did respond to certain of our proposals in this area. But this was a half-hearted response at best. To date, they still have given no real indication of their willingness to come to grips with this problem. This stands as one of the most regrettable episodes of the negotiations thus far, for it is but a simple fact of international life that the task of abolishing all weapons will take time. In the interim the danger of accidental war will persist.

Our Western colleagues—Canada, Italy, and the United Kingdom—have repeatedly expressed concern over the risks of war being unleashed by mistake. They too have urged that early action be taken on measures which could substantially reduce these risks.

Many of the eight nations new to the disarmament negotiations—Brazil, Burma, Ethiopia, India, Mexico, Nigeria, Sweden, and the United Arab Republic—seem also to share this concern. They know that creation of a disarmed world will take time. In the meantime they recognize that the risk of accidental war is a hovering spectre. Should it occur, they are fully aware that in today's compressed world a war touched off by accident could well engulf them—indeed, could engulf a multitude of nations.

At Geneva the Soviet Union has gone to some lengths to support its contention that steps directed toward minimizing the risks of war by accident can await agreement on a total program for disarmament. It takes the position that general measures which might be instituted to relieve the risk of war by accident would not provide any degree of insurance against such a possibility. It sees

the execution of any early anti-accidental war measures as ones that would serve only to increase such dangers as might now exist. At the same time, it alleges that we seek such measures as a means by which the gathering of intelligence information could be legalized.

Yet as early as 1958 the Soviet Union exhibited considerable anxiety over accidental war. At that time it publicly expressed concern over aircraft equipped with atomic and hydrogen weapons conducting flights over the territories of foreign states or the open seas. This, it said, was "a serious threat to world peace," and could "become the cause of a military conflict as a result of miscalculation."

More recently—actually 6 months prior to the beginning of the current Geneva disarmament negotiations—the Soviet Government, in a memorandum submitted to the United Nations General Assembly stated that " \* \* \* steps can and must be taken toward the adoption of a number of simple decisions \* \* \* which would lessen the danger of the outbreak of war and on which states might reach agreement in the immediate future."

The Soviet attitude in the current negotiations seems strange, indeed, when viewed in the light of these past pronouncements. However, there have been instances in which the Soviets have faced about abruptly. With this and the lesson of Cuba in mind last week, in Geneva, we again pressed for early action in this area. Although newspaper headlines may not so indicate, we intend to pursue the matter. At the moment, the most promising channel for doing so would seem to be through private discussions with the U.S.S.R. at Geneva.

One may ask where joint steps can be taken, above and beyond the individual measures a nation may itself prescribe, to reduce the risks of war by accident, miscalculation, or failure of communications. What are the principal areas of concern and what can be done about them?

As I proceed to deal with these questions, I ask that one point be kept in mind. The steps I shall outline are not inspection measures. They are steps designed to provide positive assurance that some of the uncertainties that confront military powers today can be dispelled. This assurance would stem from two sources: the fact that there would be greater knowledge about what nations are doing and the fact that nations were willing to undertake these obligations.

I turn now to specific problems and recommended measures.

One major problem is large military movements or maneuvers. When undertaken by one nation, they may give rise to suspicion and fear on the part of others. You might recall that some months ago the United States deployed its Marines to Thailand. In that instance, as in Cuba, we gave notice in advance of our then proposed action. But suppose this action had been taken without providing such advance notification. Those nations distrustful of our motives might have viewed the operation as a gesture sufficiently threatening in nature as to require an immediate countermove—one of such proportions as to lead to an extremely dangerous buildup of forces—a situation in which anything could happen. But by making known in advance the intention to make such a movement no baseless fears need arise. What has unfortunately been termed "the panic button" would not be pushed in circumstances in which it was perfectly clear what was going on and why.

To improve communications between nations in this respect, there would seem to be great advantage in states giving advance notification of many of their military movements and maneuvers. Such information, provided in the form of an official communication and made known to all concerned at least a week prior to the actual occurrence of the event, could act as a brake to rash

action by a potential enemy who, had he been left in the dark, could well have read something ominous into such a move.

While this measure, by itself, would be helpful, its value would be increased if additional arrangement could be agreed upon to assure the authenticity of the information transmitted. Some assistance in this direction could be achieved by the establishment of so-called observation posts. Posts located at principal railway centers, highways, river crossings, and airbases would permit on-the-spot observation of movement and concentration of large forces. In the broadest sense, such an arrangement would be useful whenever significant military activities take place.

It is possible that if such an arrangement were carried out, particularly in countries or areas of the world where histories of suspicion and hostility have existed, increased confidence might quickly result. Being located in key areas, not only could these posts verify reports giving advance notification of troop movements, but they might in part also serve as a means of determining that no buildup of military forces for an attack by surprise was in preparation. In particularly tense or suspicious atmospheres such a scheme could provide welcome reassurance to those who might otherwise suspect the worst.

Additional types of observation could be developed to supplement fixed observation posts. Aerial observation, mobile ground observation teams, or overlapping radars all could assist in lessening the possibility of an unexpected face to face of military power thereby lessening the risk of the outbreak of war.

Particularly dangerous zones in terms of inadvertent war are those in which a military confrontation presently exists. We tend often to forget that such a situation is not unique to the European area—although certainly this is an area of primary concern. There are many places around the globe where a similar, if more dormant, type of confrontation exists. It is axiomatic that in these forward, exposed positions suspicions and fears are quite readily nurtured. In most cases this is not by design but is due largely to a pervading air of uncertainty. In such areas apprehension is a natural condition of life. It cannot be entirely overcome, but it can be considerably tempered. Apprehension thrives on the unknown.

To minimize this psychological barrier we see merit in an exchange of military missions between states, or groups of states, where such confrontations are potentially dangerous. These missions, operating much in the same manner as military attachés (who are now something on the order of permanent fixtures in the embassies of a large majority of nations), could contribute significantly to promoting improved communications and understanding. The presence of such missions—each small in number and headed by an officer of high rank—could well generate confidence enough to offset measurably the present strong and unfortunate air of uncertainty that now exists in these areas. This was one proposal the Soviet Union last summer incorporated in its overall disarmament program. So here, perhaps, we have at least an agreement in principle. Whether the Soviet Union and its allies consider it valuable enough to put into operation prior to agreement on a total disarmament program remains to be seen.

A particularly distressing picture to contemplate in the realm of accidental war is the possible failure of communications between states in a time of crisis. I have already alluded to the numerous safeguards we have installed over our Military Establishment. Yet in this era of modern weapons, it is quite possible that not all states possessing these weapons have invested enough in a policy to insure against their forces being accident prone.

The nature of modern weapons systems is such that the improvement of communications between states, particularly between states possessing these modern weapon systems, could serve in time of crisis as a valuable link to prevent the occurrence of unintentional war. The establishment of rapid and reliable communications among governments and, perhaps even with the United Nations, would be vital in a situation such as this. Here again, the Soviet Union has indicated an interest. Yet here, too, a question remains as to whether it is prepared to pursue this idea in advance of or as part of a total disarmament program. If the latter should prove to be the case, early and effective action to allay such a danger could not be undertaken.

A reference to the "purple telephone" must necessarily be included at this point. News reports periodically have mentioned that improved communications would mean the establishment of a direct telephone line between the Kremlin and the White House. A direct connection between Washington and Moscow terminating in a purple receiver perched on the desks of President Kennedy and Chairman Khrushchev is a unique thought, international politics being what they are today. But such a dramatic arrangement overlooks the basic point. This is not that heads of government of the United States and U.S.S.R. or any other world leaders need necessarily be in instantaneous personal contact. Rather it is that in time of tension a channel is readily available for responsible officials of governments—and when required, heads of government—to reach one another as rapidly as today's science and technology will permit without the need to rely solely on normal channels of communication. For example, given our governments structure it might be most effective to use a teletype system, as President Kennedy suggested recently and to tie our end of such a contemplated communication link to our National Command Center—a command post which maintains contact with many government officials, including the President, wherever they may be. The desires of the other nations concerned would determine the terminal point in their governmental structure.

These are some of the means by which states in a cooperative manner can take effective action toward reducing the real and present dangers of war by accident. For our part, we are prepared now to establish the necessary working groups that these measures can be put into effect without delay. But I must hastily add that these steps are not the be-all and end-all. Further discussions of this problem could well lead to additional measures to check the threat of inadvertent war. Certainly no one nation has a monopoly on ideas in this field, and it may well behoove all to consider the establishment of an International Commission on Reduction of the Risk of War. Working in an atmosphere largely devoid of immediate political and negotiating overtones, such a Commission could devote full time exclusively to the risks inherent in this problem and attempt to develop practical means of coping with them. This would assure all concerned that deliberate wisdom and experience would be responsibly engaged in seeking to make the possibility of war by mishap even less likely.

We, in our Agency, are actively studying means of putting into effect those measures to reduce the risks of war which we already have proposed in Geneva. And we are just as actively studying other measures which could serve the same purpose.

As has been pointed out, efforts to minimize war by accident cannot stand as a substitute for the more basic steps of armaments reduction and control that must be taken if the dangers posed by modern weapons are to be removed. Yet, while the time available for achieving success in this task is not unlim-

ited, there is no reason why nations must await the day the full process of disarmament begins before taking action to forestall the risks of being involved unwittingly in a war. Initial measures of the type I have just enumerated can be readily undertaken. If put into effect nations will be able to breathe a little easier. Moreover, further strides down the road to disarmament could be taken with greater confidence.

I mentioned earlier that we stand at another of the crossroads of human destiny. We know the road the United States wishes to follow. Indeed we have already taken our first steps in that direction. But it is a long way to the end of that road. As we journey along it, we must provide assurance against the danger of unwanted war. We know that nations can take joint steps to provide such assurance and we intend to do all we can to persuade them that they should—that they must do so. Therefore, when negotiations resume in Geneva next month this problem will receive our full and undivided attention.

We have reached that time of year when the symbol of peace on earth to men of good will becomes very real and very meaningful. But this is our goal 12 months of the year. And I wish to emphasize that we welcome the comments, the criticisms, and the fresh suggestions that come from associations such as yours, and from those individuals who take a deep interest in arms control and disarmament.

Ours is a new Agency, just entering the second year of its existence. To my knowledge this is the first time in history that a sovereign nation has established a separate agency to work full time on the central problem, and all the related problems, of arms control and disarmament. Because the duties are so paramount, we welcome, and indeed we call upon, individuals whoever they may be, to help us develop those proposals which may lead the way to the beginning of a turnaround in the arms race and then to disarmament.

I wish to extend to all of you the greetings of this holiday season.

Thank you.

#### ADJOURNMENT TO TUESDAY, JULY 2

Mr. HUMPHREY. Mr. President, so that all may know, the Senate will have but a very limited session on Tuesday next, which will be followed by a session on Friday of next week. The Senate will then recess or adjourn until Tuesday of the following week. It will return on July 9 to undertake business on the calendar and reports of committees. It is entirely probable, however, that

next week, at one of its short meetings, the Senate will pass bills on the calendar to which there is no objection and which are noncontroversial. So if any Senator is interested in such bills, he ought to be present and attending. However, there will be no yea-and-nay votes.

With that announcement, if there be no further business to come before the Senate, I move, pursuant to the order entered on June 27, that the Senate adjourn until 12 o'clock noon on Tuesday, July 2.

The motion was agreed to; and (at 3 o'clock and 10 minutes p.m.) the Senate adjourned, under the order entered on June 27, until Tuesday, July 2, 1963, at 12 o'clock meridian.

#### NOMINATION

Executive nomination received by the Senate June 28, 1963:

##### FEDERAL MARITIME COMMISSION

Ashton C. Barrett, of Mississippi, to be a Federal Maritime Commissioner for the term expiring June 30, 1967 (reappointment).

#### CONFIRMATIONS

Executive nominations confirmed by the Senate June 28, 1963:

##### DEPARTMENT OF DEFENSE

Eugene G. Fubini, of New York, to be an Assistant Secretary of Defense.

##### DEPARTMENT OF THE AIR FORCE

Alexander Henry Flax, of New York, to be an Assistant Secretary of the Air Force.

##### DEPARTMENT OF JUSTICE

John M. Cannella, of New York, to be U.S. district judge for the southern district of New York.

J. Lindsay Almond, Jr., of Virginia, to be associate judge of the Court of Customs and Patent Appeals.

Harry Phillips, of Tennessee, to be U.S. circuit judge for the 6th circuit.

Guy W. Hixon, of Florida, to be U.S. marshal for the southern district of Florida for the term of 4 years.

##### DEPARTMENT OF THE NAVY

Adm. David Lamar McDonald, U.S. Navy., to be Chief of Naval Operations in the Department of the Navy for a term of 2 years.

##### U.S. NAVY

Having been designated, under the provisions of title 10, United States Code, section 5231, for commands and other duties determined by the President to be within the

contemplation of said section, the following-named officer for appointment to the grade indicated while so serving:

##### To be admiral

Vice Adm. Charles D. Griffin, U.S. Navy. Having been designated, under the provisions of title 10, United States Code, section 5231, for commands and other duties determined by the President to be within the contemplation of said section, the following officers for appointment to the grade indicated, while so serving:

##### To be vice admirals

Rear Adm. Lawson P. Ramage, U.S. Navy.  
Rear Adm. Ray C. Needham, U.S. Navy.  
Rear Adm. Paul H. Ramsey, U.S. Navy.  
The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 5233:

##### To be vice admiral

Vice Adm. Frank O'Beirne, U.S. Navy.

##### NATIONAL GUARD BUREAU

Maj. Gen. Winston Peabody Wilson, **XXXXXXXX** a Reserve commissioned officer of the U.S. Air Force, member of the Air National Guard of the United States, to be Chief of the National Guard Bureau for a period of 4 years to date from August 31, 1963, under the provisions of title 10, United States Code, section 3015.

##### U.S. AIR FORCE

The officers named herein for appointment as Reserve commissioned officers in the U.S. Air Force, under the provisions of sections 8218, 8351, and 8392, title 10, United States Code.

##### To be brigadier generals

Col. William H. Clarke, **XXXXXXXX** Montana Air National Guard.

Col. Homer G. Goebel, **XXXXXXXX** North Dakota Air National Guard.

Col. Kenneth E. Keene, **XXXXXXXX** Indiana Air National Guard.

Col. Frederick P. Wenger, **XXXXXXXX** Ohio Air National Guard.

##### U.S. ARMY

The following-named cadet, graduating class of 1963, U.S. Military Academy, for appointment in the Regular Army of the United States, in the grade indicated under the provisions of title 10, United States Code, sections 3284 and 4353:

##### To be second lieutenant

Pope, Derwin B.

The nominations beginning James B. Scherer to be lieutenant colonel, and ending Arthur N. Yando to be second lieutenant, with the exception of promotions to the rank of major, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 24, 1963.

## EXTENSIONS OF REMARKS

### Address by Postmaster General Day at 25th Anniversary Luncheon of Civil Aeronautics Board

#### EXTENSION OF REMARKS OF

### HON. A. S. MIKE MONRONEY

OF OKLAHOMA

IN THE SENATE OF THE UNITED STATES  
Friday, June 28, 1963

Mr. MONRONEY. Mr. President, on June 26, 1963, the Postmaster General of the United States, Hon. J. Edward Day, was called upon to deliver the principal address at a luncheon in honor of

the Civil Aeronautics Board, celebrating the 25th anniversary of the Board.

For the benefit of all those who did not have the privilege of hearing this excellent address, I ask unanimous consent to have the Postmaster General's remarks printed in the RECORD.

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

ADDRESS BY J. EDWARD DAY, POSTMASTER GENERAL, AT 25TH ANNIVERSARY LUNCHEON OF THE CIVIL AERONAUTICS BOARD, WASHINGTON, D.C., JUNE 26, 1963

It is a great pleasure to join in celebrating the 25th anniversary of the Civil Aeronautics Board.

Yesterday at about this same time I addressed the Aero Club of Washington, so I am really flying high this week.

From my rather lofty vantage point I congratulate the members and staff of the CAB—past and present—on a successful quarter century of assistance to civil aviation. The Civil Aeronautics Board has guided American aviation through a period of phenomenal progress, change, and expansion. It has aided the airlines during the difficult transition to the jet age.

The Civil Aeronautics Act was passed by Congress in 1938 to end the economic chaos and near anarchy which prevailed in the aviation industry. The act was designed to check the uncontrolled competition of the previous decade and to give the young industry a chance to develop in an orderly

manner. The act recognized that the healthy growth of aviation and reasonable rates were closely tied to the public interest.

The original act has been revised, but its successor, the Federal Aviation Act of 1958, imposes upon the CAB essentially the same declaration of national policy as the 1938 act. The CAB must consider both the needs of the public and of the aviation industry. Chairman Boyd has stated the CAB's duty in the following way:

"We must see to it that the United States has a healthy, vigorous air transportation system which meets the public and national needs. It must be safe, adequate, economical and efficient. Its charges must be reasonable. It must be without unjust discriminations, undue preferences or advantages or unfair or destructive competitive practices. Its development must be sound."

As you can see, this is no easy assignment. It is complicated by the fact that the CAB was not able to start with a clean slate. All 11 existing trunk carriers are the same airlines, or the successors to the same airlines, that acquired "grandfather rights" under the 1938 act. The large carriers were formed on the basis of factors other than a well planned national air route system.

The CAB also came under great pressure from both the industry and the public to allow more routes, more airplanes, and more markets. The great improvements in airplane design and the heightened awareness of air travel brought about by World War II added to the demand. The Board had its work cut out for it in its attempt to order and channel the incredible postwar expansion in the industry.

Today, the 11 domestic trunkline carriers serve more than 600 points over routes in excess of 185,000 miles in length. Twenty-four smaller carriers provide service to some 900 smaller communities over routes in excess of 88,000 miles. Three carriers provide domestic all-cargo service to 38 points over routes in excess of 14,000 miles and another 15 carriers are licensed to provide supplemental services. Fifteen carriers are authorized to provide service to a total of 428 points outside the United States over routes in excess of 320,000 miles.

The modernization and expansion of air service is still affecting postal operations. Less than 2 weeks ago in Alaska the last of our dogsled teams that still carried mail was replaced by an airplane. I want to make clear that this was done to speed up service and not to get even with dogs for biting letter carriers.

Although the CAB oversees this vast, complex network, it has only about 800 employees, making it one of the smallest agencies in the Government. But its fine work has made it one of the best known, and it has demonstrated that size is not the best criterion of value.

The Post Office Department is considerably older than the CAB; Ben Franklin was Postmaster General under the Continental Congress and the Postmaster General has been a member of the Cabinet since the administration of Andrew Jackson.

We have 585,000 employees, making us by far the largest civilian agency in the U.S. Government. We had 150,000 employees even back in 1890. We handle 16 times as much mail today, with less than 4 times as many employees.

The Post Office Department is old but not ossified. We, too, are still vigorous, lively, and changing. The Department played an important role in the development of commercial aviation in this country, and we still give an important assist to the airlines which carry our mail.

Between 1938 and 1953, the rates the Post Office Department paid to the airlines included subsidies that were fixed by the CAB. After 1953, the subsidies were paid directly by the CAB. The Post Office Department

now pays only a fair charge for the services rendered by the carriers.

The CAB's stabilization of the airline industry has greatly helped us in providing reliable and rapid airmail service. The Department will spend about \$93 million on air transportation this fiscal year. Twenty-five years ago, when the CAB was founded, that figure was under \$25 million. Since this earlier figure reflects a subsidy, the change is actually even larger than is indicated.

Americans today send nearly 2 billion pieces of airmail annually, an increase of 750 percent over 1938. The increase in airmail poundage in the last 25 years is twice that large, about 1,500 percent.

Like every other Federal agency, operating in a dynamic political and economic climate, the CAB has at times been enmeshed in controversy and has upon occasion been attacked. Some of the criticism has stemmed from the fact that the CAB must balance its twin functions of promotion and regulation.

It has now become more or less expected that a member of an independent Federal commission will, upon retiring, immediately call for its abolition or substantial revision. Newton Minow followed the accepted ritual when he vacated his FCC Office on the seventh floor of our Post Office Department building recently. Louis J. Hector, on retiring from the CAB in 1959, wrote President Eisenhower:

"Not with the Founding Fathers as members of its Board do I think the CAB as now organized could fulfill its obligations to the American people."

I don't know of any Postmaster General who has suggested that the Post Office Department be disbanded. However, sometimes we are told by others that the Post Office should be a private corporation operated for profit instead of a great public service agency. In this connection, the following item appeared on the front page of one of our Washington newspapers not long ago:

"A second, separate John Birch Society—calling for abolition of the socialistic Post Office Department and cola beverages—is now operating with headquarters in Baltimore, it was revealed yesterday.

"The Baltimore organization, whose full name is the John Birch Chowder and Marching Society, is headed by Attorney Leonard J. Kerpelman.

"Kerpelman said the society's No. 1 aim is to wage its opposition to the Post Office Department.

"By socialistically delivering people's messages for them," he said, "the Post Office Department makes people weak, dependent and without moral fiber, instead of leaving them to deliver their own messages, which would make them strong, independent, and morally fibrous."

"Kerpelman described his society as an ancient one, driven underground by Prohibition: 'We regard the more recent John Birch Society, the one that hogged all the publicity, as a very late starter. Our society is better fit to deal with world problems today, because we have been underground for so long we are more completely uncontaminated by any ideas of the last millennium.'"

Of course, I don't agree with Mr. Kerpelman's Chowder and Marching Society. I think that a strong and efficient Post Office Department is indispensable to a thriving economy, just as the work of the CAB has been indispensable to the ordered expansion of American aviation.

The Post Office Department is proud of its own role in starting commercial aviation. The Department's airmail service initiated the commercial use of the airplane, which before that time had been built only for military or exhibition purposes.

Congress authorized contracts for the carriage of mail by airplane in 1911. Since the cost could not exceed other means of transportation, airmail flights did not actually begin until 1918. The first trip was not aus-

picious. Careful plans had been laid which called for a plane to fly from Washington to New York, with a stop in Philadelphia. On the morning of May 15, 1918, in the presence of President Wilson and other Government figures, including an obscure young Assistant Secretary of the Navy called Franklin D. Roosevelt, a pioneering aviator set out with the first load of airmail.

But he got his directional signals mixed up and wound up in Waldorf, Md. His mail had to be carried back to Washington and taken to New York by train.

Despite the faltering start, airmail routes were gradually established over much of the country. The Post Office Department made the first transcontinental flight from New York to San Francisco on September 8, 1920, with the plane carrying 16,000 letters and averaging 80 miles an hour.

In those days, flying was a dangerous, uncertain, and sometimes madcap business. Runways for takeoff or landing did not exist and there was no air-to-ground communication, no beam to follow, and no marked course. The mail planes were converted Army DeHavillands with open cockpits, fabric-covered wooden frames, and a top speed of 100 miles per hour. Once a pilot left a field nobody knew where—or if—he was until he arrived.

The few instruments on the panel were of uncertain accuracy and adaptability. Gasoline capacity limited the plane to a few hours' flight, and the motors were unpredictable and tended to stop at any time. When the motor stopped it could be started only by spinning the propeller, a difficult job which resulted in many bruises and some near decapitations.

Two hundred and twenty-one planes were used in the airmail service from May 1918 to October 1921. Only 50 of these were in flying condition at the end of the period. Another 26 were still available but undergoing repair. Of the others, 101 had crashed, 7 burned, and 37 had to be withdrawn for one reason or another.

Thirty men were killed in airmail service in about the same period. In 1920 there was one fatality for each 100,000 miles flown. By comparison, the 1962 fatality rate for scheduled domestic passenger service was one fatality for each 172 million miles flown, a fine tribute to the air safety work done by the CAB and FAA.

The men attracted to the hazardous job of flying the mail in the early days were a daring, temperamental and carefree group. The Post Office Department had no choice but to accommodate itself to their hijinks and eccentricities, because as some official said with resignation, "the mail must go, but who in hell is going to take it?"

The pilots seemed fond of letting the mail wait around in balmy weather, but took a kind of fierce pride in defying bad weather. One man took time off to bombard a village with toilet paper. Another arranged to buzz antelopes into a fence corner where a confederate waited to butcher them.

The most famous of all air mail pilots was Charles Lindbergh, who served on a contract route between Chicago and St. Louis. Flying northbound on this route on November 3, 1926, Lindbergh ran out of fuel and was forced to jump from his plane. Dean Smith, a colleague of Lindbergh's reported a crash landing with this terse message:

"Landed on cow, killed cow, scared me. Smith." Another air mail pilot, one Kenneth Unger, was forced to crash land after his motor failed. Unhurt, he borrowed a horse to return to town. Evidently, he was less skilled in handling the horse than his plane, because the horse threw him for another crash landing, and this time he broke his ankle.

Lindbergh took a leave of absence from air mail service to make his historic flight from New York to Paris in May 1927. During

a Paris interview, Lindbergh said, "I am an air mail pilot and expect to fly the mail again." And, as a matter of fact, he later did fly his old route between Chicago and St. Louis once again.

Although the Post Office Department actually carried mail up to August 1927, it gradually surrendered its operations as soon as contractors with the ability and sufficient financial backing to perform the service could be secured. The Department fostered and nurtured commercial aviation and then turned it over to private enterprise.

We have other examples of a similar pattern in Post Office history. In most industrialized foreign countries, telephone, telegraph, and broadcasting facilities are owned by the government. In the United States, we feel that these functions are best left in private hands. However, the telegraph began as a Government-fostered enterprise in this country.

A telegraph line was opened between Washington and Baltimore in 1845. It was built at Government expense by its inventor, Samuel F. B. Morse. Postmaster General Cave Johnson fixed the cost at 1 cent for every four characters.

When Morse offered his patent to the Government for \$100,000, the Post Office Department turned it down as unpromising. Postmaster General Johnson advised Morse "that

the operation of the telegraph between Washington and Baltimore had not satisfied him that under any rate of postage that could be adopted, its revenues could be made equal to its expenditures."

Postmaster General Johnson's crystal ball was a mite clouded, but so were the crystal balls of later seers. Here is a story that appeared in a Boston newspaper about three-quarters of a century ago:

"A man about 46 years of age, giving the name of Joshua Coppersmith, has been arrested in New York for attempting to extort funds from ignorant and superstitious people by exhibiting a device which he says will convey the human voice over metallic wires. He calls the instrument a 'telephone' which is obviously intended to imitate the word 'telegraph' and win the confidence of those who know the success of the latter instrument. Well-informed people know that it is impossible to transmit the human voice over wires as may be done with dots and dashes and signals of the Morse Code, and that, even were it possible to do so, the thing would be of no practical value. The authorities who apprehended this criminal are to be congratulated, and it is hoped that his punishment will be prompt and fitting, that it may serve as an example to other conscienceless schemers who enrich themselves at the expense of their fellow creatures."

The bad prophets have not been restricted to the field of communications. As late as 1901, Wilbur Wright doubted that man would fly "within a thousand years."

We need not feel superior to the bad guessers of times past. Wilbur Wright, despite his own skepticism, went on to fly the first heavier-than-air machine with his brother only 2 years later. We have a copious share of the timid and unimaginative amongst us today.

There are those who are against the attempt to fly a man to the moon because they say it would cost too much. There are those who oppose renewed efforts to reach a test-ban agreement on the grounds that we have failed before. There are those whose only answer 100 years after the Emancipation Proclamation to the demands for equality and justice of Negro Americans is more patience and further delay. The following words were written by Abraham Lincoln in 1862:

"The dogmas of the quiet past are inadequate to the stormy present. \* \* \* As our case is new, so we must think anew and act anew. We must disenthrall ourselves."

Today, we must, once again, disenthrall ourselves.

I wish the Civil Aeronautics Board a happy birthday and continued success in guiding the aviation industry.

Happy landings to all of you.

## HOUSE OF REPRESENTATIVES

MONDAY, JULY 1, 1963

The House met at 12 o'clock noon.

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

THE SPEAKER'S ROOM,  
July 1, 1963.

I hereby designate the Honorable CARL ALBERT to act as Speaker pro tempore today.

JOHN W. MCCORMACK,  
Speaker of the House  
of Representatives.

The Reverend Michael J. Churak, supreme chaplain of the Slovak Catholic Federation of America, offered the following prayer:

O Holy Lord, Father Almighty, eternal God, from Whom all authority proceeds, and under whose loving care nations prosper and flourish, deign to bless all assembled here for the opening of this session of the House of Representatives. Be present with us, O Holy Spirit, throughout this session. Come to help us in our affairs and deign to enter into our deliberations.

Direct us in our paths to seek the welfare of all our citizens, without regard to race, color, or creed, to assure the blessings of freedom for all peoples throughout the world even those who now suffer from tyranny and oppression. Let us strive to promote peace among all the nations of the world, a peace founded on the four pillars of "truth, justice, love, and freedom"—"Pacem in Terris," Pope John XXIII.

In this 11th centennial year of the arrival of SS. Cyril and Methodius in Slovakia and during the observance of SS. Cyril and Methodius Week—July 1 to

July 7—we especially invoke Thee to look down upon the 2 million citizens, Americans of Slovak descent, who, enriched with the heritage of these saintly brothers, have contributed to the material and spiritual well-being of America.

As we approach the celebration of the Declaration of Independence of our own country, look down, we humbly invoke Thee, on the nation of Slovakia and all nations, whose people have been deprived of the blessings of freedom. Grant, we pray, that truth, justice, love, and freedom may prevail in our own beloved country and among all the peoples of the world. This we ask in the name of Christ, our Lord. Amen.

### THE JOURNAL

The Journal of the proceedings of Thursday, June 27, 1963, 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 without amendment bills of the House of the following titles:

H.R. 1267. An act for the relief of Lawrence E. Bird;

H.R. 1275. An act for the relief of Miss Ann Super;

H.R. 1292. An act for the relief of Carmela Calabrese DiVito;

H.R. 1332. An act for the relief of Mario Rodrigues Fonseca;

H.R. 1736. An act for the relief of Assunta DiLella Codella;

H.R. 3356. An act for the relief of Josephine Maria (Bonaccorso) Bowtell;

H.R. 4773. An act for the relief of Leroy Smallenberger, a referee in bankruptcy.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which

the concurrence of the House is requested:

S. 280. An act for the relief of Etsuko Matsuo McClellan;

S. 296. An act for the relief of Anne Marie Kee Tham;

S. 538. An act for the relief of Henry Bang Williams;

S. 546. An act to authorize the Secretary of the Navy to grant easements for the use of lands in the Camp Joseph H. Pendleton Naval Reservation, Calif., for a nuclear electric generating station;

S. 568. An act for the relief of Denis Ryan;

S. 733. An act for the relief of Yung Yuen Yau;

S. 753. An act for the relief of Mrs. Giuseppa Rafala Monarca;

S. 879. An act to provide for the striking of medals in commemoration of the 150th anniversary of the building of Perry's fleet and the Battle of Lake Erie;

S. 1082. An act to establish in the Treasury a correctional industries fund for the government of the District of Columbia, and for other purposes;

S. 1125. An act to provide for the striking of medals in commemoration of the 100th anniversary of the admission of Nevada to statehood;

S. 1201. An act for the relief of Dr. James T. Maddux;

S. 1230. An act for the relief of Carlton M. Richardson;

S. 1401. An act to authorize the Commissioners of the District of Columbia to acquire, construct, operate, and regulate a public off-street parking facility;

S. 1489. An act for the relief of J. Arthur Fields; and

S.J. Res. 51. Joint resolution to authorize the presentation of an Air Force Medal of Recognition to Maj. Gen. Benjamin D. Foulois, retired.

### AN ACT TO PROVIDE FOR AN ADDITIONAL ASSISTANT SECRETARY IN THE TREASURY DEPARTMENT

The SPEAKER pro tempore. The Chair desires to announce that pursuant to the authority granted the Speaker on Thursday, June 27, 1963, the Speaker did